

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 00402615 MODIFICATION NUMBER: 0 PROGRAM CODE: A	DATE OF AWARD 12/09/2014
		TYPE OF ACTION New	MAILING DATE 12/16/2014
		PAYMENT METHOD: ASAP	ACH# 40215
		RECIPIENT TYPE: County	
RECIPIENT: Broward County 115 S. Andrews Ave.; Suite 329 Fort Lauderdale, FL 33301 EIN: 59-6000531		PAYEE: County Administrator Broward County 115 S. Andrews Ave Fort Lauderdale, FL 33301	
PROJECT MANAGER Lorenzo Fernandez 115 S. Andrews Ave.; Suite 329 Fort Lauderdale, FL 33301 E-Mail: lfernandez@broward.org Phone: 954-519-1249	EPA PROJECT OFFICER Angela Isom 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: isom.angela@epa.gov Phone: 404-562-9092	EPA GRANT SPECIALIST Sharonita Johnson Grants and Audit Management Section E-Mail: johnson.sharonita@epa.gov Phone: 404-562-8311	
PROJECT TITLE AND DESCRIPTION Air Pollution Control Program Support This action approves a new award in the amount of \$79,028 to Broward County, Florida to support their ongoing program to protect air quality so that it achieves established ambient air standards and protects human health. The program includes ambient air monitoring and various other activities to reduce or control air pollutants such as ozone, particulate matter, regional haze, sulfur dioxide, carbon monoxide, and mercury.			
BUDGET PERIOD 10/01/2014 - 09/30/2016	PROJECT PERIOD 10/01/2014 - 09/30/2016	TOTAL BUDGET PERIOD COST \$1,231,748.00	TOTAL PROJECT PERIOD COST \$1,231,748.00
NOTICE OF AWARD Based on your Application dated 08/01/2014 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$79,028. EPA agrees to cost-share 53.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$79,028. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS 61 Forsyth Street Atlanta, GA 30303-8960		ORGANIZATION / ADDRESS U.S. EPA, Region 4 Air, Pesticide and Toxics Management Division 61 Forsyth Street Atlanta, GA 30303-8960	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Dorothy Rayfield - Chief - Grants & Acquisition Management Branch			DATE 12/09/2014

Approved as to form by
 Joni Armstrong Coffey
 Broward County Attorney
 Governmental Center, Suite 423
 115 South Andrews Avenue
 Fort Lauderdale, Florida 33301
 Telephone: (954) 357-7600
 Telecopier: (954) 357-7641

By Michael C. Owens 1/15/15 By Maite Azcoitia 1/15/15
 Michael C. Owens (Date) Maite Azcoitia (Date)
 Senior Assistant County Attorney Deputy County Attorney

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 79,028	\$ 79,028
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 586,600	\$ 586,600
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 665,628	\$ 665,628

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.001 - Air Pollution Control Program Support	Clean Air Act: Sec. 105	40 CFR PTS 31 & 35 SUBPT A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1504VW5032	15	E1	04V2	102A04	4112			79,028
									79,028

Budget Summary Page: Broward S105 FY15-16

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$779,766
2. Fringe Benefits	\$256,977
3. Travel	\$5,000
4. Equipment	\$45,000
5. Supplies	\$46,981
6. Contractual	\$32,630
7. Construction	\$0
8. Other	\$10,500
9. Total Direct Charges	\$1,176,854
10. Indirect Costs: <u>8.87%</u> Base <u>Modified Total Direct Costs</u>	\$54,894
11. Total (Share: Recipient <u>47.00</u> % Federal <u>53.00</u> %.)	\$1,231,748
12. Total Approved Assistance Amount	\$645,148
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$79,028
15. Total EPA Amount Awarded To Date	\$79,028

Administrative Conditions

1. General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: http://www.epa.gov/ogd/general_national_tcs_10_1_2014.pdf. These terms and conditions are in addition to the assurances and certifications made as part of the award and the terms, conditions or restrictions cited below.

The EPA repository for the general terms and conditions by year can be found at: <http://www.epa.gov/ogd/tc.htm>.

2. UNLIQUIDATED OBLIGATIONS

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an annual Federal Financial Report (SF-425) to EPA no later than 90 calendar days following the end of the reporting quarter.

The following reporting period end dates shall be used for interim reports: 3/31, 6/30, 9/30, or 12/31.

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: US EPA, LVFC, 4220 S. Maryland Parkway, Building C, Room 503, Las Vegas, NV 89119, or by Fax to: 702-798-2423 or email LVFC-grants@epa.gov.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

3. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements as described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

Accepting the Fair Share Objectives/Goals of Another Recipient

The dollar amount of this assistance agreement, or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000, or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the Florida Department of Environmental Protection as follows:

MBE: CONSTRUCTION 9%; SUPPLIES 9%; SERVICES 9%; EQUIPMENT 9%
WBE: CONSTRUCTION 3%; SUPPLIES 3%; SERVICES 3%; EQUIPMENT 3%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as the Florida Department of Environmental Protection.

Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E

MBE/WBE reporting is limited to annual reports and only required for assistance agreements where one or more the following conditions are met:

- (a) there are any funds budgeted in the contractual, equipment or construction lines of the award;
- (b) \$3,000 or more is included for supplies; or
- (c) there are funds budgeted for subawards or loans in which the expected budget(s) meet the conditions as described in items (a) and (b).

