

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Cooperative Agreement</b>		<b>GRANT NUMBER (FAIN): 97402918</b>		<b>DATE OF AWARD</b> 08/07/2018
			<b>MODIFICATION NUMBER: 0</b>		
			<b>PROGRAM CODE: PB</b>		<b>MAILING DATE</b> 08/14/2018
			<b>TYPE OF ACTION</b> New		
<b>RECIPIENT TYPE:</b> State			<b>Send Payment Request to:</b> Las Vegas Finance Center		<b>ACH#</b> 40083
<b>RECIPIENT:</b> KY Cabinet for Health and Family Services 275 East Main Street, HS1-CD Frankfort, KY 40621 <b>EIN:</b> 61-0600439			<b>PAYEE:</b> KY Cabinet for Health Services 275 East Main Street, HS1-CD Frankfort, KY 40621		
<b>PROJECT MANAGER</b> Brian Short 275 East Main Street, HS1-CD Frankfort, KY 40621 <b>E-Mail:</b> brian.short@ky.gov <b>Phone:</b> 502 564-4537		<b>EPA PROJECT OFFICER</b> Kristine Johnson 61 Forsyth Street Atlanta, GA 30303-8960 <b>E-Mail:</b> johnson.kristine@epa.gov <b>Phone:</b> 404-562-9071		<b>EPA GRANT SPECIALIST</b> Kenny Richardson Grants and Audit Management Section <b>E-Mail:</b> richardson.kenny@epa.gov <b>Phone:</b> 404-562-9021	
<b>PROJECT TITLE AND DESCRIPTION</b> State Lead Program Grants  This action approves an award in the amount of \$249,459 to Kentucky Cabinet for Health and Family Services to conduct a lead-based paint accreditation program to, train and establish workplace standards for houses built before 1978. This training will include lead-based paint abatements, accreditation, and certification which will result in a reduction of exposure to lead resulting in improved public health.					
<b>BUDGET PERIOD</b> 07/01/2018 - 06/30/2022		<b>PROJECT PERIOD</b> 07/01/2018 - 06/30/2022		<b>TOTAL BUDGET PERIOD COST</b> \$1,606,234.00	
				<b>TOTAL PROJECT PERIOD COST</b> \$1,606,234.00	
<b>NOTICE OF AWARD</b>					
Based on your Application dated 04/28/2018 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$249,459. EPA agrees to cost-share <u>93.77%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$249,459. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.					
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>			<b>AWARD APPROVAL OFFICE</b>		
<b>ORGANIZATION / ADDRESS</b>  61 Forsyth Street Atlanta, GA 30303-8960			<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 4 Air, Pesticides and Toxics Management Division 61 Forsyth Street Atlanta, GA 30303-8960		
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>					
<b>Digital signature applied by EPA Award Official</b> Keva R. Lloyd - Grants Management Officer					<b>DATE</b> 08/07/2018

## PB - 97402918 - 0 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 249,459	\$ 249,459
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$ 100,000	\$ 100,000
Allowable Project Cost	\$ 0	\$ 349,459	\$ 349,459

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.707 - State Lead Program Grants	Toxic Substances Control Act: Sec. 404(g)	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1804VW8159	18	E1	04V4	000C10	4163	-	-	203,459
-	1804VW8159	18	E1	04V4	000E14	4163	-	-	46,000
									249,459

Budget Summary Page: KY Lead - PB 97402918-0

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. Personnel</b>	\$416,324
<b>2. Fringe Benefits</b>	\$459,988
<b>3. Travel</b>	\$35,000
<b>4. Equipment</b>	\$35,000
<b>5. Supplies</b>	\$36,683
<b>6. Contractual</b>	\$295,110
<b>7. Construction</b>	\$0
<b>8. Other</b>	\$182,416
<b>9. Total Direct Charges</b>	\$1,460,521
<b>10. Indirect Costs: <u>35.00%</u> Base Personnel</b>	\$145,713
<b>11. Total (Share: Recipient <u>6.23</u> % Federal <u>93.77</u> %.)</b>	\$1,606,234
<b>12. Total Approved Assistance Amount</b>	\$1,506,234
<b>13. Program Income</b>	\$100,000
<b>14. Total EPA Amount Awarded This Action</b>	\$249,459
<b>15. Total EPA Amount Awarded To Date</b>	\$249,459

