

FY 2024  
Award Packet  
For the  
State Homeland Security Grant Program (SHSP)



Award Distributed By  
The Department of Public Safety's (DPS)  
Division of Emergency Management (DEM)

Federal Funding Provided By  
The United States Department of Homeland Security's (DHS)  
Federal Emergency Management Agency (FEMA)

Award Letter

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9/30/2024

Tammy Gallegos

San Juan County

The Utah Division of Emergency Management is pleased to inform you that a grant award for San Juan County has been approved in the amount of \$121,823.78 from the FFY 2024 State Homeland Security Program. Please make sure to read, understand, and maintain a copy of the following documents in your official file for this award.

- Award Letter (attached)
- General Terms and Conditions (attached)
- Articles of Agreement (attached)
- Award Document (attached)
- Homeland Security Grant Program Notice of Funding Opportunity (NOFO)
- FEMA's Preparedness Grants Manual

This letter and its attachments outline the terms and conditions of accepting this award. Please read all terms and conditions carefully, sign, and return no later than **10/30/2024**. The signed award packet should be sent via email to Tanner Patterson ([tpatterson@utah.gov](mailto:tpatterson@utah.gov)). After we have received your signed award packet, the funding outlined in this packet will be obligated to your agency enabling you to request reimbursement via 85-21 Form as costs are incurred and paid while carrying out the approved project(s) pending any holds addressed within this award packet.

We look forward to working with you on this award. Please ensure that you are coordinating with your respective Utah Regional Coordination Council Chairs or designees. For any questions or concerns, please contact Tanner Patterson, Finance Manager at [tpatterson@utah.gov](mailto:tpatterson@utah.gov).

Sincerely,



Kris Hamlet, Director  
Utah Department of Public Safety  
Division of Emergency Management

1. Purpose

- a. The State of Utah, through the Utah Division of Emergency Management (DEM) within the Department of Public Safety (DPS) sub-awards State Homeland Security Program (SHSP) funding based on a set funding formula determined in conjunction with the Utah Regional Coordination Council (URCC) as established in State Code 53-2a-104 for the purpose of assisting state, local, tribal, and territorial efforts to build, sustain, and deliver the capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism. Each Region is responsible for developing, collecting, organizing, and prioritizing projects to create and submit a regional investment justification. These projects must total the respective allocation amount proposed by the funding formula. This formula also has set asides for the Utah State Bomb Squad Task Force, State Information and Analysis Center (SIAC), and State Urban Search and Rescue Task Force. The method for creating these projects is up to the Region but must comply with overarching federal and state initiatives and requirements pertaining to the program. Each participant’s projects must meet funding requirements established at the beginning of each grant cycle. Regions may designate a fiduciary for the funds or allow individual jurisdictions to participate directly in the program as subrecipients. Any jurisdiction receiving funding from SHSP is considered a “sub-recipient” and must comply with all applicable grant requirements provided by this document, the relevant Notice of Funding Opportunity, FEMA Grants Preparedness Manual, articles of agreement, and the 2 CFR 200. For entities acting as a fiduciary for their region, wherein the jurisdictions they represent act as beneficiaries to the projects receiving goods and/or services but not funding, only the acting fiduciary is required to meet the eligibility requirements of the SHSP. This General Terms and Conditions document is intended to outline how the grant works along with the responsibilities of jurisdictions receiving an award.

2. Background

- a. DEM has endeavored to create a program that allows for regions and participants to focus on local efforts and priorities in addressing and sustaining capability gaps that align with the purpose of this program while maintaining a framework that guides projects to collaborate with statewide and nationwide efforts and priorities.

