

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Environmental Resources

BOARD AGENDA #: *B-3

AGENDA DATE: July 25, 2017

SUBJECT:

Approval to Apply for and Accept a Grant from the California Region IV Local Emergency Planning Committee for Hazardous Materials Emergency Preparedness

BOARD ACTION AS FOLLOWS:

No. 2017-406

On motion of Supervisor Olsen, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

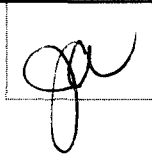
**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Environmental Resources
Urgent Routine

BOARD AGENDA #: *B-3

AGENDA DATE: July 25, 2017

CEO CONCURRENCE: *ph*



4/5 Vote Required: Yes No

SUBJECT:

Approval to Apply for and Accept a Grant from the California Region IV Local Emergency Planning Committee for Hazardous Materials Emergency Preparedness

STAFF RECOMMENDATIONS:

1. Authorize the Director of Environmental Resources, or designee, to apply for and accept a grant from the California Region IV Local Emergency Planning Committee for hazardous materials emergency preparedness in the amount of \$49,916, for Fiscal Year 2017-2018.

DISCUSSION:

The Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 authorized the United States Department of Transportation (US DOT) to provide assistance to the public sector through training and planning awards. The US DOT's Pipelines and Hazardous Materials Safety Administration makes funding available to States, Territories, and federally-recognized Tribal Governments through the Hazardous Materials Emergency Preparedness (HMEP) Grant Program. The California Governor's Office of Emergency Services (Cal OES) is the State's administering agency for passing the HMEP grant funds through the Local Emergency Planning Committees (LEPC) and eligible applicants within the LEPC region.

In 1986, Congress enacted many of the elements of this Program in the Emergency Planning and Community Right-to-Know Act (Act). This Act requires states to establish State Emergency Response Commissions and LEPCs to develop emergency response plans for each community. The Act requires facilities to make information available to the public on the hazardous chemicals they have at their site. The Act's reporting requirements foster a valuable dialogue between industry and local communities on the presence of hazardous chemicals that might affect public health and the environment.

California's Region IV LEPC is offering grant funds to counties for the following: (1) developing, improving, and implementing emergency plans under the Act; (2) determining the flow patterns of hazardous materials within a geographical area; and (3) determining the need for regional hazardous materials response teams.

The California Health and Safety Code mandates that each Certified Unified Program Agency (CUPA) develop an area plan and update the plan every three years. The Department of

Approval to Apply for and Accept a Grant from the California Region IV Local Emergency Planning Committee for Hazardous Materials Emergency Preparedness

Environmental Resources, serving as Stanislaus County's CUPA, completed the first Stanislaus County Area Plan (Plan) in 1995. The last update of the Plan was in 2015. The Plan details the roles and responsibilities of emergency response agencies during a hazardous materials incident. Updating the current Plan is anticipated to begin in late 2017, and will be completed by mid-2018.

Cal OES offers funding every three years to assist with Plan revisions through the non-competitive HMEP Grant Program. The LEPC coordinates the applications for HMEP grants prior to acceptance by Cal OES. The Department anticipates the non-competitive grant award for Fiscal Year 2017-2018 to be approximately \$49,916.

The Department is proposing to submit a grant application (Attachment A), and accept the awarded funds of \$49,916 to develop guidelines for reviewing and updating the County's Area Plan for Emergency Response to Hazardous Materials Incidents.

POLICY ISSUE:

Board of Supervisor's approval is required to apply for and accept grant funding.

FISCAL IMPACT:

The anticipated grant award for Fiscal Year 2017-2018 is approximately \$49,916. If awarded, the revenue and appropriations associated with this grant will be identified in a future Fiscal Year 2017-2018 budget adjustment interval due to the timing of the receipt of grant funds.

Cost of recommended action:		\$ 49,916
Source(s) of Funding:		
HMEP Grant	\$ 49,916	
Funding Total:		<u>\$ 49,916</u>
Net Cost to County General Fund		<u><u>\$ -</u></u>

Fiscal Year:	2017-2018
Budget Adjustment/Appropriations needed:	No

BOARD OF SUPERVISORS' PRIORITY:

The recommended action supports the Board's priorities of A Safe Community, A Healthy Community, and the Efficient Delivery of Public Services by meeting the State-mandated hazardous materials program requirements.

