



Interoffice Memorandum

AGENDA ITEM

January 13, 2020

TO: Mayor Jerry L. Demings
—AND—
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

CONTACT PERSON: **David D. Jones, CEP, P.E., Manager**
Environmental Protection Division
(407) 836-1405

SUBJECT: February 11, 2020 – Consent Item
U.S. Environmental Protection Agency Grant No. A-95450420-0

The Environmental Protection Division (EPD) has received Grant No. A-95450420-0 from the U.S. Environmental Protection Agency (EPA) relating to air pollution control program support. Section 105 of the Clean Air Act authorizes the federal government to provide grants to local governments to implement programs to prevent and control air pollution and address primary and secondary ambient air quality standards. For many years, EPD has been a recipient of Section 105 grants, which provide a significant amount of supplemental funding for Air Quality Management Program services such as air permitting, compliance inspections and ambient air monitoring. This grant will coincide with the Specific Operating Agreement (SOA) between the Florida Department of Environmental Protection and the Board that was approved by the Board on August 21, 2018. The SOA defines the scope of services that EPD will provide as a designated local air program.

The total amount of funding anticipated from EPA during the two-year grant period of October 1, 2019 to September 30, 2021 is \$500,000 or \$250,000 per federal fiscal year (FY). EPA provides the funding incrementally over the course of each FY. The initial award amount for FY 19-20 is \$75,000. Future awards are dependent upon fulfillment of the agreement conditions and are subject to the availability of federal funding. EPA agrees to cost share 54.83% of all approved budget costs incurred with a total budget of \$911,862 over the two-year grant award period. The County is required to pay the remaining costs (45.17% or \$411,862) within the total budget as part of the required grant match. The match requirements will be satisfied by using the County's share of the air tag fee revenues, which typically significantly exceed the match requirement amount. EPD is not requesting additional funding or additional staff as part of this grant.

It is also requested that the EPD Manager be granted authorization to make non-substantial amendments to the agreement, including additional service periods, subject to availability of funds from the EPA.

As indicated in the Notice of Award, a representative from Orange County is not required to sign the agreement. The County's commitment to carry out this award is demonstrated by either drawing down the funds or not filing a notice of disagreement with the award terms and conditions within stipulated timeframes.

Cooperative Agreement, Grant No. A-95450420-0, was reviewed and approved by the County Attorney's Office and the County Grants Oversight Committee.

ACTION REQUESTED: Approval of U.S. Environmental Protection Agency Cooperative Agreement Grant Number (FAIN): A-95450420-0 between the U.S. Environmental Protection Agency and Orange County in the amount of \$500,000, with an initial award amount of \$75,000 and subject to availability of funds from the U.S. Environmental Protection Agency, relating to assistance in the implementation of air pollution control programs throughout the County and authorization for the Environmental Protection Division Manager to make non-substantial amendments to the agreement, including additional service periods. The grant period is October 1, 2019 through September 30, 2021. All Districts

JWW/DDJ: mg

Attachments

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 95450420 MODIFICATION NUMBER: 0 PROGRAM CODE: A	DATE OF AWARD 12/10/2019
		TYPE OF ACTION New	MAILING DATE 12/17/2019
		PAYMENT METHOD: ASAP	ACH# 40921
RECIPIENT TYPE: County		Send Payment Request to: Research Triangle Park Finance Center	
RECIPIENT: Orange Co. Board of County Commissioners 201 South Rosalind Avenue Orlando, FL 32801-3527 EIN: 59-6000773		PAYEE: Orange Co. Board of County Commissioners 201 South Rosalind Avenue Orlando, FL 32801-3527	
PROJECT MANAGER Wanda Parker 201 South Rosalind Avenue Orlando, FL 32801-3527 E-Mail: wanda.parker@ocfl.net Phone: 407-836-1434	EPA PROJECT OFFICER Angela Isom 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: isom.angela@epa.gov Phone: 404-562-9092	EPA GRANT SPECIALIST Sharonita Johnson Grants and Audit Management Section E-Mail: johnson.sharonita@epa.gov Phone: 404-562-8311	
PROJECT TITLE AND DESCRIPTION Air Pollution Control Program Support This action approves an award in the amount of \$75,000 to provide assistance to Orange County in its efforts to implement air pollution control programs throughout Orange County, Florida including continuing development and implementation of stationary source regulations; continuing promulgation and update of enhanced mobile source regulations; improvement of emission inventories for modeling simulations; and to operate a monitoring network that collects air data. These activities are to improve and maintain the public's air quality.			
BUDGET PERIOD 10/01/2019 - 09/30/2021	PROJECT PERIOD 10/01/2019 - 09/30/2021	TOTAL BUDGET PERIOD COST \$911,862.00	TOTAL PROJECT PERIOD COST \$911,862.00
NOTICE OF AWARD			
Based on your Application dated 07/30/2019 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$75,000. EPA agrees to cost-share 54.83% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$75,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS 61 Forsyth Street Atlanta, GA 30303-8960		ORGANIZATION / ADDRESS U.S. EPA, Region 4 Air and Radiation Division 61 Forsyth Street Atlanta, GA 30303-8960	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Keva R. Lloyd - Grants Management Officer			DATE 12/10/2019