3. Key Dates

Start of Period of Performance:	Sept 1, 2024
Start of National Cybersecurity Review (NCSR):	October 1, 2024
Signed award packets due back to the State of Utah	October 30, 2024
Last day to complete NCSR	Dec 31, 2024 – Feb 28, 2024
Deadline to submit extension requests or modification	December 31, 2026
Closeout of subawards without extension	January 31, 2027
Closeout of subawards with extension	August 31, 2027

4. DEM/URCC Objectives and Responsibilities

- a. DEM and the URCC objectives are:
  - i. To provide oversight of the State of Utah’s SHSP to ensure projects submitted align with state-wide and national priorities and that funding is utilized in an effective and timely manner.
  - ii. Provide oversight and guidance on developing and carrying out effective projects under the SHSP.
  - iii. Provide oversight and guidance on managing federal awards.
  - iv. Provide a forum and support for addressing state-wide needs and refining the SHSP framework to facilitate those efforts.

5. Approvals

- a. Accompanying this document are the approved or held project templates from the respective grant year. The projects in this summary are the projects that were submitted to FEMA as part of the State’s Investment Justification and identify which projects FEMA has awarded us with funding to pursue. Pending any holds listed at the end of this document, these projects are approved as they are presented on the project template.

Any modifications to these projects have to be reviewed and approved by your respective Region, the State, and FEMA when applicable. If a project is carried out prior to the approval of a modification, the funds will be placed on hold while the respective Region Chairs and State SHSP coordinator discuss if the funds will be deobligated or if the change will be allowed retroactively. The State will not approve modifications or extensions submitted later than the end of the calendar year prior to the end of the grant cycle's period of performance (Dec 31, 2026).

- b. Failure to meet requirements outlined in the General Terms and Conditions, Notice of Funding Opportunity, Preparedness Grants Manual, 2 CFR 200 or Articles of Agreement may result in a deobligation and/or clawback of funds.
  - c. DEM assigns all responsibility for assuring allowability of expenses submitted under any project to the sub-recipient. DEM will review and approve all projects and reimbursement requests as part of the State's investment justification; however, this does not constitute DEM assuming liability resulting from any review of projects not directly managed by DEM.
6. Subrecipient Responsibilities and Requirements
- a. Subrecipients must meet all eligibility, performance, and financial requirements of the SHSP including but not limited to:
    - i. Ensure and maintain adoption and implementation of NIMS, including implementation of important operational systems defined under NIMS, such as the Incident Command System (ICS)
    - ii. All assets supported in part or entirely with SHSP funding must be readily deployable and NIMS-typed, when possible, to support emergency or disaster operations per existing Statewide Mutual Aid or Emergency Management Assistance Compact agreements. In addition, funding may be used for the sustainment of core capabilities that, while they may not be physically deployable, support national response capabilities.
    - iii. Must obtain, maintain, and provide a current and valid Unique Entity Identifier (UEI).
    - iv. Must complete the Nationwide Cybersecurity Review (NCSR). This can be done either for the SHSP or State Local Cybersecurity Grant Program. It does not need to be completed separately for each program but must be completed for a subrecipient to be eligible to receive SHSP funding.
    - v. Ensure and certify that grant funds will be used to supplement existing funds and will not replace (supplant) funds that have been appropriate for the same purpose. Applicants or recipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
    - vi. All emergency communications investments must describe how activities align with needs identified in the Statewide Communication Interoperability Plan (SCIP). Recipients must coordinate with the DEM Communications specialist who in turn coordinates with the Statewide Interoperability Coordinator (SWIC) and respective governing bodies.
    - vii. Ensure compliance with the Build America Buy America Act (BABAA).
    - viii. Ensure Compliance with the prohibitions on expending FEMA award funds for covered telecommunications equipment or services.
  - b. It is the sub-recipient's responsibility to ensure their compliance with all federal award and state requirements as outlined in this document, 2 CFR 200, the Articles of Agreement, FEMA's Preparedness Grants Manual, the program's Notice of Funding Opportunity as well as any of their existing local policies and procedures. Local policies and procedures may be more restrictive than some of the Federal requirements, but they cannot be less restrictive in any area. It is also the recipient's responsibility to communicate progress towards completing the projects under this award. If there are any setbacks that may prevent any project from being completed during the period of performance, this needs to be communicated with regional stakeholders and the State SHSP coordinator as early as possible.

