



Oklahoma Office of  
**Homeland Security**  
*Prevent, Protect, Prepare*

**GRANT PROGRAM**  
**Sub-grant Award Terms and Conditions**

## GENERAL AWARD REQUIREMENTS FOR SUB-GRANTEES

**Sub-grantees are urged to carefully review and understand all terms and conditions of the award prior to award acceptance. Failure to comply with these terms and conditions may result in disallowance of costs and recovery of funds and/or suspension or termination of funds and/or award.**

### *SUBGRANT TERMS AND CONDITIONS*

*As a condition of receipt of this grant, the Sub-grantee understands and agrees:*

1. To comply with all applicable laws, regulations and the appropriate Grant Year's Program Guidance.

All allocations and uses of funds under this grant will be in accordance with the Homeland Security Grant Program Guidelines and Application Kit (the "Program Guidance"). Sub-grantees must familiarize themselves with the requirements and restrictions in the appropriate Program Guidance and Application Kit. All Sub-grantees are assumed to have read, understood, and accepted the Program Guidance.

The following link will provide access to the respective Grant Year's Program Guidance and Application Kits:

<http://www.fema.gov/government/grant/hsgp/index.shtm>.

A nonexclusive list of regulations commonly applicable to DHS/FEMA grants are listed below, including the guidance:

A. Administrative Requirements:

1. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
2. 2 CFR Part 215, Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

B. Cost Principles:

1. 2 CFR Part 225, State and Local Governments (OMB Circular A-87)
2. 2 CFR Part 220, Educational Institutions
3. 2 CFR Part 230, Non-Profit Organizations
4. Federal Acquisition Regulation Sub-part 31.2, Contracts with Commercial Organizations

C. Audit Requirements:

1. OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

The Sub-grantee and any further subgrantee must comply with the most recent updates to the Administrative Requirements, Cost Principles and Audit requirements.

2. That it will not use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the Oklahoma Office of Homeland Security ("OKOHS") and the Department of Homeland Security ("DHS")/ the Federal Emergency Management Administration (FEMA).
3. **That it shall not undertake any project having the potential to impact Environmental or Historical Preservation (EHP) resources without the prior approval of FEMA. Such projects include, but are not limited to communication towers, physical security enhancements, new construction and modifications to buildings, structures and objects that are 50 years old or greater. Sub-grantee must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the Sub grantee must ensure monitoring of ground disturbance and if any potential archaeological resources are discovered, the Sub grantee will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EJP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.**
4. That when implementing OKOHS/DHS/FEMA funded activities, the Sub-grantee will comply with all federal civil rights laws, to include Title VI of the Civil Rights Act, as amended. The Sub-grantee is required to take reasonable steps to

ensure Limited English Proficient (“LEP”) persons have meaningful access to language assistance services regarding the development of proposals and budgets and conducting OKOHS/DHS/FEMA funded activities.

