

78
me
sam



**ROBERT L. QUINN
COMMISSIONER OF
SAFETY**

State of New Hampshire

DEPARTMENT OF SAFETY
JAMES H. HAYES BLDG. 33 HAZEN DR.
CONCORD, N.H. 03305
(603) 271-2791

June 16, 2020

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

Requested Action

Pursuant to RSA 21-P:43, the Department of Safety, Division of Homeland Security and Emergency Management (HSEM) requests authorization to enter into a retroactive Memorandum of Agreement (MOA) with the Department of Environmental Services (DES), Dam Bureau Water Division (VC#177894-B001), in the amount of \$386,665.00 for activities to assist with the rehabilitation of eligible high hazard potential dams. Effective upon Governor and Council approval for the period of September 15, 2019 through September 30, 2022. Funding source: 100% Federal Funds.

Funding is available in the SFY 2021 operating budget as follows:

02-23-23-236010-56300000	Dept. of Safety	Homeland Sec-Emer Mgmt	100% HHPD Local Match
072-500576	Grants to Other State Agencies - Federal		
Activity Code: 23HHPD 2019			\$386,665.00

Explanation

This Memorandum of Agreement (MOA) is retroactive as the State concurrently received the federal award on September 15, 2019 and a required scope of work and budget amendment. This budget amendment was not approved until May 13, 2020 substantially delaying the ability to execute the state MOA process. This MOA between the Division of Homeland Security and Emergency Management (HSEM) and the Department of Environmental Services (DES) provides funding to utilize services of a consultant to prepare final designs to adequately address all deficiencies of the following two dams: Goose Pond Dam (NID No. NH00118) in Canaan, New Hampshire and Mendums Pond Dam (NID No. NH00133) in Nottingham, NH.

The MOA listed above is funded from the FFY 2019 High Hazard Potential Dam (HHPD) Program, which was awarded to the Department of Safety, HSEM from the Federal Emergency Management Agency (FEMA). The HHPD Program provides technical, planning, design, and construction assistance in the form of grants to states for non-Federal governmental organizations or nonprofit organizations for rehabilitation of eligible high hazard potential dams. For FFY 2019, the HHPD will provide assistance for technical, planning, design and other pre-construction activities. Grant guidance and applications are available to all Emergency Management Directors, eligible dam owners, and other qualified organizations in the State. Subrecipients submit applications to this office, which are reviewed by the State Hazard Mitigation Officer, Assistant Chief of Grants and Field Representatives and approved by the HSEM Director. The criteria for approval are based on grant eligibility in accordance with the grant's current guidance and the documented needs of the local jurisdictions.

The High Hazard Potential Dam Program is 65% federally funded by FEMA with a 35% match requirement supplied by the subrecipient. The subrecipient acknowledges their match obligation as part of Section V of the MOA.

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
June 16, 2020
Page 2 of 2

In the event that Federal Funds are no longer available, General Funds and/or Highway Funds will not be requested to support this program.

Respectfully submitted,



Robert R. Scott
Commissioner of Department of Environmental Services

Respectfully submitted,



Robert L. Quinn
Commissioner of Safety

**MEMORANDUM OF AGREEMENT (MOA)
BETWEEN
THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
AND
THE NEW HAMPSHIRE DEPARTMENT OF SAFETY**

FFY'19 High Hazard Potential Dam (HHPD) Program

CFDA #97.041

I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to provide funding in the amount of \$386,665.00 to the New Hampshire Department of Environmental Services, Dam Bureau Water Division to utilize services of a consultant to prepare final designs to address all deficiencies of the following two dams: Goose Pond Dam (NID No. NH00118) in Canaan, New Hampshire and Mendums Pond Dam (NID No. NH00133) in Nottingham, New Hampshire.

II. PARTIES

The parties to this agreement are the New Hampshire Department of Environmental Services (hereinafter DES), Dam Bureau Water Division and the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management (hereinafter HSEM).

III. AUTHORITY

The High Hazard Potential Dam (HHPD) Program provides technical, planning, design, and construction assistance in the form of grants to states for non-Federal governmental organizations or nonprofit organizations for rehabilitation of eligible high hazard potential dams. For FY2019, the HHPD will provide assistance for technical, planning, design, and other pre-construction activities. The State received the FY2019 HHPD funding award on September 15, 2019 with a period of performance end date of September 30, 2022.

IV. SCOPE OF WORK

The purpose of this Memorandum of Agreement (MOA) is to provide funding in the amount of \$386,665.00 to the New Hampshire Department of Environmental Services, Dam Bureau Water Division to utilize services of a consultant that can use the Initial Needs Assessment (INA) report, geotechnical investigation report, and previous studies to prepare final designs that would adequately address all deficiencies of the following two dams: Goose Pond Dam (NID No. NH00118) in Canaan, New Hampshire and Mendums Pond Dam (NID No. NH00133) in Nottingham, New Hampshire.

