



State of Wisconsin
Scott Walker, Governor



Department of Military Affairs
Donald P. Dunbar, Adjutant General

Office of the Adjutant General
2400 Wright Street · P.O. Box 14587 · Madison, WI 53708-0587

August 31, 2016

Ethan Kroll, Battalion Chief/Special Operations
Appleton Fire Department
700 North Drew Street
Appleton, WI 54911-5049

RE: Homeland Security/Firefighting Foam Cache for Crude Oil Response
DMA Grant Number: 2016-HSW-02A-10775

Dear Asst. Chief Kroll:

Congratulations! On behalf of General Dunbar, I have approved a grant award to City of Appleton in the amount of \$50,000. These funds are from DMA's Homeland Security Program available through the State of Wisconsin. This grant supports the City of Appleton Homeland Security/Firefighting Foam Cache for Crude Oil Response.

To accept this award, have the authorized official initial the bottom right corner of Attachments A and B, and sign the *Signatory Page*, *Certified Assurances*, and *OMB Standard Form 424B* (Attachment C). The Project Director should sign the *Acknowledgement Notice*. Two award packets are enclosed. Once signed, return one to WEM (attention: Deb Hughes) and keep the other for your records. Funds cannot be released until all signed documents are received.

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

Sincerely,

Brian M. Satula, Administrator
Wisconsin Emergency Management



State of Wisconsin
Scott Walker, Governor



Department of Military Affairs
Donald P. Dunbar, Adjutant General

Office of the Adjutant General
2400 Wright Street · P.O. Box 14587 · Madison, WI 53708-0587

FY'16 HOMELAND SECURITY PROGRAM GRANT AWARD
Homeland Security/Firefighting Foam Cache for Crude Oil Response
2016-HSW-02A-10775

The Department of Military Affairs (DMA), hereby awards to **City of Appleton**, (hereinafter referred to as the **Recipient**), the amount of **\$50,000** for programs or projects pursuant to the federal Homeland Security Grant Program.

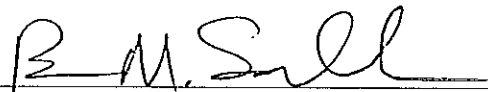
This grant may be used until **February 28, 2017** for the programs consistent with the budget and general conditions in Attachment A, subject to any limitations or conditions set forth in Attachments B and/or C, if included.

The Recipient shall administer the programs or projects for which this grant is awarded in accordance with the applicable rules, regulations, and conditions of the Department of Military Affairs. The submitted application is hereby incorporated as reference into this award.

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

DONALD P. DUNBAR

Major General
Wisconsin National Guard
The Adjutant General

BY: 
BRIAN M. SATULA
Administrator
Wisconsin Emergency Management

8/31/2016

Date

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

RECIPIENT: **City of Appleton**

BY: 
NAME: **Timothy Hanna**
TITLE: **Mayor**

9/13/16

Date

DEPARTMENT OF MILITARY AFFAIRS
ATTACHMENT A

APPROVED FY'16 HOMELAND SECURITY GRANT PROGRAM BUDGET

Recipient: City of Appleton

Project Title: Homeland Security/Firefighting Foam Cache for Crude Oil Response CFDA #97.067

Grant Period: From September 15, 2016 To February 28, 2017

Grant Number: 2016-HSW-02A-10775

APPROVED BUDGET

		<u>Federal & Match</u>
Personnel		
Employee Benefits		
Travel (Including Training)		
Equipment		\$50,000.00
Supplies & Operating Expenses		
Consultants		
Other		
FEDERAL TOTAL	<u>\$50,000.00</u>	
LOCAL CASH MATCH		
TOTAL APPROVED BUDGET	<u>\$50,000.00</u>	<u>\$50,000.00</u>

