

RESOLUTION NO.: 75—2023-24

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

2/3 MAJORITY – 24 VOTES

1 The Outagamie County Emergency Management Department has been awarded a
2 Hazardous Materials Emergency Preparedness (HMEP) Grant in the amount of \$8,200.
3 The Department will use the funds to bring two specialized training opportunities to the
4 County. “Training the Hazmat Community” will teach students chemical and physical
5 properties related to good air monitoring, along with training on meters and detection
6 equipment. “Risk-Based Response to Battery Emergencies” will focus on transportation
7 related incidents. The grant will be a pass-through with the City of Appleton. The budget
8 adjustment requested is to increase Purchased Services and Intergovernmental Revenue
9 by \$8,200 each. No additional county levy is required at this time.

10
11 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend
12 adoption of the following resolution.

13 BE IT RESOLVED, that the Outagamie County Board of Supervisors does authorize and approve
14 the Emergency Management Department to accept and expend the Hazardous Materials Emergency
15 Preparedness (HMEP) Grant in the amount of \$8,200 in order to offer specialized training opportunities
16 as noted on the attached Wisconsin Emergency Management Hazardous Materials Emergency
17 Preparedness (HMEP) Grant Summary Sheet and attachments, and

18 BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisors does authorize
19 and approve of increasing the EM Grants Intergovernmental Revenues line item and the EM Grants
20 Purchased Services line item by \$8,200 each as noted on the attached fiscal note, which by reference is
21 made a part hereof, and

22 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of
23 this resolution to the Outagamie County Emergency Management Director and the Outagamie County
24 Finance Director.

25 Dated this ____ day of December 2023

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Respectfully submitted,

PUBLIC SAFETY COMMITTEE

Katrin Patience

Christine Lamers

Michael Smith

Timothy Hermes

Chad Cooke

Duly and officially adopted by the County Board on: _____

Signed: _____
Board Chairperson

County Clerk

Approved: _____

Vetoed: _____

Signed: _____
County Executive

**WISCONSIN EMERGENCY MANAGEMENT
Hazardous Materials Emergency Preparedness (HMEP)
Grant Summary Sheet**

Grantee or Unit of Government: **Outagamie County**

Project Name: **Hazardous Materials Emergency Preparedness/HMEP Core & Specialized HazMat Training
FFY2023**

Address: **Outagamie County Emergency Management, 320 South Walnut Street, Appleton, Wisconsin 54911-
5918**

Project Director: **Chrissi Lowery**

Phone number: **920-832-5148**

Signing Official: **Jeff Nooyen, County Board Chair, Outagamie County, 410 South Walnut Street, Appleton,
Wisconsin 54911**

Amount of Award: **\$8,200**

SUMMARY OF GRANT:

Outagamie County will use funds from this Grant to bring 2 training opportunities to the area. The first opportunity, "Training the Hazmat Community", provides specialized training for Outagamie County area responders. The students will learn how chemical and physical properties relate to good monitoring techniques, use research databases to identify hazards and predict chemical effects, and will have a good understanding of meters and detection equipment. The second opportunity is an 8 hour Risk-Based Response to Battery Emergencies with a focus on transportation related incidents. This training will provide our hazmat responders the opportunity to learn more about battery trends, construction and hazards for both primary and secondary batteries.

Name of Program Manager: **Anita Smith**

Phone number: **715-635-2498**



STATE OF WISCONSIN

DEPARTMENT OF MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

Greg Engle
Administrator

Tony Evers
Governor

October 6, 2023

Chrissi Lowery, EM Specialist
Outagamie County Emergency Management
320 South Walnut Street
Appleton, WI 54911-5918

RE: Hazardous Materials Emergency Preparedness/HMEP Core & Specialized HazMat Training FFY2023
WEM Grant Number: 2023-HMEP-FED-01-13357

Dear Chrissi Lowery:

Congratulations! I have approved a grant award to Outagamie County in the amount of \$8,200. These funds are from WEM's Hazardous Materials Emergency Preparedness Program available through the State of Wisconsin. This grant supports the Outagamie County Hazardous Materials Emergency Preparedness/HMEP Core & Specialized HazMat Training FFY2023 project.

To accept this award, have the authorized official initial the bottom right corner of Attachments A and B, and sign the *Signatory Page, Certified Assurances, and OMB Standard Form 424B* (Attachment C). The Project Director should sign the *Acknowledgement Notice*. Once signed, return to WEM via email at Anita.Smith@widma.gov and keep a copy for your records. Funds cannot be released until all signed documents are received by WEM.

