

City of Las Cruces¹⁸

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 13-010

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of August 6, 2012
(Adoption Date)

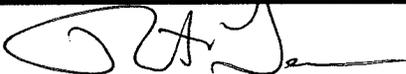
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES, ON BEHALF OF ITS FIRE DEPARTMENT, TO ACCEPT VARIOUS EMERGENCY PREPAREDNESS EQUIPMENT VALUED AT \$195,327.00 PURSUANT TO A GRANT FUNDED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS THROUGH THE NEW MEXICO DEPARTMENT OF PUBLIC SAFETY, OFFICE OF EMERGENCY MANAGEMENT AND THE DONA ANA COUNTY / CITY OF LAS CRUCES OFFICE OF EMERGENCY MANAGEMENT FOR FY 2010 AND TO RATIFY THE CITY MANAGER'S SIGNATURE ON THE AGREEMENT TO ACCEPT THE EQUIPMENT.

PURPOSE(S) OF ACTION:

Accept emergency preparedness equipment.

COUNCIL DISTRICT: All		
<u>Drafter/Staff Contact:</u> S. Nicole Williams	<u>Department/Section:</u> Finance/Grants & Contracts Administration	<u>Phone:</u> 541-2716
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The United States Department of Homeland Security, Domestic Preparedness Equipment Program provides opportunities for state and tribal governments to apply for grant funding under nine separate initiatives. In order for the New Mexico Department of Homeland Security (NMDHS) to submit an application for the above mentioned program, NMDHS provides Homeland Security Guidance documents and grant application kits to local jurisdictions. NMDHS requires each county to collect and prioritize local jurisdiction NMDHS sub-grant applications requesting funds.

Upon collection and prioritization of the sub-grant applications, a Department of Homeland Security Planning Team reviews the qualified NMDHS prioritized application lists and submits a grant request to the United States Department of Homeland Security for program funding. Upon approval of NMDHS grant application, the United States Department of Homeland Security

(Continue on additional sheets as required)

awards grant funds to NMDHS, who then disburses grant funds to local jurisdictions to purchase emergency preparedness equipment as prioritized in collected and approved local jurisdiction sub-grant applications. Purchased equipment is then awarded to the local units of government according to the approved sub-grant application.

The New Mexico Department of Homeland Security through the Dona Ana County Office of Emergency Management has awarded the City of Las Cruces, on behalf of the Las Cruces Fire Department (LCFD), the following equipment through the NMDHS Domestic Preparedness Equipment Program FY 2010:

- Talon Generator IV Robot Vehicle - \$139,795.00
 - Talon Accessories - \$23,744.00
 - Talon Options - \$16,531.00
 - Talon Spare Equipment - \$3,066.00
 - Extended Service Agreement - \$7,764.00
 - Shipping - \$4,427.00
- Equipment Total: \$195,327.00

All equipment has been received by the LCFD.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Agreement Upon Receipt of Equipment between Dona Ana County and the City, on behalf of the Las Cruces Fire Department.
3. Exhibit "B", Dona Ana County/City of Las Cruces Office of "Emergency Management State Homeland Security Grant Program Dona Ana County Equipment List FY 2010.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

(Continue on additional sheets as required)

BUDGET NARRATIVE

Equipment has been purchased by the Dona Ana County Office of Emergency Management with grant funds provided by the United States Department of Homeland Security through the NMDHS Domestic Preparedness Equipment Program FY 2010.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will authorize the acceptance of the emergency preparedness equipment through the NMDHS Domestic Preparedness Equipment Program FY 2010.
2. Vote "No"; this will disallow acceptance of the equipment.
3. Vote to "Amend"; this could allow the fire department to modify the terms of the resolution and/or instruct staff to seek alternative direction.
4. Vote to "Table"; this could delay the ability to accept, and use the equipment.

