



**PREPAREDNESS
RESPONSE
RECOVERY
MITIGATION**

August 1, 2022

Jurisdiction: **Muskogee County**

Subject: FY 2022 EMPG Notice of Intent Approval

The Oklahoma Department of Emergency Management and Homeland Security (ODEMHS) would like to thank you for your interest in the Fiscal Year 2022 Emergency Management Performance Grant (EMPG).

Your Notice of Interest (NOI) for FY22 EMPG has been approved. **\$26,126** will be obligated to **Muskogee County**, Oklahoma designated as the "Subrecipient" within official documents, pending the completion of the attached application. Once your application is completed and approved, an award letter will be issued by the ODEMHS Director.

The initial application must be submitted by August 31st, 2022, to be eligible for the award. The application must be finalized by September 30th, 2022, to be awarded. Time extensions may be granted with a written request.

Should you have questions, comments, or concerns, please contact the EMPG team at empg@oem.ok.gov or call 405-521-2481 and ask for the EMPG team.

Thank you,

Brianna Thomas
Deputy Chief Financial Officer/Federal Fiscal Programs Director

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Emergency Management Performance Grant Program OK FY22 EMPG Subgrant

Program Description

Issued By

Oklahoma Department of Emergency Management and Homeland Security (ODEMHS) / Grants Management Division (GMD)

CFDA / Assistance Listings Number

97.042

Program Title

Emergency Management Performance Grant (EMPG) Program

Funding Opportunity Title

ODEMHS Fiscal Year 2022 Emergency Management Performance Program – Subgrant

Project Title

LPP - EMPG FY 2022: **Muskogee County**

Authorizing Authorities for Program

- The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. § 5121 et. Seq. (the Stafford Act)
- Post-Katrina Emergency Management Reform Act of 2006, as amended, 6U.S.C. § 762
- FEMA Preparedness Grants Manual, Version 3
- DHS NOFO Fiscal Year 2022 EMPG Program
- Title 2, Code of Federal Regulations (CFR)
- U.S. Department of Homeland Security Presidential Directive 5 (HSPD-5)
- 2022 - 2026 FEMA Strategic Plan
- Oklahoma Emergency Management Act 2003, 63 O.S. 683. 1 et. Seq.
- Oklahoma Statutes Title 63 - 683

Announcement Type

Agreement and Application

Program Category

Preparedness: Emergency Management

Period of Performance

October 1, 2022 – September 30, 2023



Oklahoma FY22 Emergency Management Performance Subgrant Program Agreement

The agreement is entered into by and between The State of Oklahoma Department of Emergency Management and Homeland Security (ODEMHS), further referred to as the "Recipient", and **Muskogee County**, Oklahoma, further referred to as the "Subrecipient". The Recipient shall pay the Subrecipient for required works performed under the Fiscal Year 2022 Oklahoma EMPG application and this contractual agreement the sum of **\$ 26,126.00** dollars in **agreement with the following terms and conditions:**

Article 1. Purpose

The purpose of this agreement is to provide a 50/50 Subgrant with a portion of the funds awarded to the State of Oklahoma under the Federal Emergency Management Agency (FEMA)'s Emergency Management Performance Grant (EMPG) Program. The EMPG program encourages the development of a comprehensive emergency preparedness system for all hazards for the State and local governments, as defined by the *FEMA Fiscal Year 2022 EMPG Notice of Funding Opportunity (NOFO)*.

Article 2. Eligibility Criteria

To be eligible for an Emergency Management Performance Grant (EMPG) Subgrant, a local Subrecipient must meet the following eligibility requirements:

1. The Subrecipient must have a current existing Emergency Management Program. Refer to **Article 3: Scope of Work** for additional information on this requirement.
2. The Subrecipient must have a paid Emergency Management Director, either full or part time, who works at least 20 hours a week, and is employed as defined under Oklahoma State Statute, Title 63-683.11 to 13, Emergency Management Compact and the Fair Labor Standards Act.
3. The Emergency Management Program budget must exceed the EMPG dollar amount and cover the entire cost of the Subrecipient's emergency management office, independent of any subgrant monies. The EMPG is based on a 50/50 match (50% local and 50% federal).
 - a. A certified copy of the Emergency Management Budget for the Subrecipient must be included with the application.
 - i. **Please note:** the Subrecipient cannot replace the Emergency Management Program's budget with EMPG funds. The EMPG funds are supplemental funds for improving and/or increasing the Subrecipient's Emergency Management Program only and cannot be used to supplant existing funds.
4. Grant funds and/or grant matching funds may not be used for costs to support hiring sworn public safety officers for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities. **Refer to Article 5: Funding Guidelines – Unauthorized Expenditures.**
5. A facility or location must be designated as the Subrecipient's Emergency Operations