Goose Pond Dam (NID No. NH00118) was originally constructed in 1918 and underwent some moderate reconstruction in 1952. In 1969, the dam was acquired by the State of New Hampshire and is now operated and maintained by NHDES. The dam was built to store spring run-off in order to maintain normal flow needed for the mills and power plants on the Mascoma River. The dam still stores and delivers water downstream, but is primarily operated for recreation. The dam is approximately 31 feet high and 1,240 feet long and consists of an earthen embankment with centrally located concrete outlet works. Goose Pond Dam is classified as a High Hazard Dam. The most recent dam safety inspection by DES on November 16, 2016 resulted in a Memo of Deficiency (MOD) dated August 15, 2017. In the MOD, DES was requested to complete, by January 1, 2019, an engineering evaluation or analysis of the high groundwater levels in the monitoring wells at the site and the concrete deterioration observed throughout the concrete cutoff

wall. Additionally, a report was to be submitted including all investigation findings, recommendations, and a schedule for repair to the Dam Safety and Inspection Section.

Mendums Pond Dam (NID No. NH00133) was constructed around 1840. In 1955, the State of New Hampshire acquired the dam. Since 1955, the dam and pond have been used for recreational purposes, and the dam is currently maintained and operated by DES. In the summer of 2015, significant leaks were identified at the base of Mendums Pond Dam, and the impoundment was drained in the fall of that year so that subsurface explorations to support design and repair efforts could be completed. The most recent dam safety inspection by the DES was completed on May 6, 2019 and resulted in a Memo of Deficiency (MOD) dated June 27, 2019. In the MOD, the Dam Safety and Inspection Section expressed concerns about continuing seepage observed on the downstream side of the dam and possible instability of the downstream wall. In the MOD, DES was requested to engage the services of a consultant to investigate the continued downstream seepage and instability of the downstream wall by September 1, 2020; by September 1, 2021 to submit engineering plans to rehabilitate the downstream side of the dam; and by September 1, 2022 to reconstruct the downstream side of the dam.

HSEM agrees to provide financial assistance to DES in support of the tasks listed above, in accordance with Section V. The financial assistance to be provided by HSEM (FFY 2019 HHPD Program) under this MOA requires a contribution of 35% of the total amount in matching of the total project amount. The non-federal match will be provided from a capital appropriation made by the New Hampshire Legislature for State Fiscal Years 20-21 specifically for the repair and reconstruction of state-owned dams.

DES shall maintain financial records, supporting documents, and all other pertinent records for a period of three (3) years. In these records, DES shall maintain documentation of the 35% cost share required by this grant and agreed upon by DES.

V. FUNDING

Upon approval of this MOA, HSEM shall reimburse up to \$386,665.00 to DES after the project is complete and upon receiving appropriate documentation of expended funds for the match as outlined in Section IV. Supporting documentation shall show proof of cost and proof of payment (submitted through invoices for services rendered).

DES shall maintain financial records, supporting documents, and all other pertinent records for a period of three (3) years. In these records, DES shall maintain documentation of the 35% cost match required by this grant and agreed upon by DES.

Payments shall be made by HSEM to DES through submittal of invoices for services rendered. DES agrees to document \$208,205.00 in matching expenditures.

VI. TERMINATION

Either party may terminate this agreement by providing a written notice for documentation purposes to the other thirty (30) days prior to termination.

VII. DURATION


This agreement shall continue in effect from the date of Governor and Council approval until September 30, 2022, unless terminated earlier by either party.

VIII. AGREEMENT

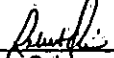
In WITNESS THEREOF, the parties hereto have executed this agreement, which shall become effective on the date the Governor and Executive Council of the State of New Hampshire approve the agreement.

NH Department of Environmental Services

NH Department of Safety



Robert R. Scott
Commissioner



Robert L. Quinn
Commissioner

6-3-20

Date

7/1/2020

Date

NH Department of Safety, HSEM



Jennifer Harper, Director

6/3/2020

Date

Approved by the Attorney General this 20th day of July, 2020, as to form, execution and substance:

OFFICE OF THE ATTORNEY GENERAL



U.S. Department of Homeland Security
Washington, D.C. 20472



Jennifer Harper
NH Dept. of Safety, Div. of Homeland Security & Emergency Management
33 Hazen Drive
Concord, NH 03305 - 0011

Re: Grant No.EMW-2019-GR-00002

Dear Jennifer Harper:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2019 High Hazard Potential Dams (HHPD) Rehabilitation Grant has been approved in the amount of \$475,437.00. As a condition of this award, you are required to contribute a cost match in the amount of \$256,006.00 of non-Federal funds, or 35 percent of the total approved project costs of \$731,443.00.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2019 High Hazard Potential Dams (HHPD) Rehabilitation Grant Notice of Funding Opportunity.

