



Powered by ZoomGrants™

Washoe County Emergency Management & Homeland Security Program
Washoe County
84,469.52

Sub-Grantee Award

STATE OF NEVADA
NEVADA OFFICE OF EMERGENCY MANAGEMENT (OEM/HS)
2478 Fairview Drive, Carson City, NV 89701
Telephone (775) 687-0300, Fax (775) 687-0322

Subrecipient Grant Award

Subrecipient: Washoe County Emergency Management & Homeland Security Program

Program Name: EMPG

Federal Grant Award Number: EMF-2025-EP-05001

UEI (formally known as OEM/HS DUNS): XVTREHCXGM77

Subrecipient UEI: GPR1NY74XPQ5

Subrecipient Award Amount: \$84,469.52

Assistance Listing Number (ALT) (formally CFDA): 97.042

Project Title: Washoe County

Subrecipient Period of Performance: October 1, 2024 - September 30, 2026

Federal Award Period to OEM/HS: October 1, 2024 - September 30, 2027

Federal Award Amount to OEM/HS: \$4,218,945.00

This award in the amount of \$84,469.52 is subject to the requirements (federal, state, financial, and program assurances) established by the Federal Government, the Nevada Office of Emergency Management (OEM/HS). This award is subject to the availability of federal funding.

Special Conditions: (If Applicable) This project is approved subject to such conditions or limitations as set forth on the attached page(s)

MOU Required: No

EHP Required: No

Federal Funding Hold: No

As the duly authorized representative of the Washoe County Emergency Management & Homeland Security Program (Subrecipient or Recipient), Francisco Ceballos, hereby certify that the Subrecipient has the legal authority to apply for federal grant assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of the project cost) to ensure proper planning, management, and completion of the described project ("Project") within the period of performance. I further acknowledge that the Subrecipient is responsible for reviewing and adhering to all of the following legal and programmatic requirements, which are incorporated by reference and through the following Attachments:

Attachment A	Fiscal Year 2025 Emergency Management Performance Grant, Notice of Funding Opportunity
Attachment B	Fiscal Year 2025 Emergency Management Performance Grant, Award Letter and Federal Agreement Articles
Attachment C	Preparedness Grants Manual
Attachment D	OEM/HS Grant Management Guide
Attachment E	State Administrative Manual (SAM)
Attachment F	EHP Screening Form
Attachment G	FEMA Contract Provisions Guide
Attachment H	2 CFR Part 200
Attachment I	Nevada Revised Statutes, Chapters 332 and 333, as applicable
Attachment J	Nevada Administrative Code 333, if applicable

In addition to the above-listed requirements, Washoe County Emergency Management & Homeland Security Program hereby agrees to comply with the following Federal and State Grant Award Articles:

FEDERAL ARTICLES

Article 1 - DHS Specific Acknowledgements and Assurances

Washoe County Emergency Management & Homeland Security Program is required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in effect as of the federal award date and located in Title 2, Code of Federal Regulations, Part 200 and adopted by DHS at 2 C.F.R. §3002.10.

Washoe County Emergency Management & Homeland Security Program must acknowledge and agree to provide DHS access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R. § 200.337.

1. Washoe County Emergency Management & Homeland Security Program must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Washoe County Emergency Management & Homeland Security Program 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 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.
3. Washoe County Emergency Management & Homeland Security Program must submit timely, complete, and accurate reports to OEM/HS officials and maintain appropriate backup documentation to support the reports.
4. Washoe County Emergency Management & Homeland Security Program must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Article 2 - Acknowledgement of Federal Funding from DHS

Washoe County Emergency Management & Homeland Security Program 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 award funds.

Article 3 - Activities Conducted Abroad

Washoe County Emergency Management & Homeland Security Program must coordinate with appropriate government authorities when performing project activities outside the United States obtain all appropriate licenses, permits, or approvals.

Article 4 - Age Discrimination Act of 1975

Washoe County Emergency Management & Homeland Security Program 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 on the basis of age in any program or activity receiving federal financial assistance.

Article 5 - Americans with Disabilities Act of 1990

Washoe County Emergency Management & Homeland Security Program 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 Washoe County Emergency Management & Homeland Security Program from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article 6 - Best Practices for Collection and Use of Personally Identifiable Information (PII)

Washoe County Emergency Management & Homeland Security Program is 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. The DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template, is a useful resource.