AWARD GENERAL CONDITIONS

1. Federal funds cannot be used to supplant local funds; they must increase the amount of funds that would otherwise be available from local resources.
2. To be allowable under a grant program, costs must be paid or obligated (purchase order issued) for services provided during the grant period. If obligated by the end of the grant period, payment must be made within 30 days of the grant period ending date.
3. Grant funds will be disbursed upon DMA receipt of copies of paid vendor invoices and requests for reimbursement (G-2) form. The G-2 form may be found at: <http://emergencymanagement.wi.gov/egrants/forms.asp>.
4. Recipients and subrecipients shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable Federal law and the standards identified in the Procurement Standards Sections of 2 C.F.R. §§ 200.318-326.
5. Reimbursement for travel (i.e. mileage, meals, and lodging) is limited to applicable state rates and timeframes. DMA Grants staff are available to answer questions before costs are incurred.
6. All income generated as a direct result of a grant-funded project shall be deemed program income. Program income must be used for the purpose and under the conditions applicable to the award. Program income should be used as earned and must be expended within the grant performance period. If the cost is allowable under the Federal grant program, then the cost would be allowable using program income. All program income must be reported to DMA on the request for reimbursement (G-2) form.
7. The recipient agrees that all publications created with funding under this grant shall prominently contain the following statement: "This document was prepared under a grant from the U.S. Department of Homeland Security."
8. The recipient agrees that when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
9. To be eligible to receive Federal preparedness funding assistance, applicants must meet NIMS compliance requirements. Information on achieving compliance is available through Wisconsin Emergency Management at <http://emergencymanagement.wi.gov/>
10. The recipient agrees that all allocations and use of funds under this grant will be in accordance with the Federal Fiscal Year (FY) 2016 Homeland Security Grant Program (HSGP) Notice of Funding Opportunity.
11. The recipient and any sub-recipients must comply with the Grant Announcement used to announce the funding opportunity.
12. The recipient and any sub-recipients must comply with the Grant Award Documents.
13. The recipient and any sub-recipients must cooperate with the Homeland Security Compliance Monitors.

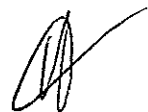


DEPARTMENT OF MILITARY AFFAIRS

ATTACHMENT B

Award Special Conditions

1. Agencies that accept funding are responsible for all sustainment cost.
2. Equipment shall be maintained and available to use as intended by the grant for the duration of its useful life. The sub-recipient is required to maintain proper equipment records. Sub-recipient seeking to dispose or transfer ownership of equipment must contact Wisconsin Emergency Management (WEM) Homeland Security Staff to obtain the Homeland Security Equipment Disposition Form, and further directions. If approved, the sub-recipient must maintain records of any equipment disposal or transfer of ownership. Any proceeds from the sale of equipment at or near the end of its useful life will be considered program revenue and must be reinvested into eligible homeland security expenses.
3. Municipalities receiving Class B foam for deployment under this project must sign a Memorandum of Understanding (MOU). Upload MOUs in Egrants within the monitoring section, under Project Document Attachment section.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a single name.

WISCONSIN DEPARTMENT OF MILITARY AFFAIRS

ATTACHMENT C

ASSURANCES - NON-CONSTRUCTION PROGRAMS

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

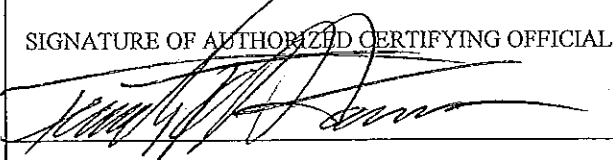
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

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

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

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 		TITLE Mayor
APPLICANT ORGANIZATION City of Appleton		DATE SUBMITTED 9/13/16

ACKNOWLEDGEMENT NOTICE

Date: August 2016

Recipient: City of Appleton

Grant No. 2016-HSW-02A-10775

Project Title: Homeland Security/Firefighting Foam Cache for Crude Oil Response

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

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

10/12/2016

1/12/2017

3/30/2017 - Final

PROGRESS REPORTS
NOTE:

Quarterly Reports due 04/12 include January, February and March program activity.

Quarterly Reports due 07/12 include April, May and June program activity.

Quarterly Reports due 10/12 include July, August and September program activity.

Quarterly Reports due 01/12 include October, November and December program activity

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

☒ **FINANCIAL REPORTS (G-2)** The G-2 request for reimbursement form may be found on the WEM website at <http://emergencymanagement.wi.gov/egrants/forms.asp> . Requests may be submitted monthly but, at a minimum, are due to WEM on:

10/12/2016

1/12/2017

3/30/2017 - Final

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

3/30/2017

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

☐ OTHER: _____

ACKNOWLEDGEMENT

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

9/6/2016

Date

Ethan Kroll

Ethan Kroll

, Project Director

Agreement Articles for Federal Fiscal Year 2016 Homeland Security Awards

Article I – Summary Description of Award

The purpose of the FY 2016 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. This HSGP award consists of State Homeland Security Program funding from Federal award # EMW-2016-SS-00037.

Article II – Acknowledgement of Federal Funding from DHS

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

Article III – Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article IV – Age Discrimination Act of 1975

All recipients must comply with the requirements of the Age Discrimination Act of 1965 (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Article V – Americans with Disabilities Act of 1990

All recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101-12213).

Article VI – Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as an 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. All award recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect.

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

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

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

Article VII – Civil Rights Act of 1964 - Title VI

All recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (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 VIII – Civil Rights Act of 1968

All recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 *et seq.*), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multi-family 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. § 100.201).

Article IX – Copyright

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

Article X – Assurances, Administrative Requirements and Cost Principles

1. Assurances

Recipients of Federal financial assistance from the Department of Homeland Security (DHS) must complete OMB Standard Form 424B (Assurances – Non-Construction Programs), included herein as Attachment C.