STAFFING IMPACT:

Existing staff will be utilized to perform these grant-related functions.

Approval to Apply for and Accept a Grant from the California Region IV Local Emergency Planning Committee for Hazardous Materials Emergency Preparedness

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources

Telephone: (209) 525-6770

ATTACHMENT(S):

A. HMEP Grant Application

Attachment A



APPLICATION FORM
for the

HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT



Applicant / Project Information

Applicant: Stanislaus County Dept. of Environmental Resources Date: July 3, 2017

Project Title: Stanislaus County 2018 Area Plan Update

Project Start Date: November 2, 2017 Project End Date: September 15, 2018

Project Manager Name: Robert Riess

Title: Senior Hazardous Materials Specialist

Mailing Address: Dept. of Envir. Resources, 3800 Cornucopia Wy., Ste. C, Modesto, CA 95358-9492

Phone #: 209-525-6749 E-mail Address: rriess@envres.org

Estimated Budget

HMEP Share: \$49,916.00
(Total Project Cost)

Cal OES Use Only

LEPC Region: _____

Project #: _____

Certification

I certify that I have read and understand the Cal OES Grant Assurances contained in this HMEP Planning Subgrant Application Package, and that to the best of my knowledge the information contained in this application and supplemental information is correct and complete.

Jami Aggers

Print Name / Signature of Authorized Agent _____ Date _____

Administrative Approvals

Print Name / Signature of LEPC Region Chair _____ Date _____

Print Name / Signature of Cal OES LEPC Support Staff _____ Date _____

Print Name / Signature of Cal OES HMEP Grant Administrator _____ Date _____

Print Name / Signature of Cal OES Hazardous Materials Section Manager _____ Date _____

INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

Field Name	Description of Information Required
Applicant	Full name of the public agency applying for the grant.
Project Title	A brief title of the proposed project.
Project Start / End Dates	Anticipated start and end date of the proposed project.
Mailing Address	The address for correspondence and reimbursement checks.
Project Manager Name, Title, Phone, Email Address	The person in the agency who is responsible for the daily implementation of the project.
Estimated Budget	The amount of HMEP funds being requested, which represents the total project cost.
Authorized Agent Certification	Signature of person in the organization with the ultimate responsibility for the project and who has legal authority to commit funds on behalf of the applicant, as identified on the Designation Statement.
Administrative Approvals	<i>Leave Blank</i>



DESIGNATION STATEMENT

for the

HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT



Applicant: Stanislaus County Department of Environmental Resources

Project Title: Stanislaus County 2018 Area Plan Update

Project Manager: Robert Riess Phone #: 209-525-6749

Title: Senior Hazardous Materials Specialist

Email Address: rriess@envres.org

Financial Officer*: Beronia Beniamine Phone #: 209-525-6746

Title: Hazardous Materials Division Manager

Email Address: bbeniamine@envres.org

*** FINANCIAL OFFICER CANNOT BE THE PROJECT MANAGER OR AUTHORIZED AGENT**

AUTHORIZED AGENT CERTIFICATION

I certify that I have the legal authority to make a commitment to the project on behalf of the applicant and that the Project Manager indicated above has the responsibility for the daily implementation of the proposed project.

I certify that I am duly authorized to act on behalf of the Applicant, and the Applicant agrees with the requirements of the Assurances Certification, Terms and Conditions, Regulations, and Guidance associated with the HMEP Grant Program.

I certify that the Financial Manager indicated above has the responsibility for the fiscal management of the grant and has the legal authority to certify all financial status reports, invoices, and requests for payments that will be submitted.

I certify that the information in the attached application is correct and complete to the best of my knowledge. By submitting this application, I am making a commitment to the proposed project, budget, and scope of work.

