



June 24, 2016

Brookings County Emergency Management  
Robert Hill  
520 3rd Street, Suite 200  
Brookings, SD 57006

Dear Robert:

As you know, the Emergency Management State and Local Agreement (SLA) provides a single funding, operating, and reporting instrument for the accomplishment of agreed upon activities and products. The Agreement, in particular, acknowledges the SLA applies to preparedness for natural and man-made disasters.

Attached you will find the 2016 EMPG Subaward Agreement – Amendment #1 which identifies your Subrecipient Award amount to be used for salary and administrative costs related to the operation of your County emergency management organization during FFY 2016 (October 1, 2015 through September 30, 2016). Also attached are the updated Federal Agreement Articles which are applicable to this grant.

These funds require a 50% non-federal match. If the county has remaining funds leftover after paying for the emergency management directors' salary and administrative costs, the remaining funds may be utilized for special emergency management related projects within the county. **SD OEM does require prior approval of any special projects.** Special projects are categorized as any project not pertaining to salary, benefits or other administrative costs of the emergency management program. Requests for special projects must be submitted to our office in order to be eligible for reimbursement from your allotted grant. In addition any special emergency management related equipment purchases that are not directly related to administration must be authorized on the ODP Authorized Equipment List. Approval or denial for the special projects will be sent to the emergency management director.

Please have the Chair of your County Commission sign Amendment #1 for the 2016 SLA and return it to your Regional Coordinator by **July 31, 2016**.

**Note to the County Auditor:**

The SLA grant is provided to counties to pay for 50% of the emergency management director's salary and the administrative costs accrued as a result of maintaining the office of the director. This is an ongoing grant with a Catalog of Federal Domestic Assistance number of 97.042. This grant and any other associated with the South Dakota Office of Emergency Management is to be accounted for within fund 226.

Sincerely,

DINA TITZE  
Director

cc: County Auditor

SOUTH DAKOTA OFFICE OF EMERGENCY MANAGEMENT  
2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT SUBAWARD AGREEMENT  
AMENDMENT #1

| Federal Award No. (FAIN)            | Federal Award Date    | CFDA No.          | Program Name                                |
|-------------------------------------|-----------------------|-------------------|---|
| EMD-2016-EP-00001                   | 13-Jun-16             | 97.042            | Emergency Management Performance Grant      |
| Federal Awarding Agency             | Federal Award Amount  |                   |   |
| U.S. Dept. of Homeland Security     | \$3,179,251.00        |                   |   |
| State Awarding Agency               | State Project Officer | Phone No.         | Address                                     |
| S.D. Office of Emergency Management | Allan Miller          | (605)<br>995-8990 | 118 West Capitol Avenue<br>Pierre, SD 57501 |

| Subrecipient Name (County) | Subrecipient DUNS No.        | Subrecipient Contact (Emergency Manager) |
|----------------------------|------------------------------|--|
| Brookings                  | 831514633                    | Robert Hill                              |
| Subrecipient Award Amount  | Project Description          |  |
| \$41,763.98                | 2016 State & Local Agreement |  |
| Subaward Start Date        | Subaward End Date            |  |
| 10/01/2015                 | 9/30/2016                    |  |

**By signing this agreement, you acknowledge that the terms of the following documents are incorporated into the terms of your award:**

- South Dakota Office of Emergency Management 2016 SLA Terms & Conditions
- FY2016 SLA Work Plan

**Senate Bill 162 was passed during the 2016 Legislative Session. In accordance with this new law, you attest to the following:**

- A conflict of interest policy is enforced within your organization.
- The Internal Revenue Service Form 990 has been filed, if applicable, in compliance with federal law, and is displayed immediately after filing on your website.
- An effective internal control system is employed by your organization.
- If applicable, your organization is in compliance with the Federal Single Audit Act, in compliance with 4-11-2.1, and audits are displayed on your website.

| COUNTY COMMISSION SIGNATURE | DATE |
|-----------------------------|------|
|                             |      |
| PRINTED NAME AND TITLE      |      |
|                             |      |

| S.D. OFFICE OF EMERGENCY MANAGEMENT SIGNATURE | DATE |
|---|------|
|   |      |
| Tina Titze, Director                          |      |

**Return Signed Agreement to your respective Regional Coordinator:**

|   |  |   |
|---|--|---|
| OEM Region 1 – Robert Keys<br>PO Box 821<br>Mitchell, SD 57301                    | OEM Region 2 – Jason Forrest<br>416 N Production St<br>Aberdeen, SD 57401            | OEM Region 3 – Patti Pudwill<br>416 N Production St<br>Aberdeen, SD 57401 |
| OEM Region 4 – Brent Kolstad<br>2525 West Main, Suite 213<br>Rapid City, SD 57703 | OEM Region 5 – Kendall Aldinger<br>2525 West Main, Suite 213<br>Rapid City, SD 57703 | OEM Region 6 – Dave Beintema<br>PO Box 821<br>Mitchell, SD 57301          |

**AGREEMENT ARTICLES**  
**Emergency Management Performance Grant**

**GRANTEE:** South Dakota Office of Emergency Management  
**PROGRAM:** Emergency Management Performance Grant  
**AGREEMENT NUMBER:** EMD-2016-EP-00001-S01

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### **Article I - Assurances, Administrative Requirements, Cost Principles, and Audit Requirements**

DHS financial assistance recipients must complete either the 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 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 financial assistance office 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 2 C.F.R. Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

DHS financial assistance recipients must complete either the [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 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 financial assistance office 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 [2 C.F.R. Part 200](#), and adopted by DHS at [2 C.F.R. Part 3002](#).