As Project Director, you will be responsible for all reporting requirements outlined in the grant award and seeing that funds are administered according to the approved application materials and certifications enclosed. We look forward to a collaborative working relationship with you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Greg Engle', is written over a light blue horizontal line.

Greg Engle, Administrator
Wisconsin Emergency Management



STATE OF WISCONSIN

DEPARTMENT OF MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

Greg Engle
Administrator

Tony Evers
Governor

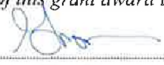
**FFY23 Hazardous Materials Emergency Preparedness Grant Award for SFY24
Hazardous Materials Emergency Preparedness/HMEP Core & Specialized HazMat
Training FFY2023
2023-HMEP-FED-01-13357**

Wisconsin Emergency Management (WEM), hereby awards to **Outagamie County**, (hereinafter referred to as the **Grantee**), the amount of **\$8,200** for programs or projects pursuant to the federal Hazardous Materials Emergency Preparedness Grant Program.

This grant may be used until **March 31, 2024** for the programs consistent with the budget and general conditions in Attachment A, subject to any limitations or conditions set forth in Attachments B and/or C, if included.

The Grantee shall administer the programs or projects for which this grant is awarded in accordance with the applicable rules, regulations, and conditions of WEM. The submitted application is hereby incorporated by reference into this award.

This grant shall become effective, and funds may be obligated (unless otherwise specified in Attachments A and/or B) when the Grantee signs and returns one copy of this grant award to Wisconsin Emergency Management.

BY:  Date: 10/6/2023

Greg Engle
Administrator
Wisconsin Emergency Management

The Grantee, **Outagamie County**, hereby signifies its acceptance of the above-described grant on the terms and conditions set forth above or incorporated by reference therein.

GRANTEE: **Outagamie County**

BY: _____ Date: _____
NAME: **Jeff Nooyen**
TITLE: **County Board Chair**

**WISCONSIN EMERGENCY MANAGEMENT
ATTACHMENT A**

APPROVED FFY23 HMEP GRANT PROGRAM BUDGET FOR SFY24

Grantee: Outagamie County
 Project Title: Hazardous Materials Emergency Preparedness/HMEP Core & Specialized HazMat Training FFY2023
 Grant Period: From October 1, 2023 To March 31, 2024
 Grant Number: 2023-HMEP-FED-01-13357 Authorized Listing No. (ALN): 20.703
 (Single Audit number)

APPROVED BUDGET

		<u>Federal & Match</u>
Personnel		
Employee Benefits		
Travel (Including Training)		
Equipment		
Supplies & Operating Expenses		
Consultants		\$8,200.00
Other		
FEDERAL/STATE TOTAL	<u>\$8,200.00</u>	
LOCAL CASH MATCH		
TOTAL APPROVED BUDGET	<u>\$8,200.00</u>	<u>\$8,200.00</u>

AWARD GENERAL CONDITIONS

1. Federal funds cannot be used to supplant local funds. They must increase the amount of funds that would otherwise be available from local resources. Award recipients may be required to demonstrate and document that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
2. Any changes to the grant require prior approval from WEM through a modification submitted and approved in Egrants. Changes requiring a modification may include but are not limited to Budget, Scope of Project, Period of Performance, Project Director, Fiscal Manager, and/or Performance Measures.
3. Recipients and subrecipients shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable Federal law and the standards identified in the Procurement Standards Sections of 2 CFR § 200.318-326.
4. Grant funds will be disbursed by WEM upon completion of approved Program Report(s), Fiscal Report(s), and satisfaction of Special Conditions. The Fiscal Report is considered your Request for Reimbursement and must include copies of detailed/itemized vendor invoices, necessary supporting documentation which may include proof of payment and a Reimbursement Request form generated from Egrants and signed by your agency's Project Director and Fiscal Contact as approved in Egrants.
5. To be allowable under a grant program, costs must match the sub-grant's approved budget. In addition, all expenses must be obligated (purchase order issued or class scheduled) and activity completed (class complete and supplies/equipment received) during the grant performance period. All expenses must be paid prior to requesting reimbursement in Egrants, and final reimbursement must be requested within 30 days of the grant period end date. Reimbursement for travel (i.e., mileage, meals, and lodging) is limited to applicable state rates and timeframes.
6. All income generated as a direct result of a grant-funded project shall be deemed program income. Program income must be used for the purpose and under the conditions applicable to the award. Program income should be used as earned and expended as soon as possible. If the cost is allowable under the Federal grant program, then the cost would be allowable using program income. All program income must be reported to WEM on the Reimbursement Request Form.
7. All allocations and use of funds under this grant shall be in accordance with the Hazardous Materials Emergency Preparedness (HMEP) Grant Program Expenditures and Activities Guide located at <https://www.phmsa.dot.gov/grants/hazmat/hmep-expenditures-guide-pdf>.