7. Reimbursements and Reporting
  - a. Each Region may have a different method of coordinating reimbursement. Refer to your Region Chair or designee for instructions on this topic. At a minimum, DEM will require an 85-21 reimbursement request form accompanied with proof of purchase and proof of payment.
  - b. It is the requirement of any sub-recipient of these funds to report their progress towards completion of their projects at least quarterly. There is no set format for this report and regional coordinators will determine the method for receiving these reports. Failure to report or lack of communication may be justification for deobligation of open projects. Reports should be structured around milestones provided at the time of application.
8. Monitoring
  - a. All recipients of SHSP funding must comply with all monitoring requests from DEM and FEMA.
  - b. All recipients must comply with 2 CFR 200.334 – Retention requirements for records.
9. Modifications to Scope of Work
  - a. Each Region has the authority to set additional considerations on any funding subawarded within its jurisdiction. These considerations may be in addition to any considerations set forth by FEMA, DEM, and the URCC but may not remove any existing considerations.
10. Special Considerations and Holds
  - a. Should the Region over this award have additional agreements, certification of said agreements will be required in addition to this award packet.
  - b. This section will list any special considerations for the projects included in the project summary not previously covered by the NOFO, Preparedness Grants Manual, Articles of Agreement, or General Terms and Conditions.
    - i. No Funding Holds

### **Article I - Summary Description of Award**

The purpose of the FY 2024 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. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. 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.

### **Article II - HSGP Performance Goal**

In addition to the Biannual Strategy Implementation Report (BSIR) submission (submitted by the state) requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

### **Article III - DHS Standard Terms and Conditions**

Generally the Fiscal Year (FY) 2024 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2024. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations. All legislation and digital resources are referenced with no digital links. The FY 2024 DHS Standard Terms and Conditions will be housed on dhs.gov at <https://www.dhs.gov/publication/dhs-standard-terms-and-conditions>

### **Article IV - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

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

II. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. section 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

### **Article V - General Acknowledgements and Assurances**

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

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

II. Recipients must give DEM/DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.

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

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

### **Article VI - Acknowledgement of Federal Funding from DHS**

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

### **Article VII - Activities Conducted Abroad**

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

#### **Article VIII - Age Discrimination Act of 1975**

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 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 IX - Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101-12213), 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.

#### **Article X - Best Practices for Collection and Use of Personally Identifiable Information**

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

#### **Article XI - Civil Rights Act of 1964 - Title VI**

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

#### **Article XII - Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

#### **Article XIII - Copyright**

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

#### **Article XIV - Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

#### **Article XV - Drug-Free Workplace Regulations**

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

#### **Article XVI - Duplication of Benefits**

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

#### **Article XVII - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 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 and 44 C.F.R. Part 19.

#### **Article XVIII - E.O. 14074 - Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety**

Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing. Article XIX - Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 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 XX - False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.) Article XXI - Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

#### **Article XXII - Federal Leadership on Reducing Text Messaging while Driving**

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

#### **Article XXIII - Fly America Act of 1974**

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

#### **Article XXIV - Hotel and Motel Fire Safety Act of 1990**

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 Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a.

#### **Article XXV - John S. McCain National Defense Authorization Act of Fiscal Year 2019**



Recipients, subrecipients, and their contractors and subcontractors are 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. sections 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, 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 XXVI - Limited English Proficiency (Civil Rights Act of 1964 - Title VI)**

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. section 2000d et seq.) prohibition against discrimination 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: [Link 1](#) [Link 2](#) Recipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

#### **Article XXVIII - National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

#### **Article XXIX - Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

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

#### **Article XXX - Non-Supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

#### **Article XXXI - Notice of Funding Opportunity Requirements**

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

#### **Article XXXII - Patents and Intellectual Property Rights**

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

#### **Article XXXIII - Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section

6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

#### **Article XXXIV - Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 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 XXXV - Reporting of Matters Related to Recipient Integrity and Performance**

General Reporting Requirements:

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

#### **Article XXXVI - Reporting Subawards and Executive Compensation**

Reporting of first tier subawards:

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

#### **Article XXXVII - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**

Recipients must comply with the Build America, Buy America provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

(1) 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;

(2) 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 (3) all construction materials are manufactured in the United States-this means that all manufacturing processes for the construction material occurred in the United States. 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.