REFERENCE INFORMATION:

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 13-010

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES, ON BEHALF OF ITS FIRE DEPARTMENT, TO ACCEPT VARIOUS EMERGENCY PREPAREDNESS EQUIPMENT VALUED AT \$195,327.00 PURSUANT TO A GRANT FUNDED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS THROUGH THE NEW MEXICO DEPARTMENT OF PUBLIC SAFETY, OFFICE OF EMERGENCY MANAGEMENT AND THE DONA ANA COUNTY / CITY OF LAS CRUCES OFFICE OF EMERGENCY MANAGEMENT FOR FY 2010 AND TO RATIFY THE CITY MANAGER'S SIGNATURE ON THE AGREEMENT TO ACCEPT THE EQUIPMENT.

The City Council is informed that:

WHEREAS, the New Mexico Department of Homeland Security through the Doña Ana County of Emergency Management has awarded the City of Las Cruces, on behalf of its Fire Department, various emergency preparedness equipment valued at \$195,327.00; as listed in Exhibit "B", attached hereto and made part of this resolution; and

WHEREAS, the emergency preparedness equipment has been purchased by the Doña Ana County Office of Emergency Management with grant funds provided by the United States Department of Homeland Security through the New Mexico Department of Homeland Security Domestic Preparedness Equipment Program FY 2010; and

WHEREAS, all equipment awarded to the City on behalf of its Fire Department has been received by the Fire Department.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(1)

THAT the City of Las Cruces, on behalf of the Fire Department, is approved to accept the emergency preparedness equipment from the Doña Ana County Office of Emergency Management.

(II)

THAT the City Manager's signature on the Agreement Upon Receipt of Equipment is ratified; Exhibit "A" attached hereto and made part of this resolution.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 20_____.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

- Mayor Miyagishima: _____
- Councillor Silva: _____
- Councillor Smith: _____
- Councillor Pedroza: _____
- Councillor Small: _____
- Councillor Sorg: _____
- Councillor Thomas: _____

Moved by _____

Seconded by _____

APPROVED AS TO FORM:



City Attorney

**AGREEMENT UPON RECEIPT OF EQUIPMENT
State Homeland Security Grant Program FY 2010**

WHEREAS, the City of Las Cruces Fire Department ("the City") is in receipt of preparedness equipment, transferred to it by the County of Dona Ana, through its Office of Emergency Management ("the County"), which equipment will be used for the protection of the residents of the City and the County; and,

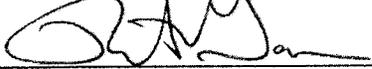
WHEREAS, the acquisition of this preparedness equipment is funded by the New Mexico Department of Homeland Security Office of Emergency Management pursuant to a grant funded by the United States Department of Homeland Security Office "Homeland Security Grant Program" (hereinafter "the Program"); and the equipment is to be used to increase the City's ability to respond to a terrorist incident involving weapons of mass destruction;

NOW THEREFORE, The City acknowledges receipt of the equipment and, after inspection of the same, states as follows:

1. The equipment as listed in the lists attached hereto as "Attachment A," is present and in good working order. The equipment will be used to increase the City's ability to respond to a terrorist incident involving weapons of mass destruction.
2. The City will advise the County in writing before transferring any of this equipment to other persons; jurisdictions or entities and the City shall maintain records of the condition and whereabouts of such equipment.
3. The County provides no warranties as regards to the supplied equipment.
4. The City agrees and accepts that the County is not liable for any injuries or damages that arise out of the transfer, ownership or use of the supplied equipment.
5. The City agrees to assume full responsibility for whatever training, upkeep, maintenance, storage costs, etc. are necessitated by its custody and use of the supplied equipment.
6. The City acknowledges that the State retains the right to inspect/inventory all equipment supplies hereunder.
7. This Agreement shall remain in effect throughout the entire period of use and possession by the City of the above referenced equipment.