Jami Aggers Printed Name Director of Environmental Resources Title

209-525-6768 Phone # 209-525-6774 FAX # jaggers@envres.org Email Address

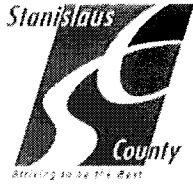
3800 Cornucopia Way, Suite C Mailing Address

Modesto City CA State 95358-9492 Zip Code

Signature Date

INSTRUCTIONS FOR COMPLETING THE DESIGNATION STATEMENT

Field Name	Description of Information Required
Applicant	Full name of the public agency applying for the grant.
Project Title	A brief title of the proposed project.
Project Manager Contact Information	<p>The person responsible for the daily implementation of the project (may also be an Authorized Agent).</p> <p>If the Project Manager changes, immediate notification to the HMEP Grant Administrator and a new Designation Statement is required.</p>
Financial Officer Contact Information	<p>The person responsible for the fiscal management of the grant. This person must certify all financial status reports, invoices, and requests for payment submitted.</p> <p>The Financial Officer cannot be the Project Manager or Authorized Agent, and cannot sign Reimbursement Request forms.</p>
Authorized Agent Certification	<p>Contact Information and signature of the Authorized Agent - the person in the organization with the ultimate responsibility for the project and who has legal authority to commit funds on behalf of the applicant. Must also sign the Application Form, Grant Assurances, Reimbursement Request form, and Quarterly Performance Report.</p> <p>If more than one Authorized Agent is desired, a Designation Statement and Grant Assurances are required for each.</p> <p>If the Authorized Agent changes, immediate notification to the HMEP Grant Administrator and a new Designation Statement and Grant Assurances are required.</p>



Project Narration for
Hazardous Materials Emergency Preparedness (HMEP) Application

1. Planning Needs Assessment

Currently, the Stanislaus County Area Plan ("Plan") for Emergency Response to Hazardous Materials Incidents is due for an update to accommodate the mandatory revisions applicable to the growth of the County's response capabilities. Revisions to the Area Plan are required to bring the document back to full functional status.

- a. The Plan identifies several local emergency authorities that will respond to incidents of hazardous materials releases, both accidental and intentional acts of destruction, as well as weapons of mass destruction threats and events. The Stanislaus Countywide Hazmat Team ("Team") consists of the Hazardous Materials Division of the Department of Environmental Resources (DER) and various fire departments. Response capabilities of the team are similar to a Type II hazmat team response, as the team responds up to Level IV responses, but the Stanislaus County Team is not yet officially classified as a Type II Team.
- b. Emphasis will focus on the Plan's applicability to incidents of hazardous materials release, as well as threats posed by transporting hazardous materials within Stanislaus County, across Stanislaus County, from Stanislaus County origins to neighboring jurisdictions, and from other jurisdictions to destinations within Stanislaus County.
- c. The planning needs focus on training for threats posed by the transportation of hazardous materials within Stanislaus County. Also, the need for the renewal of the Memorandum of Understanding (MOU) among the participating agencies that are known as the Regional Hazmat Team will be reevaluated.

2. Planning Activities

- a. Review and update current policies and procedures.

Program seniors will review the Team policies and procedures to ensure that they reflect current Team practices and meet State and Federal requirements. Emphasis will be placed on emergency responders' training and Department of Transportation (DOT) regulations for hazardous materials transportation.

b. Inventory equipment

Verify emergency response equipment that is available on the apparatus that are used in the Countywide Hazardous Materials Response Team and are staged throughout the County. A revised equipment list will be included in the Plan update.

c. Coordinate efforts to revise and finalize the Plan

- i. Coordinate committee meetings to update or review the Plan, as necessary.
- ii. Finalize the revised Plan and distribute to the interested parties, stakeholders, and the California Office of Emergency Services (Cal OES).

d. Training and drills to test the Plan's effectiveness

Responders will review the Plan and then conduct trainings and drills applicable to the release of hazardous materials and emergency incidents that cause the Plan to be activated. Actual implementation of the Plan is intended to identify gaps, as well as increase the effectiveness of the first responders' actions.