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below.

(a) When the Federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:

(1) applying the domestic content procurement preference would be inconsistent with the public interest;

(2) 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

(3) 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. 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. There may be instances where an 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. The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the Build America, Buy America provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

#### **Article XXXVIII - SAFECOM**

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

#### **Article XXXIX - Terrorist Financing**

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

#### **Article XL - Trafficking Victims Protection Act of 2000 (TVPA)**

Trafficking in Persons:

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

#### **Article XLI - Universal Identifier and System of Award Management**

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

#### **Article XLII - USA PATRIOT Act of 2001**

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. sections 175-175c.

#### **Article XLIII - Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

#### **Article XLIV - Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310. Article XLV - Environmental Planning and Historic Preservation (EHP) Review DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not

address all federal, state, and local requirements. Acceptance of federal funding requires the recipient 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; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws 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 and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The 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. If ground disturbing activities occur during construction, applicant will monitor 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.

#### **Article XLVI - Applicability of DHS Standard Terms and Conditions to Tribes**

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 Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

#### **Article XLVII - Acceptance of Post Award Changes**

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

#### **Article XLVIII - Disposition of Equipment Acquired Under the Federal Award**


For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state subrecipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.

#### **Article XLIX - Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where 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(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

#### **Article L - Indirect Cost Rate**

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

<b>Award Document</b>	<b>Utah Department of Public Safety (DPS)</b> <b>Division of Emergency Management (DEM)</b> Funding Entity: Federal Emergency Management Agency (FEMA) Federal Award Identification Number (FAIN): EMW-2024-SS-05008 Federal Award Date: 09/18/2024			
<b>1a. Agreement No.</b> DEM-SHSP-2024-020	<b>2. Amendment No.</b> N/A	<b>3. UEI No.</b> YKMUM1NJE9A9	<b>4. Type of Action</b> Award	
<b>6. Recipient Name and Address</b> San Juan County	<b>7. Name of Recipient Project Officer</b> Tammy Gallegos	<b>8. Contact Information</b> tgallegos@sanjuancounty.org	<b>9. Name of DEM Project Coordinator</b> Tanner Patterson 801.598.1610 tpatterson@utah.gov	
<b>10. Effective Date of This Action</b> 9/1/2024	<b>11. Assistance Arrangement</b> Cost Reimbursement	<b>12. Period of Performance</b> From: 09/01/2024 To: 01/31/2027		
<b>13. Description of Action</b> Indicate funding obligation of award relating to project(s) in provided project summary				
<b>Program Name</b>	<b>CFDA No.</b>	<b>Prior Award</b>	<b>Amount Awarded</b>	<b>Current Total Award</b>
State Homeland Security Grant	97.067	\$0.00	+121,823.78	\$121,823.78
<b>Acceptance and Certification</b>				
My signing below, the signatory official (or their authorized official) and project manager certify that they have read, understand, and will comply with all requirements set forth in this document.				
<b>Recipient Signatory Official*</b>		<b>Date:</b>		
<b>Printed Name and Title</b>				
<b>DEM Signatory Official</b>		<b>Date:</b>	9/30/2024	
<b>Printed Name and Title</b>	Kris Hamlet, Director			
*A signatory is someone who signs a contract, therefore creating a legal obligation. Meaning that the person who signs here needs to have the authority of creating a legal obligation for your jurisdiction.				