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 75,000	\$ 75,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 411,862	\$ 411,862
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 486,862	\$ 486,862

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.001 - Air Pollution Control Program Support	Clean Air Act: Sec. 105	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2004VW0007	20	E1	04V2	000A04	4112			75,000
									75,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$549,226
2. Fringe Benefits	\$216,560
3. Travel	\$8,000
4. Equipment	\$0
5. Supplies	\$9,000
6. Contractual	\$6,000
7. Construction	\$0
8. Other	\$31,106
9. Total Direct Charges	\$819,892
10. Indirect Costs: <u>12.01% Base salary+Fringe+pass thru</u>	\$91,970
11. Total (Share: Recipient <u>45.17 % Federal 54.83 %.</u>)	\$911,862
12. Total Approved Assistance Amount	\$500,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$75,000
15. Total EPA Amount Awarded To Date	\$75,000

Administrative Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at:

<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2019-or-later>

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at:

<https://www.epa.gov/grants/grant-terms-and-conditions>.

A. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): rtfpc-grants@epa.gov
- MBE/WBE reports (EPA Form 5700-52A): R4epagrantsmbewbereporting@epa.gov
cc: johnson.sharonita@epa.gov
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications:

Sharonita Johnson / Grants Management Specialist
Johnson.Sharonita@epa.gov
404-562-8311

Angela Isom / Project Officer
Isom.angela@epa.gov
404-562-9092
- Payment requests (if applicable):
Angela Isom / Project Officer
Isom.angela@epa.gov
404-562-9092
- Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables:

Angela Isom / Project Officer
Isom.angela@epa.gov
404-562-9092

B. Extension of Project/Budget Period Expiration Date

EPA has not exercised the waiver option to allow automatic one-time extensions for non-research grants under 2 CFR 200.308 (d)(2). Therefore, if a no-cost time extension is necessary to extend the period of

availability of funds the recipient must submit a written request to the EPA prior to the budget/project period expiration dates. **The written request must include:** a justification describing the need for additional time, an estimated date of completion, and a revised schedule for project completion including updated milestone target dates for the approved workplan activities. In addition, if there are overdue reports required by the general, administrative, and/or programmatic terms and conditions of this assistance agreement, the recipient must ensure that they are submitted along with or prior to submitting the no-cost time extension request.

C. Disadvantaged Business Enterprise (DBEs)

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33 except as described below based upon the associated class deviation.

EPA MBE/WBE CERTIFICATION, 40 CFR, Part 33, Subpart B

A class exception to the following provisions of Subpart B of 40 CFR Part 33 has been issued suspending the EPA MBE/WBE certification program: §33.204(a)(3) providing that an entity may apply to EPA MBE or WBE certification after unsuccessfully attempting to obtain certification as otherwise described in §33.204; and §33.205 through and including §33.211. The class exception was authorized pursuant to the authority in 2 CFR 1500.3(b).

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302 (a)-(d) and (i).

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A class exception to the entire Subpart D of 40 CFR Part 33 has been authorized pursuant to the authority in 2 CFR 1500.3(b). Notwithstanding Subpart D of 40 CFR Part 33, recipients are not required to negotiate or apply fair share objectives in procurements under assistance agreements.

MBE/WBE REPORTING- SPECIFIC CHANGES PURSUANT TO CLASS DEVIATION, 40 CFR, Part 33, Subpart E

When required, the recipient agrees to complete and submit a “MBE/WBE Utilization Under Federal Grants and Cooperative Agreements” report (EPA Form 5700-52A) on an annual basis. The current EPA Form 5700-52A can be found at the EPA Grantee Forms Page at <https://www.epa.gov/grants/epa-grantee-forms>.

