
TULSA COUNTY

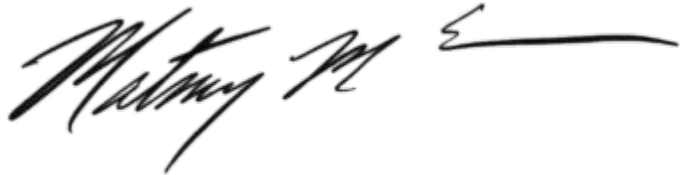
PURCHASING
DEPARTMENT

APPROVED
11/25/19

MEMO

DATE: November 20, 2019

FROM: Matney M. Ellis
Purchasing Director



TO: Board of County Commissioners

SUBJECT: Agreement- State of Oklahoma Department of Emergency Management

Submitted for your approval and execution in the attached Contractual Agreement between the Board of County Commissioners and the State of Oklahoma Department of Emergency Management for the FY2020 Emergency Management Performance Grant in the sum of \$79,000.00.

Respectfully submitted for your approval and execution.

MME / arh

SUBMITTED FOR: The November 25, 2019 agenda.

CMF# 20191142

FY 2020 Emergency Management Performance Grant Contractual Agreement

This agreement is entered into by and between the State of Oklahoma Department of Emergency Management, and, **Tulsa County** , hereinafter referred to as the “Subrecipient”. The Oklahoma Department of Emergency Management shall pay the Subrecipient for required works performed under the EMPG application and this contractual agreement the sum of **79,000.00** dollars, **subject to the following terms and conditions:**

Article 1. 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 or improves the community’s overall well-being. Achieving this collective capability calls for innovative approaches across the community. The efforts of the Oklahoma Department of Emergency Management are to assist a local Subrecipient’s Emergency Management with the capabilities to prevent, protect against, respond to and recover from natural disasters, threats of terrorism, and attacks both foreign and domestic. This includes enhancing local Subrecipient’s Emergency Management existing practices, programs, institutions and organizations.

1. Quarterly ALL Hazard, Whole Community Planning Group Meetings

An All-Hazard, Whole Community Planning group will be formed consisting of all Annexes 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 to meet quarterly.

Measurement Methods:

- a. A meeting invitation letter for each meeting to include a mailing list (can be an email copy).
- b. An agenda for each quarterly meeting
- c. Minutes of each quarterly meeting.
- d. Sign-in sheets for each quarterly meeting (dated).

2. Emergency Operations Plan

The Subrecipient must have an Emergency Operations Plan updated annually to participate in the Emergency Management Performance Grant. The All Hazard, Whole Community Planning Group will be directly involved in the quarterly planning and updates of the Subrecipient’s Emergency Operations Plan. The Emergency Operations Plan will be updated according to CPG 101-v.2

Measurement Methods:

- a. The quarterly report submitted to Oklahoma Department of Emergency Management.
- b. Sign-in Sheet from Quarterly Planning Meetings.
- c. An Emergency Operations Plan approval page signed by each of the Annexes or ESF representatives and the Subrecipient’s highest elected official.

3. A Hazard Mitigation Plan meeting one of the following criteria.

The Subrecipient should maintain a FEMA approved Hazard Mitigation Plan (HMP). In the absence of an approved HMP Subrecipient should demonstrate progress towards obtaining an approved plan.

Measurement Methods:

- a. A Hazard Mitigation plan approved by FEMA.

-OR-

- b. A plan and timeline describing how the Subrecipient will produce a FEMA approved plan.

4. A 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:

- a. A list of the training produced by all Annex or ESF agencies will be submitted to Oklahoma Department of Emergency Management quarterly.
- b. A list of the exercises produced by all Annex or ESF agencies will be submitted to Oklahoma Department of Emergency Management quarterly.

5. Two (2) Exercises of Any Type

The Subrecipient must conduct two (2) exercises of any type. The types of exercises are Seminars, Workshops, Tabletop, Games, Drills, Functional, and Full-Scale. (You can only count one WebEOC drill as part of the two.) All exercises need to test all or part of the Subrecipient's Emergency Operations Plan. You may also count one Federally Declared Disaster as an exercise.

Measurement Methods:

- a. A copy of the After Action Report-Improvement Plan (AAR-IP) for each exercise must be submitted to the Oklahoma Department of Emergency Management.

6. One (1) Full Scale Exercise

The Subrecipient must participate in one Full-Scale Exercise.

Measurement Methods:

- a. The AAR-IP for the Subrecipient's part of the exercise must be generated by the Subrecipient and a copy of the AAR-IP must be submitted to Oklahoma Department of Emergency Management.

7. Attendance of the Strategic Regional Planning Workshop

The Oklahoma Department of Emergency Management Regional Coordinator, in conjunction with local Emergency Managers, will host a Professional Development Workshop. The Emergency Management Director or designee shall attend their Regional Workshop, in its entirety.