Article 7 - CHIPS and Science Act of 2022, Public Law 117-167 CHIPS

Washoe County Emergency Management & Homeland Security Program must comply with the CHIPS and Science Act of 2022, if applicable: (1) Recipients of DHS research and development (R&D) awards must report to the DHS Component research program office any finding or determination of sex based and sexual harassment and/or an administrative or disciplinary action taken against principal investigators or co-investigators to be completed by an authorized organizational representative (AOR) at the recipient institution. (2) Notification. An AOR must disclose the following information to agencies within 10 days of the date/the finding is made, or 10 days from when a recipient imposes an administrative action on the reported individual, whichever is sooner. Reports should include: (a) Award number, (b) Name of PI or Co-PI being reported, (c) Awardee name, (d) Awardee address, (e) AOR name, title, phone, and email address, (f) Indication of the report type: (i) Finding or determination has been made that the reported individual violated awardee policies or codes of conduct, statutes, or regulations related to sexual

harassment, sexual assault, or other forms of harassment, including the date that the finding was made. (ii) Imposition of an administrative or disciplinary action by the recipient on the reporting individual related to a finding/determination or an investigation of an alleged violation of recipient policy or codes of conduct, statutes, or regulations, or other forms of harassment. (iii) The date and nature of the administrative/disciplinary action, including a basic explanation or description of the event, which should not disclose personally identifiable information regarding any complaints or individuals involved. Any description provided must be consistent with the Family Educational Rights in Privacy Act. (3) Definitions. (a) An “authorized organizational representative (AOR)” is an administrative official who, on behalf of the proposing institution, is empowered to make certifications and representations and can commit the institution to the conduct of a project that an agency is being asked to support as well as adhere to various agency policies and award requirements. (b) “Principal investigators and co-principal investigators” are award personnel supported by a grant, cooperative agreement, or contract under Federal law. (c) A “reported individual” refers to recipient personnel who have been reported to a federal agency for potential sexual harassment violations. (d) “Sex based harassment” means a form of sex discrimination and includes harassment based on sex, sex stereo types, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. (e) “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment, whether such activity is carried out by a supervisor or by a co-worker, volunteer, or contractor.

Article 8 - Civil Rights Act of 1964 - Title VI

Washoe County Emergency Management & Homeland Security Program must comply with the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352 (codified as amended at 42 U.S.C. § 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 9 - Civil Rights Act of 1968

Washoe County Emergency Management & Homeland Security Program must comply with Title VIII of the *Civil Rights Act of 1968*, Pub. L. No. 90-284 (codified as amendment at 42 U.S.C. § 2000d et seq.), 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, 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 10 - Copyright

Washoe County Emergency Management & Homeland Security Program must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. §200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

Article 11 - Debarment and Suspension

Washoe County Emergency Management & Homeland Security Program is subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689 set forth at 2 C.F.R. Part 180 as implemented by DHS at 2 C.F.R. Part 3000. These regulations prohibit Washoe County Emergency Management & Homeland Security Program from entering into covered transactions (such as 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 12 - Drug-Free Workplace Regulations

Washoe County Emergency Management & Homeland Security Program must comply with drug-free

workplace requirements in Subpart B (or Subpart C, if the Subrecipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of the Drug-Free Workplace Act of 1988 (41 U.S.C. sections 8101- 8106).

Article 13 - Duplicative Costs

Washoe County Emergency Management & Homeland Security Program is prohibited from charging any cost to this federal award that will be included as a cost used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f). However, Washoe County Emergency Management & Homeland Security Program may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article 14 - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Washoe County Emergency Management & Homeland Security Program 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, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17. Washoe County Emergency Management & Homeland Security Program must also comply with FEMA's implementing regulations at 44 C.F.R. Part 19.

Article 15 - Energy Policy and Conservation Act

Washoe County Emergency Management & Homeland Security Program 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 16 - Equal Treatment of 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. Washoe County Emergency Management & Homeland Security Program 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 participation of faith-based organizations in individual DHS programs.

Article 17 - Anti-Discrimination

Washoe County Emergency Management & Homeland Security Program must comply with all applicable Federal anti-discrimination laws material to the government's payment decisions for purposes of 31 U.S.C. § 3729(b)(4).