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please log in to the ND Grants system at <https://portal.fema.gov>.

Step 2: After logging in, you will see the Home page with a Pending Tasks menu. Click on the Pending Tasks menu, select the Application sub-menu, and then click the link for "Award Offer Review" tasks. This link will navigate you to Award Packages that are pending review.

Step 3: Click the Review Award Package icon (wrench) to review the Award Package and accept or decline the award. Please save or print the Award Package for your records.

System for Award Management (SAM): Grant recipients are to keep all of their information up to date in SAM, in particular, your organization's name, address, DUNS number, EIN and banking information. Please ensure that the DUNS number used in SAM is the same one used to apply for all FEMA awards. Future payments will be contingent on the information provided in the SAM; therefore, it is imperative that the information is correct. The System for Award Management is located at <http://www.sam.gov>.

If you have any questions or have updated your information in SAM, please let your Grants Management Specialist (GMS) know as soon as possible. This will help us to make the necessary updates and avoid any interruptions in the payment process.

A handwritten signature in black ink, appearing to read "Bridget Ellen Bean". The signature is fluid and cursive, with a long horizontal stroke at the end.

BRIDGET ELLEN BEAN GPD Assistant Administrator

U.S. Department of Homeland Security
Washington, D.C. 20472



AGREEMENT ARTICLES
High Hazard Potential Dams (HHPD) Rehabilitation Grant

GRANTEE: NH Dept. of Safety, Div. of Homeland Security & Emergency Management
PROGRAM: High Hazard Potential Dams (HHPD) Rehabilitation Grant
AGREEMENT NUMBER: EMW-2019-GR-00002-S01

TABLE OF CONTENTS

Article I	Energy Policy and Conservation Act
Article II	Assurances, Administrative Requirements, Cost Principles, Representation and Certifications
Article III	Duplication of Benefits
Article IV	Procurement of Recovered Materials
Article V	Best Practices for Collection and Use of Personally Identifiable Information (PII)
Article VI	Disposition of Equipment Acquired Under the Federal Award
Article VII	Limited English Proficiency (Civil Rights Act of 1964, Title VI)
Article VIII	Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX
Article IX	Prior Approval for Modification of Approved Budget
Article X	Rehabilitation Act of 1973
Article XI	Acceptance of Post Award Changes
Article XII	Nondiscrimination in Matters Pertaining to Faith-Based Organizations

Article XIII	Americans with Disabilities Act of 1990
Article XIV	Use of DHS Seal, Logo and Flags
Article XV	Federal Leadership on Reducing Text Messaging while Driving
Article XVI	Patents and Intellectual Property Rights
Article XVII	Civil Rights Act of 1964 - Title VI
Article XVIII	Federal Debt Status
Article XIX	Age Discrimination Act of 1975
Article XX	Fly America Act of 1974
Article XXI	Reporting of Matters Related to Recipient Integrity and Performance
Article XXII	Universal Identifier and System for Award Management
Article XXIII	False Claims Act and Program Fraud Civil Remedies
Article XXIV	Civil Rights Act of 1968
Article XXV	Notice of Funding Opportunity Requirements
Article XXVI	SAFECOM
Article XXVII	Drug-Free Workplace Regulations
Article XXVIII	National Environmental Policy Act
Article XXIX	Reporting Subawards and Executive Compensation
Article XXX	Trafficking Victims Protection Act of 2000
Article XXXI	USA Patriot Act of 2001
Article XXXII	DHS Specific Acknowledgements and Assurances
Article XXXIII	Acknowledgement of Federal Funding from DHS
Article XXXIV	Lobbying Prohibitions
Article XXXV	Non-Supplanting Requirement
Article XXXVI	Activities Conducted Abroad

Article XXXVII	Terrorist Financing
Article XXXVIII	Hotel and Motel Fire Safety Act of 1990
Article XXXIX	Whistleblower Protection Act
Article XL	Copyright
Article XLI	Debarment and Suspension
Article XLII	Required Budget Review
Article XLIII	Budget Hold

Article I - Energy Policy and Conservation Act

Recipients must comply with the requirements of the *Energy Policy and Conservation Act*, Pub. L. No. 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 II - Assurances, Administrative Requirements, Cost Principles, Representation and Certifications

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.

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.

Article III - 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.

Article IV - 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. No. 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 V - Best Practices for Collection and Use of Personally Identifiable Information (PII)

Recipients who collect 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 personally identifiable information (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 VI - Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200.313.

Article VII - Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with the *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: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article VIII - 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. No. 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 IX - Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. Section 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. Section 200.308(e) 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 DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/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 X - Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, Pub. L. No. 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 XI - Acceptance of Post Award Changes

In the event 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. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.