Center (EOC) with the capacity to coordinate response efforts and resource capabilities in the event of an incident

6. The Subrecipient must submit a list of their Jurisdictional All – Hazard, Whole Community Planning Group Annexes or Emergency Support Function (ESF) representatives, Tribal representatives, Higher – Education representatives, business partners, as well as any other persons the Local Planning Group deems necessary to promote the “whole community” concept of planning. The Planning Group list will include name, position, email, and phone number.
7. Maintain a 24-hour point of contact who will promptly report to the State Emergency Operations Center (SEOC) Duty Officer at **1-800-800-2481**, all significant impacting events happening within the jurisdiction, per *State Statute, Title 63-683.11. E.*
8. Maintain a current Emergency Operations Plan (EOP) to be updated and / or reviewed annually, per *State Statute, Title 63-683.11. D.*
9. The applying jurisdiction must be National Incident Management System (NIMS) Compliant and maintain compliance throughout the Period of Performance. To ensure this requirement is fulfilled, the Subrecipient must successfully complete the NIMS Compliance Survey through the Oklahoma Office of Homeland Security and provide their NIMS Compliance Certificate upon submitting the grant application

Article 3: Scope of Work

Advancing the Whole Community approach reinforces the concept that it is the community's responsibility to take necessary and appropriate actions to protect people and property from the consequences of local emergencies and disasters. Communities are challenged to develop collective local abilities to withstand the potential impacts of these events, respond quickly, and recover in a way that sustains and improves the community's overall well-being. Achieving this collective capability calls for innovative approaches in a community-wide effort. The efforts of the Oklahoma Department of Emergency Management and Homeland Security (ODEMHS) are to assist and support a local Subrecipient's Emergency Management Program with the capabilities to mitigate against, prevent, protect against, respond to, and recover from both natural and man-made disasters. This includes enhancing the local Subrecipient's Emergency Management Program's existing practices, programs, institutions, and organizations.

The following eleven (11) activities are the minimum requirements that shall be completed by the Subrecipient. All deliverables will be submitted to ODEMHS via the OK EMGrants platform.

Planning and Preparedness

1. *Quarterly All-Hazard, Whole Community Planning Group Meetings*

An All-Hazard, Whole Community Planning Group within your jurisdiction will be formed or continued, consisting of all Community Lifeline / Annexes and / or Emergency Support Function (ESF) representatives, Tribal representatives, Higher Education representatives, and business partners, as well as any other persons the Planning Group deems necessary to promote the “whole community” concept of planning. Meetings must be conducted quarterly at a minimum.

Note: In the case meetings are not permitted in person due to an unforeseen circumstance,



online meetings are allowed and encouraged.

Note: Regional Emergency Management Meetings do not fulfill this requirement.

Measurement Methods / Required Documentation:

- a. A meeting invitation letter for each meeting to include a mailing list (can be an email copy)
- b. An agenda
- c. Dated sign-in sheets for each quarterly meeting.
- d. Minutes for each quarterly meeting. EOP planning should be reflected within these minutes.

2. *Emergency Operations Plan*

The Subrecipient must have an Emergency Operations Plan (EOP) to participate in the EMPG program. The All-Hazard, Whole Community Planning Group will be directly involved in the quarterly planning and updates of the Subrecipient's EOP. The EOP will be updated in accordance with the Comprehensive Preparedness Guide (CPG) 101 Version 2.0 (2010) and by the State Statute (see **Article 2.8 Eligibility Criteria**).

Note: Approval pages signed outside of the grant cycle will not be accepted.

Measurement Methods / Required Documentation:

- a. Quarterly updates utilizing the CPG 101, Version 2.0 Plan Analysis Tool
- b. An EOP approval page signed annually by each of the Annexes or ESF representatives and the Subrecipient's highest elected (officials) by the 4th quarter report and no later than October 10, 2023. A form has been provided for this requirement.

