



Oklahoma Office of
Homeland Security
Prevent, Protect, Prepare

GRANT PROGRAM

Sub-grant Award Terms and Conditions

Instructions:

The Authorized Official must sign the following required documents and return to our office. Please keep a copy of ALL documents for your records.

1. OKOHS Memorandum, Schedule “A”. (**SIGNATURE REQUIRED**)
2. Sub-Grantee Award Document, Schedule “B”. (**SIGNATURE REQUIRED**)
3. Sub-grant Terms and Conditions, Schedule “1”. (**SIGNATURE REQUIRED, RETURN ONLY PAGE 11**)
4. Lobbying; Debarment, Suspension and other Responsibility Matters; and Drug-Free Workplace Requirements, Schedule “2”. (**SIGNATURE REQUIRED**)
5. Authorization to Sign OKOHS Program Documents, Schedule “3”. (**SIGNATURES REQUIRED**)
6. Quarterly Status Report, Schedule “4”. (**SIGNATURE NOT REQUIRED AT THIS TIME**. This form is included for your convenience only. Report due within 15 days following each calendar quarter.)

Homeland Security Grant Program Terms and Conditions

Recipients of Oklahoma Office of Homeland Security (“OKOHS”)/Department of Homeland Security (“DHS”)-Federal Emergency Management Administration (“FEMA”) grant funds (“Sub-grantee(s)”) 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.

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

1. **Acknowledgement of Federal Funding from DHS:** All recipients must acknowledge their use of federal funding when issuing statements, press releases, request for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.
2. **Activities Conducted Abroad:** All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
3. **Age Discrimination Act of 1975:** All recipients must comply with the requirements of the Age Discrimination Act of 1975 ([42 U.S.C. § 6101 et seq.](#)), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.
4. **Allowable Costs:** The recipient agrees that all allocations and use of funds under this grant will be in accordance with the Funding Opportunity Announcement.

OKOHS requires that Costs charged to this project are subject to advance written approval by OKOHS.

OKOHS requires that only food and beverages **approved in writing** by OKOHS in advance will be permitted to be purchased with DHS/FEMA funds. As a general rule, FEMA and OKOHS discourage the use of federal funding for food and beverages. While there may be limited exceptions made to this rule that apply solely to working lunches, a strict reasonableness standard must be maintained.

OKOHS requires that use of DHS/FEMA funding to pay for speaker fees **must be approved in writing** by OKOHS in advance any time the speaker is paid in excess of \$100 per hour for services.

5. **Americans with Disabilities Act of 1990 (ADA):** All recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities ([42 U.S.C. §§ 12101–12213](#)).
6. **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
 - 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>. Office of Management and Budget (OMB) Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (also known as the “A-102 Common Rule”). These A-102 requirements are also located within DHS regulations at Title 44, Code of Federal Regulations (CFR) Part 13 <http://origin.www.gpo.gov/fdsys/pkg/CFR-2010-title44-vol11/pdf/CFR-2010-title44-vol11-part13.pdf>
- OMB Circular A-87, Cost Principals 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).

7. **Audit Requirements:** The Sub-grantee agrees to comply with the requirements of OMB Circular A-133.

Entities that expend \$500,000 or more in Federal funds (from all sources) in a fiscal year require 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.

8. **Best Practices for Collection and Use of Personally Identifiable Information (PII):** All award recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments:

http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf and http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_template.pdf, respectively.

9. **Civil Rights Act of 1968:** All recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex ([42 U.S.C. § 3601 et seq.](#)), as implemented by the Department of Housing and Urban Development at [24 CFR Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see [24 CFR § 100.201](#)).

10. **Community Emergency Response Team (CERT) Training:** That any CERT training funded with OKOHS/FEMA grant funds will be conducted by OKOHS approved trainers.