1. As used in this clause – (a) DEI means “diversity, equity, and inclusion.” (b) DEIA means “diversity, equity, inclusion, and accessibility.” (c) Discriminatory equity ideology has the meaning set forth in Section 2(b) of Executive Order 14190 of January 29, 2025. (d) Discriminatory prohibited boycott means refusing to deal, cutting commercial relations, or otherwise limiting commercial relations specifically with Israeli companies or with companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of Israel to do business. (e) Federal anti-discrimination laws mean Federal civil rights law that protect individual Americans from discrimination on the basis of race, color, sex, religion, and national origin. (f) Illegal immigrant means any alien, as defined in 8 U.S.C. §1101(a)(3), who has no lawful immigration status in the United States.
2. Grant award certification. (a) By accepting the grant award, Washoe County Emergency Management & Homeland Security Program is certifying that: (i) They do not, and will not during the term of this financial assistance award, operate any programs that advance or promote DEI, DEIA, or discriminatory equity ideology in violation of Federal anti-discrimination laws; and (ii) They do not engage in and will not during the term of this award engage in, a discriminatory prohibited boycott.
3. DHS reserves the right to suspend payments in whole or in part and/or terminate financial assistance awards if the Secretary of Homeland Security or her designee determines that the subrecipient has violated any provision of subsection (2).

4. Upon suspension or termination under subsection (3), all funds received by the subrecipient shall be deemed to be in excess of the amount that the subrecipient is determined to be entitled to under the Federal award for purposes of 2 C.F.R. § 200.346. As such, all amounts received will constitute a debt to the Federal Government that may be pursued to the maximum extent permitted by law.

Article 18 – False Claims Act and Program Civil Fraud Remedies

Washoe County Emergency Management & Homeland Security Program must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made).

Article 19 - Federal Debt Status

Washoe County Emergency Management & Homeland Security Program is 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 20 - Federal Leadership on Reducing Text Messaging while Driving

Washoe County Emergency Management & Homeland Security Program is encouraged to adopt and enforce policies that ban text messaging while driving subrecipient-owned, subrecipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Subrecipient is also encouraged to conduct the initiatives of the type described in Section 3(a) of Executive Order 13513.

Article 21 - Fly America Act of 1974

Washoe County Emergency Management & Homeland Security Program must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: Certificated Air Carriers List | US Department of Transportation, <https://www.transportation.gov/policy/aviation-policy/certificated-aircarriers-list>) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article 22 - Hotel and Motel Fire Safety Act of 1990

Washoe County Emergency Management & Homeland Security Program must ensure that all conference, meeting, convention, or training space funded entirely or in part by federal award funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a.

Article 23 – John S. McCain National Defense Authorization Act of Fiscal Year 2019 Washoe County Emergency Management & Homeland Security Program is subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Article 24 - Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Washoe County Emergency Management & Homeland Security Program must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. 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 25 - Lobbying Prohibitions

Washoe County Emergency Management & Homeland Security Program must comply with 31 U.S.C. §

1352 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal award may be expended by the subrecipient 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. Per 6 C.F.R. Part 9, subrecipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on Grants.gov as the Grants.gov Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).

Article 26 - National Environmental Policy Act

Washoe County Emergency Management & Homeland Security Program must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires 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 27 - National Security Presidential Memorandum-33 (NSPM-33) and provisions of the CHIPS and Science Act of 2022, Pub. L. 117-167, Section 10254

Washoe County Emergency Management & Homeland Security Program must ensure that research institutions ("covered institutions") comply with the requirements in NSPM-33 and provisions of Pub. L. 117-167, Section 10254 (codified at 42 U.S.C. § 18951) certifying that the institution has established and operates a research security program that includes elements relating to: (a) cybersecurity; (b) foreign travel security; (c) research security training; and (d) export control training, as appropriate. (2) Definition. "Covered institutions" means recipient research institutions receiving federal Research and Development (R&D) science and engineering support "in excess of \$50 million per year."

Article 28 - Non-Supplanting Requirement

Washoe County Emergency Management & Homeland Security Program must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.

Article 29 - Notice of Funding Opportunity Requirements

All of 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. Washoe County Emergency Management & Homeland Security Program must comply with any such requirements set forth in the program NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the federal award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.

Article 30 - Patents and Intellectual Property Rights

Washoe County Emergency Management & Homeland Security Program is subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq. Washoe County Emergency Management & Homeland Security Program is 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 31 - Presidential Executive Orders

Washoe County Emergency Management & Homeland Security Program must comply with the requirements of Presidential Executive Orders related to grants (also known as federal assistance and financial assistance), the full text of which are incorporated by reference.