RECEIVED AND ACKNOWLEDGED:

**CITY OF LAS CRUCES, ON BEHALF
OF ITS FIRE DEPARTMENT**



By: Robert L. Garza
Its: City Manager

7/20/12
Date

ACKNOWLEDGED:

COUNTY OF DONA ANA,

By:
Its:

Date

APPROVED AS TO FORM:
W. Michael Donnelly
City Attorney



**NEW MEXICO DEPARTMENT OF HOMELAND SECURITY
& EMERGENCY MANAGEMENT**

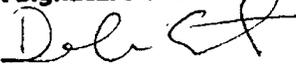
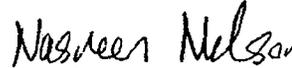
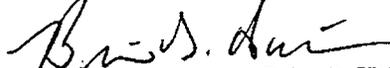
Sub-Grant Agreement
2010 State Homeland Security Grant Program
 2010 Federal Grant No. 2009-SS-T0-0011 CFDA No. 97.067

1. Sub-Grant No. <i>2010-SS-T0-0011-Dona Ana</i>	2. Recipient <i>Dona Ana County</i>	3. FIDUCIARY <i>Dona Ana County</i>	4. DFA VENDOR NUMBER 46539
5. Recipient Address Dona Ana County 180 West Amador Las Cruces, NM 88001		6. Issuing Office and Address New Mexico Department of Homeland Security & Emergency Management P. O. Box 27111 Santa Fe, NM 87502	
7. Effective Date of This Action January 1, 2011	8. DHSEM Grant Specialist: Susie Loera		Phone: 505-476-0625 Fax: 505-476-9695 Email: Susie.loera@state.nm.us
9. Termination Date January 1, 2012			
10. Funding: Total Awarded Amount: \$472,500.00			
11. Grant Requirements, Assurances and Agreements: <i>(see attached Grant Requirements, Assurances and Agreements)</i> <i>The acceptance of a grant from the United States creates a legal duty on the part of the grantee to use the funds or property made available in accordance with the conditions of the grant through the State.</i>			
12. Special Conditions: Grant funds cannot be expended until these conditions have been met. <ul style="list-style-type: none"> a. Project Budget Details are funding allocations, and are not to be construed as expenditure authorizations or approvals. Grant program guidelines and Federal, State, and local contracting and procurement compliance requirements apply. Items procured with SHSGP grant funds will be considered a state resource in times of need. b. BSIR submission is due in July and January of each open grant year – DHS will determine the dates. Quarterly reports are due on 1/15, 4/15, 7/15, and 10/15. c. Pre-approval is required for all equipment, training, planning, and exercise obligations. d. Exercise Funds: <ul style="list-style-type: none"> 1. Cannot be a communications related exercise 2. Must be approved by DHSEM Exercise Program Staff prior to kick off meeting, and an RFA (request for approval) sent to grant staff 3. Regional collaboration is strongly encouraged 4. Exercise must meet HSEEP requirements 5. Grant staff will not reimburse until performance reports and NEXS data entries are reviewed and approved by exercise staff. 6. Must meet all NEPA/EHP requirements. e. Generators purchased must be mobile only. f. Public Warning Systems: Funds awarded are to purchase warning sirens only. g. Communication Equipment; If a revision of scope is requested it must be approved by DHSM grant staff as well as program staff before the jurisdiction can proceed. h. Procurement from Minority Owned and Women Owned Business is encouraged. i. Emergency Operations Plans must satisfactorily address the plan requirements, as determined by the DHSEM reviewer, outlined in the DHSEM Local Emergency Operations Plan Review crosswalk before payment. 			

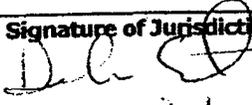
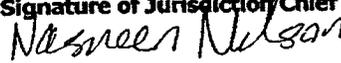
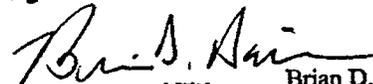