11. **Compliance Agreement:** The Sub-grantee agrees to abide by all Terms and Conditions including "Special Conditions" placed upon the grant award by OKOHS. Failure to comply could result in a "Stop Payment" being placed on the grant.
12. **Commingling of Funds:** The 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.
13. **Confidential Information:** Any reports, information, data, etc., given to, prepared or assembled by the Sub-grantee under this grant, which OKOHS requests to be kept confidential, shall not be made available to any individual or organization by the Sub-grantee without prior written approval of OKOHS.
14. **Conflict Of Interest:** Sub-grantees should 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.
15. **Copyright:** All recipients must affix the applicable copyright notices of [17 U.S.C. § 401 or 402](#) and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).
16. **Data Universal Numbering System (DUNS) Numbers:** The Sub-grantee will obtain a Data Universal Numbering System (DUNS) Number (a nine digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities) for its organization and provide that number to OKOHS as a precondition of funding reimbursement under the grant. A DUNS number may be obtained from D&B by telephone (currently 866.705.5711) or via the Internet at <http://fedgov.dnb.com/webform>
17. **Debarment and Suspension:** All recipients must comply with Executive Orders [12549](#) and [12689](#), which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government. **See Schedule 2**
18. **DHS Seals, Logo, and Flags:** All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo crests or reproduction of flags or likenesses of Coast Guard officials.
19. **DHS Specific Acknowledgements and Assurances:** All recipients of financial assistance must acknowledge and agree—and require any Sub-grantee, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.
 - a) Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
 - b) Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or programs guidance.
 - c) Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.

- d) Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
- e) If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties
- f) In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

- g) That requested or relevant training records of Sub-grantees must be submitted to the OKOHS Training and Exercise Coordinator.

20. **Drug-Free Workplace Regulations:** All recipients must comply with the Drug-Free Workplace Act of 1988 ([412 U.S.C. § 701 et seq.](#)), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The regulations are codified at [2 CFR 3001](#). **See Schedule 2**
21. **Duplication of Benefits:** State, Local and Tribal Recipients must comply with [2 CFR Part §225](#), Appendix A paragraph (C)(3)(c), which provides that any cost allocable to a particular Federal award or cost objective under the principles provided for in this authority may not be charged to other Federal awards to overcome fund deficiencies.
22. **Environmental and Historic Preservation (EHP):** The Sub-grantee shall comply with all applicable Federal, State, and local environment and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). Sub-grantee shall not undertake any project having the potential to impact EHP resources without the prior approval of FEMA’s EHP division, including but not limited to communications towers, physical security enhancements, new construction, modifications to buildings, ground disturbance, and the purchase and use of sonar equipment. Sub-grantees should submit the FEMA EHP Screening Form for each project as soon as possible following receipt of their grant award. Any construction activities that have been initiated prior to the full environmental and historic preservation review could result in a non-compliance finding. Failure of the Sub-grantee to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding.
23. **Equal Employment Opportunity:** No person shall on the grounds of race, creed, color or national origin, be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under sub grants awarded pursuant to the Act governing these funds or any project, program, activity or sub-grant supported by such requirements of Title VI of the Civil Rights Act of 1964, and all applicable requirements pursuant to the regulations of the Department of Commerce (Title 15, code of Federal Regulations, Part 8, which have been adopted by the Federal Funding Agency); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Labor Regulation 41 CFR Part 60; and the Department of Justice Non-discrimination Regulations 28 CFR Part 42, Subparts C, D, E and G. The Sub-grantee must therefore ensure it has a current Equal Employment Opportunity Program (EEOP) which meets the requirements of 28 CFR 42.301. The Sub-grantee further agrees to post in a conspicuous place, available to all employees and applicants for employment, notices setting forth the provisions of the EEOP, as supplemented in Department of Labor Regulations 41 CFR Part 60. The Sub-grantee assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will immediately forward a copy of the findings to OKOHS
24. **Equipment:** Only equipment that is **approved in writing** by OKOHS will be permitted to be purchased with DHS/FEMA funds. As a general rule, equipment purchased with OKOHS funding must be allowable for the respective grant program funds to be used in accordance with DHS’s “Authorized Equipment List”.

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." Please contact OKOHS when equipment is received to request appropriate labels.

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 grant acceptance documents, the authorized official certifies employees have received or will receive required training prior to utilizing equipment purchased with OKOHS/FEMA funding.

To be responsible for replacing or repairing equipment that is lost, stolen, damaged, or destroyed as a result of Sub-grantee's willful or negligent action. 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.