3. *List of Current and Ongoing Whole Community Preparedness Projects / Activities*

A list of new and / or ongoing Whole Community Preparedness activities, projects, and events should be completed quarterly. These can include Whole Community preparedness projects, local preparedness events, schools, and / or civic group presentations, preparedness fairs, etc. Remember to include all Emergency Response Agencies / Organizations' preparedness efforts in the reports, including those of the Annexes or ESF representatives within the All-Hazard, Whole Community Planning Group.

Note: A summary of activities/events/projects will be utilized to fulfill this requirement. Screenshots, pictures, newspaper clippings, etc. will be considered "additional narrative" and **will not fulfill the requirement on their own**.

Measurement Methods / Required Documentation:

- a. Submit a summary of your anticipated Emergency Management / Whole Community Preparedness activities for the current grant year with the application
- b. On a quarterly basis, submit progress reports / summaries for preparedness activities within your jurisdiction. Examples of appropriate



preparedness projects include, but are not limited to, outreach at the Subrecipient's events and some social media presence.

4. *Attendance of the Regional (Strategic) Planning Workshop*

The ODEMHS Planning Division, in conjunction with local Emergency Managers within the region, will host a Regional (Strategic) Planning Meeting. The Emergency Management Director or designee must attend their Region's Workshop in its entirety.

Note: This requirement may be waived by the ODEMHS Agency Director and / or Deputy Director due to certain circumstances such as a disaster. The decision will be announced to Subrecipients prior to the event.

Measurement Methods / Required Documentation:

- a. A copy of the Region's Attendance Certificate and / or other appropriate document, such as the agenda, hotel receipt, and sign – in sheets for all days, shall be submitted to OK EMGrants by the 4th quarter report and no later than October 10, 2023.

Training and Exercises

5. *Current List of Training and Exercises*

The current Training and Exercise plans will be a topic of discussion of the All-Hazard, Whole Community Planning Group.

Measurement Methods / Required Documentation:

- a. A list of the training produced by all Annex or ESF agencies for the completed quarter will be submitted to OK EMGrants for each quarterly report.
- b. A list of the exercises produced by all Annex or ESF agencies for the completed quarter will be submitted to OK EMGrants for each quarterly report.

6. *EMPG Required Training*

All paid emergency management staff working for the Subrecipient are required to complete eleven (11) FEMA courses within one (1) year of their hire date. This includes all courses listed in Group 1, and either all the courses in Group 2 (Independent Study Online- Personal Development Series) or all the courses in Group 3 (Basic Academy). Please see the table below regarding these required courses.

Measurement Methods / Required Documentation:

- a. Submit either FEMA Transcript and / or FEMA Course Certificates proving the completion of course work for all paid emergency management staff must be turned in with the application, except for personnel that have not reached their one (1) year anniversary as a paid employee.
- b. The new staff members will have until the end of the grant cycle following their work anniversary to submit their training documentations.
- c. Unless otherwise stated, only the listed versions or newer of the courses below are accepted. Any other version, aside from Group 1, will fulfill this requirement.



Group 1	
<ul style="list-style-type: none"> • IS – 100 (any version) • IS – 200 (any version) 	<ul style="list-style-type: none"> • IS – 700 (any version) • IS – 800 (any version)
Group 2	Group 3
<ul style="list-style-type: none"> • IS – 120 version a, b, or c • IS – 230 version d or e • IS – 235 version b or c • IS – 240.b • IS – 241.b • IS – 242.b • IS-244.b 	Or
	<ul style="list-style-type: none"> • IS – 230 version d or e • E / L 101 • E/L 102 • E/L 103 • E/L 104 or 146 • E/L 105

7. *Oklahoma Optional Training*

All paid emergency management staff are highly encouraged to complete the three (3) following courses: ICS – 300 Intermediate ICS for Expanding Incidents, ICS – 400 Advanced Command and General Staff-Complex Incidents, and G – 191 ICS EOC Interface within the grant’s period of performance. For Fiscal Year 2022, this is an optional requirement, however, may become a requirement in future subgrants.