Signing official initials _____

**WISCONSIN EMERGENCY MANAGEMENT
ATTACHMENT B**

Award Special Conditions

1. Position Description/Contract

If funds are used to hire an independent consultant or contractor, submit a copy of the contract detailing job specifications and deliverables. If funds are used to hire personnel, submit the position description. Upload the document into the Project Document Attachment section when completing the first quarterly program report.

2. Minimum Enrollment

Minimum class enrollment is 15 persons with a breakdown by discipline (minimally Emergency Management, EMS, Fire Service, Law Enforcement, or Other). Any exceptions may be considered on a case-by-case basis and must be approved prior to the start of training session. Indicate the number of persons trained by discipline in the Service Information report section.

3. Roster

A class roster is required for each course funded under this award. Upload the document into the Attachments section in the Egrants program report.

4. Evaluations

Class Evaluation forms or a summary of the Evaluation Forms (by personnel other than instructors) is required. Upload the documents into the Attachments section in the Egrants program report.

Signing official initials _____

**WISCONSIN DEPARTMENT OF MILITARY AFFAIRS
ATTACHMENT C**

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

<ol style="list-style-type: none"> 1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application. 2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives. 3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. 4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency. 5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F). 6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), which prohibits discrimination on the basis of sex; 	<p>(c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.</p> <ol style="list-style-type: none"> 7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. 8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
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<p>9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.</p> <p>10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.</p> <p>11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).</p>	<p>12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.</p> <p>13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).</p> <p>14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.</p> <p>15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.</p> <p>16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.</p> <p>17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.</p> <p>18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.</p>
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Standard Form 424B (Rev. 7-97)
Prescribed by OMB Circular A-102

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE County Board Chair
APPLICANT ORGANIZATION Outagamie County Emergency Management	DATE SUBMITTED

ACKNOWLEDGEMENT NOTICE

Date: October 04, 2023
Grantee: Outagamie County Grant No. 2023-HMEP-FED-01-13357
Project Title: Hazardous Materials Emergency Preparedness/HMEP Core & Specialized HazMat Training FFY2023

The following regulations and obligations (referenced below) apply to your grant award.

PROGRESS REPORTS must be submitted on a scheduled basis into the Egrants system. Narrative reports on the status of your project are due on:

01/12/2024 4/30/2024
Final

FINANCIAL REPORTS (Reimbursement Requests) must be submitted quarterly. When requesting reimbursement required attachments include itemized receipts/invoices, supporting documentation and a signed Reimbursement Request Form. An Egrants Job Aid for submitting a Fiscal Report is available on WEM's website <https://wem.wi.gov/admin-tools/>

01/12/2024 4/30/2024
Final

PROGRESS REPORTS & FINANCIAL REPORTS NOTE: Quarterly Reports due 04/12 include January, February and March program activity. Quarterly Reports due 07/12 include April, May and June program activity. Quarterly Reports due 10/12 include July, August and September program activity. Quarterly Reports due 01/12 include October, November and December program activity.

Reimbursements and grant modifications will be held if there are late program reports.

INVENTORY REPORT should reflect final inventory in your records. All equipment purchases must be received, paid for, installed, and deployed before submitting report. Report is due in Egrants on or before:

Complete and return a *W-9 Taxpayer Identification Number Verification Form* (enclosed).

OTHER: _____

ACKNOWLEDGEMENT

The materials referenced above were received and reviewed by the appropriate members of this organization. I also acknowledge receipt of the Grant Award and any attached Special Conditions. I understand that this grant is awarded subject to our compliance with all Conditions, Regulations, and Obligations described in the above materials.

_____, Project Director
Date: _____ Chrissi Lowery

Agreement Articles for Federal Fiscal Year 2023 HMEP Awards

Article I. Summary Description of Award

The Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 authorizes the U.S. Department of Transportation (DOT) to provide assistance to public sector employees through training and planning grants to States, Territories, and Native American tribes for emergency response. The purpose of this grant program is to increase State, Territorial, Tribal, and local effectiveness in safely and efficiently handling hazardous materials accidents and incidents, enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations. This grant consists of Hazardous Materials Emergency Preparedness (HMEP) funds from the Pipeline and Hazardous Materials Safety Administration (PHMSA) under **Federal Award Identification Number (FAIN) 693JK32240051HMEP**.

