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City of Las Vegas ~~LVFR Bomb Squad~~  
Bomb Response X-ray Systems  
\$ 52,896.00

## Sub Grant Award

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STATE OF NEVADA  
OFFICE OF THE MILITARY  
DIVISION OF EMERGENCY MANAGEMENT (DEM)  
2478 Fairview Drive, Carson City, NV 89701  
Telephone (775) 687-0300, Fax (775) 687-0322

### Subrecipient Grant Award

Subrecipient: City of Las Vegas ~~LVFR Bomb Squad~~

Program Name: Federal Fiscal Year 2023 Homeland Security Grant Program (HSGP), UASI

Federal Grant Award Number: EMW-2023-SS-00044

UEI (formerly known as DEM DUNS): 607025848

Subrecipient UEI: HJS3TZHWWJX5

Sub Grantee Award Amount: \$52,896.00

Assistance Listing Number (ALT) (formerly CFDA) Project #97.067 (DEM Internal # 97067.23)

Project Title: Bomb Response X-ray Systems

Subrecipient Award Period: October 1, 2023 - September 30, 2025

Federal Award Period to DEM: September 1, 2023 - August 31, 2026

Federal Award Amount to DEM: \$ 10,097,500.00

This award in the amount of \$52,896.00 is subject to the requirements (federal, state, financial, and program assurances) established by the Federal Government, the Nevada Office of the Military, Division of Emergency Management (DEM). This award is subject to the availability of federal funding.

Special Conditions: (If Applicable) This project is approved subject to such conditions or limitations as set forth on the attached

page(s)

MOU Required: No

EHP Required: No

Federal Funding Hold:

Incorporated (1) Federal & State Assurances (2) Financial and Program Assurances (3) Federal Certifications (4) Scope and Timeline of Work (5) Line-Item Detail Budget Zoom Grants Listed Resource Documents attached to this application.

As the duly authorized representative of the City of Las Vegas ~~LVFR Bomb Squad~~(), Goodman, Carolyn G., hereby certify that the Subrecipient has the legal authority to apply for federal grant assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of the project cost) to ensure proper planning, management, and completion of the described project ("Project") within the period of performance. I further acknowledge that the Subrecipient is responsible for reviewing and adhering to all of the following requirements:

Applicable Federal Laws, Regulations, and Guidelines (government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the Office of Management and Budget (OMB) and can be found at <http://www.whitehouse.gov/omb/>;

- Notice of Funding Opportunity (NOFO);
- FEMA Preparedness Manual & FEMA Environmental Planning and Historical Preservation Policy Guide
- Applicable Nevada Statutes, Regulations, and Policies;
- Nevada Office of the Military, Division of Emergency Management Grant Assurances;
- Nevada Office of the Military, Division of Emergency Management, Grant Management Guide.

In addition to the above-listed requirements, City of Las Vegas ~~LVFR Bomb Squad~~ hereby agrees to comply with the following Federal and State Articles of this Agreement:

## **Federal Articles**

### **Article I - Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by City of Las Vegas ~~LVFR Bomb Squad~~ is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, City of Las Vegas ~~LVFR Bomb Squad~~ must request instructions from to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200.313.

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

City of Las Vegas ~~LVFR Bomb Squad~~ must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. City of Las Vegas ~~LVFR Bomb Squad~~ must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. City of Las Vegas ~~LVFR Bomb Squad~~ 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. City of Las Vegas ~~LVFR Bomb Squad~~ must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

### **Article III - Acknowledgement of Federal Funding from DHS**

City of Las Vegas ~~LVFR Bomb Squad~~ 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 IV - Activities Conducted Abroad**

City of Las Vegas ~~LVFR Bomb Squad~~ 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 V - Age Discrimination Act of 1975**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 VI - Americans with Disabilities Act of 1990**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 City of Las Vegas - ~~LVFR Bomb Squad~~ 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 VII - Best Practices for Collection and Use of Personally Identifiable Information (PII)**