3. Outputs and Objectives

a. Review and update of the Plan

The Plan revisions will result in the improvement of the Plan's effectiveness, clarity, and implementation. Reviewing of the Plan will result in a policy that is current with the added benefit of training new stakeholders, as well as to serve as a refresher for existing stakeholders on their organizational role in the Plan.

b. Inventory emergency response equipment, supplies, and vehicles

Inventorying the equipment, supplies, and vehicles that are available for emergency response incidents will further prepare, as well as improve, response capabilities for the individual agencies and the Team as a whole.

c. Hold periodic committee meetings

The Stanislaus Countywide Hazmat Team is comprised of various independent agencies; therefore the updated Stanislaus County Area Plan for Emergency Response to Hazardous Materials Incidents should solicit the cooperation and input from each branch of the Team. Each agency of the Team will be asked to review and update the sections relevant to their branch. Committee meetings will focus on Plan functions and scope, and will include updates to the description of each agency's duties and capabilities.

d. Conduct trainings and drills during the performance period

The drills will be part of an ongoing effort to assess training needs, build real time response knowledge, and enhance the ability of the Team and each participating agency's ability to integrate into a unified command structure. Training will focus on determining whether the Plan's implementation is sufficient to accomplish the goals of the County, which is to effectively and efficiently handle emergency responses to hazardous materials incidents.

4. Planning Activity Timeline

From October 2017 through August 2018, DER will review and revise current response Team policies and procedures, inventory the available response equipment, conduct response drills and training, submit progress reports, and submit a final report.

5. Monitoring and Evaluation

a. Review of the Area Plan

Review and highlight required revisions and topics that are in need of revision. Stakeholders will review the Plan changes to determine if the revised Plan fulfills current Team's needs and overall goals.

b. Equipment inventory

DER seniors will inventory the equipment, supplies, and apparatus available to the emergency responses Team.

c. Committee meetings

Committee meetings will be scheduled routinely to ensure the Plan review is carried out prior to the deadlines of the grant's reporting periods. All evaluation meetings will be scheduled with the intent of accommodating stakeholders or their representatives.

d. Conduct drills and trainings during the performance period

DER seniors and Countywide Hazmat Team leaders will plan, organize, and lead County emergency response drills and classroom exercises related to the transportation of hazardous materials, fixed location responses related to transportation, and general hazardous materials and hazardous materials emergency awareness. The drills and exercises may consist of PowerPoint presentations and mock incidents within different parts of the County. "After action" meetings will be held by stakeholders to determine which portions of the Plan still require increased understanding by Team members.



California Governor's Office of Emergency Services (Cal OES) - Hazardous Materials Section
BUDGET SHEET
 for the
HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT



Applicant: Stanislaus County Department of Environmental Resources

Project Title: Stanislaus County 2018 Area Plan Update

CATEGORIES	HMEP SHARE
a. Personnel	\$49,713.00
b. Fringe Benefits	
c. Travel	
d. Equipment	
e. Supplies	\$203.00
f. Contractual	
g. Construction	
h. Other	
i. Direct Charges <i>(Sum of a - h)</i>	\$49,916.00
j. Indirect Charges	
k. TOTAL <i>(Sum of i - j)</i>	\$49,916.00



BUDGET SHEET
for the

HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT



Budget Narrative Guidance

Develop a Budget Narrative in the following categories, and transfer the total dollar figures to the Budget Sheet. All HMEP Share (reimbursable) costs must be detailed.

Applicants should identify and request costs that are allowable, reasonable and necessary for the successful completion of their proposed HMEP planning projects.

(1) Personnel costs include the regular employee compensation for time spent working directly on the grant project. Overtime/backfill costs are not allowed. Include a list of the employees, position title/role, tasks to be completed, the estimated number of hours or percentage of time that will be dedicated to the project, hourly wage or annual salary, and total cost to the grant.

- This category is limited to ONLY persons employed by your organization. Those not employed by your agency shall be classified as subgrants or contractors. Those individuals should be listed under the Contractual budget category.
- Only include compensation paid for employees engaged in grant activities.
- Costs should be consistent with that paid for similar types of work within the applicant's organization.
- Refer to 2 CFR § 200 for more information on allowable Compensation costs.

(2) Fringe Benefit costs are the allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. These benefits can include the cost of employer's share of FICA, health insurance, worker's compensation, and vacation. Explain how the fringe benefit amount is calculated (i.e., actual fringe benefits estimate, approved rate, etc.) and what is included in the rate used in this budget. Identify the specific benefits charged to a project and the benefit percentage of employee salary. DO NOT combine the fringe benefit costs with direct salaries and wages in the Personnel budget category. Employees listed under Personnel should have corresponding Fringe Benefit amount.

