



Interoffice Memorandum

AGENDA ITEM

April 7, 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) 836-1406**

SUBJECT: May 5, 2020 – Consent Item
U.S. Environmental Protection Agency Grant No. PM-01D05820-0

The Environmental Protection Division (EPD) has received new Grant No. PM-01D05820-0 from the U.S. Environmental Protection Agency (EPA) to support the ongoing collection of data on the ambient air concentrations of fine particulate matter and to support the County's efforts with staying in compliance with National Ambient Air Quality Standards. For several years, EPD has received similar grants from EPA to perform these duties.

The size of particles in ambient air is directly linked to their potential for causing health problems. Small particles less than 2.5 microns in size pose the greatest risk because they can penetrate deeply into the lungs and cause a variety of health problems affecting the lungs and heart. This new grant agreement provides funding to support EPD's continued monitoring of concentrations of fine particulate matter for comparison to health-based standards established by EPA. This grant will coincide with the Specific Operating Agreement (SOA) between the Florida Department of Environmental Protection and the Board, which 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 grant funding anticipated from EPA during the project period of April 1, 2020 to March 31, 2022 is \$70,554. The initial award amount is \$35,000 and the remainder of the funding is anticipated to follow next fiscal year. Future awards are subject to the availability of federal funding. In accordance with the terms of the agreement, EPA agrees to a cost share of 100% of all approved budget period costs incurred up to and not exceeding \$35,000 (i.e., no match is required). EPD is not requesting additional funding or additional staff as part of this grant.

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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. PM-01D05820-0, 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 No. (FAIN): PM-01D05820-0 between the U.S. Environmental Protection Agency and Orange County in the amount of \$70,554, with an initial award amount of \$35,000 and subject to availability of funds from the U.S. Environmental Protection Agency, relating to support of ambient air monitoring for fine particulate matter and authorization for the Environmental Protection Division Manager to make non-substantial amendments to the agreement, including additional service periods. The grant period is April 1, 2020 through March 31, 2022. All Districts

JVW/DDJ: mg

Attachment

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 01D05820 MODIFICATION NUMBER: 0 PROGRAM CODE: PM	DATE OF AWARD 03/13/2020
		TYPE OF ACTION New	MAILING DATE 03/20/2020
		PAYMENT METHOD: ASAP	ACH# 40921
RECIPIENT TYPE: County	Send Payment Request to: Research Triangle Park Finance Center		
RECIPIENT: Orange Co. Board of County Commissioners PO Box 38, 201 South Rosalind Avenue Orlando, FL 32801-3527 EIN: 59-6000773	PAYEE: Orange Co. Board of County Commissioners PO Box 38, 201 South Rosalind Avenue Orlando, FL 32801-3527		
PROJECT MANAGER Todd Fletcher PO Box 38, 201 South Rosalind Avenue Orlando, FL 32801-3527 E-Mail: Todd.Fletcher@ocfl.net Phone: 407-836-1484	EPA PROJECT OFFICER Kristine Johnson 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: johnson.kristine@epa.gov Phone: 404-562-9071	EPA GRANT SPECIALIST Michael Morrisette Grants & Audit Management Section E-Mail: morrisette.michael@epa.gov Phone: 404-562-9551	
PROJECT TITLE AND DESCRIPTION Particulate Matter (PM 2.5) Ambient Monitoring Network This action approves partial funding in the amount of \$35,000 to support Orange County Board of County Commissioners ongoing collection of data on the ambient air concentrations of fine particulate matter and to support the county's efforts with staying in compliance with National Ambient Air Quality Standards.			
BUDGET PERIOD 04/01/2020 - 03/31/2022	PROJECT PERIOD 04/01/2020 - 03/31/2022	TOTAL BUDGET PERIOD COST \$70,554.00	TOTAL PROJECT PERIOD COST \$70,554.00
NOTICE OF AWARD			
Based on your Application dated 01/30/2020 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$35,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$35,000. 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 03/13/2020

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 0	\$ 35,000	\$ 35,000
EPA In-Kind Amount	\$ 0	\$ 0	\$ 0
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 0	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$	\$ 0	\$ 0
Allowable Project Cost	\$ 0	\$ 35,000	\$ 35,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	Clean Air Act: Sec. 103	2 CFR 200 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2004VW0069	20	E1	04V2	000A04XPM	4112			35,000
									35,000

Budget Summary Page: Orange Count PM 2.5 PM 01D05820-0

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$41,440
2. Fringe Benefits	\$16,340
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$57,780
10. Indirect Costs: <u>22.11%</u> Base <u>Salary+Fringe</u>	\$12,774
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$70,554
12. Total Approved Assistance Amount	\$70,554
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$35,000
15. Total EPA Amount Awarded To Date	\$35,000

Administrative Conditions

GENERAL TERMS AND 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>.

The applicable terms and conditions below are in addition to the general terms and conditions noted above:

GRANT-SPECIFIC ADMINISTRATIVE 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): rtplc-grants@epa.gov
- MBE/WBE reports (EPA Form 5700-52A): R4epagrantsmbewbereporting@epa.gov
morrisette.michael@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:

Michael Morrisette / Grants Management Specialist
morrisette.michael@epa.gov
404-562-9551

Kristine Johnson / Project Officer
johnson.kristine@epa.gov
404-562-9071

Payment requests (if applicable):
Kristine Johnson / Project Officer
johnson.kristine@epa.gov
404-562-9071

Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables:
Kristine Johnson / Project Officer
johnson.kristine@epa.gov

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

UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

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 http://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: R4epagrantsmbewbreporting@epa.gov

and

Cc: morrisette.michael@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

GRANT-SPECIFIC PROGRAMMATIC TERMS AND CONDITIONS

A. Performance Reporting:

In accordance with 2 CFR §200.328 (b)(1-2)(i-iii), the recipient agrees to submit an annual performance report that includes brief information on each of the following areas: a) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period.; b) the reasons for slippage if established outputs/outcomes were not met; and c) additional pertinent information, including when appropriate, analysis and information of cost overruns or high unit costs. The annual performance report will cover the time period beginning January 1 through December 31 of each year. The report is due annually by March 31.

B. Air Quality Index Forecasting:

As resources permit, the grantee agrees to participate in Air Quality Index forecasting for those areas with continuous PM2.5 monitoring and report all continuous PM2.5 data to AQS and to the PM2.5 mapping program.

C. EPA Involvement in Cooperative Agreement (Substantial Involvement)

EPA's role in the Agreement will include the review and approval of the grantee's PM 2.5 annual monitoring network plan.

D. Problems, Delays or Adverse Conditions

In accordance with 2 CFR §200.328(d)(1), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which materially impair the ability to meet the outputs/outcomes in the assistance agreement workplan.

E. Quality Assurance

The grantee agrees to review and update quality assurance project plans and standard operating procedures in accordance with 2 CFR §1500.11 and EPA Region 4 policies. No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the EPA Project Officer, in concert with the EPA Quality Assurance Manager, has approved the quality assurance documentation. A quality assurance project plan (QAPP) must be developed by the grantee before environmental activities/monitoring begins. After a QAPP is approved it is verifiable throughout the life of the project. This policy is in accordance with the national guidelines for quality assurance from the Office of Environmental Information (OEI). For more information on quality assurance requirements, go to <http://www.epa.gov/quality/>.

F. 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 http://www.epa.gov/fem/lab_comp.htm or a copy may also be requested by contacting the EPA project officer for this award.

G. 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.

H. Cybersecurity Grant Condition for Other Recipients

Applicable to local governments and New Award actions only (unless the t/c was not included in a previous funding action). APOs should review prior funding actions and verify.

(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.