Reporting is required for assistance agreements where funds are budgeted for procuring construction, equipment, services and supplies (including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the “Other” category) with a cumulative total that exceed the threshold amount of \$250,000, including amendments and/or modifications. When reporting is required, all procurement actions are reportable, not just that portion which exceeds \$250,000.

MBE/WBE reports should be sent to:

To: R4epagrantsmbewbhereporting@epa.gov

cc: johnson.sharonita@epa.gov

Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502.

Programmatic Conditions

A. Joint Evaluation for FY 2020:

Participate with EPA in an end of year evaluation of performance to be completed by December 31, 2020. This evaluation will be based on jointly evaluating and reporting progress and accomplishments

under the workplan

throughout the year. In accordance with 40 CFR 35.115 and the EPA Policy on Managing Unliquidated Obligations and Ensuring Progress under EPA Assistance Agreements, the joint evaluation process will include:

- a) discussions of accomplishments as measured against work plan commitments;
- a) discussions of the cumulative effectiveness of the work performed under all work plan components;
- b) discussions of existing and potential problem areas;
- c) suggestions for improvement, including, where feasible, schedules for making improvements; and
- d) discussions of how effectively grant funds were managed and utilized, taking into account any accumulation of unliquidated obligations.

B. Performance Reporting Requirement:

In accordance with 2 CFR 200.328, the recipient agrees to submit an annual Section 105 Grant Summary Report electronically to the EPA Administrative Project Officer within 90 days after the reporting period ends on September 30 each year. The report should include the following information: 1) a statement that all workplan commitments and outputs/outcomes under the EPA strategic plan goal(s) and objective(s) have been met; 2) or if commitments are not met, then explain the reasons why the established outputs/outcomes were not achieved; and 3) any additional pertinent information including, when appropriate, analysis and explanation of unliquidated obligations (e.g., unspent EPA funds), cost overruns or high-unit costs. Additionally, the report must prominently display the three Essential Elements for state and local agency workplans under the CAA Section 105 categorical grant program: 1) Strategic Plan Goal; 2) Strategic Plan Objective; and 3) Workplan Commitments plus time frame. (See <https://www.epa.gov/grants/grants-policy-issuance-11-03-state-grant-workplans-and-progress-reports> for more information). EPA is not requiring a final report for CAA Section 105 grant program in accordance with 2 CFR 300.328(e).

Additionally, the recipient agrees to inform EPA as soon as problems, delays, or adverse conditions which will materially impair the ability to meet the outputs/outcomes specified in the grant workplan are known.

C. EPA Involvement in Cooperative Agreement:

EPA's role in this agreement will include the review and approval of state implementation plans (SIPs), statewide ambient air monitoring networks and projects, quality assurance procedures, performance audits, and data quality; review and comment to states on new source permits; and consultation on implementation and technical issues related to Clean Air Act requirements such as the maximum achievable control technology (MACT) program, new source performance standards (NSPS) program, emissions inventories development, and risk assessment issues, as needed.

D. Competency of Organizations Generating Environmental Measurement Data:

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-funded Assistance Agreements, Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual

reporting process. A copy of the Policy is available online at <https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aaia-new.pdf> or a copy may also be requested by contacting the EPA project officer for this award.

E. Geospatial Data Standards:

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.

F. Minimum Matching Share Requirement:

This award and the resulting federal funding share of 54.83% as shown under “Notice of Award” above is based on estimated costs requested in the recipient’s application dated July 18, 2019. While actual total costs may differ than those estimates, the recipient is required to provide no less than 40% of the final total allowable program/project costs (outlays). EPA’s participation shall not exceed the total amount of federal funds awarded or the maximum federal share for this program of 60% of the final total allowable program/project costs.

G. Cybersecurity Grant Condition for Other Recipients:

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient’s network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient’s connections as defined above do not go through the Environmental Information Exchange Network or EPA’s Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA’s regulatory programs for the submission of reporting and/or compliance data.

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient’s network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient’s connections as defined above do not go through the Environmental Information Exchange Network or EPA’s Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA’s regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient’s network or information system is connected to EPA networks to transfer data to the Agency using systems other than the

Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.