



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**SUBJECT:** SEE BELOW

**FROM:** Robert Sapien, Jr.  
Jim Shannon

**DATE:** August 11, 2020

Approved

Date

8/11/2020

**SUBJECT: ACTIONS NECESSARY TO ACCEPT THE ASSISTANCE TO  
FIREFIGHTERS GRANT PROGRAM – COVID-19 SUPPLEMENTAL  
FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY**

## RECOMMENDATION

- (a) Adopt a resolution authorizing the City Manager to take all actions necessary to effectuate an award and performance under the Department of Homeland Security Federal Emergency Management Agency's award under its Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental of \$301,125, including City matching funds of \$45,169 for a total of \$346,293.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
  - (1) Establish a City-Wide Expenses appropriation to the Fire Department for the Assistance to Firefighters Grant - COVID-19 Supplemental 2020 in the amount of \$346,293;
  - (2) Decrease the Non-Personal/Equipment appropriation to the Fire Department by \$45,169; and
  - (3) Increase the estimate for Revenue from Federal Government by \$301,124.

## OUTCOME

Approval of this recommendation allows the Fire Department to accept the Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental grant award and use the funds to purchase critically needed personal protective equipment (PPE) and post-call decontamination products to support the safety of front-line personnel who respond to the COVID-19 public health emergency and support community resilience through June 2021.

## **BACKGROUND**

In early 2020, in anticipation of the arrival of the novel coronavirus into Santa Clara County (SCC), the Department established interim minimum requirements for personal protective equipment (PPE). SCC was one of the first COVID-19 epicenters in the country and in March 2020, presented with a 69.14% seven-day average COVID-19 test positivity rate. As of the date of this memo, San José residents make up approximately 67% of the more than 10,000 confirmed COVID-19 cases in SCC. As COVID-19 cases were detected and its spread increased, the Department responded to the threat by establishing additional response and decontamination protocols to minimize risk of responder exposure. In turn, these protocols increased the demand or “burn rate” for PPE and decontamination supplies. To provide context to the amount of demand, the Department responds to over 90,000 emergency incidents annually, with approximately 70,000 requiring some level of emergency medical services (EMS) care. During the pandemic, PPE is required for responders to most of these incidents, not only those requiring EMS care. The PPE and decontamination supply demand levels will continue as long as the COVID-19 threat to responders and essential public safety personnel persists.

On April 23, 2020, the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) released a funding opportunity under the Assistance to Firefighters Grant Program – COVID-19 Supplemental (AFG-S) Program. The AFG-S is one of a comprehensive set of measures authorized by Congress and implemented by DHS designed to enhance the safety of the public and firefighters and strengthen national preparedness and resilience. The Program provides financial assistance directly to eligible fire departments, nonaffiliated emergency medical service organizations, and State Fire Training Academies for critical PPE and related supplies needed to prevent, prepare for, and respond to the COVID-19 public health emergency. The AFG-S Program represents part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, the AFG-S Program supports the goal to Strengthen National Preparedness and Resilience.

On May 15, 2020, the City applied for the grant to secure a sufficient amount of PPE to protect firefighters through June 2021 related to the COVID-19 response. On June 19, 2020, DHS FEMA notified the City of the grant award.

## **ANALYSIS**

The City was awarded the FY20 AFG-S Program grant in the amount of \$301,124, which requires a 13% Cost Share of \$45,169, for a total amount of \$346,293. The grant performance period is June 24, 2020 through June 23, 2021.

As outlined in the DHS FEMA’s Award Letter to the City, the following list provides information on the Spending Plan for the FY20 AFG-S Program. These estimates are subject to reallocation and/or change over the course of the performance period; however, the total grant amount to the City will remain the same.

The table below summarizes proposed expenditures:

<b>Spending Plan</b>	<b>2020-2021</b>
Disinfectant Supplies	\$ 53,215
Gloves	\$ 24,768
Gowns	\$ 175,200
Masks	\$ 93,110
<b>Total Project Costs</b>	<b>\$346,293</b>

The Department implemented a long-term plan for a COVID-19 PPE and post-call decontamination with no additional overhead and administrative costs. This plan complies with the grant requirements and includes:

- A temperature-controlled and secure storage for PPE
- An established internal efficient supply chain
- An easy to use internal ordering system
- Reuse and proper decontamination of applicable PPE
- Weekly department-wide PPE training

## **CONCLUSION**

The recommendations in this memorandum is to accept the Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental grant award, approve the spending plan for the grant, and recognize and appropriate the grant funding. This grant award will provide funding for critical PPE and post-decontamination products to prevent, prepare for, and respond to the COVID-19 public health emergency.

