

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>		<b>GRANT NUMBER (FAIN):</b> 97426117		<b>DATE OF AWARD</b> 05/15/2019
			<b>MODIFICATION NUMBER:</b> 2		
			<b>PROGRAM CODE:</b> K1		<b>MAILING DATE</b> 05/22/2019
			<b>TYPE OF ACTION</b> Augmentation: Increase		
<b>RECIPIENT TYPE:</b> State		<b>Send Payment Request to:</b> Las Vegas Finance Center			
<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> Clay Hardwick Mail Stop HS1-CD 275 E. Main St. Frankfort, KY: Kentucky 40621 <b>E-Mail:</b> clay.hardwick@ky.gov <b>Phone:</b> 502-564-4856		<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 EXPLANATION OF CHANGES</b> State Indoor Radon Program  This action approves an increase in the amount of \$266,408 to continue to support Kentucky Cabinet for Health and Family Service's Radon Continuing Environmental Program during Fiscal Year 2019.					
<b>BUDGET PERIOD</b> 07/01/2017 - 06/30/2020		<b>PROJECT PERIOD</b> 07/01/2017 - 06/30/2020		<b>TOTAL BUDGET PERIOD COST</b> \$1,592,000.00	
				<b>TOTAL PROJECT PERIOD COST</b> \$1,592,000.00	
<b>NOTICE OF AWARD</b>					
Based on your Application dated 01/30/2017 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$266,408. EPA agrees to cost-share <u>60.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$818,300. 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> 05/15/2019

K1 - 97426117 - 2 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 551,892	\$ 266,408	\$ 818,300
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 334,500	\$	\$ 334,500
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 302,300	\$	\$ 302,300
Allowable Project Cost	\$ 1,188,692	\$ 266,408	\$ 1,455,100

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.032 - State Indoor Radon Program	Indoor Radon Abatement Act: Sec. 306	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart A

[illegible]

## Budget Summary Page

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. Personnel</b>	\$216,900
<b>2. Fringe Benefits</b>	\$98,700
<b>3. Travel</b>	\$5,100
<b>4. Equipment</b>	\$0
<b>5. Supplies</b>	\$13,800
<b>6. Contractual</b>	\$0
<b>7. Construction</b>	\$0
<b>8. Other</b>	\$1,238,800
<b>9. Total Direct Charges</b>	\$1,573,300
<b>10. Indirect Costs: <u>25.00%</u> Base <u>Salaries</u></b>	\$18,700
<b>11. Total (Share: Recipient <u>40.00</u> % Federal <u>60.00</u> %.)</b>	\$1,592,000
<b>12. Total Approved Assistance Amount</b>	\$955,200
<b>13. Program Income</b>	\$0
<b>14. Total EPA Amount Awarded This Action</b>	\$266,408
<b>15. Total EPA Amount Awarded To Date</b>	\$818,300

## **Administrative Conditions**

**The following conditions have been revised:**

### **General Terms and Conditions**

The General Terms and Conditions of this agreement are updated in accordance with the link below. However, these updated conditions apply solely to the funds added with this amendment and any previously awarded funds not yet disbursed by the recipient as of the award date of this amendment. The General Terms and Conditions cited in the original award or prior funded amendments remain in effect for funds disbursed by the recipient prior to the award date of this amendment.

The recipient agrees to comply with the current EPA general terms and conditions available at:

<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2018>

These terms and conditions are binding for disbursements and are in addition to or modify 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**

The recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) on an annual basis. The current EPA Form 5700-52A can be found at the EPA Grantee Forms Page at <https://www.epa.gov/grants/epa-grantee-forms>

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 with a cumulative total that exceed the threshold amount of \$250,000, including amendments and/or modifications. The recipient must make reporting a requirement of all sub-awards/loans. All procurement actions are reportable, not just that portion which exceeds \$250,000.

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 titled "annual" and the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30th of each year. Final reports are due by October 30th 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.

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 the recipient believes this award does not meet these conditions, it must provide a 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 to the Regional or Headquarters point of contact defined in the correspondence condition, if applicable.

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.

MBE/WBE reports should be sent to the Disadvantaged Business Enterprise (DBE) coordinator and Grants Specialist (optional):

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

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

cc: [richardson.kenny@epa.gov](mailto:richardson.kenny@epa.gov)

Attn: **Kenny Richardson**

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)

#### **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 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.

#### **Current Fair Share Objective/Goal**

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

**COMMONWEALTH OF KENTUCKY** has negotiated the following, applicable MBE/WBE fair share objectives/goals with EPA as follows:

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

#### **Negotiating Fair Share Objectives/Goals**

In accordance with 40 CFR, Part 33, Subpart D, established goals/objectives remain in effect for three fiscal years unless there are significant changes to the data supporting the fair share objectives. The recipient is required to follow requirements as outlined in 40 CFR Part 33, Subpart D when renegotiating the fair share objectives/goals.

#### **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.

**All Other Administrative Conditions Remain the Same.**

### **Programmatic Conditions**

**The following Programmatic Conditions have been added:**

#### **Performance Reporting for FY2018 House Report 115-238**

The recipient shall submit to the EPA Project Officer, a report utilizing the reporting template provided by your Project Officer; also available at

<https://www.epa.gov/radon/state-indoor-radon-grant-sirg-program>. In accordance with 2 CFR Part

200.328, the recipient agrees to include this information in the template, and submit it with their annual progress report, but no later than September 30, 2019.

Instituting this reporting requirement is an important step in addressing the SIRG recommendations contained in the House Report 115-238 (and House Report 114-632, by reference) that accompanied the FY2018 EPA-SIRG appropriation. In accordance with 2 CFR 200.328(2)(d)(1), the recipient agrees to notify EPA of problems, delays, or adverse conditions which materially impairs their ability to satisfy this specific requirement

### **Performance Reporting for FY2019 House Report 115-765**

The recipient shall submit a report characterizing activities that will be conducted during FY2020 (October 1, 2019 -September 30, 2020), utilizing the designated reporting template. (The reporting template will be made available at <https://www.epa.gov/radon/state-indoor-radon-grant-sirg-program>.) In accordance with 2 CFR Part 200.328, the recipient agrees to provide the information in the reporting template and submit it with their annual progress report no later than September 30, 2020.

Instituting this reporting requirement is an important step in addressing the SIRG recommendations contained in House Report 115-765, referenced by the FY2019 SIRG appropriation. In accordance with 2 CFR 200.328{2}(d)(1), the recipient agrees to notify EPA of problems, delays, or adverse conditions which materially impairs their ability to satisfy this specific requirement.

### **All Other Programmatic Conditions Remain the Same**