- Cal OES cannot pay Fringe Benefits for a position not listed in the Personnel section.
- If a position will have time allocated to grant activities, the level of participation (full-time or part-time) must correspond to the Fringe Benefits charged.
- Fringe benefits are only for the percentage of time devoted to the grant project.
- Refer to 2 CFR § 200 for more information on allowable Fringe Benefit costs.

(3) Travel costs are those specifically related to the grant project. Provide the purpose, location, method of travel, number of persons traveling, number of days, and estimated cost for each trip (i.e., flights, hotel stays, rental cars, and other allowable travel costs).

- If details of each trip are not known at the time of application submission, provide the basis for determining the amount requested.
- Travel costs that will be charged to the grant must be in accordance with the applicant's written travel policy
- Refer to 2 CFR § 200 for more information on allowable Travel costs.

(4) Equipment costs are typically not included in HMEP Planning Grant projects, and may be funded at less than the 80 percent maximum reimbursement amount. Only include those items which are tangible, nonexpendable, personal property having a useful life of more than one year **and** an acquisition cost of \$5,000 or more per unit. Include a description, quantity, unit price, and how it will be used on the project. If the expense is under \$5,000 per item, it belongs under "Supplies." However, if your agency's equipment threshold is below \$5,000, provide an explanation and policy citation.

- Analyze the cost benefits of purchasing versus leasing equipment, particularly high-cost items and those subject to rapid technical advances. List rented or leased equipment costs in the "Contractual" or "Other" category, depending upon the procurement method.
- Refer to 2 CFR § 200 for more information on allowable Equipment costs and Procurement.

(5) Supplies are tangible personal property other than equipment. Include the types of property in general terms. It is not necessary to document office supplies in great detail (for example: reams of paper, boxes of paperclips, etc.). A good way to document office supplies is to indicate the approximate expenditure of the unit as a whole. However, applicants **should** include a quantity and unit cost for larger cost supply items.

- Refer to 2 CFR § 200 for more information on allowable Supplies costs and Procurement.



BUDGET SHEET
for the

HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT



(6) Contractual costs are those services carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. There are generally two ways to capture costs in this category: *Subgrants* and *Contracts*.

A **subgrant** is an award provided by a Grant Recipient to a subrecipient. The subrecipient carries out part of a program for which the Grant Recipient received Federal support. A subgrant may be provided through any form of legal agreement, including an agreement that the Recipient calls a contract. A subgrantee has its performance measured in relation to whether objectives of a Federal program were met; has responsibility for programmatic decision making; is responsible for adhering to applicable Federal program requirements specified in the Federal award; and, in accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

A **contract** is a legal instrument by which a Grant Recipient purchases property or services needed to carry out the project or program under an award. A contractor/ consultant provides the goods or services within normal business operations; provides similar goods or services to many different purchasers; normally operates in a competitive environment; provides goods or services that are ancillary (necessary support to the primary activities) to the operation of the Federal program; and is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons. Include the rationale for the amount of the costs and include the specific contract goods and/or services provided and the related expenses for those goods and services. Entering the statement "contractual services" shall not be considered meeting the requirement for completing this section.

- Refer to 2 CFR § 200 for more information on allowable Professional Services (Contractual) costs and Procurement.

(7) Other costs do not fit any of the aforementioned categories, such as postage and printing costs, and must be itemized.

- Refer to 2 CFR § 200 for more information on allowable costs.

(8) Indirect Costs are incurred for common or joint objectives that benefit more than one project. The applicant must include a current and fully executed negotiated Indirect Cost Rate Proposal (ICRP) agreement in the application if claiming indirect costs. Identify the basis for the rate and ensure the rate is applied to the appropriate base in the approved agreement. If the rate will not be approved by the application due date, provide the letter of renewal or letter of request that was sent to the cognizant agency, with the proposed rate used in the application budget.

- Refer to 2 CFR § 200 for more information on Indirect Costs.

NOTE: HMEP Grant funds are not to be used to purchase items or services that would otherwise be purchased with the applicant's own funds. Federal law prohibits recipients of federal funds from supplanting, or replacing state, local, or agency funds with federal funds, e.g., the grant recipient swaps funding sources without adding to, enhancing, or expanding the currently-offered activities and resources. Existing funds for a project and its activities may not be displaced by federal funds and reallocated for other organizational expenses.