Article 32 - Procurement of Recovered Materials

Washoe County Emergency Management & Homeland Security Program 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 at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. 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.

Article 33 - Rehabilitation Act of 1973

Washoe County Emergency Management & Homeland Security Program 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 34 – Required Use of American Iron, Steel, Manufactured Products, and Construction

Materials

If Washoe County Emergency Management & Homeland Security Program receives a federal award from a financial assistance program that provides funding for infrastructure are hereby notified that none of the funds provided under this federal award may be used for a project for infrastructure unless: (a) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (b) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (c) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. (2) The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. (3) Waivers - When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements. (a) When the Federal agency has determined that one of the following exceptions applies, the federal awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (i) applying the domestic content procurement preference would be inconsistent with the public interest; (ii) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (iii) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. (b) A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. (c) There may be instances where a federal award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. (4) Definitions. The definitions applicable to this term are set forth at 2 C.F.R. § 184.3, the full text of which is incorporated by reference.

Article 35 - SAFECOM

Washoe County Emergency Management & Homeland Security Program must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. The SAFECOM Guidance is updated annually and can be found at Funding and Sustainment | CISA.

Article 36 – System for Award Management & Unique Entity Identifier Requirements

Washoe County Emergency Management & Homeland Security Program is 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 37 – Termination of the Federal Award

Termination of a Federal Award by FEMA:

Washoe County Emergency Management & Homeland Security Program acknowledges and accepts that FEMA may terminate the federal award in whole or in part for one of the following reasons identified in 2 C.F.R. § 200.340:

1. If the recipient or subrecipient fails to comply with the terms and conditions of the federal award.
2. With the consent of the recipient, in which case FEMA and the recipient must agree upon termination conditions. The conditions include effective date and, in the case of partial termination, the portion to be terminated.
3. If the federal award no longer effectuates the program goals or agency priorities. Under this provision, FEMA may terminate the award for these purposes if any of the following reasons apply:
 - a. If DHS/FEMA, in its sole discretion, determines that a specific award objective is ineffective at achieving program goals as described in this NOFO;
 - b. If DHS/FEMA, in its sole discretion, determines that an objective of the award as described in this NOFO will be ineffective at achieving program goals or agency priorities;
 - c. If DHS/FEMA, in its sole discretion, determines that the design of the grant program is flawed relative to program goals or agency priorities;
 - d. If DHS/FEMA, in its sole discretion, determines that the grant program is not aligned to either the DHS Strategic Plan, the FEMA Strategic Plan, or successor policies or documents;
 - e. If DHS/FEMA, in its sole discretion, changes or re-evaluates the goals or priorities of the grant program and determines that the award will be ineffective at achieving the updated program goals or agency priorities; or
 - f. For other reasons based on program goals or agency priorities described in the termination notice provided to the recipient pursuant to 2 C.F.R. § 200.341.
 - g. If the awardee falls out of compliance with the Agency's statutory or regulatory authority, award terms and conditions, or other applicable laws.

Termination of a Subaward by the Pass-Through Entity:

Washoe County Emergency Management & Homeland Security Program acknowledges and accepts that the pass-through entity may terminate a subaward in whole or in part for one of the following reasons identified in 2 C.F.R. §200.340:

1. If the subrecipient fails to comply with the terms and conditions of the federal award.
2. With the consent of the subrecipient, in which case the pass-through entity and the subrecipient must agree upon the termination conditions. These conditions include the effective date and, in the case of partial termination, the portion to be terminated.
3. If the pass-through entity's award has been terminated, the pass-through recipient will terminate its subawards.

Termination by the Recipient or Subrecipient:

Washoe County Emergency Management & Homeland Security Program acknowledges and accepts that the recipient or subrecipient may terminate the federal award in whole or in part for the following reasons identified in 2 C.F.R. § 200.340: Upon sending FEMA or the pass-through entity a written notification of the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if FEMA or the pass-through entity determines that the remaining portion of the federal award will not accomplish the purposes for which the federal award was made, FEMA or the pass-through entity may terminate the federal award in its entirety.