**NEW MEXICO DEPARTMENT OF HOMELAND SECURITY
& EMERGENCY MANAGEMENT**

Sub-Grant Amendment
2010 State Homeland Security Grant Program

1. Sub-Grant No. 2010-SS-T0-0011-DONA ANA	2. Recipient DONA ANA COUNTY	3. Amendment Number 2010-SS-T0-0011-DONA ANA 01	
5. Recipient Address DONA ANA COUNTY 1170 NORTH SOLANO STE O LAS CRUCES, NM 88001		6. Issuing Office and Address New Mexico Department of Homeland Security & Emergency Management PO Box 27111 Santa Fe, NM 87502	
7. Effective Date of This Action: January 1, 2011		8. DHSEM Grant Specialist:	Phone: (505)476-0625 Fax: (505)476-9695 Email:
9. Termination Date: July 15, 2012		Susie Loera	suzanne.loera@state.nm.us
10. Award Amount: <p align="center">\$472,500.00</p>			
11. Increase/Decrease: <p align="center">GRANT DATE EXTENSION ONLY</p>			
12. Recipient is required to sign and return the original of this document, as well as the signed and accepted grant requirements, assurances and agreements to the Issuing Address in block 6, within 30 days from the date in block 17.			
13. Signature of Jurisdiction Grant Specialist/Program Manager  Printed Name: Delia Cervantes		Date: 1-20-12 Phone: 575-647-7902 Fax: 575-647-7996 Email: deliac@donaanacounty.org	
14. Signature of Jurisdiction Chief Financial Officer  Printed Name: for Bill Nowand		Date: 1-26-12 Phone: 575-647-7214 Fax: 575-525-5832 Email: billn@donaanacounty.org	
15. Signature of Jurisdiction Signatory Official  Printed Name and Title: Brian D. Haines, County Manager		Date: 1/26/12 Phone: 575-647-7201 Fax: 575-525-5952 Email: brianh@donaanacounty.org	
16. DHSEM Signatory Official (Name and Title) 		Date 2/14/12	

13. Recipient is required to sign and return the original of this document, as well as the signed and accepted grant requirements, assurances and agreements to the Issuing Address in block 6, within 30 days from the date in block 17.

14. Signature of Jurisdiction Grant Specialist/Program Manager  Printed Name: <u>Delia Cervantes</u>	Date: <u>3-21-2011</u> Phone: <u>575-647-7902</u> Fax: <u>575-647-7996</u> Email: <u>deliac@donaanacounty.org</u>
15. Signature of Jurisdiction Chief Financial Officer  Printed Name: <u>Nasreen Nelson</u>	Date: <u>3-23-2011</u> Phone: <u>575-525-5814</u> Fax: <u>575-525-5832</u> Email: <u>NASREEN@donaanacounty.org</u>
16. Signature of Jurisdiction Signatory Official  Printed Name and Title: <u>Brian D. Haines, County Manager</u>	Date: <u>3/29/11</u> Phone: <u>647-5800</u> Fax: Email: <u>br.anh@donaanacounty.org</u>
17. DHSEM Signatory Official (Name and Title) 	Date: <u>4-1-11</u>

Grant Terms and Conditions (continued from Section 10 of Award)

The DONA ANA COUNTY has been awarded \$472,500.00 shall be used to support activities essential to the ability of states, territories, and urban areas to prepare for, prevent, and respond to terrorist attacks and other all-hazards events.

The scope of work is as follows:

- | | |
|------------|--|
| Project 1: | Remote CBRNE Monitoring Equipment and Support -- \$200,000.00 |
| Project 2: | Strengthen CBRNE Detection/Response/Decontamination -- \$80,000.00 |
| Project 3: | Las Cruces SWAT Operations Vehicle -- \$180,000.00 |
| Project 4: | MANDATORY EXERCISE -- \$12,500.00 |

The performance period of this grant award is January 1, 2011 through January 1, 2012. DONA ANA COUNTY cannot sub-grant all or any part of this award to any other entity or organization. All awards require confirmation within the first reporting quarter that expenditures in the budget category toward projects will be made, or DHSEM will execute de-obligation of the funds.

(A) **Changes to Award:** All change requests must be submitted in writing, or electronically to the DHSEM grant specialist, accompanied by a justification narrative and budget/spending plan, for review and approval. Changes must be consistent with the scope of the project and grant guidelines. Requests for changes will be considered only if the reporting requirements are current, and if terms and conditions have been met at the time the request. Changes in the programmatic activities, or purpose of the project, changes in key persons specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions will result in an amendment to this award.

(B) **NEPA/EHP Compliance:** The recipient must provide information to NMDHSEM to assist with the legally-required environmental planning and historic preservation (EHP) review and to ensure compliance with the applicable EHP laws and Executive Orders (EO). These EHP requirements include but are not limited to National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, E 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice. The recipient must comply with all Federal, State and Local EHP requirements and obtain applicable permits and clearances.