Article II. Assurances for Non-Construction Programs

Recipients must complete Office of Management and Budget (OMB) Standard Form 424B (Assurances- Non-Construction Programs), included herein as Attachment C.

Article III. Uniform Administrative Requirements and Cost Principles for Federal Awards

The administration of this award will be based on the following Federal statutory and regulatory requirements:

- (a) The authorizing language of 49 U.S.C. 5116 *et seq.*
- (b) The regulations outlined at 49 CFR Part 110.
- (c) 2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- (d) Any other applicable Federal statutes and regulations.

Article IV. Audit Requirements for Federal Awards

As required by 2 CFR § 200.51 Audit Requirements, recipients that expend \$750,000 or more in Federal awards, during the non-federal entity's fiscal year, must have a single or program-specific audit conducted for that year in accordance with the provisions of the regulation. Recipients are expected to review and fully comply with the audit requirements formerly located in OMB Circular A-133 and now located at 2 CFR Part 200, Subpart F.

Article V. Allowable Costs

The allowability of costs incurred by the recipient is determined using the cost principles in 2 CFR Part 200, Subpart F, and HMEP-specific program requirements.

Article VI. 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 for information and guidance.

Article VII. Record retention and access to records

Grant-related financial and programmatic records, supporting documents, statistical records, and other records must be maintained as provided in 2 CFR § 200.333 Retention Requirements for Records and 2 CFR § 200.336 Access to Records. DOT, PHMSA, and DMA/WEM, through its staff or authorized representatives, may conduct desk reviews and site visits, at reasonable times, to review project accomplishments, management control systems and provide guidance as may be requested or required. The recipient is required to provide, electronically or via postal service, all requested records. All reviews will be performed in a manner to not unduly delay work activity under the award.

Article VIII. Restrictions on Use of Funds for Lobbying, Support of Litigation, or Direct Advocacy

The Recipient and its contractors may not use grant funds for lobbying in direct support of litigation, or in direct advocacy for, or against, a pipeline construction or expansion project. The Recipient and its contractors may not conduct political lobbying, as defined in the statutes, regulations, and 2 CFR 200.450 – "Lobbying," within the Federally-supported project. The Recipient and its contractors may not use Federal funds for lobbying specifically to obtain grants and cooperative agreements. The Recipient and its contractors must comply with 49 CFR 20, U.S. Department of Transportation "New Restrictions on Lobbying." 49 CFR 20 is incorporated by reference into this award.

Article IX. Nondiscrimination

The Recipient must comply with Title VI of the Civil Right Act of 1964, which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, be subject to

discrimination under any program or activity receiving Federal financial assistance. The Recipient must comply with 49 CFR 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964". 49 CFR 21 is incorporated by reference into this award.

Article X. Government-wide Debarment and Suspension (Non-procurement)

In accordance with 2 CFR § 200.212, all recipients must comply with Executive Orders 12549 and 12689, and 2 CFR Part 180 as supplemented by 2 CFR Part 1200, which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal Government

Article XI. Drug-Free Workplace

The Recipient must comply with the provisions of Public Law 100-690, Title V, Subtitle D, "Drug-Free Workplace Act of 1988," which require the Recipient to take steps to provide a drug-free workplace. The Recipient must comply with 49 CFR 32, "Government-wide Requirements for Drug Free Workplace (Financial Assistance)" which is incorporated by reference into this award.

Article XII. Contracting with Small Businesses, Small Minority-Disadvantaged Businesses, and Small Businesses which are Women-Owned, Veteran-Owned, Disabled Veteran-Owned or located in HubZone Areas

In keeping with 2 CFR § 200.321, recipients are encouraged to take all necessary affirmative steps to assure that small, minority-owned, women-owned, veteran-owned, and HubZone business firms are used when possible. It is the Department of Transportation (DOT) policy to award a fair share of contracts to small businesses, small minority-disadvantaged business, and small businesses which are women-owned, veteran-owned, disabled veteran-owned or located in a HubZone. DOT is strongly committed to the objectives of this policy and encourages all Recipients of its Grants and Cooperative Agreements to take affirmative steps to ensure such fairness on the awarding of any subcontracts.