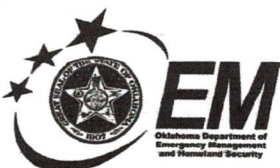
8. *Two (2) Exercises of Any Type*

The Subrecipient must conduct two (2) exercises of any type annually within their jurisdiction. The exercises should be based on local – approved plans, including but not limited to the Emergency Operations Plan (EOP), Hazard Mitigation Plan, Recovery / Maintenance Plans, etc. The types of exercises are Seminars, Workshops, Tabletops, Games, Drills, Functional, and Full – Scale, and they can be conducted as stand – alone events or in conjunction with an event such as the local planning meeting. All exercises must comply with the Homeland Security Exercise and Evaluation Program (HSEEP) requirements and format.

Note: ODEMHS and/or regionally hosted exercises, such as WebEOC Drills and Regional Coordination, will not fulfill this requirement. These exercises must exercise the Subrecipient’s jurisdictional Emergency Operations Plan.

Measurement Methods / Required Documentation:

- a. A copy of the Subrecipient After Action Report and Improvement Plan (AAR / IP) for each exercise must be submitted to OK EMGrants by the 4th quarter report and no later than October 10, 2023.



9. *Quarterly Regional Communication Drill/Exercise Participation*

The Emergency Management Director or designee must participate quarterly in their region's Communications Drill/Exercise through radio communication, phone call, and / or creating a Planned Event entry into the Oklahoma Emergency Management WebEOC Portal.

Note: Participation in Communications Drills/Exercises for regions that the subrecipient does not belong to is highly encouraged but will not count towards their EMPG requirement.

Measurement Methods / Required Documentation:

- a. Copy of the event ICS 205 Form
- b. A copy of the Regional After-Action Report and Improvement Plan (AAR / IP) for each exercise must be submitted to OK EMGrants by the 4th quarter report and no later than October 10, 2023.

Additional Requirements

10. *Event Reporting*

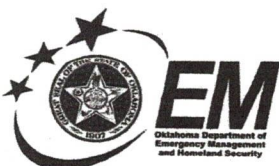
Pursuant to Oklahoma Statute Title 63-683.11. E 63, all impacting significant events within the Subrecipient's jurisdiction resulting in a threat to life, safety, or public health, and adverse impact on the local economy, or stress placed on local resources, any mutual aid request outside of the county, and / or regional resources must be reported to the and / or regional resources must be reported to the Oklahoma Department of Emergency Management and Homeland Security (ODEMHS). In addition, any event that your local jurisdiction would sign a disaster / emergency proclamation and request the State for Federal declaration assistance must also be reported to qualify for potential disaster assistance.

Measurement Methods / Required Documentation:

- a. Create and maintain updates via WebEOC Local Boards and / or through contacting the State Emergency Operations Center (SEOC) Duty Officer (See **Article 2.7: Eligibility Criteria**).

Article 4. Authorized Representatives

The Agency Director of the Oklahoma Department of Emergency Management and Homeland Security and the Subrecipient's Director of Emergency Management shall be the authorized representatives to complete work and negotiate changes to this agreement. On a form provided by ODEMHS, the Subrecipient will identify a Director of Emergency Management, an alternate point-of-contact (such as a deputy director), and the Subrecipient's official mailing address. The Director of Emergency Management for the Subrecipient will serve as the official point-of-contact (POC), responsible for reporting on, or responding to inquiries regarding the five (5) phases of emergency management (mitigation, prevention, protection (both formerly combined into preparedness), response, and recovery) to include incident reporting (see **Article 3.10: Scope of Work – Event Reporting**).



Article 5. Funding Guidelines

EMPG Subgrant funds can only be used for the purposes set forth in this contract. All EMPG Subgrant fund expenditures must be accounted for and follow this funding guidance. Grant funds may not be used for matching funds for Federal grants, cooperative agreements, lobbying or intervention in Federal regulatory or adjudicatory proceedings. Additionally, EMPG Subgrant funds may not be used to sue the Federal government or any other government entity. It is the Recipient's intent to supplement (NOT supplant) city, county, and tribal Emergency Management program funds. This can only be achieved by the commitment and compliance of EMPG Subrecipients.