To maintain a state of readiness for equipment and personnel to respond to a terrorist incident.

25. **Exercises:** Any exercise conducted with OKOHS grant funds must comply with Homeland Security Exercise and Evaluation Program (HSEEP) and Nation Incident Management System (NIMS) requirements. These requirements can be found at <http://hseep.dhs.gov>. Exercise documentation, including but not limited to: objectives, after-action reports, and participants, must be coordinated with and submitted to the OKOHS Training and Exercise Coordinator.
26. **False Claims Act and Program Fraud Civil Remedies:** All recipients must comply with the requirements of [31 U.S.C. § 3729](#) which set forth that no recipients of federal payments shall submit a false claim for payment. See also [38 U.S.C. § 3801-3812](#) which details the administrative remedies for false claims and statements made.
27. **Federal Debt Status:** All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.
28. **Financial Guidelines:** The Sub-grantee shall comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulation commonly applicable to FEMA grants are listed below:
 - 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 (OMB Circular A-110)
 3. 44 CFR, part 10, Environmental Considerations
 - B. Cost Principles:
 1. 2 CFR Part 225, State Local and Indian Tribal Governments (OMB Circular A-87)
 2. 2 CFR Part 220, Educational Institutions (OMB Circular A-21)
 3. 2 CFR Part 230, Non-Profit Organizations (OMB Circular A-122)
 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
<http://www.whitehouse.gov/omb/circulars/index.html>
29. **Fly America Act of 1974:** All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under [49 U.S.C. § 41102](#)) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 ([49 U.S.C. § 40118](#)) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, [amendment](#) to Comptroller General Decision B138942.
30. **Fusion Center:** The Sub-grantee agrees 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.

The Sub-grantee agrees 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.

31. **Hotel and Motel Fire Safety Act of 1990:** In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. §2225(a), all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974 15 U.S.C. §2225.
32. **Interest and Other Program Income:** The applicant agrees to be accountable for all interest or other income earned by the Sub-grantee with respect to sub-grant funds or as a result of conduct of the project (sale of publications, registration fees, service charges, etc.) All program income generated by this grant during the project must be reported to OKOHS quarterly and must be put back into the project or be used to reduce the Grantor participation in the program. The use or planned use of all program income must have prior written approval from OKOHS.
33. **Interoperable Equipment:** That interoperability of equipment and establishment of multi-regional mutual aid is strongly encouraged and in some cases may be mandated by OKOHS.

***Interoperable Communications (IOC) equipment must comply with OKOHS state minimum standards (see http://www.ok.gov/homeland/Interoperable_Communications/Minimum_Standards_for_Communication_Equipment_Purchases/index.html)**

34. **Inventory:** 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, the results reconciled with the property records at least once every two years, and submitted to OKOHS. Inventory records must be maintained which include:

- Description of the property;
- Serial number or other identification number;
- Source of the property;
- Identification of title holder;
- Acquisition date;
- Cost of the property;
- Percentage of Federal participation in the cost of the property;
- Location of the property;
- Use and condition of the property; and
- Disposition data, including the date of disposal and sale price.

35. **Leverage of Funding:** To leverage all available funding and resources when possible in order to support and sustain efforts and to maximize the effectiveness of the OKOHS/FEMA funding.
36. **Limited English Proficiency (Civil Rights Act of 1964, Title VI):** All recipients must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, Standard Terms & Conditions:

Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 76

Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

37. **Lobbying Prohibitions:** All recipients must comply with [31 U.S.C. §1352](#), which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal. **See Schedule 2**
38. **Monitoring:** The Sub-grantee agrees to comply with monitoring requirements of OKOHS including, but not limited to, a willingness to provide reasonable access to relevant records, equipment and maintenance of an up to date equipment inventory.
39. **National Incident Management System (NIMS) Implementation:** To comply with any National Incident Management Systems (NIMS) compliance requirements as set forth by OKOHS or the NIMS Integration Center including, but not limited to, ongoing NIMS compliance by the Sub-grantee jurisdiction during the term of the grant.
40. **Non-Supplanting Requirement:** Recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.
41. **Obligation of Grant Funds:** 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.
42. **Political Activity:** 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).
43. **Procurement:** The recipient agrees 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.