5. That OKOHS/DHS/FEMA reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (a) the copyright in any work developed under an award or sub-award; and (b) any rights of copyright to which a Sub-grantee purchases ownership with Federal support. The Sub-grantee agrees to consult with OKOHS/DHS/FEMA regarding the allocation of any intellectual property rights that arise from, or are purchased with, this funding.
6. That all publications created with funding under this grant shall prominently contain the following statement: *“This Document was prepared under a grant from the Federal Emergency Management Administration (FEMA) Grant Programs Directorate (GPD), U.S. Department of Homeland Security (DHS). 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 FEMA/GPD or DHS.”*
7. That, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: *“Purchased with funding from the Oklahoma Office of Homeland Security with funds provided by the U.S. Department of Homeland Security.”*
8. To cooperate with any assessments, national evaluation efforts, or information or data collection requests related to any activities within this project.
9. That federal funds expended in connection with this award will be used to supplement, but not supplant, state or local funds.
10. That the use of all funds under this grant must support the goals and objectives included in the State Homeland Security Strategy and/or the Urban Area Homeland Security Strategy. Allocations and use of grant funds must also support the Investments identified in an Investment Justification, which may have been submitted as part of the HSGP application (if applicable).
11. That any funds utilized to establish or enhance state and local fusion centers must support the development of a statewide fusion process that corresponds with the Global Justice/Homeland Security Advisory Council (HSAC) Fusion Center Guidelines and achievement of a baseline level of capability as defined by the Fusion Capability Planning Tool.
12. That Homeland Security Information Network (HSIN) must serve as the primary vehicle by which information /intelligence is shared with DHS/FEMA as part of the fusion process across the Federal, State, local, regional, tribal and private sectors. All statewide information sharing and analysis centers utilizing HSGP funds must establish connectivity with the DHS/FEMA Homeland Security Operations Center (HSOC) via the HSIN to comply with FEMA policy legislation as outlined in the Program Guidance.
13. To utilize grant funds for the furthering of the National Preparedness Guidelines and the DHS/FEMA defined National Priorities.
14. To comply with the Information Technology requirements as set forth in the Program Guidance (if applicable).
15. To leverage all relevant funding and resources from multiple sources when possible that will support and sustain efforts.
16. To comply with any National Incident Management (NIMS) Compliance requirements as set forth by OKOHS or the NIMS Integration Center, including but not limited to ongoing NIMS compliance by the subgrantee jurisdiction during the term of the grant.
17. That this project will be administered by the local or state governmental entity having authority and responsibility for its completion and that such entity will ensure institutional, managerial and financial capability for proper planning, management and completion.

18. To comply with all laws, regulations, statutes, assurances and certifications contained or referred to in this grant award/application and other relevant federal and /or state directives. All project activities should be consistent with federal, state, and local policies, regulations, procedures and laws.
19. That the projects funded with this grant should demonstrate multi-disciplinary coordination of response efforts, including but not limited to: emergency medical services, emergency management, fire service, law enforcement, hazardous materials, public works, public health, health care facilities, military, government administration, private sector, citizens and communications.
20. That interoperability of equipment and establishment of multi-regional mutual aid is strongly encouraged and in some cases may be mandated by OKOHS.
21. That personnel must be properly trained to use the equipment purchased under this grant program in accordance with all applicable federal, state and local laws including, but not limited to regulations established by EPA, OSHA, and NFPA. By signing and submitting sub-grant application and acceptance documents, the authorized official certifies employees have received or will receive required training prior to utilizing equipment.
22. To maintain a state of readiness for equipment and personnel to respond to a terrorist incident.
23. That any exercise conducted with OKOHS grant funds must have the prior written approval of OKOHS.
24. That any exercise conducted with OKOHS grant funds must comply with HSEEP and NIMS requirements. These requirements can be found at <http://hseep.dhs.gov>. Exercise information including but not limited to: objectives, after-action reports, and participants must be coordinated with and submitted to the OKOHS Training and Exercise Coordinator.
25. That the expenditure of \$500,000 or more in Federal funds (from all sources) in a fiscal year requires an organization-wide financial and compliance audit report. The audit must be performed in accordance with the Government Accountability Office Government Auditing Standards, located at <http://www.gao.gov/govaud/ybk0.htm> and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Sub-grantees are required to submit to OKOHS (within 90 days of completion) a copy of any audit report received by Sub-grantee in connection with any audit performed by or as a requirement of any regulatory body (federal, state or local) that is conducted with respect to activity taking place during the term of the OKOHS/DHS/FEMA Award. OKOHS will review the audit and determine if any findings exist which may impact the ability of the Sub-grantee to continue to receive funds pursuant to this grant or future funding opportunities.
26. To comply with monitoring requirements of OKOHS including access to relevant records, equipment, and inventory.
27. That any records relevant to the grant must be retained for at least three years following the termination date (which may be extended beyond the scheduled termination date) of the OKOHS/DHS/FEMA grant (OKOHS will provide the notice on the OKOHS web site under the grants section regarding the start date of this three year period). In accordance with the requirements set forth in the OMB administrative requirements circulars, all financial records, supporting documents, statistical records, and all other records pertinent to the award shall be retained by each organization for at least three years from the date of submission of the final expenditure report. In cases where litigation, a claim, or an audit is initiated prior to expiration of the three year period, records must be retained until completion of the action and resolution of issues or the end of the three year period, whichever is later. Retention is required for purposes of Federal examination and audit. Records may be retained in an electronic format.
28. That Sub-grantee is prohibited from commingling funds on either a program-by-program or a project-by-project basis without prior written approval of OKOHS and DHS/FEMA. The accounting systems of all Sub-grantees must ensure that agency funds are not commingled with funds from other awards or Federal agencies. Each award must be accounted for separately by the awarding agency.
29. To take every precaution to avoid the appearance of a conflict of interest. Violations of the conflict of interest standards may result in criminal, civil, or administrative penalties. In the use of agency project funds, officials or employees of State or local units of government shall avoid any action that might result in, or create the appearance of:
  - Using his or her official position for private gain;
  - Giving preferential treatment to any person;