This award meets one or more of the conditions as described above, therefore, the recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) on an annual basis.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. **Annual reports are due by October 30th of each year. Final reports are due within 90 days after the end of the project period.**

The reporting requirement is based on planned procurements. Recipients with funds budgeted for non-supply procurement and/or \$3,000 or more in supplies are required to report annually whether the planned procurements take place during the reporting period or not. If no procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to:

**U.S. Environmental Protection Agency
Grants Management Office
SNAFC, 61 Forsyth Street, SW
Atlanta, GA 30303
cc: johnson.sharonita@epa.gov**

The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at <http://www.epa.gov/osbp/dbereporting.htm>

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

Programmatic Conditions

Programmatic Terms and Conditions:

Joint Evaluation for FY 2015: Participate with EPA in an end of year evaluation of performance to be completed by January 31, 2016. This evaluation will be based on an annual summary report submitted by

the agency by December 31, and on progress reports received throughout the year. In accordance with 40 CFR 35.115 and the EPA Policy on Managing Unliquidated Obligations and Ensuring Progress under EPA Assistance Agreements, the joint evaluation process will include:

- discussions of accomplishments as measured against work plan commitments;
- discussions of the cumulative effectiveness of the work performed under all work plan components;
- discussions of existing and potential problem areas;
- suggestions for improvement, including, where feasible, schedules for making improvements; and
- discussions of how effectively grant funds were managed and utilized, taking into account any accumulation of unliquidated obligations.

As part of the joint evaluation process for assistance agreements funded with no-year appropriations the Regional Program Offices will be responsible for including a review of funds utilization. As part of the new Unliquidated Obligations (ULOs) Grants Policy Guidance this is a placeholder until the National Program Manager (NPM) & Program Managers address "sufficient progress" programmatic term & condition.

Annual Summary Report: As an addendum to the joint evaluation process and in accordance with the State Grant Workplans and Progress Reports policy (GPI 11-03), the recipient agrees to prominently display in the annual summary report the three essential elements of the workplan (e.g., Air Planning Agreement). The three essential elements as provided in the Air Planning Agreement include the EPA Strategic Plan Goal, the EPA Strategic Plan Objective and the Workplan Commitments plus time frame. For further information on the policy, go to http://www.epa.gov/ogd/grants/final_grants_policy_issuance_11_03_State_Grant_Workplans.pdf or contact the EPA Administrative Project Officer.

Sufficient Progress: EPA may terminate the assistance agreement for failure to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project.

EPA Involvement in Cooperative Agreement: EPA's role in this agreement will include the review and approval of state implementation plans (SIPs), statewide ambient air monitoring networks and projects, quality assurance procedures, performance audits, and data quality; review and comment to states on new source permits; and consultation on implementation and technical issues related to Clean Air Act requirements such as the maximum achievable control technology (MACT) program, new source performance standards (NSPS) program, emissions inventories development, and risk assessment issues, as needed.

Competency of Organizations Generating Environmental Measurement Data: In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-funded Assistance Agreements, Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at http://www.epa.gov/fem/lab_comp.htm or a copy may also be requested by contacting the EPA project officer for this award.

Equipment Disposition: According to 40 CFR 31.32 Disposition of Equipment recipient should follow paragraphs (c) through (e) of this section.

Electronic and Information Technology Accessibility: Recipients and subrecipients are subject to the program accessibility provisions of Section 504 of the Rehabilitation Act, codified in 40 CFR Part 7, which includes an obligation to provide individuals with disabilities reasonable accommodations and an equal

and effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology ("EIT"). In compliance with Section 504, EIT systems or products funded by this award must be designed to meet the diverse needs of users (e.g., U.S. public, recipient personnel) without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assistive technology. At this time, the EPA will consider a recipient's websites, interactive tools, and other EIT as being in compliance with Section 504 if such technologies meet standards established under Section 508 of the Rehabilitation Act, codified at 36 CFR Part 1194. While Section 508 does not apply directly to grant recipients, we encourage recipients to follow either the 508 guidelines or other comparable guidelines that concern accessibility to EIT for individuals with disabilities. Recipients may wish to consult the latest Section 508 guidelines issued by the US Access Board or W3C's Web Content Accessibility Guidelines (WCAG) 2.0 (see <http://www.access-board.gov/sec508/guide/index.htm>).

Geospatial Data Standards: All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.

Minimum Matching Share Requirement: This award and the resulting federal funding share of 60% as shown under "Notice of Award" above is based on estimated costs requested in the recipient's application dated 8.1.14. While actual total costs may differ than those estimates, the recipient is required to provide no less than 40% of the final total allowable program/project costs (outlays). EPA's participation shall not exceed the total amount of federal funds awarded or the maximum federal share for this program of 60% of the final total allowable program/project costs.

Quality Management Plans: The recipient submitted an updated 5-Year Quality Management Plan (QMP) to the EPA Region 4 Quality Assurance Office in FY 2014. The recipient agrees to revise the QMP to address EPA comments that were sent to the recipient on 4.30.14 and re-submit the plan to the Region 4 Quality Assurance Office for further review. In the meantime, the recipient agrees to follow the latest QMP submittal until final approval is received from the EPA Quality Assurance Officer.