Authorized Expenditures:

Operations

FY22 EMPG Subgrant funds may be used for all hazards local Emergency Management operations activities that may include, but are not limited to:

- a. Staffing including salary and personnel costs
- b. Compensatory time off
- c. Overtime
- d. Day-to-day activities in support of Emergency Management
- e. Associated fringe benefits

Planning

FY22 EMPG Subgrant funds may be used for a range of Emergency Management planning activities that may include, but are not limited to:

- a. Community based planning to advance the Whole Community, Security and Emergency Management concept.
- b. Maintaining a current Hazard Mitigation plan inclusive of a Threat Hazard Identification and Risk Assessment (THIRA).
- c. Maintaining current Emergency Operations procedures that conform to the guidelines outlined in CPG 101 v.2.
- d. Developing and/or enhancing comprehensive Emergency Management plans.

Training

FY22 EMPG Subgrant funds may be used for a range of Emergency Management related training activities for the purposes of enhancing local Emergency Management's personnel capabilities.

Training related expenses may include, but are not limited to:

- a. Training development, delivery, and/or evaluation
- b. Overtime
- c. Travel, lodging and registration
- d. Hiring of full or part-time staff, contractors, or consultants



e. Certification or recertification of Instructors

Exercise

FY22 EMPG Subgrant funds may be used for a range of Emergency Management related exercise activities for the purposes of testing and improving local Subrecipient's Emergency Management Operations plans. Qualifying exercises are those conducted within the Subrecipient's jurisdictional boundaries.

Exercise related expenses may include, but are not limited to:

- a. Exercise conduct, design, development, and evaluation
- b. Hiring full or part-time staff, contractors, or consultants
- c. Travel, lodging, and registration
- d. Supplies

Equipment

In accordance with 2 CFR 200.310, 200.313, and 200.316 allowable equipment categories for the EMPG FY22 program are listed on the web-based version of the Authorized Equipment List (AEL). Unless otherwise stated, equipment must meet all mandatory, regulatory and/or FEMA adopted standards to be eligible for purchase using these funds. Additionally, agencies will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment. All requests to purchase Small Unmanned Aircraft Systems (SUAS) require pre - approval and must comply with Information Bulletin (IB) 426.

Unauthorized Expenditures:

- a. Reimbursement for the maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles). The only vehicle costs that are reimbursable are fuel and/or mileage.
- b. Equipment that is purchased for permanent installation and/or use beyond the scope of exercise conduct (e.g., electronic messaging signs).
- c. Durable and non-durable goods purchased for installation and/or use beyond the scope of exercise conduct.
- d. Grant funds must comply with IB 426 and may not be used for the purchase of the following equipment: firearms, ammunition, grenade launchers, bayonets, or weaponized aircraft, vessels, vehicles, or weapons systems of any kind with weapons installed.
- e. Costs associated with hiring, supplanting, equipping, training, etc. of sworn public safety officers whose primary job responsibilities include fulfilling traditional public safety duties such as law enforcement, firefighting, emergency medical services, or other first responder duties.
- f. Activities unrelated to the completion and implementation of the EMPG.
- g. Other items not in accordance with the authorized expenses listed above.



Article 6. Subgrant Administration Requirements

1. Any tasking the Oklahoma Department of Emergency Management and Homeland Security receives from the U.S. Department of Homeland Security, FEMA or any other federal agency that is Emergency Management related and requires the assistance of the Subrecipient shall also be considered as part of the required tasking elements under the EMPG Subgrant.
2. If the Subrecipient receives \$750,000 or more in Federal funds in Subrecipients EMPG FY22, they are responsible for compliance with the provisions of 2 CFR 200.501. The Subrecipient shall submit a copy of their audit letter signed by the auditor to the Oklahoma Department of Emergency Management and Homeland Security and/or uploaded into the Federal Audit Clearinghouse.
3. The FY22 EMPG Subgrant is a performance-based grant. To ensure EMPG requirements compliance, each Subrecipients performance shall be monitored. The Subrecipient must have an active Community Profile project and should be visited a minimum of four (4) times each year by a Regional Coordinator or other representative of ODEMHS. The field visits shall be conducted at a mutually agreed date, time, and location during each quarter.
4. Within ten (10) days following the end of each quarter the EMPG Subrecipient will submit via OK EMGrants a progress report to Oklahoma Department of Emergency Management and Homeland Security. Submitted documentation shall be maintained by the Subrecipient and ODEMHS for a minimum of three (3) years and shall be compliant with 2 CFR 200.333. In the event the receipt of the progress report is 30 or more days delinquent, it may result in notification of the Chief Elected Official. If the reporting for two (2) quarters is simultaneously delinquent or incomplete, it can result in Award Reduction or administrative close – out of the grant.