Impacts of Termination:

Washoe County Emergency Management & Homeland Security Program acknowledges and accepts the following impacts of Termination:

1. When FEMA terminates the federal award prior to the end of the period of performance due to the recipient's material failure to comply with the terms and conditions of the federal award, FEMA will report the termination in SAM.gov in the manner described at 2 C.F.R. §200.340(c).
2. When the federal award is terminated in part or its entirety, FEMA or the pass-through entity and the recipient or subrecipient remain responsible for compliance with the requirements in 2 C.F.R. §§ 200.344 and 200.345.

Notification Requirements:

Washoe County Emergency Management & Homeland Security Program acknowledges and accepts the following notification requirements:

1. FEMA or the pass-through entity must provide written notice of the termination in a manner consistent with 2 C.F.R. § 200.341.
2. The federal award will be terminated on the date of the notification unless stated otherwise in the notification.

Opportunities to Object and Appeals:

Washoe County Emergency Management & Homeland Security Program acknowledges and accepts that when FEMA terminates a federal award, the written notification of termination will provide the opportunity, and describe the process, to object and provide information challenging the action, pursuant to 2 C.F.R. § 200.342.

Effects of Suspension and Termination:

Washoe County Emergency Management & Homeland Security Program acknowledges and accepts the following effects of suspension and termination of a federal award:

The allowability of costs to the recipient or subrecipient, resulting from financial obligation incurred by the recipient or subrecipient, during a suspension or after a termination of a federal award, are subject to 2 C.F.R. § 200.343.

Article 38 - Terrorist Financing

Washoe County Emergency Management & Homeland Security Program 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 39 - Trafficking Victims Protection Act of 2000 (TVPA)

Washoe County Emergency Management & Homeland Security Program must comply with the requirements of the government-wide federal award term and condition which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The federal award term and condition is in 2 C.F.R. § 175.105, the full text of which is incorporated by reference.

Article 40 – Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot) Act of 2001, Pub. L. 107-56

Washoe County Emergency Management & Homeland Security Program must comply with the requirements of Pub. L.107-56, Section 817 of the USA PATRIOT Act, which amends 18 U.S.C. §§ 175–175c.

Article 41 - Use of DHS Seal, Logo, and Flags

Washoe County Emergency Management & Homeland Security Program must obtain permission from their DHS Financial Assistance Office 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. This includes use of DHS component (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.

Article 42 - Whistleblower Protection Act

Washoe County Emergency Management & Homeland Security Program must comply with the statutory requirements for whistleblower protections in 10 U.S.C § 470141 U.S.C. § 4712.

Article 43 - Environmental Planning and Historic Preservation

DHS/FEMA funded activities that could have an impact on the environment are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires Washoe County Emergency Management & Homeland Security Program to comply with all federal, state, and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; Endangered Species Act; National Historic Preservation Act of 1966, as amended; Clean Water Act; Clean Air Act; National Flood Insurance Program regulations; and any other applicable laws, regulations and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program. Applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The FEMA EHP review process must be completed before funds are released to carry out the proposed project, otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. DHS/FEMA may also need to perform a project closeout review to ensure the applicant complied with all required EHP conditions identified in the initial review. If ground disturbing activities occur during construction, the applicant will monitor the ground disturbance, and if any potential archaeological resources are discovered, the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA. EO 11988, Floodplain Management, and EO 11990, Protection of Wetlands, require that all federal actions in or affecting the floodplain or wetlands be reviewed for opportunities to relocate, and be evaluated for social, economic, historical, environmental, legal, and safety considerations. FEMA's regulations at 44 C.F.R. Part 9 implement the EOs and require an eight-step review process if a proposed action is in a floodplain or wetland or has the potential to affect or be affected by a floodplain or wetland. The regulation also requires that the federal agency provide public notice of the proposed action at the earliest possible time to provide the opportunity for public involvement in the decision-making process (44 C.F.R. § 9.8). Where there is no opportunity to relocate the federal action, FEMA is required to undertake a detailed review to determine what measures can be taken to minimize future damages to the floodplain or wetland.

Article 44 – Applicability of DHS Standard Terms and Conditions to Tribal Nations

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Tribal Nations, or there is a federal law or regulation exempting its application to Tribal Nations, then the acceptance by Tribal Nations, or acquiescence to DHS Standard Terms and Conditions does not change or alter its inapplicability to a Tribal Nation. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribal Nations where it does not already exist.