- (a) The Recipient and any Sub-recipients are encouraged to take all necessary affirmative steps to assure that small businesses, small minority-disadvantaged businesses, and small businesses which are women-owned, veteran-owned, disabled veteran-owned, or located in a HUBZone are used when possible.
- (b) Affirmative steps include:
 - (i) Placing qualified small businesses, small minority-disadvantaged businesses, and small businesses which are women owned, veteran-owned, disabled veteran-owned, or located in a HUBZone on solicitation lists;
 - (ii) Assuring that small businesses, small minority-disadvantaged businesses, and small businesses which are women-owned, veteran-owned, disabled veteran owned or located in a HUBZone are solicited whenever they are potential sources;
 - (iii) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by small businesses, small minority-disadvantaged businesses, and small businesses which are women owned, veteran-owned, disabled veteran-owned, or located in a HUBZone;
 - (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and Using the services and assistance of the U.S. Small Business Administration and the Office of the Small and Disadvantaged Business Utilization of the Department of Transportation, as appropriate.

Article XIII. Seat Belt Use Policies and Programs

In accordance with Executive Order 13043, the Recipient is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this presidential initiative. For information on how to implement such a program or for statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.nhtsa.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in Washington, D.C. dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to help with technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 85 percent seat belt use. NETS can be contacted at 1-888-221-0045 or visit its website at www.trafficsafety.org.

Article XIV. Ban on Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, financial assistance recipients and subrecipients of grants and cooperative agreements are encouraged to:

- (a) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving—
 - (i) Company-owned or -rented vehicles or Government-owned, leased or rented vehicles; or

- (ii) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.
- (b) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as
 - (i) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - (ii) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- (c) *Assistance Awards*. All recipients and subrecipients of financial assistance to include: grants, cooperative agreements, loans and other types of assistance, shall insert the substance of this clause, including this paragraph (c), in all assistance awards.

Article XV. Copyright

PHMSA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for federal government purposes: the copyright in any work developed under a grant, subaward, or contract under a grant or subaward; and any rights of copyright to which a recipient, subrecipient a contractor purchases ownership with grant support.

Article XVI. Reporting Executive Compensation

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article XVII. Rights in Technical Data

Rights to intangible property under this agreement are governed in accordance with 2 CFR 200.315 - "Intangible Property."

Article XVIII. Notice of News Releases, Public Announcements, and Presentations

The Recipient must have the PAO's prior approval for all press releases, formal announcements, or other planned written issuance containing news or information concerning this Agreement before issuance.

Article XIX. 811, Call Before You Dig Program

Damage to pipelines during excavation is a leading cause of accidents resulting in serious injuries and fatalities, but these accidents are preventable, and you can help in preventing them. 811 is designated as the national call-before-you-dig number. Every state has a one-call law requiring excavators to have underground utilities marked before digging. There are five steps to safer digging:

- (a) Make a free call to 811 a few days before digging.
- (b) Wait the required time – which is prescribed in state law but generally two to three days.
- (c) Locate/mark the utilities accurately. (This step applies to underground facility/utility owners.)
- (d) Respect the marks.
- (e) Dig with care.

The recipient is encouraged to adopt the "811, Call Before You Dig" program for its employees when digging on company-owned, leased, or personally owned property. For information on how to implement such a program please visit the 811 – Call Before You Dig section of Pipeline and Hazardous Materials Safety Administration's (PHMSA's) website at www.phmsa.dot.gov.

Article XX. Access to Electronic and Information Technology

Each Electronic and Information Technology (EIT) product or service, furnished under this award, must be in compliance with the Electronic and Information Technology Accessibility Standard (36 CFR 1194), which implements Section 508 of the Rehabilitation Act of 1973, codified at 29 U.S.C. § 794d.

Article XXI. Combating Trafficking in Persons

PHMSA may terminate grants, cooperative agreements, or take any of the other remedial actions authorized under 22 U.S.C. 7104(g), without penalty, if the grantee or any subgrantee, engages in, or uses labor recruiters, brokers, or other agents who engage in

- (a) severe forms of trafficking in persons;
- (b) the procurement of a commercial sex act during the period of time that the grant, or cooperative agreement is in effect;
- (c) the use of forced labor in the performance of the grant or cooperative agreement; or
- (d) acts that directly support or advance trafficking in persons, including the following acts:
 - (i) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.
 - (ii) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless-

- 1) exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant, or cooperative agreement; or
- 2) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.
- (iii) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.
- (iv) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.
- (v) Providing or arranging housing that fails to meet the host country housing and safety standards.