Quarter	Start Date	End Dates	Due Date
1 st Quarter	October 1, 2022	December 31, 2022	January 10, 2023
2 nd Quarter	January 1, 2023	March 31, 2023	April 10, 2023
3 rd Quarter	April 1, 2023	June 30, 2023	July 10, 2023
4 th Quarter	July 1, 2023	September 30, 2023	October 10, 2023

Article 7. Payment Terms

All payments will be contingent upon the Subrecipient's payment requests and supporting documentation of the Oklahoma Department of Emergency Management and Homeland Security review of required tasks. Should the Subrecipient meet the EMPG Subgrant performance requirements, the following shall occur:

1. Payment in the amount of 25% of the awarded FY22 EMPG Subgrant will be made by the Oklahoma Department of Emergency Management and Homeland Security for the First Quarter, after January 10, 2023. This is contingent upon receipt of the fully executed agreement and request for reimbursement from the Subrecipient. Documentation of the



first quarter's tasks and supporting documentation for expenditures and match requirements are required. Payment will not be made until the terms of the agreement have been met and affirmed by ODEMHS.

2. Payment in the amount of 25% of the awarded FY22 EMPG Subgrant will be made for the Second Quarter after April 10, 2023. This is contingent upon receipt of request for reimbursement from the Subrecipient. Documentation of the second quarter's tasks and supporting documentation for expenditures and match requirements are required. Payment will not be made until terms of the agreement have been met and affirmed by ODEMHS.
3. Payment in the amount of 25% of the awarded FY22 EMPG Subgrant will be made for the Third Quarter after July 10, 2023. This is contingent upon receipt of request for reimbursement from the Subrecipient. Documentation of the third quarter's tasks and supporting documentation for expenditures and match requirements are required. Payment will not be made until terms of the agreement have been met and affirmed by ODEMHS.
4. Final payment in the amount of 25% of the awarded FY22 EMPG Subgrant will be made for the fourth quarter after October 10, 2023. This is contingent upon receipt of request for reimbursement from the Subrecipient. Documentation of the fourth quarter's tasks and supporting documentation for expenditures and match requirements are required. Payment will not be made until terms of the agreement have been met and affirmed ODEMHS.

Any payment requests received on or prior to the 10th day of any month will be processed the same month. Any payment requests submitted after the 10th day of any month will be processed the same month or the following month.

Article 8. Overmatch Funds

The Subrecipient will provide quarterly payroll and fringe benefit reports with each request for reimbursement. Salary and fringe benefits amounts will be used to meet Subrecipients' 50/50 match requirements. The Subrecipient agrees that ODEMHS may use the documented salary and fringe benefits more than its match / Overmatch to meet its own match requirements. The Subrecipient may request to retain a portion of its Overmatch by written request and written approval by ODEMHS. The Subrecipient agrees to follow Code of Federal Regulations (2 CFR) and the FEMA Fiscal Year 2022 Emergency Management Preparedness Grant (EMPG) Notice of Funding Opportunity (NOFO) guidelines. The jurisdiction further agrees that overmatch funds provided to ODEMHS cannot be used to match any other Federal Funds.

Article 9. Time of Completion

The Subrecipient shall complete all work from October 1, 2022, through September 30, 2023. A time extension may be approved through a written request and approval from the ODEMHS Grants Management Division.



Article 10. General Provisions

1. All work shall be completed in a professional manner and in compliance with all applicable laws.
2. To the extent required by law, individuals duly licensed and authorized by law to do so shall perform all work.
3. The Subrecipient warrants that it is adequately insured for injury to its employees and others incurring loss or injury due to the acts of the Subrecipients or its employees or agents.
4. The Subrecipient agrees that neither it nor its employees or agents are covered under insurance paid for by the State of Oklahoma and are not authorized to obligate the State of Oklahoma, its employees, or agents.
5. The Standard Assurances for Federal Funds submitted by the Subrecipient, as part of their application package, are hereby referenced and incorporated into this agreement.