## **EVALUATION AND FOLLOW-UP**

Expenditures will be made according to the spending plan as set out in the grant criteria, and all funding must be expended before June 23, 2021. No additional follow up actions are expected at this time.

## **CLIMATE SMART SAN JOSE**

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH/INTEREST**

This memorandum will be posted on the City Council's Agenda Website for the August 25, 2020 City Council Meeting.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office.

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

### **FISCAL/POLICY ALIGNMENT**

This action is consistent with the following General Budget Principles: the City must focus on protecting its vital core city services for both the short and long-term and continue to streamline, innovate, and simplify its operations so that the City can deliver services at a higher quality level and with better flexibility.

### **COST SUMMARY/IMPLICATIONS**

The recommendations in this memorandum will recognize \$301,124 in grant revenue and establish the Assistance to Firefighters Grant Program - COVID-19 Supplemental 2020 appropriation in the General Fund in the amount of \$346,293. These funds will be expended according to the spending plan as recommended in this memorandum. Existing funds within the Fire Department's Non-Personal/Equipment appropriation are recommended to be reallocated to support the cost-share requirement for this grant; however, staff will continue to monitor the Fire Department's budget to ensure that there is sufficient funding available. As necessary, the Administration will bring forward for City Council consideration any recommended budget actions to reimburse the non-personal/equipment appropriation as part of a future budget process.

**BUDGET REFERENCE**


The table below identifies the fund and appropriations recommended to be amended as part of this memorandum.

Fund #	Appn #	Appn. Name	Current Total Appn	Rec. Budget Action	2020-2021 Proposed Operating Budget Page	Last Budget Action (Date, Ord. No.)
001	R110	Revenue from Federal Government	\$3,714,762	\$301,124	III - 1	6/23/2020, 79605
001	0542	Non-Personal/ Equipment	\$8,901,494	(\$45,169)	VIII - 131	6/23/2020, 30437
001	NEW	Assistance to Firefighters Grant - COVID-19 Supplemental 2020	\$0	\$346,293	N/A	N/A


**CEQA**

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

/s/  
ROBERT SAPIEN, JR.  
Fire Chief

  
JIM SHANNON  
Budget Director

I hereby certify that there will be available for appropriation in the General Fund in the Fiscal Year 2020-2021 moneys in excess of those heretofore appropriated wherefrom, said excess being at least \$301,124.

  
JIM SHANNON  
Budget Director

For questions, please contact Athena Trede, Administrative Officer, at 408-794-6953.

Attachment A: Award Letter

# Award Letter

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

Ryan Dulin  
SAN JOSE, CITY OF  
200 E SANTA CLARA ST 13TH FL  
SAN JOSE, CA 95113



EMW-2020-FG-02814

Dear Ryan Dulin,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) has been approved in the amount of \$301,124.35 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 15.00% of the Federal funds awarded, or \$45,168.65 for a total approved budget of \$346,293.00. Please see the FY 2020 AFG-S Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- FY 2020 AFG-S Notice of Funding Opportunity (NOFO) - incorporated by reference

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Bridget Bean", is written over a light blue horizontal line.

Bridget Bean  
Assistant Administrator  
Grant Programs Directorate

# Summary Award Memo

**Program:** Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental

**Recipient:** SAN JOSE, CITY OF

**DUNS number:** 063541874

**Award number:** EMW-2020-FG-02814

## Summary description of award

The purpose of the Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) is to provide funds for the purchase of PPE and related supplies, including reimbursements, to prevent, prepare for, and respond to coronavirus. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S)'s purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

## Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$346,293.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect charges	\$0.00
Federal	\$301,124.35
Non-federal	\$45,168.65
Total	\$346,293.00
Program Income	\$0.00

## Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the AFG-S NOFO.

### Approved request details:

## Personal Protective Equipment (PPE)

## Gloves

### DESCRIPTION

Grainger Gloves Nitrile/Vinyl (sizes S, M, L, and XL)

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	258	\$96.00	\$24,768.00	Supplies

## Supplies

### DESCRIPTION

Diversey Oxivir Disinfectant Spray Bottle (heavy duty)

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	122	\$95.00	\$11,590.00	Supplies

## Isolation Gowns

### DESCRIPTION

Tidi Shield Gowns (Isolation Disposable)

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	7,300	\$24.00	\$175,200.00	Supplies

## Supplies

### DESCRIPTION

Clorox Cleaning Wipes - Disinfectant based

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	305	\$45.00	\$13,725.00	Supplies

### Surgical Type Face Masks

#### DESCRIPTION

3M 1860 Mask - Surgical

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	373	\$50.00	\$18,650.00	Supplies

### Surgical Type Face Masks

#### DESCRIPTION

Sundstrom SR200 Mask - SR200

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	365	\$204.00	\$74,460.00	Supplies

