



Interoffice Memorandum

AGENDA ITEM

September 9, 2019

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: September 24, 2019 – Consent Item
U.S. Environmental Protection Agency Grant No. XA00D96319-0 for Near-Road Nitrogen Dioxide Monitoring Station Installation

The Environmental Protection Division (EPD) has received Grant No. XA00D96319-0 from the U.S. Environmental Protection Agency (EPA) for the establishment of a second permanent near-road nitrogen dioxide (NO₂) monitoring station. Orange County currently has one near-road NO₂ monitoring station, but due to population growth, is obligated by federal regulations to install a second NO₂ near-road monitoring station.

In accordance with the National Ambient Air Quality Standard monitoring requirements, state and local air monitoring agencies are required by EPA to install NO₂ monitoring stations at locations where peak hourly NO₂ concentrations are expected to occur within the near-road environment in larger urban areas. The Florida Department of Environmental Protection, EPA Region 4 and Orange County are working collaboratively on the location of the appropriate monitoring site. The goal is to have the site location selected by July 1, 2020 and the site operational within one year thereafter.

The total amount of grant funding anticipated from EPA during the project period of July 1, 2019 to July 31, 2021 is \$200,000 for the establishment of the monitoring site. However, the initial award amount is \$50,000 and additional funding to complete the installation 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 \$50,000 (i.e., no match is required). The total project period cost amount of \$200,000 is expected to cover the majority of the cost for establishing the new monitoring station. If additional funding is required to complete the project, EPD would request additional funding from EPA. In the event that additional federal funding is not available, EPD could use funding from tag fee revenues (Fund 1010) to finish the project. Use of Fund 1010 for the project could count as part of the County's required match for the EPA 105 grant, which is provided to air pollution control agencies by EPA to support implementation of the Clean Air Act. Funding from existing federal and state grants as well as Fund 1010 will support the operation and maintenance of the site. 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. XA00D96319-0, was reviewed and approved as to form 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): XA00D96319-0 between the U.S. Environmental Protection Agency and Orange County in the amount of \$200,000, with an initial award amount of \$50,000 and subject to availability of funds from the U.S. Environmental Protection Agency, for the establishment of a near-road nitrogen dioxide monitoring station and authorization for the Environmental Protection Division Manager to make non-substantial amendments to the agreement, including additional service periods. The project period is July 1, 2019 through July 31, 2021. All Districts.

JVW/DDJ: mg

Attachments

BCC Mtg. Date: September 24, 2019

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 00D96319 MODIFICATION NUMBER: 0 PROGRAM CODE: XA	DATE OF AWARD 08/15/2019
		TYPE OF ACTION New	MAILING DATE 08/22/2019
		PAYMENT METHOD: ASAP	ACH# 40711
		RECIPIENT TYPE: County	
RECIPIENT: Orange County Environmental Protection Division 201 South Rosalind Ave Orlando, FL 32808-3527 EIN: 59-6000773		PAYEE: Orange County EPD 201 South Rosalind Ave Orlando, FL 32808-3527	
PROJECT MANAGER Wanda Parker-Garvin 201 South Rosalind Ave Orlando, FL 32808-3527 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 Near Road Nitrogen Dioxide Monitoring This action provides partial funding in the amount of \$50,000 to support compliance with National Ambient Air Quality Standards by assisting the Orange County Environmental Protection Division in implementing a permanent near-road Nitrogen Dioxide (NO2) monitoring station that will meet network design and siting criteria requirements.			
BUDGET PERIOD 07/01/2019 - 07/31/2021	PROJECT PERIOD 07/01/2019 - 07/31/2021	TOTAL BUDGET PERIOD COST \$200,000.00	TOTAL PROJECT PERIOD COST \$200,000.00
NOTICE OF AWARD			
Based on your Application dated 06/26/2019 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$50,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$50,000. 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 08/15/2019

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 50,000	\$ 50,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 50,000	\$ 50,000

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
-	1904VW9144	19	E1	04V2	000A04	4183			50,000
									50,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$139,238
5. Supplies	\$1,100
6. Contractual	\$42,202
7. Construction	\$0
8. Other	\$10,000
9. Total Direct Charges	\$192,540
10. Indirect Costs: <u>3.73%</u> Base <u>Total Direct Cost</u>	\$7,460
11. Total (Share: Recipient <u>0.00%</u> Federal <u>100.00%</u>.)	\$200,000
12. Total Approved Assistance Amount	\$200,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$50,000
15. Total EPA Amount Awarded To Date	\$50,000

Administrative Conditions

General Terms and Conditions

The General Terms and Conditions of this agreement are updated in accordance with the link below. However, these updated conditions apply solely to the funds added with this amendment and any previously awarded funds not yet disbursed by the recipient as of the award date of this amendment. The General Terms and Conditions cited in the original award or prior funded amendments remain in effect for funds disbursed by the recipient prior to the award date of this amendment.