- Losing complete independence or impartiality;
  - Making an official decision outside official channels; or
  - Affecting adversely the confidence of the public in the integrity of the government or the program. For example, where a Sub-grantee of federal funds makes sub-awards under any competitive process and an actual conflict or an appearance of a conflict of interest exists, the person for whom the actual or apparent conflict of interest exists should recuse himself or herself not only from reviewing the application for which the conflict exists, but also from the evaluation of all competing applications.
30. That all grant funds must be obligated and expended within the project period set forth on the Sub-grantee award document (Schedule B) unless OKOHS provides a written exception or extension to the Sub-grantee. Any funds not properly obligated and expended by the Sub-grantee during the project period will lapse and revert to OKOHS for potential reallocation to other allowable uses in accordance with DHS/FEMA guidelines.
  31. To notify OKOHS in writing of any events or changes requiring adjustment in the grant award. Examples include but are not limited to: changes of address, project manager, project site, budget categories or scope.
  32. To follow the Procurement Standards outlined in the DHS/FEMA Financial Management Guide. These standards require that Sub-grantees use their own procurement procedures and regulations, provided that the procurement conforms to applicable Federal law and standards.
  33. That all procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner that will provide maximum open and free competition.
  34. That all sole-source procurements (including contracts properly bid for which only one entity submits a qualified bid) in excess of \$100,000 must receive prior written approval of OKOHS and DHS/FEMA. Written justification must be provided for sole source procurement and should include a description of the program and what service or product is being contracted, an explanation of why it is necessary to contract non-competitively, time constraints and any other pertinent information.
  35. That all circumstances requiring disposition or change to intended use of equipment purchased with OKOHS funds should be reported on an Equipment Disposition Form (available on the OKOHS website) and filed with OKOHS within 30 days following such change or disposition. Any ownership transfer (from one jurisdiction to another) of tangible or intangible items purchased with OKOHS funding requires pre-approval from OKOHS and acceptance of OKOHS standard terms and conditions by the acquiring entity. OKOHS consent will not be unreasonably withheld.
  36. That during the term of this grant and for three years following termination of the OKOHS/DHS/FEMA grant (which may be extended beyond the date set in the attached Sub-Grantee Award document) the Sub-grantee is responsible for proper reporting, for maintenance of an inventory tracking system and for assuring the location of all equipment purchased through this grant. A physical inventory of the property must be taken and the results reconciled with the property records at least once per year. Inventory records must be maintained which include:
    1. Description of the property;
    2. Serial number or other identification number;
    3. Source of the property;
    4. Identification of title holder;
    5. Acquisition date;
    6. Cost of the property;
    7. Percentage of Federal participation in the cost of the property;
    8. Location of the property;
    9. Use and condition of the property; and
    10. Disposition data, including the date of disposal and sale price.
  37. That only equipment that is listed on the “Authorized Equipment List” **and approved in writing** by OKOHS will be permitted to be purchased with DHS/FEMA funds.
  38. To remain responsible for replacing or repairing equipment willfully or negligently lost, stolen, damaged, or destroyed. Property with a cost in excess of \$10,000 that is purchased using OKOHS/DHS/FEMA funding must be insured for casualty loss unless a written exception to this requirement is permitted by OKOHS. Property losses should be reported to

OKOHS immediately.