Article XXII. Prohibition on Awarding to Entities that Require Certain Internal Confidentiality Agreements

- (a) The Recipient shall not require employees or subcontractors seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting such waste, fraud or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information.
- (b) The Recipient shall notify employees that the prohibitions and restrictions of any internal confidentiality agreements covered herein are no longer in effect.
- (c) The prohibition in paragraph (a) above does not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.
- (d) In accordance with section 743 of Division E, Title VII, of the Consolidated and Further Continuing Resolution Appropriations Act, 2015 (P.L. 113-235), use of funds appropriated (or otherwise made available) under that or any other Act may be prohibited, if the Government determines that the Recipient is not in compliance with the provisions herein.

The Government may seek any available remedies in the event the Recipient fails to comply with the provisions herein.

Article XXIII. Reporting Fraud, Waste, or Abuse

The DOT Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. Such reports are kept confidential and callers may decline to give their names if they choose to remain anonymous. The number is: (800) 424-9071.

The mailing address is:
DOT Inspector General Hotline
1200 New Jersey Ave SE
West Bldg 7th Floor
Washington, DC 20590
Email: hotline@oig.dot.gov
Web: <http://www.oig.dot.gov/Hotline>

Article XXIV. False Claims Act and Program Fraud Civil Remedies

All recipients must comply with the requirements of 31 U.S. Code (U.S.C.) § 3729, which sets forth that no recipient of federal payments shall submit a false claim for payment. 38 U.S.C § 3801-3812 details the administrative remedies for false claims and statements made.

Article XXV. Acceptance of Post-Award Changes

In the event that DOT or PHMSA determines that changes are necessary to WEM's award after this award has been made, including changes to the period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award.

Article XXVI. Universal Identifier and System for Award Management

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article XXVII. Training Certification Requirement

The recipient agrees to use HMEP training funds in accordance with the authorizing language at 49 U.S.C. § 5116 *et seq* to provide emergency responders with the training capabilities required to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to accidents and incidents involving hazardous materials.

Article XXVIII. WEM Conditions

- (a) The recipient and any sub-recipient(s) must comply with the Grant Announcement used to announce the funding opportunity.
- (b) The recipient and any sub-recipient(s) must comply with the Grant Award Documents.
- (c) The recipient and any sub-recipient(s) must cooperate with the WEM Compliance Monitors.

Article XXIX. Compliance with Award Terms and Conditions

Submission of a signed Request for Reimbursement (payment request) form constitutes the Recipient’s agreement to comply with and spend funds consistent with all the terms and conditions of this award. If DMA, WEM and/or PHMSA determines that noncompliance by the sub-recipient cannot be remedied by imposing additional conditions, WEM may take one or more of the following actions, as appropriate in the circumstances:

- (a) Temporarily withhold cash payments pending correction of the deficiency by the Recipient.
- (b) Disallow all, or part of, the cost of the activity or action not in compliance.
- (c) Wholly or partly suspend or terminate the Federal award.
- (d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180.
- (e) Withhold further Federal awards for the project or program.
- (f) Take other remedies that may be legally available.

Article XXX. Termination of Agreement

This grant award may be terminated in whole or in part as follows:

- (a) DMA/WEM may terminate this grant award at any time for cause by delivering thirty (30) days written notice to the Recipient. Upon termination, the awarding agency’s liability will be limited to the pro rata cost of the services performed as of the date of termination plus expenses incurred with the prior written approval of the awarding agency.
- (b) DMA/WEM may terminate this grant award at will effective upon delivery of written notice to the Recipient, under any of the following conditions:
 - (i) If the awarding agency’s funding from federal, state, or other sources is not obtained and/or continued at levels sufficient to allow for purchases of the indicated quantity of services, the grant may be modified to accommodate a reduction or increase in funds.
 - (ii) If federal or state laws, rules, regulations, or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this grant or are no longer eligible for the funding proposed for payments by this grant.
 - (iii) If any license or certification required by law or regulation to be held by the Recipient to provide the services required by this grant award is for any reason denied, revoked, or not renewed.

Any termination of this grant award shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

As the duly authorized representative, I hereby certify that the recipient will comply with the above certifications and conditions, and has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal portion of project costs) to ensure proper planning, management, and completion of the project as described in the application.

Grantee Name and Address: Outagamie County, 410 South Walnut Street, Appleton, WI 54911

Grant no. 13357 HMEP Core & Specialized HazMat Training FFY2023
Application Number and Project Name

Jeff Nooyen, County Board Chair
Typed Name of Authorized Representative

Signature

Date

**NOTE: The original signature of the chief executive is required.
Substitute signing or stamping is not accepted.**