2. Administrative Requirements and Cost Principles

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

Article XI – Debarment and Suspension

All recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 C.F.R. Part 180. These regulations restrict 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 XII – Drug-Free Workplace Regulations

All recipients must comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 *et seq.*), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at 2 C.F.R. Part 3001.

Article XIII – Duplication of Benefits

Any cost allocable to a particular Federal award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or terms and conditions of the Federal awards; or for other reasons.

Article XIV – Energy Policy and Conservation Act

All recipients must comply with the requirements of 42 U.S.C. § 6201), which contains policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article XV – False Claims Act and Program Fraud Civil Remedies

All recipients must comply with the requirements of 31 U.S.C. §§ 3729 - 3733, which prohibits the submission of false or fraudulent claims for payment. See also 38 U.S.C §§ 3801-3812, which details the administrative remedies for false claims and statements made.

Article XVI – Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 for additional information.

Article XVII – Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretive guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article XVIII – 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. § 2225a, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C § 2225.

Article XIX – Limited English Proficiency (Civil Rights Act of 1964, Title VI)

All recipients must comply with Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and guidance, please refer to the DHS Recipient Guidance <http://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article XX – Lobbying Provisions

All recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence, an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

Article XXI – Non-supplanting Requirement

All recipients must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources.

Article XXII – Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, PL 96-517, as amended, and codified in 35 U.S.C. § 200 *et. seq.* All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

Article XXIII – Procurement of Recovered Materials

All recipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. 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 XXIV – Termination of Agreement

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

1. DMA/WEM may terminate this grant award at any time for cause by delivering thirty (30) days written notice to the Recipient. Upon termination, the awarding agency's liability will be limited to the pro rata cost of the services performed as of the date of termination plus expenses incurred with the prior written approval of the awarding agency.

2. DMA/WEM may terminate this grant award at will effective upon delivery of written notice to the Recipient, under any of the following conditions:

- a. If the awarding agency's funding from federal, state, or other sources is not obtained and/or continued at levels sufficient to allow for purchases of the indicated quantity of services, the grant may be modified to accommodate a reduction or increase in funds.
- b. If federal or state laws, rules, regulations, or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this grant or are no longer eligible for the funding proposed for payments by this grant.
- c. If any license or certification required by law or regulation to be held by the Recipient to provide the services required by this grant award is for any reason denied, revoked, or not renewed.

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

Article XXV - SAFECOM

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

Article XXVI – Terrorist Financing

All recipients must comply with the U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the Executive Order and laws.

Article XXVII – Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)

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

Article XXVIII – Trafficking Victims Protection Act of 2000

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference in the terms and conditions of this award.

Article XXIX – Rehabilitation Act of 1973

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

Article XXX – USA Patriot Act of 2001

All recipients must comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

Article XXXI – Use of DHS Seal, Logo and Flags

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article XXXI I – Whistleblower Protection Act

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

Article XXXIII – DHS Specific Acknowledgements and Assurances

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

- a. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
- b. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
- c. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.

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

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

Article XXXIV – Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's 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 award, the recipient must comply with the requirements set forth in the government-wide Award Terms and Conditions for Recipient Integrity and Performance Matters located at 2 C.F.R. § 200, Appendix XII, the full text of which is incorporated herein by reference.

Article XXXV – 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, the recipient must request instructions from DMA/WEM to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article XXXVI – Prior Approval for Modification of Approved Budget

Recipients must receive prior written approval from the awarding agency before making any changes to the approved budget or scope of the project funded under this award.

Article XXXVII – Acceptance of Post-Award Changes

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

Article XXXVIII – Texting While Driving

As described in Executive Order 13513, all recipients and their contractors are encouraged to adopt and enforce policies that ban text messaging while driving ban messaging while driving government-owned, company-owned, rented, or personally-owned vehicles while on official government business or while performing any work for or on behalf of the government.

As the duly authorized representative, I hereby certify that the recipient will comply with the above certifications and conditions.

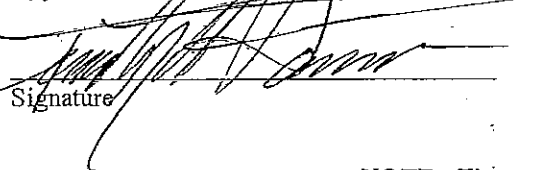
Recipient Name and Address: City of Appleton, 100 N. Appleton Street, Appleton, WI 54911

App # 10775 / Firefighting Foam Cache for Crude Oil Response

Application Number and Project Name

Timothy Hanna, Mayor

Typed Name of Authorized Representative


Signature

9/13/16
Date

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