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-1-2018>

These terms and conditions are binding for disbursements and are in addition to or modify 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

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

A. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MBE/WBE)

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.

REPORTING PROVISION

Based on EPA's review of the planned budget, this award does not meet the condition below and is not subject to the reporting requirements of the Disadvantaged Business Enterprise (DBE) Program.

However, if during the performance of the award the total of all funds expended for direct procurement by the recipient and procurement under subawards or loans in the "Other" category exceeds \$250,000, annual reports will be required in accordance with the reporting paragraph below and you are required to notify the Regional or Headquarters point of contact defined in the correspondence condition, if applicable, for additional instructions.

The recipient also agrees to request prior approval from EPA for procurements that may activate DBE Program reporting requirements.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Efforts requirements as described in 40 CFR Part 33 Subpart C and Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D and explained below.

MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E

When required, MBE/WBE reports must be submitted annually. 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 Office of Small and Disadvantaged Business Utilization’s Home Page at <https://www.epa.gov/resources-small-businesses>

MBE/WBE reporting is required annually for assistance agreements where there are funds 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. The recipient must make reporting a requirement of all sub-awards/loans. All procurement actions are reportable, not just that portion which exceeds \$250,000.

When completing the annual report, recipients are instructed to check the box titled “annual” in section 1B of the form. For the final report, recipients are instructed to check the box titled “annual” and the box indicated for the “last report” of the project in section 1B of the form. 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.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to:
R4epagrantsmbewbereporting@epa.gov
cc: johnson.sharonita@epa.gov

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

This assistance agreement is a Technical Assistance Grant (TAG); or the award amount is \$250,000 or less; or the total dollar amount of all of the recipient’s financial assistance agreements from EPA in the current Federal fiscal year is \$250,000 or less. Therefore, the recipient of this assistance agreement is exempt from the fair share objective requirements of 40 CFR, Part 33, Subpart D, and is not required to negotiate fair share objectives/goals for the utilization of MBE/WBEs in its procurements.

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.

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.

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 written 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 administrative and 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.

The extension request must be submitted to the local Grants Office via email to: johnson.sharonita@epa.gov. An interim FFR (SF-425) covering all expenditures and obligations to date, must be emailed to the Las Vegas Finance Office at LVFC-grants@epa.gov or sent to the following address:

US EPA, Las Vegas Finance Center
4220 S. Maryland Pkwy, Bld C, Rm 503
Las Vegas, NV 89119

To expedite processing of your request, please submit a courtesy copy of the interim FFR to the local Grants Office along with your written extension request. All email attachments must be sent in pdf format. Documents emailed to us in any other format will not be accepted.

Programmatic Conditions

A. Data

All monitoring data that is collected will be submitted to EPA's Air Quality System (AQS) database by the Grantee or its designee no later than 90 days from the end of the calendar monitoring quarter. The designee responsible for data processing as identified in the work plan is Wanda Parker-Garvin.

B. Quality Assurance

The recipient agrees to submit a revised Quality Assurance Project Plan (QAPP) that includes any new monitoring methods that are not covered by an existing QAPP not later than 180 days prior to the start of data collection which is scheduled to begin on July 1, 2021. Recipient also agrees to respond to any EPA review comments and/or conditional approvals expeditiously to ensure that the QAPP can be fully approved prior to initiation of monitoring.

C. Recipient Performance Reporting

Quarterly progress reports will be required. Quarterly reports are considered project status reports and will address the progress made achieving the work plan objectives, including milestones and anticipated outputs and outcomes. In general, quarterly reports will include summary information on technical progress and expenditures, and planned activities for next quarter. Quarterly reports are due according to the following schedule. If a due date falls on a weekend or holiday, the report will be due on the next business day.

The initial report is due on January 1, 2020 and additional reports are due semi-annually on the following dates:

- 1) July 1, 2020 (for January 1, 2020 to June 30, 2020)
- 2) January 1, 2021 (for July 1, 2020 to December 31, 2020)
- 3) July 1, 2021 (for January 1, 2021 to June 30, 2021)
- 4) If the project is extended beyond (July 1, 2021), the recipient agrees to continue submitting performance reports semi-annually until the project ends.

D. Final Report

A final report is due within 90 days of the end of the project and budget period end date (or within 90 days of work completion if earlier than the stated budget project end date). The final report should summarize the overall accomplishment of workplan objectives, outputs, and outcomes. All reports should be sent to the EPA Technical Project Officer for the grant.

E. Problems, Delays or adverse Conditions

In accordance with 40 CFR 31.40 (d) 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 grant agreement work plan.

F. EPA Substantial Involvement

EPA's role under this cooperative agreement includes assisting the grantee in their review of potential sites to establish the near-roadway monitoring site based on traffic patterns and fleet mix on the potential roadway segments being considered, meteorological parameters and ensuring placement of the monitor in close proximity to traffic.

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. 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.

I. 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.

(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.

J. 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. **Programmatic Terms and Conditions**