### Supplies

#### DESCRIPTION

Diversey Oxivir Cleaning Wipe (heavy duty)

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	7	\$75.00	\$525.00	Supplies

### Supplies

#### DESCRIPTION

Summit Research Isopropyl alcohol (1 gallon)

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	365	\$40.00	\$14,600.00	Supplies

**Supplies**

DESCRIPTION

Clorox Disinfectant Spray Bottle

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1,825	\$7.00	\$12,775.00	Supplies

## **Agreement Articles**

**Program:** Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental

**Recipient:** SAN JOSE, CITY OF

**DUNS number:** 063541874

**Award number:** EMW-2020-FG-02814

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**Article 1      Assurances, Administrative Requirements, Cost Principles, Representations 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 2      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](mailto: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>. 6. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

<b>Article 3</b>	<b>Acknowledgement of Federal Funding from DHS</b> 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.
<b>Article 4</b>	<b>Activities Conducted Abroad</b> 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.
<b>Article 5</b>	<b>Age Discrimination Act of 1975</b> 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, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
<b>Article 6</b>	<b>Americans with Disabilities Act of 1990</b> 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. §§ 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.
<b>Article 7</b>	<b>Best Practices for Collection and Use of Personally Identifiable Information (PII)</b> 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.
<b>Article 8</b>	<b>Civil Rights Act of 1964 – Title VI</b> Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 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 9 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. § 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 10 Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 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 11 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 12 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. §§ 8101-8106).

**Article 13 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 14 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. § 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 15 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. § 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 16 False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

**Article 17 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 18 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 19 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. § 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. § 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 20 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. § 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. § 2225.)

**Article 21 Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 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 22 Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. § 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 23 National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

**Article 24 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 25 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 26 Notice of Funding Opportunity Requirements**

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

**Article 27 Patents and Intellectual Property Rights**

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

**Article 28 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. § 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 29 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. § 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 30 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 31 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 32 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 33 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 34 Trafficking Victims Protection Act of 2000 (TVPA)**

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. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

**Article 35 Universal Identifier and System of Award Management (SAM)**

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 36 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), Pub. L. No. 107-56, which amends 18 U.S.C. §§ 175–175c.

**Article 37 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 38 Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

**Article 39 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](mailto:ASK-GMD@dhs.gov) if you have any questions.

**Article 40 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. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 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 41 Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its subrecipients 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. § 200.313.

**Article 42 Environmental Planning and Historic Preservation**

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

## Obligating document

<b>1. Agreement No.</b> EMW-2020-FG-02814	<b>2. Amendment No.</b> N/A	<b>3. Recipient No.</b> 946000419	<b>4. Type of Action</b> AWARD	<b>5. Control No.</b> WX03218N2020T		
<b>6. Recipient Name and Address</b> SAN JOSE, CITY OF 200 E SANTA CLARA ST 13TH FL SAN JOSE, CA 95113		<b>7. Issuing FEMA Office and Address</b> Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		<b>8. Payment Office and Address</b> FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
<b>9. Name of Recipient Project Officer</b> Ryan Dulin		<b>9a. Phone No.</b> null	<b>10. Name of FEMA Project Coordinator</b> Assistance to Firefighters Grant Program		<b>10a. Phone No.</b> 1-866-274-0960	
<b>11. Effective Date of This Action</b>  06/17/2020	<b>12. Method of Payment</b>  OTHER - FEMA GO	<b>13. Assistance Arrangement</b>  COST SHARING		<b>14. Performance Period</b> 06/24/2020 to 06/23/2021 <b>Budget Period</b> 06/24/2020 to 06/23/2021		
<b>15. Description of Action a. (Indicate funding data for awards or financial changes)</b>						
<b>Program Name Abbreviation</b>	<b>Assistance Listings No.</b>	<b>Accounting Data(ACCS Code)</b>	<b>Prior Total Award</b>	<b>Amount Awarded This Action + or (-)</b>	<b>Current Total Award</b>	<b>Cumulative Non-Federal Commitment</b>
AFG	97.044	2020-FC-GB01 - P431-xxxx-4101-D	\$0.00	\$301,124.35	\$301,124.35	\$45,168.65
Totals			\$0.00	\$301,124.35	\$301,124.35	\$45,168.65
<b>b. To describe changes other than funding data or financial changes, attach schedule and check here:</b> N/A						
<b>16.FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)</b> This field is not applicable for digitally signed grant agreements						

<b>17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)</b>	<b>DATE</b>
<b>18. FEMA SIGNATORY OFFICAL (Name and Title)</b>	<b>DATE</b>
Bridget Bean, Assistant Administrator Grant Programs Directorate 06/17/2020	