Measurement Methods:

- a. A copy of the sign-in sheet or other appropriate documentation shall be submitted to Oklahoma Department of Emergency Management.

8. Attendance of the Annual Oklahoma Emergency Management Conference

The Emergency Management Director or designee shall attend the Annual Oklahoma Emergency Management Conference, in its entirety.

Measurement Methods:

- a. A copy of the sign-in sheet or other appropriate documentation shall be submitted to Oklahoma Department of Emergency Management.

9. Attendance of two (2) Oklahoma Department of Emergency Management Strategic Regional Planning Meetings

The Emergency Management Director or designee shall attend the Oklahoma Department of Emergency Management Regional Coordinator's Bi-Annual Quadrant meetings. Measurement Methods:

- a. A copy of the sign-in sheet.

10. Current List of Ongoing Whole Community Preparedness Projects

Activities could include, newspaper articles, talks on preparedness to schools and or civic groups, programming weather radios, etc. Remember to include all the Emergency Response Agencies'/Organizations' preparedness efforts in the reports.

Measurement Methods

- a. Copies of articles, agendas, sign in sheets, pictures, journal of actions taken depending on community preparedness actions taken.

11. EMPG Required Online Independent Study (IS) Courses.

All of the Subrecipient's paid emergency management staff are required to complete FEMA IS Courses by September 30th, 2020. This includes all course listed in Group 1 and either Group 2 (Professional Development) or Group 3 (Basic Academy) courses.

Group 1

- IS-100 (Any Version)
- IS-200 (Any Version)
- IS-700 (Any Version)
- IS-800 (Any Version)

Group 2

- IS-120.a **OR** IS-120.b **OR** IS-120.c
- IS-230.d
- IS-235.b **OR** IS-235.c
- IS-240.b
- IS-241.b
- IS-242.b
- IS-244.b

Group 3

- IS-230.d
- E/L 101
- E/L 102
- E/L 103
- E/L 104
- E/L 105

Measurement Methods

- a. Each quarter the Subrecipient shall demonstrate progress by submitting FEMA transcript(s) and/or FEMA Course certificates proving the completion of course work until all courses are completed for all paid emergency management staff.

Article 2. Funding Guidelines

EMPG Sub-Grant funds can only be used for the purposes set forth in this contract. **All EMPG Sub-Grant 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 Sub-Grant funds may not be used to sue the Federal government or any other government entity. It is the Oklahoma Department of Emergency Management's (OEM) 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:

1. Operations

FY 2020 EMPG Sub-Grant 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

2. Planning

FY 2020 EMPG Sub-Grant 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 Hazard Identification and Risk Assessment (HIRA).
- 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.

3. Training

FY 2020 EMPG Sub-Grant 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
- d. Hiring of full or part-time staff, contractors or consultants
- e. Certification or recertification of Instructors

4. Exercise

FY 2020 EMPG Sub-Grant 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
- d. Supplies

5. Equipment

In accordance with 2 CFR 200.310, 200.313, and 200.316 allowable equipment categories for the FY 2020 EMPG program are listed on the web based version of the Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB), which is sponsored by FEMA at <http://www.rkb.us>. 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 preapproval 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, or vehicles of any kind with weapons installed.
- e. Expenditures for weapons systems and ammunition.
- f. Costs to support the hiring of sworn safety officers (sworn law enforcement officers).
- g. Activities unrelated to the completion and implementation of the EMPG.
- h. Other items not in accordance with the aforementioned authorized expenses.

Article 3. Sub-Grant Administration Requirements

1. Any tasking the Oklahoma Department of Emergency Management 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 Sub-Grant.
2. If the Subrecipient receives \$750,000 or more in Federal funds in Subrecipients FY 2020, 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/or uploaded into the Federal Audit Clearinghouse.
3. **The FY 2020 EMPG Sub-Grant is a performance based grant.** In an effort to ensure EMPG requirements compliance, each Subrecipients performance shall be monitored. The Subrecipient will be visited a minimum of four (4) times each year by a Regional Coordinator or other representative of the Oklahoma Department of Emergency

Management. 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. Submitted documentation shall be maintained by the Subrecipient and the Department of Emergency Management 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 Chief Elected Official. If the reporting for two (2) quarters is simultaneously delinquent or incomplete, it can result in Award Reduction, Suspension and/or Debarment.

*** Please Note**

1st Quarter: October 1, 2019 – December 31, 2019

2nd Quarter: January 1, 2020 – March 31, 2020

3rd Quarter: April 1, 2020 – June 30, 2020

4th Quarter: July 1, 2020 – September 30, 2020

Article 4. Payment Terms

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

1. Payment in the amount of 25% of the awarded FY 2020 EMPG Sub-Grant will be made by the Oklahoma Department of Emergency Management for the First Quarter, after January 10, 2020. 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 The Oklahoma Department of Emergency Management.

