

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>	<b>GRANT NUMBER (FAIN):</b> 99720418 <b>MODIFICATION NUMBER:</b> 0 <b>PROGRAM CODE:</b> PB	<b>DATE OF AWARD</b> 06/29/2015
		<b>TYPE OF ACTION</b> Continuation	<b>MAILING DATE</b> 07/06/2015
		<b>PAYMENT METHOD:</b> ACH	<b>ACH#</b> 77760
<b>RECIPIENT TYPE:</b> State		<b>Send Payment Request to:</b> U.S. Environmental Protection Agency - LVFC 4220 S. Maryland Pkwy., Bldg C, Room 503 Las Vegas, NV 89119 Phone Contact: 702-798-2467; Fax: 702-798-2423 Email: LVFC-grants@epa.gov	
<b>RECIPIENT:</b> Missouri Department of Health and Senior Services 912 Wildwood, P.O. Box 570 Jefferson City, MO 65102-0570 <b>EIN:</b> ██████████		<b>PAYEE:</b> Same as Recipient 912 Wildwood, P.O. Box 570 Jefferson City, MO 65102-0570	
<b>PROJECT MANAGER</b> Jonathan Garoutte 912 Wildwood, P.O. Box 570 Jefferson City, MO 65102-0570 <b>E-Mail:</b> jonathan.garoutte@health.mo.gov <b>Phone:</b> 573-751-6102		<b>EPA PROJECT OFFICER</b> Cassandra Mance 11201 Renner Boulevard, WWPD/TOPE Lenexa, KS 66219 <b>E-Mail:</b> mance.cassandra@epa.gov <b>Phone:</b> 913-551-7355	
<b>EPA GRANT SPECIALIST</b> Jennifer Erickson Grants Management Office, PLMG/RFMB/GRMS <b>E-Mail:</b> erickson.jennifer@epa.gov <b>Phone:</b> 913-551-7997			
<b>PROJECT TITLE AND DESCRIPTION</b>  Missouri 2016 Lead Licensing and Accreditation Program  This program is to assist the State of Missouri with the implementation of a comprehensive lead-based paint program to reduce the risk of childhood lead poisoning. The program includes, training and certifying lead-based paint professionals, outreach to the public, and monitoring and enforcement to identify, correct, and deter non-compliance with lead-based paint abatement regulations and requirements.  This agreement is subject to the requirement for the rescission of funds, see Administrative Condition #1.			
<b>BUDGET PERIOD</b> 10/01/2015 - 09/30/2016	<b>PROJECT PERIOD</b> 10/01/2015 - 09/30/2016	<b>TOTAL BUDGET PERIOD COST</b> \$425,763.00	<b>TOTAL PROJECT PERIOD COST</b> \$425,763.00
<b>NOTICE OF AWARD</b>			
Based on your Application dated 05/28/2015 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$335,763. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$335,763. 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> Grants Management Office 11201 Renner Boulevard Lenexa, KS 66219		<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 7 Water, Wetlands, and Pesticides Division 11201 Renner Boulevard Lenexa, KS 66219	
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>			
<b>Digital signature applied by EPA Award Official</b> Deboraha K. Titus - Grants Management Officer			<b>DATE</b> 06/29/2015

# EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 335,763	\$ 335,763
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	\$	\$	\$ 0
<b>Allowable Project Cost</b>	<b>\$ 0</b>	<b>\$ 335,763</b>	<b>\$ 335,763</b>

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
-	1507K65013	15	E1	07K3	401C10	4163			292,763
-	1507K65013	15	E1	07K3	501E14XLD	4163			43,000
									335,763

## Budget Summary Page

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. Personnel</b>	\$223,908
<b>2. Fringe Benefits</b>	\$111,954
<b>3. Travel</b>	\$7,447
<b>4. Equipment</b>	\$0
<b>5. Supplies</b>	\$0
<b>6. Contractual</b>	\$0
<b>7. Construction</b>	\$0
<b>8. Other</b>	\$12,259
<b>9. Total Direct Charges</b>	\$355,568
<b>10. Indirect Costs: % Base <u>See NICA</u></b>	\$70,195
<b>11. Total (Share: Recipient <u>0.00 %</u> Federal <u>100.00 %</u>.)</b>	\$425,763
<b>12. Total Approved Assistance Amount</b>	\$335,763
<b>13. Program Income</b>	\$90,000
<b>14. Total EPA Amount Awarded This Action</b>	\$335,763
<b>15. Total EPA Amount Awarded To Date</b>	\$335,763