Budget Narrative

Stanislaus County Department of Environmental Resources Stanislaus County 2018 Area Plan Update

1. Salaries									
Team Member	Title	WLR (\$/hr)	Area Plan Revision			Training			Sub Totals
			Hrs	Hrs (#)	Labor (\$)	Hrs	Hrs (#)	Labor (\$)	
Robert Riess	Senior HazMat Specialist	75.02	40%	260	19,505	16%	8	600	
Lucien Musso	Senior HazMat Specialist	68.10	27%	176	11,952	12%	6	409	
Beronia Beniamine	HazMat Division Manager	104.61	10%	65	6,800	0%	-	-	
Alvin Lal	Senior HazMat Specialist	73.13	8%	52	3,803	8%	4	293	
Amber Minami	HazMat Specialist III	54.48	2%	13	708	8%	4	218	
Ali Arshad	HazMat Specialist III	60.70	2%	13	789	8%	4	243	
Aron Faria	HazMat Specialist II	49.12	2%	13	639	8%	4	196	
Sarah Joseph	HazMat Specialist II	44.68	2%	13	581	8%	4	179	
Mitchel Medeiros	HazMat Specialist II	39.37	2%	13	512	8%	4	157	
Hani Yosif	HazMat Specialist II	43.68	2%	13	568	8%	4	175	
Nicole Damin	Senior HazMat Specialist	60.93	2%	13	792	8%	4	244	
Jesse Ramirez	Environmental Technician	33.58	1%	7	218	8%	4	134	
Sub Totals			100%	650	46,866	100%	50	2,847	
Total Salaries									49,713
2. Office Supplies									203
Grand Total									49,916

1. Salaries

In order to achieve the program's goals and objectives, it is anticipated that the above staffing will be needed. The job class Weighted Labor Rate (WLR) of each employee is included.

2. Area Plan Revision

Stanislaus County Department of Environmental Services (SCDER) and stakeholders will review and update the current Stanislaus County Area Plan policies and procedures to assess whether they meet State and Federal requirements. The emphasis will focus on the Area Plan's applicability to incidents of hazardous materials release, as well as threats posed by transporting hazardous materials within Stanislaus County. Objectives include:

- Review and revise current response Teams' policies and procedures.
- Inventory the available response equipment accessible to county response Team.
- Hold periodic committee meetings to review and discuss updates to the Area Plan.
- Finalize the revised Area Plan.

Based on previous revisions to the Area Plan, it is anticipated that approximately 650 hours will be spent on reviewing and updating the 2018 Area Plan.

3. Training

SCDER Hazardous Materials Division, along with the other Stanislaus County participating agencies, will plan, organize, and lead county response drills related to the transportation of hazardous materials, fixed location responses, and general hazardous materials awareness. The drills will consist of mock incidents within different parts of the county. These drills will be ongoing in an effort to assess training needs, build real world response knowledge, and enhance all agencies' abilities to integrate into a unified response organization.

Examples of drill activities might include familiarizing Team members with current protocols and procedures for the following:

- Shipping papers and emergency response books
- Air monitoring
- Incident command system
- Hot load notification
- Peak software program
- Level A response skills (entry training)

Training activities will focus on awareness and knowledge on topics such as:

- Radiation
- Pesticides
- Gas cylinders
- Chemistry

Approximately 50 hours will be spent on training and drill activities.

4. Office Supplies (\$203)

Incidental office supplies be used for the Area Plan revision include copy paper, ink, and postage.



WORK SCHEDULE AND DELIVERABLES

for the

HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT



Applicant: Stanislaus County Department of Environmental Resources

Project Title: Stanislaus County 2018 Area Plan Update

PROJECT ACTIVITIES, TASKS & DELIVERABLES / MAJOR MILESTONES	MONTHLY PROGRESS SCHEDULE											
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Objective 1 items												
a) Review and update current response team's Area Plan	X	X	X	X	X	X	X	X				
b) Inventory emergency response equipment, supplies, & vehicles	X	X										
c) Hold periodic committee meetings		X		X		X						
d) Complete a revised Area Plan & distribute for comments							X					
Objective 2 items												
Conduct response trainings and drills	X	X	X	X	X	X	X	X				
Other Deliverables												
Progress reports		X		X		X						
Final report									X			
Submit revised Area Plan to Cal OES									X			

List significant activities above that will take place during the performance period, along with project tasks and deliverables or major milestones within each activity. The expected progress of each activity is indicated by placing an "X" in the appropriate "Monthly Progress Schedule" box. Minor changes to the activity schedule as actual progress occurs will be identified in the Quarterly Performance Report.