39. That requested or relevant training records of Sub-grantees must be submitted to the OKOHS Training and Exercise Coordinator.
40. To comply with closeout procedures established by OKOHS.
41. To provide quarterly status reports (as required by OKOHS), information and other documentation as may be required by OKOHS.
42. To provide DHS/FEMA and OKOHS reasonable assistance with assessments conducted to (a) determine the existing level of preparedness within the subrecipient's jurisdiction; (b) determine the homeland security related needs of the jurisdiction, and (b) measure progress in achieving state and federal preparedness goals.
43. That Costs charged to this project are subject to advance written approval by OKOHS.
44. That consistent with Section 163 of the Continuing Appropriations Resolution, 2010, Division B of Pub. L. No 111-68 ("CR") no federal funding will be made available directly or indirectly to the Association of Community Organizations for Reform Now (ACORN). Any questions in this regard should be directed to OKOHS.
45. That Protected Critical Infrastructure Information (PCII) will be treated in a manner consistent with the *Critical Infrastructure Information Act of 2002* (Public Law 107-296) (CII Act), which created a new framework, that enables State and local jurisdictions and members of the private sector to voluntarily submit sensitive information regarding critical infrastructure to DHS/FEMA. The Act also provides statutory protection for voluntarily shared CII from public disclosure and civil litigation. If validated as PCII, these documents can only be shared with authorized users who agree to safeguard the information. PCII accreditation is a formal recognition that the covered government entity has the capacity and capability to receive and store PCII. DHS encourages all SAAs to pursue PCII accreditation to cover their State government and attending local government agencies. Accreditation activities include signing a memorandum of agreement (MOA) with DHS, appointing a PCII Officer, and implementing a self inspection program.
46. That where practicable, individuals with disabilities will be integrated into the Sub-grantee's emergency preparedness planning activity consistent with Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against people with disabilities in all aspects of emergency mitigation, planning, response, and recovery by entities receiving financial from DHS/FEMA. In addition, and consistent with Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness* signed in July 2004, the Sub-grantee will encourage consideration of the needs of individuals with disabilities served by State, local, and tribal governments in emergency preparedness planning.
47. That there will not be a duplication of any federal assistance, per Circular A-87, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Circular may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements.

## OKOHS Contact Information

Oklahoma Office of Homeland Security  
PO Box 11415; Oklahoma City, OK 73136-0415  
(405) 425-7296 telephone  
(405) 425-7295 fax  
Website: <http://www.homelandsecurity.ok.gov>

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## Applicable Laws, Regulations, and Guidance Documents

Sub-grantee should review and comply with all local, state, federal statutes, regulations, policies, guidelines and requirements including, but not limited to:

- *Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et seq.*
- *Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794*
- *Title IX of the Education Amendments of 1972, as amended, 20 U.S.C 1681 et seq.*
- *The Age Discrimination Act of 1975, as amended, 20 U.S.C. 6101 et seq.*
- The Department of Homeland Security Appropriations Act of 2007
- Homeland Security Act of 2002
- 28 CFR Part 67, *Government-wide Debarment and Suspension (Non-procurement)*, <http://www.gpoaccess.gov/cfr/index.html>
- 6 CFR Part 9, *New Restrictions of Lobbying*, <http://www.gpoaccess.gov/cfr/index.html>
- 28 CFR Part 83, *Government-wide Requirements for Drug-free Workplace (Grants)*, <http://www.gpoaccess.gov/cfr/index.html>
- DHS/FEMA Financial Guide at [http://www.dhs.gov/xlibrary/assets/Grants\\_FinancialManagementGuide.pdf](http://www.dhs.gov/xlibrary/assets/Grants_FinancialManagementGuide.pdf)
- Code of Federal Regulations, Title 48 Federal Regulations systems, Part 31, *Contract Cost Principles and Procedures* – also 48 CFR parts 30 and 31
- OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, at <http://www.whitehouse.gov/omb/circulars/index.html>
- OMB Circular A-102, *Grants and Cooperation Agreements with State and Local Governments*, at <http://www.whitehouse.gov/omb/circulars/index.html>
- OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments*, at <http://www.whitehouse.gov/omb/circulars/index.html>
- OMB Circular A-110, *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*, at <http://www.whitehouse.gov/omb/circulars/index.html>
- OMB Circular A-21, *Cost Principles for Educational Institutions*, at <http://www.whitehouse.gov/omb/circulars/index.html>
- OMB Circular A-122, *Cost Principles for Non-Profit Organizations*, at <http://www.whitehouse.gov/omb/circulars/index.html>
- OSHA and NFPA Training Requirements <http://www.osha.gov/> <http://www.nfpa.org/Codes/>
- 44 CFR Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*
- In accordance with the *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009* (Public Law 110-329), grant funds must comply with the following two requirements: None of the funds made available shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 USC 8251 et. Seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).
- None of the funds made available shall be used in contravention of section 303 of the Energy Policy Act of 1992 (42 USC13212).