## **Administrative Conditions**

### **1. Payment Restriction**

The recipient acknowledges that this agreement is subject to the requirement for the rescission of funds appropriated to EPA in the State and Tribal Grants account under Public Law 113-235. To ensure compliance with that requirement, EPA is temporarily placing a payment (i.e., drawdown) restriction on 1% of the Federal Fiscal Year 2015 funds in the award pending a determination on the impact of the rescission on this agreement. Once EPA has determined the amount of the rescission applicable to this agreement, EPA will make available to the recipient the difference between the 1% withholding and the actual rescission amount and execute a decrease amendment withdrawing the rescinded amount, lifting the payment restriction, and adjusting the corresponding recipient cost share, if any.

### **2. General Terms and Conditions**

The recipient agrees to comply with the current EPA general terms and conditions available at: [http://www.epa.gov/ogd/tc/general\\_tc\\_applicable\\_aa\\_recipients\\_dec\\_26\\_2014.pdf](http://www.epa.gov/ogd/tc/general_tc_applicable_aa_recipients_dec_26_2014.pdf). These terms and conditions are in addition to the assurances and certifications made as 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/ogd/tc.htm>.

### **3. Payment Frequency**

Recipient agrees to submit, at a minimum, a quarterly billing (payment) request(s) to the EPA, for all eligible, allowable, allocable, necessary and reasonable costs which are incurred for this project/program. A payment request is not required to be submitted in the event that the recipient has not incurred such costs during the quarterly period, but more frequent payments may be requested as costs are incurred.

### **4. Indirect Costs**

Recipient agrees that if indirect costs are authorized in this award they will be charged at the approved indirect rate for the year in which the funds are actually expended and in accordance with the negotiated indirect cost agreement.

### **5. Program Income**

Recipient agrees to use authorized program income for the purposes and under the conditions of the grant agreement according to 2 CFR 200.307(e)(2).

### **6. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MBE/WBE)**

#### **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.

#### **REPORTING PROVISION**

MBE/WBE reporting is required annually 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 does not meet the condition above and is not subject to the reporting requirements of the Disadvantaged Business Enterprise (DBE) Program. However, if during the performance of the award the total of all funds expended for direct procurement by the recipient and procurement under subawards or loans in the "Other" category exceeds \$150,000, annual reports will be required in accordance with the reporting paragraph below and you are required to notify your grant specialist for additional instructions.**

The recipient also agrees to request prior approval from EPA for procurements that may activate DBE Program reporting requirements.

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 Efforts 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 REPORTING, 40 CFR, Part 33, Subpart E**

When required, MBE/WBE reports must be submitted annually. 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.

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. 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.

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 [R7Grants@epa.gov](mailto:R7Grants@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).

**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 **Missouri Department of Natural Resources, (MDNR)** adopted as follows:

Missouri	MBE	WBE
Services	10%	5%
Supplies	10%	5%
Equipment	10%	5%
Construction	10%	5%

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 **MDNR** adopted as follows:

**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.

## **Programmatic Conditions**

### **1. Performance Reports**

Recipient agrees to provide Quarterly Performance Reports, for all activities identified in the work plan, including those performed by the Recipient through Inter-agency agreements and sub-agreements in accordance with 2 CFR 200.328; whichever is applicable.

Performance reports submitted under this agreement will contain at a minimum:

- i) a comparison of actual accomplishments to the outputs/outcomes established in the work plan for the performance period;
- ii) the reasons for slippage if established outputs/outcomes were not met; and,
- iii) additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

These reports shall be due no later than thirty (30) days after the end of each reporting period. The final performance report is due to the EPA Project Officer (PO) within ninety (90) days after the expiration of the

project period.

Questions, concerns, notification of any problems or delays should be directed to the EPA PO listed on the first page of your assistance award or assistance amendment document.

## **2. EPA Sponsored Meetings and Training**

Participation in EPA sponsored training, workshops and meetings is a required recipient activity and is essential to the effective implementation of Toxic Substances Control Act, Section 404(g) Lead-Based Paint Programs Grants issued to states, territories, and tribes. The grantee must assure representation from the state health agency, Missouri Department of Health and Senior Services, to attend EPA sponsored meetings or training (e.g., 1 or 2 Region 5 and 7 joint or individual State and Tribal Lead-Based Paint Program meetings).