City of Las Vegas - ~~LVFR Bomb Squad~~ is 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. City of Las Vegas - ~~LVFR Bomb Squad~~ may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

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

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 IX - Civil Rights Act of 1968**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 Subrecipients 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 X - Copyright**

City of Las Vegas - ~~LVFR Bomb Squad~~ must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgment of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

#### **Article XI - Debarment and Suspension**

City of Las Vegas - ~~LVFR Bomb Squad~~ is 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 XII - Drug-Free Workplace Regulations**

City of Las Vegas - ~~LVFR Bomb Squad~~ must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the Subrecipient 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 XIII - 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 City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XIV - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XV – E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety**

City of Las Vegas - ~~LVFR Bomb Squad~~ must comply with the requirements of section 12(c) of E.O. 14074. City of Las Vegas - ~~LVFR Bomb Squad~~ is also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

#### **Article XVI - Energy Policy and Conservation Act**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XVII - False Claims Act and Program Fraud Civil Remedies**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XVIII - Federal Leadership on Reducing Text Messaging while Driving**

City of Las Vegas - ~~LVFR Bomb Squad~~ is 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 XIX - Fly America Act of 1974**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 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. section 2225a, City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XXI – John S. McCain National Defense Authorization Act of Fiscal Year 2019** City of Las Vegas - ~~LVFR Bomb Squad~~ is subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

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

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XXIII - Lobbying Prohibitions**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XXIV - National Environmental Policy Act**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XXV - 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. City of Las Vegas - ~~LVFR Bomb Squad~~ 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 participation of faith-based organizations in individual DHS programs.

#### **Article XXVI - Non-Supplanting Requirement**

City of Las Vegas - ~~LVFR Bomb Squad~~ must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

#### **Article XXVII - 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. City of Las Vegas - ~~LVFR Bomb Squad~~ must comply with any such requirements set forth in the program NOFO.

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

City of Las Vegas - ~~LVFR Bomb Squad~~ is subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq. City of Las Vegas - ~~LVFR Bomb Squad~~ is 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 XXIX - 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 XXX - Rehabilitation Act of 1973**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XXXI – Required Use of American Iron, Steel, Manufactured Products, and Construction**

City of Las Vegas - ~~LVFR Bomb Squad~~ will comply with the "Build America, Buy America" provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Subrecipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

Certain FEMA waivers exist for the "Build America, Buy America" provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. For additional information, please refer to the information found in the following link:

<https://www.fema.gov/grants/policy-guidance/buy-america#:~:text=FEMA%20Waivers&text=Waives%20the%20BABAA%20requirements%20for,BABAA%2C%20not%20to%20exceed%20%241%2C000%2C000.&text=Waives%20up%20to%20five%20percent,produced%20iron%20or%20steel%20product>

#### **Article XXXII - SAFECOM**

City of Las Vegas - ~~LVFR Bomb Squad~~ must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

#### **Article XXXIII - Terrorist Financing**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XXXIV - Trafficking Victims Protection Act of 2000**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XXXV - Universal Identifier and System for Award Management**

City of Las Vegas - ~~LVFR Bomb Squad~~ is 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 XXXVI - USA Patriot Act of 2001**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XXXVII - Use of DHS Seal, Logo, and Flags** City of Las Vegas - ~~LVFR Bomb Squad~~ must obtain permission from their DHS 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 XXXVIII - Whistleblower Protection Act**

City of Las Vegas - ~~LVFR Bomb Squad~~ 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 XXXIV - 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 laws/requirements. Acceptance of federal funding requires the ~~Legal Name~~ 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.

*City of Las Vegas*

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.

Failure to provide requisite information could result in delays in the release of grant funds. If ground-disturbing activities occur during construction, the subgrantee will monitor ground disturbance, and if any potential archeological resources are discovered, the subgrantee will immediately cease work in that area and notify DEM.