California Governor's Office of Emergency Services (Cal OES) - Hazardous Materials Section
GRANT ASSURANCES - (NON-CONSTRUCTION PROGRAMS)
 for the
HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT



Applicant: Stanislaus County Department of Environmental Resources

Project Title: Stanislaus County 2018 Area Plan Update

Note: Certain of these assurances may not be applicable to your project. If you have questions, please contact the Cal OES HMEP Grant Administrator.

As the duly authorized representative of the Applicant, I certify that the Applicant named above:

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 cost) 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 or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a 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. §§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. §794), which prohibits discrimination on the basis of disability;
 - d. the Age Discrimination Act of 1975, as amended (42 U.S.C. §§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. §§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 Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - i. any other nondiscrimination provisions 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 Titles II and III of the Uniform Relocation Assistance

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and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide 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 interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal 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. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) 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. §§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. §7401 et seq.); (g) protection of underground sources of drinking water under the 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. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
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-1 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. 89-544, 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.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§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 Amendments of 1996 and Office of Management and Budget (OMB) Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or

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subawards under the award.

20. Will provide to the Cal OES HMEP Grant Administrator, upon acceptance of a subaward in the amount equal to or over \$25,000, the executive compensation information as required by the Federal Funding Accountability and Transparency Act1 ("Transparency Act" or "FFATA") and subsequent OMB guidance, which requires that information on the first-tier subawards related to Federal contracts and grants and the executive compensation of awardees must be made publicly available.

The applicant must provide the names and total compensation of the five most highly compensated officers of their organization if:

- a. the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in Federal awards and
 - b. \$25,000,000 or more in annual gross revenues from Federal awards; and
 - c. if the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.
21. Agrees that, as required by Section 1352, title 31 of the U.S. Code, and implemented by the U.S. Department of Transportation (US DOT) at 49 CFR 20, New Restrictions on Lobbying:
- a. No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay 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 any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - b. Each person who requests or receives from an agency a Federal contract, grant, loan, or cooperative agreement shall file with that agency a certification, set forth in appendix A, that the person has not made, and will not make, any payment prohibited by paragraph (a) of this section.
 - c. Each person who requests or receives from an agency a Federal contract, grant, loan, or a cooperative agreement shall file with that agency a disclosure form, set forth in appendix B, if such person has made or has agreed to make any payment using non-appropriated funds (to include profits from any covered Federal action), which would be prohibited under paragraph (a) of this section if paid for with appropriated funds.
 - d. Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a statement, set forth in appendix A, whether that person has made or has agreed to make any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guarantee.
 - e. Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a disclosure form, set forth in appendix B, if that person has made or has agreed to make any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guarantee.
 - f. 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.
22. Will comply with subpart C of the OMB guidance in 2 CFR 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-Procurement) as supplemented by the US DOT in 2 CFR 1200, Non-Procurement

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Suspension and Debarment, and certifies that it and its principles:

- a. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension;"
 - b. 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, as defined at 2 CFR 180.220 and supplemented at 2 CFR 1200.220, by any Federal department or agency;
 - c. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for any of the offenses listed in 2 CFR 180.800(a);
 - d. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses listed in 2 CFR 180.800(a); or
 - e. Have not had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default; and
 - f. Will pass the requirement to comply with subpart C of the OMB guidance in 2 CFR 180, as supplemented by the US DOT in 2 CFR 1200, to each person with whom the applicant enters into a covered transaction at the next lower tier; and
 - g. Will attach an explanation to this application if the applicant is unable to certify to any of the statements in this certification.
23. Will comply with the Drug-Free Workplace Act of 1988, and implemented by the US DOT at 49 CFR 32, Government Requirements for Drug-Free Workplace (Financial Assistance), which requires, in part, that the applicant:
- a. Must make a good faith effort, on a continuing basis, to maintain a drug-free workplace. You must agree to do so as a condition for receiving any award covered by this part. The specific measures that you must take in this regard are described in more detail in subsequent sections of 49 CFR 32. Briefly, those measures are to—
 - i. Publish a drug-free workplace statement and establish a drug-free awareness program for your employees (see §§ 32.205 through 32.220); and
 - ii. Take actions concerning employees who are convicted of violating drug statutes in the workplace (see § 32.225).
 - b. Must identify all known workplaces under your Federal awards (see § 32.230).
 - c. Must apply the requirements of Subpart C to recipients who are individuals.