Article 45 - Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the non-state recipient or subrecipient (including subrecipients of a State or Tribal Nation), must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313(e). State recipients must follow the disposition requirements in accordance with State laws and procedures. 2 C.F.R. section 200.313(b). Tribal Nations must follow the disposition requirements in accordance with Tribal laws and procedures noted in 2 C.F.R. section 200.313(b); and if such laws and procedures do not exist, then Tribal Nations must follow the disposition instructions in 2 C.F.R. section 200.313(e).

Article 46 - Prior Approval for Modification of Approved Budget

Before making any change to the FEMA approved budget for this award, a written request must be submitted and approved by FEMA as required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(i) regarding the transfer of funds among direct cost categories, programs, functions, or activities. For awards with an approved budget where the federal share is greater than the simplified

acquisition threshold (currently \$250,000) and where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved, transferring funds among direct cost categories, programs, functions, or activities is unallowable without prior written approval from FEMA. For purposes of awards that support both construction and non-construction work, 2 C.F.R. section 200.308(f)(9) requires the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. Any deviations from a FEMA approved budget must be reported in the first Federal Financial Report (SF-425) that is submitted following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 47 - Indirect Cost Rate

2 C.F.R. section 200.211(b)(16) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for the award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article 48 – System for Award Management and Unique Entity Identifier Requirements

Recipients are required to comply with the requirements set forth in the government wide federal award term and condition regarding the System for Award Management and Unique Entity Identifier Requirements in 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated reference.

Article 49 - Build America, Buy America Act (BABAA) Required Contract Provision & Self-Certification

In addition to the DHS Standard Terms & Conditions regarding Required Use of American Iron, Steel, Manufactured Products, and Construction Materials, recipients and subrecipients of FEMA financial assistance for programs that are subject to BABAA must include a Buy America preference contract provision as noted in 2 C.F.R. section 184.4 and a self-certification as required by the FEMA Buy America Preference in FEMA Financial Assistance Programs for Infrastructure (FEMA Interim Policy #207-22-0001). This requirement applies to all subawards, contracts, and purchase orders for work performed, or products supplied under the FEMA award subject to BABAA.

STATE ARTICLES

Article 1 - Written Authorization

Washoe County Emergency Management & Homeland Security Program shall obtain a written authorization from its governing body in support of the grant project's scope of work (Project), which specifies that the Subrecipient agrees:

- a. To designate the authorized representative with the authority to bind the governing body;
- b. To provide all matching funds required for the Project;
- c. That any liability arising out of the performance of the Project and assurances will be the responsibility of the Washoe County Emergency Management & Homeland Security Program ; and
- d. Grant funds shall not be used to supplant expenditures controlled by the Washoe County Emergency Management & Homeland Security Program or its governing body.

Article 2 – Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, Washoe County Emergency Management & Homeland Security Program must request instructions from OEM/HS to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200.313.

Article 3 - Access to Records

Washoe County Emergency Management & Homeland Security Program 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 grant award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

Article 4 - Period of Performance

The period of performance for each grant award will be determined by OEM/HS based upon the deadlines imposed on OEM/HS by the terms of the federal grant. All work on the Project must be completed within the period of performance specified in this Grant Award. OEM/HS will periodically review the expenditures of the grant to ensure sufficient progress is made on the Project. If OEM/HS determines that the Project will not be completed within the period of performance, OEM/HS may terminate the grant and re-obligate the funding to other projects.

Article 5 - Funding Restrictions

Federal funds made available through an award may be used only for the purpose outlined in the award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other Federal award, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal Government or any other government entity.

Article 6 - Conflicts of Interest

Washoe County Emergency Management & Homeland Security Program 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.

Article 7 - Construction Projects

For construction projects, the Washoe County Emergency Management & Homeland Security Program will:

- a. Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and include a covenant in the title of real property acquired in whole, or in part, with federal assistance funds to ensure nondiscrimination during the useful life of the project;
- b. Comply with the requirements of the awarding agency with regard to the drafting, review, and approval of construction plans and specifications; and
- c. Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

Article 8 - Worker Compensation

Washoe County Emergency Management & Homeland Security Program will comply with provisions that require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Project, as per the worker's compensation laws set forth in NRS 616A, NRS 616B, NRS 616C, NRS 616D, and NRS 617.

Article 9 - Nevada Public Records Act and the Freedom of Information Act

Washoe County Emergency Management & Homeland Security Program acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA) contained in 5 U.S.C. § 552, and the Nevada Public Records Law, contained in Chapter 239 of the Nevada Revised Statutes.