Recipients shall not undertake any activity from the project that would result in ground disturbance, facility modification, or relates to the use of sonar equipment without the prior approval of FEMA. These include but are not limited to communications towers, physical security enhancements involving ground disturbance, new construction, and modifications to buildings that are 50 years old or older. Recipient must comply with all mitigation or treatment measures required for the project as the result of FEMA's EHP review.

Any change to an approved project description will require re-evaluation for compliance with EHP requirements before the project can proceed. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Initiation of these activities prior to completion of FEMA's EHP review will result in a non-compliance finding and may not be eligible for grant funding.

(C) **Reporting Requirements:** DONA ANA COUNTY shall submit timely quarterly *Financial Progress Reports* to the Grant specialist at DHSEM. For EMPG grants, the sub-recipient is required to submit a quarterly Performance Report to the Program Specialist within the Preparedness Bureau. Instructions and blank forms are attached and are located electronically at www.nmdhsem.org, and may be reproduced. Jurisdictions must check the web site quarterly for most current forms. **Use of outdated forms will not be accepted.** Quarterly reports are due: in January 15, April 15, July 15, and August 15 for each calendar year the grant is open. The final report is due the following quarter after all funds have been reimbursed to the jurisdiction. *Financial Progress Reports* shall describe the status of the funds, show encumbrances, and receipts of program income, cash or in-kind contributions to the project, whether or not a local match is required. The *Final Narrative Report* is a summary report, evaluating project activities and measuring performance against project goals and objectives for the entire performance period, and is required *in addition* to the last quarterly report.

(D) Additional Reporting Requirements: The applicant must immediately report in writing to the DHSEM Grant Specialist any alleged acts or allegations of fraud or misappropriation of funds for work authorized under this Sub-Grant Agreement. This extends to reporting any legal action, lawsuit, bankruptcy, or other action that may jeopardize the successful completion of any authorized project.

(E) Reimbursements: Submission of a request for reimbursement must be accompanied by a financial report form. Reimbursement shall be based upon authorized and allowable expenditures consistent with project narrative and grant guidelines, and submission of timely *Financial Progress Reports*. Payments may be withheld pending correction of deficiencies. Reimbursement of expenditures may be requested at any time within the performance period. Expenditures must be supported with source documentation (e.g. copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.). Grant staff will not process reimbursement, until performance/fiscal quarterly reports are submitted.

- **Personnel Costs:** FOR EMPG GRANTS ONLY - Payroll reports signed and certified by the chief financial officer that capture the employee name, position, coded allocation to the project, amount paid, are acceptable. Staff may not self-certify their own time and wages. DONA ANA COUNTY shall retain all supporting payroll records, including time and attendance records signed by the employee and supervisor and copies of warrants as per the recordkeeping requirements.
- **Contracts:** All sole-source procurements, single vendor response to a competitive bid, and contracts over \$100,000 require DHSEM pre-approval prior to implementation. Requests for reimbursement for contractual services must be accompanied by the relevant contract.
- **Local Match:** Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.
- **Equipment:** Allowable equipment categories are listed on the web-based Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB) at www.rkb.mipt.org. Documentation required per instructions attached to DHSEM quarterly reports.
- **Travel:** All reimbursable travel must be pre-approved by DHSEM 30 days prior to travel date.
- **Training:** Requires DHSEM pre-approval 30 days prior to registering or participating in training opportunities.
- **Exercise:** Requires submission of an After-Action Report/Improvement Plan within 30 days after conduct of the exercise.
- **Food and Beverages:** Per National Preparedness Directorate (NPD) allowances, food and/or beverage expenses provided by recipients are allowable costs if:
 - (1) The food and/or beverages are provided to participants at training sessions, meetings, or conferences that are allowable activities under the NPD program guidelines; and
 - (2) Expenses incurred for food and/or beverages, and provided at training sessions, meetings, or conferences, satisfy the following tests:
 - (a) The cost of the food and/or beverages provided is considered to be reasonable;
 - (b) The food and/or beverages provided are subject of a work-related event and work continues after meals are served;
 - (c) Participation by all participants is mandatory; and
 - (d) The food and/or beverages provided are not related directly to amusement and/or social event. **(Any event where alcohol is being served is considered a social event; therefore, costs associated with the event are not allowed).**

