



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 16-136

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of January 4, 2016
(Adoption Date)

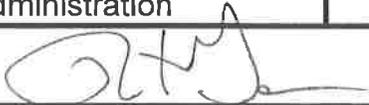
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING THE LAS CRUCES FIRE DEPARTMENT TO ACCEPT VARIOUS EMERGENCY PREPAREDNESS EQUIPMENT VALUED AT \$22,896.77 AND 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 FOR FY 2014.

PURPOSE(S) OF ACTION:

To accept emergency preparedness equipment.

COUNCIL DISTRICT: N/A		
<u>Drafter/Staff Contact:</u> James Williams	<u>Department/Section:</u> Fire Department/ Administration	<u>Phone:</u> 528-4051
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The United States Department of Homeland Security (USDHS), 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 USDHS for program funding. Upon approval of NMDHS grant application, the USDHS 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

(Continue on additional sheets as required)

government according to the approved sub-grant application. City Council is then required per Section 13-6-2 NMSA 1978 to give approval to accept equipment.

The equipment will be used for rescue training in which emergency medical and law enforcement personnel work together to engage in life saving activities as well as support activities essential to the ability of law enforcement and first responders to prepare for, prevent and respond to terrorist attacks and other all-hazard or mass attack events.

For the past two years the Las Cruces Fire Department (LCFD) and the Las Cruces Police Department have collaborated on modifying our response model to hostile incidents such as active shooter events. The new response model along with the equipment awarded will allow the LCFD working with the Las Cruces Police Department to gain access to victims in a quicker manner which in turn will improve the survivability rate of victims during hostile incidents.

The NMDHS through Dona Ana County Office of Emergency Management (OEM) has awarded the City of Las Cruces, the following equipment through the Domestic Equipment Program FY 2014:

- Point Blank GNXIIIA Level IIIA 2-Ballistic Panels 1-R20D Standard Carrier with 8x10 Rifle Plate Pockets Black (2-Black ID panels "FIRE" in white, 16 each at \$623.00 - \$9,968.00
- MICH Level IIIA Helmets Black 7-Pad Suspension, 16 each at \$240.00 - \$3,840.00
- 8x10 LTC Lightweight Level III Plate Approx. 2.5 lbs. part # 23525-3, 32 each at \$268.00 - \$8,576.00
- 5.11 Tactical NBT Duffle Xray 15"H x 31"L x "W, 6 each \$82.00 - \$492.00
- Shipping, 1 each at \$20.77 - \$20.77

All equipment has been received by LCFD.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Agreement Upon Receipt of Equipment between Dona Ana County and the City of Las Cruces Fire Department.
3. Attachment "A", Dona Ana County/City of Las Cruces Office of Emergency Management State Homeland Security Grant Program Dona Ana County SHSGP Equipment List FY 2014.

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 \$ _____ FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

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 approve the formal acceptance of equipment from OEM.
2. Vote "No"; this is not an option as LCFD is in possession of the equipment.
3. Vote to "Amend"; this is not an option as equipment transferred from OEM to LCFD is designated by OEM.
4. Vote to "Table"; this is not an option as LCFD is in possession of the equipment.

REFERENCE INFORMATION:

N/A

RESOLUTION NO. 16-136

A RESOLUTION AUTHORIZING THE LAS CRUCES FIRE DEPARTMENT TO ACCEPT VARIOUS EMERGENCY PREPAREDNESS EQUIPMENT VALUED AT \$22,896.77 AND 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 FOR FY 2014.

The City Council is informed that:

WHEREAS, the State of New Mexico Department of Public Safety, Office of Emergency Management has allocated \$22,896.77 out of the 2014 Department of Homeland Security State grant funds for equipment purchases for the Las Cruces Fire Department; and

WHEREAS, Las Cruces Fire Department made requests as a sub-grantee to the State for the equipment; and

WHEREAS, the equipment will be used for rescue training in which emergency medical and law enforcement personnel work together to engage in life saving activities as well as support activities essential to the ability of law enforcement and first responders to prepare for, prevent and respond to terrorist attacks and other all-hazard or mass attack events; and

WHEREAS, for the past two years the Las Cruces Fire Department and the Las Cruces Police Department have collaborated on modifying our response model to hostile incidents such as active shooter events. The new response model along with the equipment awarded will allow the Las Cruces Fire Department working with the Las Cruces Police Department to gain access to victims in a quicker manner which in turn will improve the survivability rate of victims during hostile incidents; and

WHEREAS, if approved the Las Cruces Fire Department will receive (16) Point

Blank Ballistic Panels valued at \$623.00 per unit, (16) MICH Level III Helmets valued at \$240.00 per unit, (32) Lightweight LTC Plates valued at \$268.00 per unit, (6) 5.11 Tactical Duffles valued at \$82.00 per unit plus \$20.77 for shipping; and

WHEREAS, the equipment will be purchased by the State and distributed by the Dona Ana County Office of Emergency Management; and

WHEREAS, no adjustment to the City's budget is needed.