## **Administrative Conditions**

### **GENERAL TERMS AND CONDITIONS**

The recipient agrees to comply with the current EPA general terms and conditions available at [https://www.epa.gov/sites/production/files/2017-10/documents/updated\\_epa\\_general\\_terms\\_and\\_conditions\\_effective\\_october\\_2\\_2017\\_or\\_later.pdf](https://www.epa.gov/sites/production/files/2017-10/documents/updated_epa_general_terms_and_conditions_effective_october_2_2017_or_later.pdf). These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at <http://www.epa.gov/grants/grant-terms-and-conditions>.

### **GRANT-SPECIFIC ADMINISTRATIVE CONDITIONS**

#### **A. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

##### **GENERAL COMPLIANCE, 40 CFR, Part 33**

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

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

MBE/WBE reporting is required in annual reports. Reporting is required for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category that exceed the threshold amount of \$150,000, including amendments and/or modifications.

Based on EPA's review of the planned budget, this award meets the conditions above and is subject to the Disadvantaged Business Enterprise (DBE) Program reporting requirements. However, if recipient believes this award does not meet these conditions, it must provide justification and budget detail within 21 days of the award date clearly demonstrating that, based on the planned budget, this award is not subject to the DBE reporting requirements.

The recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) on an annual basis. All procurement actions are reportable, not just that portion which exceeds \$150,000.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30<sup>th</sup> of each year. Final reports are due by October 30<sup>th</sup> or 90 days after the end of the project period, whichever comes first.

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

**MBE/WBE reports should be sent to:**

**To: [R4epagrantsmbewbereporting@epa.gov](mailto:R4epagrantsmbewbereporting@epa.gov)**

**Cc: [richardson.kennv@epa.gov](mailto:richardson.kennv@epa.gov)**

The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at [http://www.epa.gov/osbp/dbe\\_reporting.htm](http://www.epa.gov/osbp/dbe_reporting.htm)

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

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

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements as described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

#### **Accepting the Fair Share Objectives/Goals of Another Recipient**

The dollar amount of this assistance agreement, or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000, or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **Commonwealth of Kentucky** as follows:

**Combined MBE/WBE (DBE): Includes Construction, Equipment, Services and Supplies 14.86%**

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as the **Commonwealth of Kentucky**

#### **Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404**

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

#### **SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C**

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance

agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

#### **CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302**

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

#### **BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)**

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

#### **B. ANNUAL FFR (INTERIM) PURSUANT TO 2 CFR 200.327**

Pursuant to 2 CFR 200.327, EPA recipients shall submit an interim annual Federal Financial Report (FFR, SF-425) to EPA no later than 90 calendar days following the anniversary of the award date. The form is available on the internet at: <http://www2.epa.gov/financial/forms>.

The following reporting period end dates shall be used for interim annual reports: 3/31, 6/30, 9/30, or 12/31.

At the end of the project, the recipient must submit a final FFR to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at:

<http://www2.epa.gov/financial/forms>. All FFRs must be submitted to the Las Vegas Finance Center (LVFC) via email [LVFC-grants@epa.gov](mailto:LVFC-grants@epa.gov).

### **C. EXTENSION OF PROJECT/BUDGET PERIOD EXPIRATION DATE**

EPA has not exercised the waiver option to allow automatic one-time extensions for non-research grants under 2 CFR 200.308 (d)(2). Therefore, if a no cost time extension is necessary to extend the period of availability of funds the recipient must submit a written request to the EPA prior to the budget/project period expiration dates. The written request must include: a written justification describing the need for additional time, an estimated date of completion, and a revised schedule for project completion including updated milestone target dates for the approved workplan activities. In addition, if there are overdue reports required by the administrative and programmatic terms and conditions of this assistance agreement, the recipient must ensure that they are submitted along with or prior to submitting the no cost time extension request.