(F) Non-reimbursable Expenses:

- Transfer of funds between any programs (SHSP, LETPP, OCP, MMRS)
- Contracts, single vendor response to a competitive bid, and procurements > \$100,000 not pre-approved by DHSEM
- Sole source contracts and procurements not pre-approved by DHSEM
- Training and related travel costs not pre-approved by DHSEM
- Construction and renovation
- Indirect costs (p. 5, Financial Progress Report)
- Supplanting (using federal funds to purchase items previously budgeted for with state or local funds)
- Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of an exercise.
- Hiring of sworn public safety officers to fill traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Weapons and ammunition
- Entertainment and sporting events
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel
- Travel insurance, visa, and passport charges
- Lodging costs in excess of Federal or State per diem, as appropriate
- Lunch when travel is wholly within a single day
- Stand-alone working meals
- Bar charges, alcoholic beverages
- Finance, late fees, or interest charges
- Lobbying, political contributions, legislative liaison activities
- Organized fund-raising, including salaries of persons while engaged in these activities
- Land acquisition
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.

(G) Property and Equipment Management: The sub-recipient shall maintain an effective property management system; safeguards to prevent loss, damage or theft; maintenance procedures to keep equipment in good condition; and disposition procedures. A *Property Inventory Report* is available at www.nmdhsem.org and shall be submitted to DHSEM annually each **January 15** with the *Financial Progress Report* during the performance period, and continued submission is required annually until final disposition of the equipment. The sub-recipient shall, when practical, prominently display the following on any equipment purchased with award funds: ***Purchased with funds provided by the U.S. Department of Homeland Security.*** No equipment purchased with these grant funds may be assigned to other entities or organizations without the expressed approval in writing from DHSEM, prior to the jurisdiction's encumbrance or expenditure for that equipment.

(H) Procurement: Procurement shall comply with local procurement policies and procedures, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of *28 CFR Parts 66 and 70, and 2 CFR Part 215 "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments."* Contractors that develop or draft specifications, requirements, Statements of Work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition. **Each sole-source procurement, single vendor response to a competitive bid, and all**

purchases require prior approval of DHSEM. DHSEM has provided a summary of documentation required for levels of procurement and attached it to the instructions on the quarterly *Financial Progress Reports*.

(I) Contracts: Any contract entered into during this grant period shall comply with local, State and Federal government contracting regulations. Contracts for professional and consultant services must include local, State and Federal government required contract language, a project budget, and require pre-approval by DHSEM prior to implementation. Contract deliverables must meet the intent of the grant application and grant requirements. Justification is required for compensation for individual consultant services, which must be reasonable and consistent with the amount paid for similar services in the market place. Detailed invoices, and time and effort reports are required for consultants. A summary of documentation required for levels of contracting is attached to the instructions on the quarterly *Financial Progress Reports*.

(J) Publications: Publications created with funding under this grant shall prominently contain the following statement: *This Document was prepared under a sub-grant from the U.S. Department of Homeland Security, and the New Mexico Department of Homeland Security and Emergency Management. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security or the State of New Mexico.*

(K) Audit Requirements: As the Federal grant recipient, the State of New Mexico requires a sub-recipient expending \$500,000 or more in Federal funds in the organization's fiscal year to conduct an organization-wide audit in accordance with *OMB Circular A-133*. DONA ANA COUNTY will permit the State of New Mexico Grant and Program officials and auditors to have access to the sub-recipient's and third-party contractors' records and financial statements as necessary for the State of New Mexico to comply with *OMB Circular A-133*. Copies of audit findings must be submitted to DHSEM within 30 days after DONA ANA COUNTY receives its audit report, or within a 9-month period of the grant closeout date, whichever is earlier, in accordance with *2 AAC 45.010*. Include the Federal agency name, program, grant number, and year; the CFDA title and number; and the name of the pass-through agency.