Article XII - 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 XIII - 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. No. 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 XIV - 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 XV - 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 XVI - Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the *Bayh-Dole Act*, 35 U.S.C. section 200 *et seq.* 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 XVII - 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 XVIII - 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 XIX - Age Discrimination Act of 1975

Recipients must comply with the requirements of the *Age Discrimination Act of 1975*, Pub. L. No. 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 XX - 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. section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974*, 49 U.S.C. 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 XXI - Reporting of Matters Related to Recipient Integrity and Performance

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 XXII - Universal Identifier and System for Award Management

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 XXIII - 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 prohibits 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 XXIV - Civil Rights Act of 1968

Recipients must comply with Title VIII of the *Civil Rights Act of 1968*, Pub. L. No. 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 XXV - Notice of Funding Opportunity Requirements

All of 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 XXVI - 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 XXVII - 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 XXVIII - National Environmental Policy Act

Recipients must comply with the requirements of the *National Environmental Policy Act of 1969*, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 *et seq.*) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires 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 - Reporting Subawards and Executive Compensation

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 XXX - Trafficking Victims Protection Act of 2000

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 XXXI - 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 XXXII - DHS Specific 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.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. Recipients of federal financial assistance from DHS must complete the *DHS Civil Rights Evaluation Tool* within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

Article XXXIII - 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 XXXIV - Lobbying Prohibitions

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 XXXV - 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 XXXVI - Activities Conducted Abroad

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

Article XXXVII - 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 XXXVIII - Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. section 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire

prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, codified as amended at 15 U.S.C. section 2225.

Article XXXIX - 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 XL - 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 XLI - 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 3000. 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 XLII - Required Budget Review

Within 60 days of the notice of award, the Recipient will provide an updated scope of work, budget narrative, and schedule for all work proposed within the 36-month period of performance. Budget amounts over each recipient's allocation cannot be funded, and budget amounts short of the allocation may require FEMA recovering the difference between the allocation and budget amount.

Article XLIII - Budget Hold

The NH Dept.of Safety, Division of Homeland Security & Emergency Management is prohibited from obligating, expending, or drawing down the federal funds identified in this Article until the following requirements are met by the recipient and this condition is subsequently rescinded by FEMA.

Funds in the amount of \$475,437.00 budgeted for HHPD are on hold pending submission of a detailed costs breakdown and justifications by the recipient, and a review and approval of those justifications by FEMA.

BUDGET COST CATEGORIES

Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$731,443.00
Construction	\$0.00

Indirect Charges

\$0.00

Other

\$0.00

Obligating Document for Award/Amendment

1a. AGREEMENT NO. EMW-2019-GR-00002-S01
 2. AMENDMENT NO. ***
 3. RECIPIENT NO. 026003618
 4. TYPE OF ACTION AWARD
 5. CONTROL NO. WX04765N2019T

6. RECIPIENT NAME AND ADDRESS
 NH Dept. of Safety, Div. of Homeland Security & Emergency Management
 33 Hazen Drive
 Concord, NH, 03305 - 0011
 7. ISSUING FEMA OFFICE AND ADDRESS
 FEMA-GPD
 400 C Street, SW, 3rd floor
 Washington, DC 20472-3645
 POC: 866-927-5646
 8. PAYMENT OFFICE AND ADDRESS
 FEMA Finance Center
 430 Market Street
 Winchester, VA 22603

9. NAME OF RECIPIENT PROJECT OFFICER
 Whitney Welch
 PHONE NO. 603-223-3667
 10. NAME OF FEMA PROJECT COORDINATOR
 Central Scheduling and Information Desk
 Phone: 800-368-6498
 Email: Askcsid@dhs.gov

11. EFFECTIVE DATE OF THIS ACTION
 09/15/2019
 12. METHOD OF PAYMENT
 PARS
 13. ASSISTANCE ARRANGEMENT
 Cost Reimbursement
 14. PERFORMANCE PERIOD
 From: 09/15/2019 To: 09/14/2022
 Budget Period
 09/15/2019 09/14/2022

1 5. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE)	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
High Hazard Potential Dams (HHPD) Rehabilitation Grant	97.041	2019-FA-GO01-F440- -4101-D	\$0.00	\$475,437.00	\$475,437.00	See Totals
			\$0.00	\$475,437.00	\$475,437.00	\$256,006.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.
 N/A

16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

High Hazard Potential Dams (HHPD) Rehabilitation Grant recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

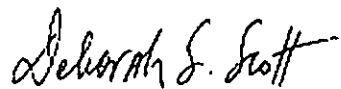
This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)

DATE

18. FEMA SIGNATORY OFFICIAL (Name and Title)

DATE



Fri Sep 13 18:52:28 GMT
 2019

DEBORAH SUSAN SCOTT, Assistance Officer