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

(I)

THAT the City Manager of the City of Las Cruces is hereby authorized to accept the equipment for and on behalf of the City of Las Cruces, as outlined in Exhibit "A" and attached hereto.

(II)

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)

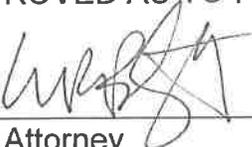
VOTE:

Mayor Miyagishima: _____
Councillor Gandara: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Eakman: _____
Councillor Sorg: _____
Councillor Levatino: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

**AGREEMENT UPON RECEIPT OF EQUIPMENT
State Homeland Security Grant Program FY 2014 COMP**

WHEREAS, the City of Las Cruces Fire Department and Police Department ("the City") 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 County; and,

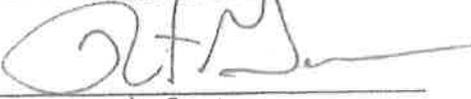
WHEREAS, the acquisition of this preparedness equipment is funded by the New Mexico Department of Homeland Security Office of Emergency Management pursuant to a grant funded by the United States Department of Homeland Security Office "Homeland Security Grant Program" (hereinafter "the Program"); and 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 MVRDA 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:

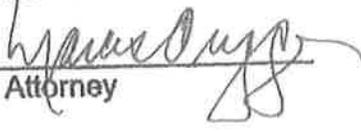
CITY OF LAS CRUCES



By: Robert Garza
Its: city Manager

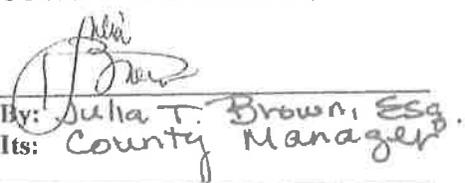
12/15/15
Date

APPROVED AS TO FORM:


Sr. Asst. City Attorney

ACKNOWLEDGED:

COUNTY OF DONA ANA,


By: Julia T. Brown, Esq.
Its: County Manager

12/23/15
Date

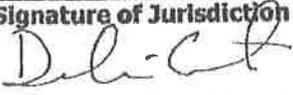
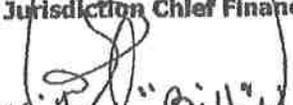


**NEW MEXICO DEPARTMENT OF HOMELAND SECURITY
& EMERGENCY MANAGEMENT**

Sub-Grant Amendment

2014 State Homeland Security Grant Program

2014 Federal Grant No. EMW-2014-SS-00030-S01 CFDA No. 97.067

1. Sub-Grant No. EMW-2014-SS-00030-S01-Dona Ana County - COMP	2. Recipient Dona Ana County	3. Amendment Number 1	
5. Recipient Address Dona Ana County 845 N Motel Blvd Las Cruces, NM 88007		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: November 3, 2014	8. DHSEM Grant Specialist:	Phone: 505-476-9614 Fax: 505-476-9695 Email:	
9. Termination Date: May 31, 2016	Arianna Burger	DHSEM.Grants@state.nm.us	
10. Award Amount: <p align="center">Total Federal Awarded Amount \$138,396.77</p>			
11. Type of Amendment: <p align="center">***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 of receipt of amendment.			
13. Signature of Jurisdiction Grant Specialist/Program Manager  Printed Name: Delia Cervantes		Date: 10-16-15 Phone: 575-647-7902 Fax: 575-647-7996 Email: deliac@donaanacounty.org	
14. Signature of Jurisdiction Chief Financial Officer  Printed Name: William "Bill" Holand		Date: Phone: 575-647-7412 Fax: 575-525-5832 Email: billn@donaanacounty.org	
15. Signature of Jurisdiction Signatory Official  Printed Name and Title: Julia T. Brown, Esq., County Manager		Date: 10/30/15 Phone: 575-647-17401 Fax: 575-525-5812 Email: julia@donanacounty.org	
16. DHSEM Signatory Official (Name and Title)  M. Jay Mitchel, Cabinet Secretary		Date: 2/1/15	