(L) Recordkeeping Requirements: Grant financial and administrative records shall be maintained for a period of three (3) years following the date of the closure of the grant award, or audit if required. Time and effort, personnel and payroll records for all individuals reimbursed under the award must be maintained. Property and equipment records shall be maintained for a period of three (3) years following the final disposition, replacement or transfer of the property and equipment.

(M) Performance Measures: Quarterly *Progress Reports* shall demonstrate performance and progress relative to: Acceptable performance on applicable critical tasks in Exercises using approved scenarios

1. Progress in achieving project timelines and milestones
2. Percent measurable progress toward completion of project
3. How funds have been expended during reporting period, and explains expenditures related to the project

(N) Sub-recipient Monitoring Policy: Periodic monitoring is required to ensure that program goals, objectives, timelines, budgets and other related program criteria are being met. DHSEM reserves the right to periodically monitor, review and conduct analysis of the financial, programmatic and administrative policies and procedures such as, accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting and procurement policies and records, payroll records and means of allocating staff costs, property/equipment management system(s), progress of project activities, etc. This may include desk and field audits. Technical assistance is available from DHSEM staff.

(O) Penalty for Non-Compliance: For the reasons listed below, special conditions may be imposed, reimbursements may be partially or wholly withheld, the award may be wholly or partly suspended or terminated, or future awards, reimbursements and award modifications may be withheld. DHSEM may institute the following, but is not limited to, withholding authority to proceed to the next phase of a project, requiring additional or more detailed financial reports, additional project monitoring, and/or establish additional prior approvals. DHSEM shall notify the sub-recipient of its decision in writing stating the nature and the reason for imposing the conditions/restrictions, the corrective action required and timeline to remove them, and the method of requesting reconsideration of the imposed conditions/restrictions. The sub-recipient must respond within 5 days of receipt of notification.

- a. Unwillingness or inability to attain project goals
- b. Unwillingness or inability to adhere to Special Conditions listed in Block 12
- c. Failure or inability to adhere to grant guidelines and federal compliance requirements
- d. Improper procedures regarding contracts and procurements
- e. Inability to submit reliable and/or timely reports
- f. Management systems which do not meet federal required management standards

(P) Termination for Cause: If performance is not occurring as agreed, the award may be reduced or terminated without compensation for reduction or termination costs. DHSEM will provide 5 days notice to the sub-recipient stating the reasons for the action, steps taken to correct the problems, and the commencement date of the reduction or termination. DHSEM will reimburse the sub-recipient only for acceptable work or deliverables, necessary and allowable costs incurred through the date of reduction or termination. Final payment may be withheld at the discretion of DHSEM until completion of a final DHSEM review. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

(Q) Termination for Convenience: Any project may be terminated upon convenience, in whole or in part, for the convenience of the Government. The U.S. Department of Homeland Security (USDHS) and the DHSEM, by written notice, may terminate this grant, in whole or in part, when it is in the Government's interest. Allowable costs obligated and/or incurred through the date of termination shall be reimbursed. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

(R) Project Implementation: Due to the competitiveness of the Homeland Security grant program, approved projects shall be ready-to-go. Project implementation shall begin within the first reporting quarter.

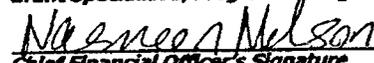
- a. If a project cannot be operational within the first reporting quarter of the approved award date, the sub-grantee must submit a written statement signed by the signatory officials to DHSEM, justifying the implementation delay, expected starting date, and a formal request to extend the project start date past the first reporting quarter. At the discretion of DHSEM, the grant award is subject to cancellation and funds may be de-obligated and reallocated to other projects.