#### **State Articles**

##### **Article I - Written Authorization**

City of Las Vegas - ~~LVFR Bomb Squad~~ shall obtain a written authorization from its governing body in support of the Project, which specifies that the Subrecipient agrees:



1. To designate the authorized representative with the authority to bind the governing body;
- b. To provide all matching funds required for the Project;
- c. That any liability arising out of the performance of the Project and assurances will be the responsibility of the City of Las Vegas - ~~LVFR Bomb Squad~~; and
- d. Grant funds shall not be used to supplant expenditures controlled by the City of Las Vegas - ~~LVFR Bomb Squad~~ or its governing body.

## **Article II – Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award City of Las Vegas - ~~LVFR Bomb Squad~~ is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, City of Las Vegas - ~~LVFR Bomb Squad~~ must request instructions from DEM to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200..

## **Article III - Access to records**

City of Las Vegas - ~~LVFR Bomb Squad~~ will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

## **Article IV - Period of Performance**

The period of performance for each grant award will be determined by DEM based upon the deadlines imposed on DEM by the terms of the federal grant. All work on the Project must be completed within the period of performance specified in the grant. DEM will periodically review the expenditures of the grant to ensure sufficient progress is made on the Project. If DEM determines that the Project will not be completed within the period of performance, DEM may terminate the grant and re-obligate the funding to other projects.

## **Article V - Funding Restrictions**

Federal funds made available through an award may be used only for the purpose outlined in the award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other Federal award, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal Government or any other government entity.

## **Article VI - Conflicts of Interest**

City of Las Vegas - ~~LVFR Bomb Squad~~ will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

## **Article VII - Construction Projects**

For construction projects, the City of Las Vegas - ~~LVFR Bomb Squad~~ will:

1. Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
- b. Comply with the requirements of the awarding agency with regard to the drafting, review, and approval of construction plans and specifications; and
- c. Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

## **Article VIII - Worker Compensation**

City of Las Vegas - ~~LVFR Bomb Squad~~ will comply with provisions that require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Project, as per the worker's compensation laws set forth in NRS 616A, NRS 616B, NRS 616C, NRS 616D, and NRS 617.

## **Article IX - Nevada Public Records Act and the Freedom of Information Act**

City of Las Vegas - ~~LVFR Bomb Squad~~ acknowledges that all information submitted in the course of applying for funding under this program or provided in the course of an entity's grant management activities that are under Federal control is subject to the Freedom of Information Act (FOIA) contained in 5 U.S.C. § 552, and the Nevada Public Records Law, contained in Chapter 239 of the Nevada Revised Statutes.

#### Article X – Subrecipient Monitoring

City of Las Vegas - ~~LVFR Bomb Squad~~ agrees to participate in DEM's monitoring visits and to follow up and take corrective action on all identified non-conformances and observations with action, which includes, but is not limited to, the submission and implementation of a corrective action plan to the DEM.

#### Article XI – Assignment and Delegation

City of Las Vegas - ~~LVFR Bomb Squad~~ shall neither assign, transfer, nor delegate any rights, obligations, or duties under the Notice of Grant Award without prior approval of the DEM.

#### Article XII – Indemnification and Defense

To the fullest extent permitted by law, the City of Las Vegas - ~~LVFR Bomb Squad~~ shall indemnify, hold harmless and defend, not excluding the State's right to participate, the State from and against all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any breach of the obligations of City of Las Vegas - ~~LVFR Bomb Squad~~ under this Agreement, or any alleged negligent or willful acts or omissions of the City of Las Vegas - ~~LVFR Bomb Squad~~, its officers, employees, and agents. City of Las Vegas - ~~LVFR Bomb Squad~~ obligation to indemnify the State shall apply in all cases except for claims arising solely from the State's own negligence or willful misconduct. City of Las Vegas - ~~LVFR Bomb Squad~~ waives any rights of subrogation against the State. City of Las Vegas - ~~LVFR Bomb Squad~~ duty to defend begins when the State requests defense of any claim arising from this Agreement.