Article 11. Amendments

Any alterations or deviations to this agreement shall be executed only upon written agreement of both parties, and if there is a change to the agreement awarded for such alteration or deviation, it shall be noted.

Article 12. Waiver of Scope of Work Line Items

One (1) waiver relieving the Subrecipient from having to complete a basic scope of work line item (**Article 3 Scope of Work**) may be requested to the Grants Management Division and may be subject to approval by the ODEMHS Agency Director and / or the Grants Management Division Team.

Article 13. Award Reduction or De - Obligation

If the Subrecipient fails to complete or adhere to the financial or performance based Subgrant requirements, the award amount is subject to a reduction or full de-obligation. This includes the lack of funding match, incomplete quarterly reports, and/or consistently late submissions of required documentations.

Article 14. Suspension of Subgrant / Debarment from Future Awards

If the Subrecipient fails to complete the agreed scope of work, they may be barred from participation in the Subgrant program for the following Federal Fiscal Year. Subrecipient will maintain active status in SAM.gov.



Article 15. Duration and Closeout

This agreement shall be in full force and effective on October 1, 2022, for both parties and terminate on September 30, 2023. Either party may cancel this agreement by providing 15 days' notice in writing to the other party. ODEMHS may at its discretion extend the term of the closeout of this agreement. If approved, extensions are typically approved for no more than a 30-day period.

Article 16. Audit Clause

In accepting this agreement, the Subrecipient agrees to this audit clause which provides that books, records, documents, accounting procedures, practices, or any other items of the Subrecipient relevant to the agreement are subject to examination by the Federal Emergency Management Agency, the Oklahoma Department of Emergency Management and Homeland Security, the State of Oklahoma and the State Auditor and Inspector.

Article 17. Non – Collusion

In accepting this agreement, the Subrecipient acknowledges that they have not paid, given, or donated or agreed to pay, give, or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring this agreement.



Oklahoma FY22 Emergency Management Performance Subgrant

Appendix A. Federal Agreement Articles

Article I - USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. sections 175-175c.

Article II - Universal Identifier and System of 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 III - Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article IV - SAFECOM

Recipients receiving federal financial assistance 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.

Article V - Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

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.)



Article VII - Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101-12213), which prohibits recipients from discriminating based on disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article VIII - False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

Article IX - Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article X - Federal Leadership on Reducing Text Messaging while Driving

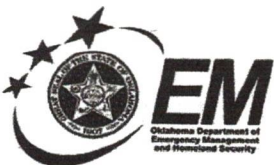
Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government

Article XI - Reporting Subawards and 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 XII - Non-Supplanting Requirement

Recipients receiving federal financial assistance 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.



Article XIII - Best Practices for Collection and Use of Personally Identifiable Information (PII)

Recipients who collect PII are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

Article XIV - National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article XV - Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973), (codified as amended at 29 U.S.C. section 794,) which provides that no otherwise qualified handicapped individuals 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.

Article XVI - Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. section 2000d et seq.) prohibition against discrimination based on 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. 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>.

Article XVII - 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. section 2225a, 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, (codified as amended at 15 U.S.C. section 2225.)



Article XVIII - Trafficking Victims Protection Act of 2000 (TVPA)

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

Article XIX - Reporting of Matters Related to Recipient Integrity and Performance

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article XX - Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to 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.

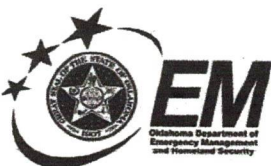
Article XXI - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article XXII - Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.



Article XXIII - Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

Article XXIV - Energy Policy and Conservation Act

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. section 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article XXV - Civil Rights Act of 1964 - Title VI

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 2000d et seq.), 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. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article XXVI - Notice of Funding Opportunity Requirements

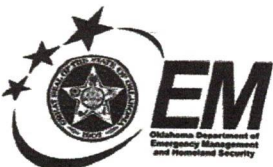
All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

Article XXVII - Lobbying Prohibitions

Recipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance 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 related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article XXVIII - Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.



Article XXIX - Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. sections 8101-8106).

Article XXX - Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article XXXI - Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination based on age in any program or activity receiving federal financial assistance.

Article XXXII - Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200.313.

Article XXXIII - Activities Conducted Abroad

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.

Article XXXIV - DHS Specific Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.