### **Article II - DHS Specific Acknowledgements and Assurances**

All recipients, sub-recipients, 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 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. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS financial assistance office and the DHS Office of [Civil Rights and Civil Liberties](#) (CRCL) by e-mail at [crcl@hq.dhs.gov](mailto:crcl@hq.dhs.gov) or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.

6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS financial assistance office and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

#### **Article III - Civil Rights Act of 1964 - Title VI**

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* ([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 IV - Civil Rights Act of 1968**

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), 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 ([42 U.S.C. 3601 et seq.](#)), as implemented by the 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. 100.201](#)).

#### **Article V - Copyright**

All recipients must affix the applicable copyright notices of [17 U.S.C. 401 or 402](#) and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards.

#### **Article VI - Debarment and Suspension**

All recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders [12549](#) and [12689](#), and [2 C.F.R. Part 180](#). These regulations restrict 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 VII - Drug-Free Workplace Regulations**

All recipients must comply with the *Drug-Free Workplace Act of 1988* ([41 U.S.C. 701 et seq.](#)), which requires all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Acts implementing regulations at [2 C.F.R Part 3001](#).

## **Article VIII - Duplication of Benefits**

Any cost allocable to a particular Federal award provided for in [2 C.F.R. Part 200, Subpart E](#) may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude a recipient from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal award.

## **Article IX - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 ([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 X - Energy Policy and Conservation Act**

All recipients must comply with the requirements of [42 U.S.C. 6201](#) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

## **Article XI - False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of [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 XII - 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 XIII - Federal Leadership on Reducing Text Messaging while Driving**

All 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 XIV - Acknowledgment of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

#### **Article XV - Activities Conducted Abroad**

All 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 XVI - Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* ([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.

#### **Article XVII - Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, 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. ([42 U.S.C. 12101 12213](#)).

#### **Article XVIII - Best Practices for Collection and Use of Personally Identifiable Information (PII)**

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. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) respectively.

#### **Article XIX - Fly America Act of 1974**

All 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 XX - 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](#), all 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*, as amended, [15 U.S.C. 2225](#).

#### **Article XXI - Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) 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 XXII - Lobbying Prohibitions**

All recipients must comply with [31 U.S.C. 1352](#), which provides that none of the funds provided under an 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 concerning the award or renewal.

#### **Article XXIII - Non-supplanting Requirement**

All recipients who receive 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 XXIV - 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 terms and conditions of your award. All recipients must comply with any such requirements set forth in the program NOFO.

#### **Article XXV - Patents and Intellectual Property Rights**

Unless otherwise provided by law, recipients are subject to the [Bayh-Dole Act, Pub. L. No. 96-517](#), as amended, and codified in [35 U.S.C. 200](#) et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from 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 XXVI - Procurement of Recovered Materials**

All recipients must comply with Section 6002 of the [Solid Waste Disposal Act](#), as amended by the [Resource Conservation and Recovery Act](#). 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 XXVII - Reporting Subawards and Executive Compensation**

All 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 terms and conditions of your award.

#### **Article XXVIII - SAFECOM**

All recipients who receive 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 XXIX - Terrorist Financing**

All recipients must comply with [E.O. 13224](#) and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the Order and laws.

#### **Article XXX - Trafficking Victims Protection Act of 2000**

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended ([22 U.S.C. 7104](#)). The award term is located at [2 CFR 175.15](#), the full text of which is incorporated here by reference in the terms and conditions of your award.

### **Article XXXI - Rehabilitation Act of 1973**

All recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, [29 U.S.C. 794](#), as amended, which provides that no otherwise qualified handicapped individual 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 XXXII - Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal assistance office exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, you 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 terms and conditions of your award.

### **Article XXXIII - Universal Identifier and System of Award Management (SAM)**

All recipients are required to comply with the requirements set forth in the government-wide 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 in the terms and conditions of your award.

### **Article XXXIV - USA Patriot Act of 2001**

All recipients must comply with requirements of the [Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act \(USA PATRIOT Act\)](#), which amends [18 U.S.C. 175 175c](#).

### **Article XXXV - Use of DHS Seal, Logo and Flags**

All recipients must obtain permission from their financial assistance office, 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 XXXVI - Whistleblower Protection Act**

All 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](#).