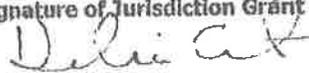
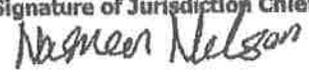
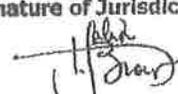
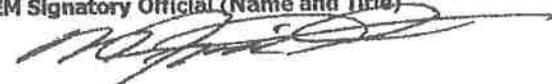
**NEW MEXICO DEPARTMENT OF HOMELAND SECURITY
& EMERGENCY MANAGEMENT**

Sub-Grant Agreement

2014 State Homeland Security Grant Program

2014 Federal Grant No. EMW-2014-SS-00030-S01 CFDA No. 97.067

1. Sub-Grant No. EMW-2014-SS-00030-S01-Dona Ana County Comp	2. Recipient Dona Ana County	3. FIDUCIARY Dona Ana County	4. DFA VENDOR NUMBER/DUNS NUMBER 54410 / 077609279
5. Recipient Address Dona Ana County 845 N Motel Blvd Las Cruces, NM 88007		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 November 3, 2014	8. DHSEM Grant Specialist: Arianna Burger Phone: 505-476-9614 Fax: 505-476-9695 Email: arianna.burger@state.nm.us		
9. Termination Date November 2, 2015	Arianna Burger		
10. Funding: Total Awarded Amount: \$138,396.77			
11. Grant Requirements, Assurances and Agreements: (see attached Grant Requirements, Assurances and Agreements) <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. Quarterly financial and progress reports are due on 1/30, 4/30, 7/30, and 10/30. c. DHSEM Programmatic and Grant pre-approvals are required for all equipment, training, planning, and exercise obligations regardless of any application review. And all equipment must be purchased and deployed in accordance with the jurisdictions 2013 SHSGP application. d. Request for reimbursement will not be processed if quarterly financial and programmatic reports are delinquent. e. Communication Equipment: If a revision of scope of work is requested it must be approved by SICWG, DHSEM grant staff as well as program staff before the jurisdiction can proceed. No increase to communications awards will be considered without full approval of the SICWG. f. Procurement from Minority Owned and Women Owned Business is encouraged, and must be tracked and reported to DHSEM on the quarterly reports. g. Emergency Operations Plans must satisfactorily address the plan requirements outlined in the DHSEM Local Emergency Operations Plan Review crosswalk before payment. h. NEPA/EHP Compliance; The recipient must provide information to DHSEM 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 during the performance period i. All SHSGP sub-grantees must be NIMS compliant and must undergo a yearly NIMSCAST site visit and complete their jurisdictions NIMSCAST assessment on or before September 30. j. Resource typing database must be updated quarterly in E-Team. k. Budget or Program changes must be approved by Program and Grant Staff. l. Annual external audit reports must be submitted to DHSEM within 30 days of receipt by sub-recipients m. Contracts must be pre-approved by DHSEM prior to obtaining vendor and sub-recipient signatures. n. The accounting system and financial capability questionnaire must be completed by the sub-recipient and DHSEM grant staff within 60 days of the sub-grant dissemination and prior to funds being released. o. Each jurisdiction is required to conduct one operations-based exercise to test the field capabilities of equipment purchased with past or current federal preparedness grant within the January-December 2015 Training and Exercise Plan (TEP) year. The operations-based exercise must be a Homeland Security Exercise and Evaluation Program (HSEEP) compliant exercise. Documents are to include the After-Action Report/Improvement Plan (AAR/IP) must be submitted to the State Exercise Officer within 60 days following the end of the exercise. p. All awarded projects must be planned for and budgeted within the designated performance period. Extensions will only be considered for documented extenuating circumstances. Remaining balances will be reviewed and may be re-allocated to other jurisdictions. 			
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: Delia Cervantes	Date: 12-8-14 Phone: 575-647-7962 Fax: 575-647-7996 Email: deliac@donaanacounty.org
15. Signature of Jurisdiction Chief Financial Officer  Printed Name: Nasreen Nelson	Date: 12-11-14 Phone: 575-525-5814 Fax: 575-525-5832 Email: nasrec@donaanacounty.org
16. Signature of Jurisdiction Signatory Official  Printed Name and Title: Julia T. Brown, Esq., County Manager	Date: 12-29-14 Phone: 575-525-5803 Fax: " 525 5812 Email: julia@donaanacounty.org
17. DHSEM Signatory Official (Name and Title) 	Date: 13 Jan 15