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 federal financial assistance award 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 program guidance.

Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.



Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article XXXV - Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, 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 (see 42 U.S.C. section 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. 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 C.F.R. Part 100, Subpart D.)

Article XXXVI - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide that no person in the United States will, based on 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. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

Article XXXVII - Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. section 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. section 40118, and the interpretative guidelines



issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article XXXVIII - Debarment and Suspension

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article XXXIX - Use of DHS Seal, Logo, and Flags

Recipients must obtain permission from their DHS FAO 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 reproductions of flags or likenesses of Coast Guard officials.

Article XL - Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. Section 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. Section 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article XLI - Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.



Oklahoma FY22 Emergency Management Performance Subgrant Appendix B. Program Changes

Preparedness and Planning

The **Communication Initiative has been Removed**. This requirement has been replaced by the Quarterly Regional Communication Drill/Exercise Participation (see in the Training and Exercise section below).

Participants are expected to attend at least two (2) **Regional Emergency Management/ Preparedness Meetings** for their designated region aside from their Annual Workshop. An Agenda and Sign In Sheets are required; Minutes are optional.

Training and Exercise

Clarification on Exercises: Exercises should be jurisdiction – focused projects. Exercises such as the ODEMHS WebEOC drill, evaluating another jurisdiction’s exercise, or similar exercises that do not focus on the jurisdictional gap/needs/plans will not be accepted for this requirement.

Homeland Security Exercise and Evaluation Program, also known as HSEEP, has long been a requirement for EMPG, however we will be more rigorous with this requirement starting with FY22 EMPG. If additional information is needed for the Subrecipient, they will need to contact their Regional Coordinator for assistance.

Regional Communication Drill / Exercise Participation is required at least once quarterly. These will be counted in their own category since the “Two Exercise of Any Type” requirement does not permit them. This replaces the Communications Initiative requirement of 2021.

Additional Requirements

Formerly known as Article 4, **Event Reporting** was placed into the Scope of Work for EMPG 21 to ensure and encourage integration between local jurisdictions and the State Emergency Operations Center (SEOC). The lack of reporting or maintaining communication with the State can cause potential strain with regional capacity for a large scale or high-risk event. To minimize the strain, alerting the Watch Officer and / or Regional Coordinator on potentially hazardous event early on will allow for more time for assistance to be determined. In addition, the lack of event reporting can decrease the chance of getting assistance for recovery following a disaster due to the lack of information and awareness regarding the jurisdiction’s situation.



Application Documentation

The **Delegation of Authority** form is an optional document that permits the Subrecipient's Highest Elected /Tribal Official(s) to delegate the quarterly Request for Payment activity to the Subrecipient's Emergency Management Director. This would include signing the form to get paid.

A **Proposed Preparedness Activities** form has been created to help form a list of activities, projects, training, and exercises to be completed and submitted with the application. This list is a proposal list and items are permitted to change throughout the period of performance. A summary and/or calendar of the activities can also suffice in lieu of this form.



Elected Officials / City Manager / Tribal Officials Signature Page

By signing below, we are applying for the Oklahoma 2022 Emergency Management Program Grant Subgrant Program. Our jurisdiction is committed to fulfilling the application requirements listed within this agreement and have an understanding that, if our jurisdiction fails to abide by this agreement, the grant funding is subject to a reduction, full de-obligation, and / or inability to participate in future EMPG Subgrant funding programs.

Approved By:



County Commissioner, District 1

City Mayor or Manager



County Commissioner, District 2

Tribal Official

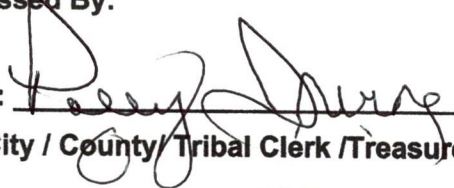


County Commissioner, District 3

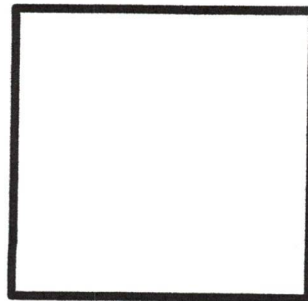


Emergency Management Director

Witnessed By:


Name: _____
City / County / Tribal Clerk / Treasurer

Date: 8/22/22



Notary