Article 10 – Subrecipient Monitoring

Washoe County Emergency Management & Homeland Security Program agrees to participate in OEM/HS's monitoring visits and to follow up and take corrective action on all identified non-conformances and observations with action, which includes, but is not limited to, the submission and implementation of a corrective action plan to the OEM/HS.

Article 11 – Post Award Changes

In the event that FEMA or OEM determines that an error in the award package has been made, or if an administrative change must be made to the award package, Washoe County Emergency Management & Homeland Security Program will be notified of the change in writing. If Washoe County Emergency

Management & Homeland Security Program wants to modify the Project, a project change request must be submitted to OEM/HS, and written approval is required.

Article 12 – Assignment and Delegation

Washoe County Emergency Management & Homeland Security Program shall neither assign, transfer, nor delegate any rights, obligations, or duties under the Notice of Grant Award without prior approval of the OEM/HS.

Article 13 – Indemnification and Defense

To the fullest extent permitted by law, the Washoe County Emergency Management & Homeland Security Program shall indemnify, hold harmless and defend, not excluding the State's right to participate, the State from and against all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any breach of the obligations of Washoe County Emergency Management & Homeland Security Program under this Agreement, or any alleged negligent or willful acts or omissions of the Washoe County Emergency Management & Homeland Security Program, its officers, employees, and agents. Washoe County Emergency Management & Homeland Security Program obligation to indemnify the State shall apply in all cases except for claims arising solely from the State's own negligence or willful misconduct. Washoe County Emergency Management & Homeland Security Program waives any rights of subrogation against the State. Washoe County Emergency Management & Homeland Security Program duty to defend begins when the State requests defense of any claim arising from this Agreement.

Article 14 – Termination

The OEM/HS retains the right to terminate a sub-grant, for cause, at any time before completion of the grant period when it has determined that the Washoe County Emergency Management & Homeland Security Program has failed to comply with the conditions of this Grant Award.

- a. The OEM/HS reserves the right to terminate this Grant Award in whole or in part due to the failure of the Washoe County Emergency Management & Homeland Security Program to comply with any term or condition of the signed and agreed upon assurances, failure to implement audit/monitoring recommendations within the prescribed period of time, failure to communicate with or respond to any State Administrative Agency (SAA) request or communication, to acquire and maintain all required insurance policies, bonds, licenses, permits, and certifications or to make satisfactory progress in performing the program, financial and administrative requirements of the grant.
- b. The OEM/HS reserves the right to terminate or implement specific conditions to this Grant Award, based on decisions of Federal awarding agency, as set forth in 2 CFR § 200.339.
- c. The OEM/HS staff shall provide written notice of the termination and the reasons for such actions to the Subrecipient.
- d. The OEM/HS may, upon the termination of the award, procure, on terms and in the manner that it deems appropriate, materials or services to replace those described in the project description of the grant award. Washoe County Emergency Management & Homeland Security Program shall be liable to the OEM/HS for any excess costs incurred by the OEM/HS in procuring equivalent materials or services in substitution for materials or services described in the project description of the grant award.

Article 15 – Assent

Washoe County Emergency Management & Homeland Security Program agrees that the terms and conditions listed in the incorporated Attachments are specifically a part of this Grant Award.

Article 16 – Governing Law - Jurisdiction

This Grant Award and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. The parties' consent to the exclusive jurisdiction of and venue in the First Judicial District Court, Carson City, Nevada for enforcement of this agreement.

As the duly authorized representative I, Francisco Ceballos, hereby certifies that the Washoe County Emergency Management & Homeland Security Program will comply with the above grant award, attachments, assurances, and certifications.

Documents

**Washoe County Emergency
Management & Homeland
Security Program**

**Nevada Office of Emergency
Management / Homeland
Security**

[Attachment A - FY25 EMPG
NOFO](#)

[Attachment B - FY25 EMPG
FEMA Award Letter and
Agreement Articles](#)

[Attachment C - FEMA
Preparedness Grants Manual](#)

[Attachment D - OEM Grants
Manual](#)

[Attachment E - State
Administrative Manual](#)

[Attachment F - EHP Screening
Form](#)

[Attachment G - FEMA Contract
Provisions Guide](#)

[Attachment H - 2 CFR 200](#)

[Attachment I - NRS](#)

[Attachment J - NAC](#)

Signatures

**Washoe County Emergency
Management & Homeland Security
Program**

**Nevada Office of Emergency
Management / Homeland Security**

Not signed yet.