## Approval Process:

1. Sub-grantee should select items for purchase that are within the scope of the Project Justification Plan (if applicable) and that are included on the Authorized Equipment List (“AEL”), which can be found at the Responder Knowledge Base website ([www.rkb.us](http://www.rkb.us)).
2. Sub-grantee should then submit to OKOHS a Budget Detail Worksheet (“BDW”), which can be found under the forms page of the Grants section of the OKOHS website ([www.homelandsecurity.ok.gov](http://www.homelandsecurity.ok.gov)). The BDW is the Sub-grantee’s list of requested items for which OKOHS’s written approval is requested. If a portion of the costs will be paid with local funds, indicate total cost charged to grant. If technical assistance is needed from OKOHS, please so note on the BDW. While the amount of the grant is fixed and cannot be increased, Sub-grantees are encouraged to submit a comprehensive list of items that may be purchased (EVEN IF THE ESTIMATED COST EXCEEDS THE AMOUNT OF THE GRANT). The amount of OKOHS approvals may well exceed the amount of the grant, which will permit greater flexibility in the Sub-grantee’s selection process and lessen the likelihood of multiple BDW submissions.
3. **PLEASE NOTE** that grant funds may be used only for items that are both found on the AEL and that are approved in advance by OKOHS by written notice addressed to the Sub-grantee. Funds will be reimbursed **only for items preapproved by OKOHS**.
4. Upon receipt of OKOHS’s written approval, the Sub-grantee may initiate procurement of approved items.
5. Upon receipt of the approved item, the Sub-grantee must submit a copy of the invoice supporting the acquisition together with a Reimbursement Request Form (this form is also available on the OKOHS website) that has been signed by an authorized official. For each item, include date of purchase, quantity, total cost, Sub-grantee entity, and discipline. The authorized official’s signature represents certification that the item has been received and that payment has been (or will be) made to the vendor in accordance with the terms of the invoice.
6. OKOHS reimbursement of the Sub-grantee’s expenditure will generally take approximately 30 days. If this 30 day time period will cause hardship, the reimbursement process can usually be expedited at the request of the Sub-grantee.
7. Purchases must be completed within the applicable project period.

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## Sanctions

If a Sub-grantee materially fails to comply with the terms and conditions of an award, OKOHS or DHS/FEMA may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the Sub-grantee.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the current award.
4. Withhold future awards for the project or program.
5. Pursue any other legal remedy that may be available.
6. Require reassignment any tangible or intangible items purchased with OKOHS grant funding to another local jurisdiction.

Prior to taking action, OKOHS will provide the Sub-grantee reasonable notice of intent to impose measures and will make efforts to resolve the problem informally.

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## Unauthorized Expenditures

Examples of **unauthorized expenditures** include but are not limited to:

- Hiring of Public Safety Personnel
- Construction and Renovation
- General use equipment including but not limited to items jurisdictions would normally be expected to have.
- Items not pre-approved by OKOHS
- Exercise related costs for non expendable equipment items (e.g., electronic messaging signs) and/or vehicle/emergency response apparatus costs (other than the cost of fuel/gasoline, which is allowable)

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## Authorized Official

*Mayor, City Manager, County Commissioner, Board or Trust Director*

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Authorized Official

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Date