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

The DONA ANA COUNTY has been awarded \$138,396.77 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: Active Shooter with Mass Casualties - \$22,896.77
- Project 2: EOC Communication Upgrade - \$15,000.00
- Project 3: Smart 911 and Smartprepare Software Suites - \$70,500.00
- Project 4: Shelter Support Trailer Equipment - \$30,000.00

The performance period of this grant award is November 3, 2014 through November 2, 2015. 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 grant awards, 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: January 30, April 30, July 30, and October 30 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.mt.gov. 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.
- **Per Diem:** Reimbursements for local jurisdictions cannot exceed the rates of the New Mexico Mileage and Per Diem Act.
- **Training:** Requires DHSEM pre-approval 45 days prior to registering or participating in training opportunities.
- **Exercise:** Requires submission of an After-Action Report/Improvement Plan within 60 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, CCP, 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, personal phone calls
- 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 and a Grant Funded Typed Resource Report* shall be submitted to DHSEM bi-annually each **June 30** and **December 30** with the *Financial Progress Report* during the performance period, and continued submission is required bi-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*.

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

(A) The performance period for this grant award is *November 3, 2014 through November 2, 2015*. Money 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 FY2013 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.

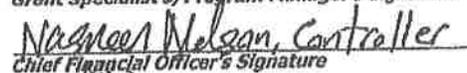
(G) The DONA ANA COUNTY certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (for USDHS/DOJ grants). An EEO is not required for recipients of less than \$25,000.00 or fewer than 50 employees.

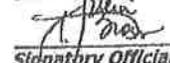
(H) The DONA ANA COUNTY certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.

- (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
 - 44 CFR Emergency Management and Assistance
 - 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/assellibrary/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.nmcsr.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

Julia T. Brown, Esq., County Manager

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

**2014 State Homeland Security Grant Program
Sub-Grant Agreement EMW-2014-SS-00030-S01-Dona Ana County COMP**

Attachment A

Project: #1 - Active Shooter with Mass Casualties

Vendor: Warrior Kit Safety and Survival Gear
Address: 368 S. McCulloch Blvd.
Pueblo West, CO 81007

Item #	Description	Quantity	Unit Cost	Total
1	Point Blank GNXIIIA Level IIIA 2-Ballistic Panels 1-R20D Standard Carrier with 6x10 Rifle Plate Pockets Black (2- Black ID panels "FIRE" in white	16	\$ 623.00	\$ 9,968.00
2	MICH Level IIIA Helmets Black 7-Pad Suspension	16	\$ 240.00	\$ 3,840.00
3	8x10 LTC Lightweight Level III Plate aprox 2.5 lbs part # 23525-3	32	\$ 268.00	\$ 8,576.00
4	5.11 Tactical NBT Duffle Xray 15"H x 31"L x 14"W	6	\$ 82.00	\$ 492.00
5	Shipping	1	\$ 20.77	\$ 20.77
	Total			\$ 22,896.77



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of January 4, 2016
 (Adoption Date)

TITLE: A RESOLUTION AUTHORIZING THE LAS CRUCES FIRE DEPARTMENT TO ACCEPT VARIOUS EMERGENCY PREPAREDNESS EQUIPMENT VALUED AT \$22,896.77 AND 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 FOR FY 2014.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact James Williams	<i>JR Williams</i>	528-4051	12-3-15
Department Director Chief Travis Brown	<i>Travis A. Brown</i>	528-4065	12/3/2015
Assistant City Manager /CAO Mark Winson	<i>M. Winson</i>	541-2100	12/7/15
Management & Budget Manager Robert Lundien	<i>Robert Lundien</i>	541-2106	12/3/15
Assistant City Manager/COO Daniel Avila	<i>D. Avila</i>	541-2271	12/8/15
City Attorney Williams "Rusty" Babington	<i>WRB</i>	541-2128	15 Dec 2015
City Clerk - Interim Linda Lewis	<i>Linda Lewis</i>	541-2115	12-29-15