As defined in 49 CFR 32.635, Drug-free workplace means a site for the performance of work done in connection with a specific award at which employees of the recipient are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

24. Part I

Agrees that as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, and hereby gives assurance that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

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More specifically and without limiting the above general assurance, the Applicant hereby gives the following specific assurance with respect to the project:

- a. That the Applicant agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
- b. That the Applicant shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form in all proposals for negotiated agreements:
 The Applicant, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4 and Title 49 Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.
- c. That the Applicant shall insert the clauses of item 23.g. of this assurance in every contract subject to the Act and the Regulations.
- d. That this assurance obligates the Applicant for the period during which Federal financial assistance is extended to the project.
- e. The Applicant shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
- f. The Applicant agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, and Regulations, and this assurance.

Full compliance with the provisions in the United States Department of Transportation (US DOT) Standard Title VI/ Non-Discrimination Assurances contained in DOT Order No. 1050.2A is required. The full document is included by reference and located at <http://www.caloes.ca.gov/FireRescueSite/Pages/HazMat-Emergency-Preparedness-Grant.aspx>

Part II

- g. During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:
 - i. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
 - ii. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
 - iii. Solicitation for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under

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- this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.
- iv. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State of California or the Pipeline and Hazardous Materials Safety Administration (PHMSA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the State of California or the Pipeline and Hazardous Materials Safety Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
 - v. Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the State of California shall impose contract sanctions as it or the Pipeline and Hazardous Materials Safety Administration may determine to be appropriate, including, but not limited to:
 - 1. Withholding of payments to the contractor under the contract until the contractor complies; and/or
 - 2. Cancellation, termination, or suspension of the contract, in whole or in part.
 - vi. Incorporation of Provisions: The contractor shall include the provisions of paragraph 23. Subsections (g)(i) through (g)(vi) of this assurance are in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurements as the State of California or the Pipeline and Hazardous Materials Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontract or supplier as a result of such direction, the contractor may request the State of California to enter into such litigation to protect the interests of the State of California, and, in addition the contractor may request the United States to enter into such litigation to protect the interest of the United States.

This item includes compliance with requirements outlined in the provisions of the United States Department of Transportation (US DOT) Standard Title VI/Non-Discrimination Assurances contained in the DOT Order No. 1050.2A, included by reference and located at <http://www.caloes.ca.gov/FireRescueSite/Pages/HazMat-Emergency-Preparedness-Grant.aspx>

- 25. Will comply with all provisions of 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- 26. For procurement activities, will comply with 2 CFR 200.317, Procurement Standards, which states that all non-Federal entities, including subrecipients of a state, will follow Parts 200.318 General procurement standards through 200.326 Contract provisions, and which are as follows:
 - .318 General procurement standards.
 - .319 Competition.
 - .320 Methods of procurement to be followed.
 - .321 Contracting with small and minority firms, women's business enterprise and labor surplus area firms.
 - .322 Procurement of recovered materials.
 - .323 Contract cost and price.
 - .324 Federal awarding agency or pass-through entity review.

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.325 Bonding requirements.

.326 Contract Provisions – refers to Appendix II of Part 200

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a con-

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tract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

- 27. Will assure that grant funds are used for allowable, fair, and reasonable costs only, as detailed in 2 CFR 225, Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87), 2 CFR 220, Cost Principles for Educational Institutions (OMB Circular A-21), or 2 CFR 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122), as applicable.
- 28. Will comply with all provisions of 48 CFR 31.2, Federal Acquisition Regulations (FAR), Contracts with Commercial Organizations, as applicable.
- 29. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19 Sections 2445, 2446, 2447, and 2448.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature: _____ Date: _____
(Authorized Agent)

Print Name: **Jami Aggers**

Title: **Environmental Resources Director**