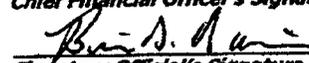
Grant Requirements, Assurances and Agreements (continued from Section 11 of the Award)

- (A) The performance period for this grant award is **JANUARY 1, 2011 through JANUARY 1, 2012**. Monies may not be obligated outside of this time period. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period when the *Final Progress Reports* are due.
- (B) The sub-recipient shall comply with the requirements and restrictions of the FY2010 State Homeland Security Grant Guidance, State Guidelines, and the State Homeland Security Strategy. By signing this obligating award document, the sub-recipient certifies it has read, understood and accepted these documents as binding.
- (C) The signature of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. The sub-recipient shall follow the financial management requirements imposed on them by DHSEM, which includes the requirements of U.S. Department of Homeland Security.
- (D) The signature of the signatory officials on this award attests to DONA ANA COUNTY understanding, acceptance, and compliance with Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications. Federal funds will not be used to supplant State or local funds. Federal funds must be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose. Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit.
- (E) The DONA ANA COUNTY shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.
- (F) The DONA ANA COUNTY shall comply with Federal Civil Rights Laws and Regulations: *Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Americans with Disabilities Act of 1991.* DONA ANA COUNTY will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. *Executive Order 13347 Individuals with Disabilities in Emergency Preparedness* requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism.
- (G) The DONA ANA COUNTY certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (for USDHS/DOJ grants). An EEOP is not required for recipients of less than \$25,000.00 or fewer than 50 employees.
- (H) The DONA ANA COUNTY certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.
- (I) It is the responsibility of DONA ANA COUNTY as the recipient of these federal funds to fully understand and comply with the requirements of:
- 2CFR Part 215, *Grants and Cooperative Agreements with State and Local Governments* at www.whitehouse.gov/omb/circulars/a102/a102.html.
 - 2 CFR Part 225 *Cost Principles for State, Local and Indian Tribal Governments* at www.whitehouse.gov/omb/circulars/index.html.
 - 2 CFR Part 215 *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
 - 2 CFR Part 220 *Cost Principles for Educational Institutions* at www.whitehouse.gov/omb/circulars/index.html
 - 2 CFR Part 230 *Cost Principles for Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
 - OMB Circular A-133 *Audits of States, Local Governments and Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
 - CFR Title 48 Federal Acquisition Regulations Systems Chapter 1 Part 31 Contract *Cost Principles and Procedures*
 - Common Rule: *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*. Incorporated into individual Federal agency's *Code of Federal Regulations*.
 - OGO *Financial Guide* www.dhs.gov/dhspublic/interweb/assetlibrary/Grants_FinancialManagementGuide.pdf
 - New Mexico State Procurement Code <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>
 - New Mexico Administrative Code Title 2 - Public Finance <http://www.nmcpr.state.nm.us/NMAC/title02/title02.htm>

We certify we have read, understood, and accept the Grant Terms and Conditions, the Grant Requirements, and Assurances and Agreements, in accordance with this Award.


Grant Specialist's/Program Manager's Signature


Chief Financial Officer's Signature


Signatory Official's Signature
Brian D. Haines, County Manager

**Dona Ana County/City of Las Cruces
Office of Emergency Management**

**State Homeland Security Grant Program
Dona Ana County Equipment List FY 2010
Attachment A
Las Cruces Fire Department**

Vendor: QinetiQ North America Inc.
Address: 350 Second Ave.
Waltham, MA 02451

Item #	Description	Quantity	Unit Cost	Total
	Talon Generation IV Robot Vehicle (see attached Price Quotation for additional specifications and description)			
1	Vehicle Configuration with operator control options Arm Assembly; Pan/Tilt Mast, Mast Camera, Battery and Charger, Drive Motors, Heavy Duty Sprockets; Shipping Cases Laptop Controller	1	\$ 139,795.00	\$ 139,795.00
2	Accessories Extended Range antennae, camera assembly, EOD/SWAT Options	1	\$ 23,744.00	\$ 23,744.00
3	Accessories Optional Equipment Talon Hazmat Platform, HazMat Sensor & Sensor Integration	1	\$ 16,531.00	\$ 16,531.00
4	Recommended Spares	1	\$ 3,066.00	\$ 3,066.00
5	Extended Service Agreement	1	\$ 7,764.00	\$ 7,764.00
6	Packing, Preparation for Shipment and Shipping	1	\$ 4,427.00	\$ 4,427.00
	Total			\$ 195,327.00