#### Article XIII – Termination

The DEM retains the right to terminate a sub-grant, for cause, at any time before completion of the grant period when it has determined that the City of Las Vegas - ~~LVFR Bomb Squad~~ has failed to comply with the conditions of these assurances.

1. The DEM reserves the right to terminate the grant in whole or in part due to the failure of the City of Las Vegas - ~~LVFR Bomb Squad~~ to comply with any term or condition of the signed and agreed upon assurances, failure to implement audit/monitoring recommendations within the prescribed period of time, failure to communicate with or respond to any State Administrative Agency (SAA) request or communication, to acquire and maintain all required insurance policies, bonds, licenses, permits, and certifications or to make satisfactory progress in performing the program, financial and administrative requirements of the grant.
  - b. The DEM staff shall provide written notice of the termination and the reasons for such actions to the Subrecipient.
  - c. The DEM may, upon the termination of the award, procure, on terms and in the manner that it deems appropriate, materials or services to replace those described in the project description of the grant award. City of Las Vegas - ~~LVFR Bomb Squad~~ shall be liable to the DEM for any excess costs incurred by the DEM in procuring equivalent materials or services in substitution for materials or services described in the project description of the grant award.

As the duly authorized representative I, Goodman, Carolyn G., hereby certifies that the City of Las Vegas - ~~LVFR Bomb Squad~~ will comply with the above grant award, assurances, and certifications.

MOU Applicable: ~~\$(Internal Answer)~~ **NO.**

If this award is for the State Homeland Security Program (SHSP) and the Memorandum of Understanding (MOU) is required, City of Las Vegas - LVFR Bomb Squad is agreeing to the following terms of the MOU:

#### MEMORANDUM OF UNDERSTANDING

Between



**City of Las Vegas - LVFR Bomb Squad**

**And**

**The State of Nevada, Office of the Military, Nevada Division of Emergency Management and Homeland Security, also known as the Nevada State Administrative Agent For Utilizing the Homeland Security Grant Funds**

This MOU is entered into by the State of Nevada, Office of the Military, Nevada Division of Emergency Management and Homeland Security, also known as the Nevada State Administrative Agent and NDEM, and City of Las Vegas - LVFR Bomb Squad (hereinafter referred to as "Party" or "Parties") who agree to all provisions of this MOU. Each party further agrees that it assumes all of the duties and responsibilities assigned to that party under this MOU, and that so long as this MOU remains in effect, the party will fully perform all duties and responsibilities contained within this MOU.

**DEFINITIONS**

Chief means Chief of the Nevada Office of the Military, Division of Emergency Management.

DEM means Nevada Office of the Military, Division of Emergency Management.

DHS means the federal Department of Homeland Security.

Eligible Party/Parties means state and local governments, tribal nations, and non-profit organizations.

FEMA means Federal Emergency Management Agency.

Finance Committee means the Nevada Commission on Homeland Security, Finance Committee.

HSGP means Homeland Security Grant Program.

NCHS means Nevada Commission on Homeland Security.

NDEM means Nevada Division of Emergency Management and Homeland Security.

NOFO means Notice of Funding Opportunity.

NRAC means Nevada Resilience Advisory Committee.

SAA means State Administrative Agency/Agent.

SHSP means State Homeland Security Program.

**AUTHORITY**

This MOU is authorized under the State of Nevada Chapter 239C, NRS 414, Titles 2 and 44 of the Code of Federal Regulations, and the NOFO.

**PURPOSE**

This MOU sets forth responsibilities with respect to the pass-through grant funds of the HSGP. In order to be compliant with FEMA and DHS, the Parties, must agree to the grant pass-through requirements set forth in each year's grant guidance and agree to the recommendations of the NRAC, Finance Committee, NCHS, and the SAA.

The NOFO provides that each State may retain more than 20% of the SHSP funding with the written consent of the local unit of government for expenditures made by the State on behalf of the local unit of government.

Consent to this MOU is a condition of receiving HSGP funding.