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

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

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

### **Programmatic Conditions**

**A.** EPA's substantial involvement in this agreement will include technical assistance and other program support, in addition to routine oversight.

#### **B. Joint Evaluation Strategy for Lead Grants**

EPA and the grantee will use annual reviews, reports and on site visits for a joint evaluation of the lead grant programs. Both EPA and the grantee will confer on the evaluation. The recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which materially impair the ability to meet the outputs /outcomes specified in the assistance agreement. The Grantee agrees to submit progress reports semi-annually by July 31st and January 31<sup>st</sup> of each year, except for the final year of the grant, when the grantee agrees to submit a final report within 90 days after the budget/project period end date of June 30th including the information required by 2 CFR 200.328(b), Monitoring and Reporting Program Performance, and 40 CFR 745.324 (h), and to engage in a joint evaluation of the grant work in accordance with 40 CFR 35.115.

The Performance Reports will:

1. Compare the actual accomplishments versus the outcomes/outputs established in the assistance agreement work plan for the grant period.
2. Explain the reasons for slippage if established outcomes/outputs are not met
3. Provide any additional pertinent information including, when appropriate, information of cost overruns

or high unit costs.

4. Any significant changes in the content or administration of the program, implemented since the previous reporting period

5. All information regarding lead-based paint enforcement and compliance activities listed at 745.327(d) "Summary on Progress and Performance"

6. Prominently display the State grant performance measures to include the three essential elements: EPA Strategic Goal, EPA Strategic Plan Objectives, and Workplan Commitments plus time frame.

7. The recipient must provide as part of its Semi-annual performance report, a description of how program income is being used. Further, a report on the amount of program income earned during the award period must be submitted with the Annual Federal Financial Report, Standard Form 425.

The programmatic review will be of the implementation of the work plan and the performance reports will be reviewed to determine achievements versus work plan commitments. As part of the review, EPA and the grantee will complete:

1. A discussion of accomplishments as measured against work plan commitments;
2. A discussion of the cumulative effectiveness of the work performed under all work plan components;
3. A discussion of existing and potential problem areas; and
4. Suggestions for improvement, including, where feasible, schedules for making improvements.

**C.** The grantee agrees to submit quarterly forms to EPA to document certifications, training courses, inspections, and certification processing efficiencies.

**D.** In accordance with 2 CFR 200.328(d)(1), Monitoring and Reporting Program Performance, the recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which materially impair the ability to meet the outputs/outcomes in the assistance agreement workplan.

**E.** EPA may terminate the assistance agreement for failure to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project.

**F.** The grantee agrees that the expenditure of Program Income as defined in 2 CFR 200.307(e) will be added to the funds committed to the grant agreement in accordance with 2 CFR 307(e)(2).

**G.** In accordance with 2 CFR 1500.11 the recipient agrees to follow the EPA Quality Management Plan (QMP).

**H.** In accordance with 2 CFR 1500.11 the recipient agrees to follow the EPA-approved Quality Assurance Project Plan (QAPP).



**I. Equipment Disposition:**

According to 2 CFR 200.313(b) Equipment: A State must use, manage, and dispose of equipment acquired under a Federal award by the state in accordance with state laws and procedures.

**J. Competency of Organizations Generating Environmental Measurement Data**

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, Recipient agrees, by entering into this agreement, that it has Demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement. A copy of the Policy is available online at <http://www.epa.gov/fem/pdfs/competency-policy-aaia-new.pdf> or a copy may also be requested by contacting the EPA project officer for this award.

**K. Grantees will attend all EPA required meetings and training.**

**L. State Grant Cybersecurity Condition**

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure.

For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

**M.** The recipient agrees to follow the approved Quality Management Plan.