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.

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. 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.

44. **Program Guidance:** To comply with all applicable laws, regulations and the applicable FEMA Grant'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, or where applicable the Funding Opportunity Announcement, collectively referred to as the Program Guidance. 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/index.shtm>

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 OKOHS's application for federal funding.

To utilize grant funds for the furthering of the OKOHS State Strategy, the National Preparedness Guidelines and the DHS/FEMA defined National Priorities.

To comply with grant closeout procedures established by OKOHS.

45. **Project Implementation:** The Sub-grantee agrees to implement and complete this project within the project period of the grant or be subject to forfeiture of grant funds.

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 of approved projects.

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.

46. **Property Control/Disposition:** Effective control and accountability must be maintained for all personal property. Sub-grantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes. Sub-grantees should exercise caution in the use, maintenance, protection and preservation of such property.

Title: Subject to the obligations and conditions set forth in 44 CFR Part 13.32 (formerly OMB Circular A-102), title to non-expendable property acquired in whole or in part with grant funds shall be vested in the Sub-grantee. Non-expendable property is defined as any item having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

Use and Disposition: Equipment shall be used by the Sub-grantee in the program or project for which it was acquired as long as needed, whether or not the program or project continues to be supported by federal funds. 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.

47. **Protected Critical Infrastructure Information (PCII):** 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 State Administering Agencies (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.
48. **Publications:** 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."
49. **Recording and Documentation of Receipts and Expenditures:** Sub-grantee's accounting procedures must provide for accurate and timely recording of receipt of funds by source of expenditures made from such funds and unexpended balances. These records must contain information pertaining to grant awards, obligations, unobligated balances, assets, liabilities, expenditures and program income. Controls must be established which are adequate to ensure that expenditures charged to the sub-grant activities are for allowable purposes. Additionally, effective control and accountability must be maintained for all grant cash, real and personal property and other assets. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract documents, grant award documents, etc.

50. **Rehabilitation Act of 1973:** All recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, [29 U.S.C. § 794](#), as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

51. **Reports:** To provide the required quarterly status reports and other information and documentation that may be requested by OKOHS.

To cooperate with any assessments, national evaluation efforts, or information or data collection requests related to any activities within this project.

To provide DHS/FEMA and OKOHS reasonable assistance with assessments conducted to (a) determine the existing level of preparedness within the Sub-grantee's jurisdiction; (b) determine the homeland security related needs of the jurisdiction, and (c) measure progress in achieving state and federal preparedness goals.

52. **Retention of Records:** 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.

53. **SAFECOM:** Recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the [SAFECOM](#) Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

54. **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:

- Temporarily withhold cash payments pending correction of the deficiency by the Sub-grantee.
- 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.
- Wholly or partly suspend or terminate the current award.
- Withhold future awards for the project or program.
- Pursue any other legal remedy that may be available.
- Require reassignment of 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.

55. **Title VI of the Civil Rights Act of 1964:** All recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 ([42 U.S.C. § 2000d et seq.](#)), codified at 6 CFR Part 21 and 44 CFR Part 7, which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

56. **Title IX of the Education Amendments of 1975 (Equal Opportunity in Education Act):** All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 ([20 U.S.C. § 1681 et seq.](#)), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 6 CFR Part 17 and [44 CFR Part 19](#)

57. **Trafficking Victims Protection Act of 2000:** All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended ([22 U.S.C. § 7104](#)), located at [2 CFR Part 175](#). This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007.

In accordance with the statutory requirement, each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a subrecipient —

- (a) Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
- (b) Procures a commercial sex act during the period of time that the award is in effect; or
- (c) Uses forced labor in the performance of the award or subawards under the award.

Full text of the award term is provided at [2 CFR § 175.15](#)

58. **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)

59. **USA Patriot Act of 2001:** All recipients must comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends [18 U.S.C. §§ 175-175c](#). Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

60. **Utilization of Minority Businesses:** Sub-grantees are encouraged to utilize qualified minority firms where cost and performance of major contract work will not conflict with funding or time schedules.

61. **Written Approval of Changes:** Sub-grantee must 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.

Authorized Official:

Name *Please type or print*

Signature

Date