Incorporated herein contains DHS' Core Capabilities which are a requirement for the purposes of HSGP grant funding. All projects must align with the core capabilities and the target capabilities and must have the necessary relationship deemed compliant by the SAA and/or DHS/FEMA and incorporated herein contains the ranked list of recommended projects for funding,

as approved by the Nevada Commission on Homeland Security.

## **TIME SENSITIVE FUNDING**

Federal law mandates that unspent federal funds be returned to the federal government at the end of the grant performance period. In the event that unspent funds exist and there is insufficient time in the grant performance period to reconvene the NCHS and Finance Committee, the SAA in its sole discretion, may reobligate grant funding within the scope of the approved Investment Justification. In the event that the SAA reobligates time-sensitive funding, the reobligation of funds will be placed as an informational item on the agenda of the next regularly scheduled meeting of the NCHS.

## **RESPONSIBILITIES**

1. The State of Nevada, through NDEM, is responsible for the following:
2. The management and administration of the HSGP grant program;
3. The final allocation and grant awards of the HSGP grant program;
4. Reobligation of deobligated funding through the NCHS approved reobligation guidelines;
5. The reimbursements of the HSGP grant program;
6. The federal reporting of the HSGP grant program;
7. Technical Assistance of the HSGP grant program; and
8. Provide facilitation of and administrative support to the NCHS, Finance Committee, and the NRAC.

City of Las Vegas - LVFR Bomb Squad as an eligible party, agrees to the following:

1. The pass-through requirement set forth in each year's grant guidance and/or NOFO and agrees to the recommendation of the NRAC, Finance Committee, the NCHS, and the SAA's recommendations on grant funding allocation, which may permit the State of Nevada to retain more than the allotted 20%;
2. That any and all items purchased for HSGP grant funds become an asset of the HSGP grant program and each jurisdiction may be required to share grant-funded assets with other city, state, local, tribal, nonprofit, and private sector organizations which include deploying assets to states other than Nevada;
3. Compliance with the Federal and State Assurances;
4. Compliance with each year's grant guidance and/or NOFO;
5. Compliance with the reobligation guidelines;
6. Compliance with all applicable Federal Code of Regulations;
7. Compliance with all applicable Nevada Revised Statutes;
8. Compliance with the Grant Management Guide and all revisions; and
9. Compliance with Grants Service Administration (GSA).

## **EFFECTIVE DATE**

The terms of this MOU will become effective on the date of the final signature by the Eligible Parties to this MOU. The HSGP grant years will include the Federal Fiscal Year 2023 SHSP Funds.

## **MODIFICATION AND AMENDMENT**

1. Any provision of this MOU later found to be in conflict with state law or regulation or invalidated by a court of competent jurisdiction, shall be considered inoperable and/or superseded by that law or regulation. Any provision found inoperable is severable from this MOU, and the remainder of the MOU shall remain in full force.
2. This MOU may be modified or amended only with the prior written agreement of the Parties.
3. This MOU is the full and complete agreement between the undersigned Parties, and supersedes any prior MOU for this same purpose between the Parties, written or oral.
4. This MOU may be executed in several counterparts, each of which shall be deemed to be original, but all of which, taken together, shall constitute one and the same MOU.

Nevada Commission on Homeland Security Priority List (attached)

FFY 2023 Homeland Security Grant Program Spreadsheet (attached)

**IN WITNESS WHEREOF, the City of Las Vegas - LVFR Bomb Squad, (subrecipient of SHSP funds) agrees hereto and have approved this MOU and by accepting this agreement the City of Las Vegas - LVFR Bomb Squad is agreeing to the terms of the MOU.**



## Signatures

Authorized Official Accepting Grant Award, Federal & State Assurances, Certifications & MOU if Applicable

City of Las Vegas ~~LVFR Bomb Squad~~ **Nevada Office of the Military, Division  
of Emergency Management**

~~Not signed yet.~~



David Wm. Fogerson  
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Signatures Appear  
on Next Page

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**Council Action:** \_\_\_\_\_, 2023 – Item # \_\_\_\_\_