2. Payment in the amount of 25% of the awarded FY 2020 EMPG Sub-Grant will be made for the Second Quarter after April 10, 2020. 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 the Oklahoma Department of Emergency Management.
3. Payment in the amount of 25% of the awarded FY 2020 EMPG Sub-Grant will be made for the Third Quarter after July 10, 2020. 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 the Oklahoma Department of Emergency Management.
4. Final payment in the amount of 25% of the awarded FY 2020 EMPG Sub-Grant will be made for the fourth quarter after October 10, 2020. 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 by the Oklahoma Department of Emergency Management.

Article 5. 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 award for such alteration or deviation, it shall be noted.

Article 6. Waiver of Scope of Work Line Items

Upon completion of a Request for Exception (Appendix 1) and subject to approval by OEM, one (1) waiver relieving the Subrecipient from having to complete a basic scope of work line item (Article 1 Scope of Work 1-10) may be approved.

Article 7. Award Reduction

If the Subrecipient fails to complete or adhere to the financial or performance based Sub-Grant requirements, the award amount is subject to a reduction.

Article 8. Suspension of Sub-Grant/Debarment from Future Awards

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

Article 9. Duration and Closeout

This agreement shall be in full force and effective on October 1, 2019 for both parties and terminate on September 30, 2020. Either party may cancel this agreement by providing 15 days notice in writing to the other party. OEM 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 10. 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, the State of Oklahoma and the State Auditor and Inspector.

Article 11. 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.

Article 12. National Environmental Policy Act (NEPA)

The Subrecipient shall comply with all applicable Federal, State, and local environment and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable laws including: National Environment Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11990) and Environmental Justice (12898). Failure of the Subrecipient to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding. Subrecipients shall not undertake any project having the potential to impact EHP resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings that are 50 years old or greater. Subrecipients must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbance activities occur

during project implementation, the Subrecipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated prior to the full environmental and historic preservation review could result in non-compliance finding. The Screening Form is available at: (<https://www.fema.gov/media-library/assets/documents/90195>). For these types of projects, grantees must complete the FEMA EHP Screening Form (OMB Number 1660-0115/FEMA Form 024-0-01) and submit it, with all supporting documentation, to Oklahoma Department of Emergency Management. Subrecipients should submit the FEMA EHP Screening Form for each project as soon as possible upon receiving their grant award.

Article 13. Authorized Representatives

The Agency Director of the Oklahoma Department of Emergency Management 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 OEM, 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 six (6) phases of emergency management (mitigation, preparedness, response, recovery, prevention, and protection) to include incident reporting.

Article 14. Overmatch Funds

As supported and documented within EMGrants, the Subrecipient may at its discretion allow OEM the use of its Overmatch funds. The Subrecipient agrees to follow Code of Federal Regulations (2

CFR) and the Emergency Management Preparedness Grant Notice of Funding Opportunity (NOFO) guidelines. The jurisdiction further agrees that overmatch funds provided cannot be used to match any other Federal Funds.

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FY 2020 Emergency Management Performance Grant Signature Page

Approved by the Oklahoma Department of Emergency Management

this 18th day of November, 2019:


Name 
Director, Oklahoma Department of Emergency Management

I certify Tulsa County is budgeting \$79,000.00 (The aforementioned amount must be equal to or exceed the grant dollar amount you are receiving) to match this EMPG Sub-Grant of 79,000.00 dollars. The Subrecipient's matching dollars cannot be federal dollars, dollars from another grant or budgeted dollars used to match any other grant.

Approved by the Governing body of Tulsa County, Oklahoma

this 25th day of November, 2019:

Name 
Chief Elected Official

Attest: 
Michael Willis, County Clerk



Approved as to Form:

James G. Rea Digitally signed by James G. Rea
Date: 2019.11.19 11:46:06 -06'00'
Assistant District Attorney

Appendix 1

Request for Exception to Scope of Work

Pursuant to Article 6 of the Contractual Agreement and subject to the approval of OEM

_____ (Subrecipient) requests an exception to Scope of Work item indicated

below:

- Quarterly ALL Hazard, Whole Community Planning Group Meetings
- Emergency Operations Plan
- Hazard Mitigation Plan
- Current List of Training and Exercises
- Two (2) Exercises of Any Type
- One (1) Full Scale Exercise
- Attendance of the Annual Oklahoma Emergency Management Conference
- Attendance of (2) Oklahoma Department of Emergency Management Strategic Regional Planning Meetings
- Current List of Ongoing Whole Community Preparedness Projects

Reason for Exception:

Signature of Authorized Representative

Printed Name

Date