



John F. Duval  
Chief of Police

## City of Concord, New Hampshire

POLICE DEPARTMENT

35 Green Street • 03301-4299

(603) 225-8600

FAX (603) 225-8519

www.concordpolice.com

August 30, 2013

Carla Gericke  
Free State Project  
PO Box 1684  
Keene, NH 03431

Re: Request under Right to Know Law 91-A

Dear Ms. Gericke:

This letter follows your August 2, 2013 request for information under RSA 91-A:

*"On behalf of FSP participants, I hereby respectfully demand:*

- 1.) *A retraction and amendment of the grant application to remove all references to "Free Staters".*
- 2.) *An itemized list by calendar day of the "daily challenges" presented by "Free Staters" to the CPD. Please list individuals, not a class of people."*
- 3.) *A written letter of apology from both the City and CPD, which includes the following statements: "The Free State Project is not a domestic terrorist organization", and "Free Staters do not pose 'daily challenges' to the Concord Police Department."*

Please be advised that item 1 is available for your review. If you want copies of this document there is a charge of \$1.00 for the first page and .50 cents for each additional page. Please contact the Concord Police Records Division for a total cost of your request. Be advised that if you choose to have the documents mailed to you, an additional fee of \$5.00 will be assessed. No fee is charged to review documents on site.

Your requests outlined in items 2 and 3 are denied as no such documents exist.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "TJM", with a long horizontal line extending to the right.

Lieutenant Timothy O'Malley  
Lt. Timothy O'Malley  
Commander  
Criminal Investigations Division  
Concord Police Department  
Concord, NH 03301

*"Community Committed"*



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August 8, 2013

Assistant Commissioner Earl M. Sweeney  
NH Department of Safety  
33 Hazen Drive  
Concord, NH 03301

Dear Commissioner Sweeney:

I respectfully submit a proposed language change to the original grant application made by the Concord Police Department and the City of Concord to the NH Department of Safety – Grants Management Unit. The grant application was for a CBRNE /WMD Rescue Vehicle (BearCat).

In particular, I have removed references to specific groups as currently listed in section B on page 3 of the application. The references were made to illustrate my intended point that there are home grown clusters or individuals who are anti-government and pose problems for law enforcement agencies and who may align themselves with officially organized groups.

The meaning and intent of the original language has been interpreted in a different way and does not represent the position of the Concord Police Department.

I am requesting the Review Committee accept the attached revised paragraph as a replacement to section B as it currently stands.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Duval".

John F. Duval  
Chief of Police

Proposed amended paragraph to the Concord Police grant application

B. **The State of New Hampshire's experience with terrorism** slants primarily towards the domestic type. We are fortunate that our State has not been victimized from a mass casualty event from an international terrorism strike however on the domestic front, the threat is real and here. Due to the location of the State Capital in the City of Concord, there are frequent demonstrations by officially organized groups which have the potential of becoming volatile and present challenges. Outside of the officially organized groups, there are several homegrown clusters and individuals that are anti-government and pose problems for law enforcement agencies. As for all-hazard risks, New Hampshire is susceptible to man-made disasters, weather related incidents or CBRNE events. Because of this, our Unit researched existing **"Specialized Response and Rescue Vehicles"** which would make our response possible to such dangerous events and rescue missions. We currently do not possess such a vehicle. The type of vehicle needed would be capable of deploying bomb, HAZMAT, and special weapons personnel, equipped to detect chemical, biological, and radiological materials as well as explosive gases. This vehicle also needs armor properties to protect these personnel from explosions and hits from multiple projectiles when **required to enter "hot zones"**. **The Lenco "BearCat" meets all these requirements. The BearCat has an optional Radiation Detection Package which can detect Alpha, Beta, and Gamma radiation. Another option is the Draeger Explosive Gas Detection System which can detect explosive gases. It is also equipped with ½" Mil Spec A46100 Ballistic Steel rated at a NIJ level IV (.50 Caliber and .30 Caliber AP, State Department Armor Level E).** This provides appropriate deflection of blast fragmentation and protection from projectiles.

**State of New Hampshire**  
**Department of Safety**  
33 Hazen Drive  
Concord, NH 03301  
(603) 223-3888

**John J. Barthelmes**  
Commissioner

**Earl M. Sweeney**  
Assistant Commissioner

August 9, 2013

Chief John F. Duval

Concord Police Department

35 Green Street

Concord, NH 03301-4299

Dear Chief Duval:

This is to acknowledge receipt of your letter of August 8 and the attachment consisting of a proposed amended paragraph to the Concord Police Department grant application for a Lenco Bearcat rescue vehicle.

Your grant has already been processed and approved; however we will place your letter and proposed amendment in the file, attached to the grant request, and forward a copy of the members of the Grant Advisory Committee, who reviewed the grant application, so that they will be aware of it.

The basis for approval of Concord's grant request was as follows:

- The make and model of equipment that you proposed to purchase meets the federal Department of Homeland Security guidelines and therefore was an item that meets the requirement for a sub-grant to local first responder agencies and this equipment has been approved for grants in the past.
- Sufficient federal funds were available to support the purchase (80% of the total Homeland Security grant to the State is mandated by Congress to be allocated to local government first responder agencies).
- The grant request was endorsed by you as Chief of Police and by the City Manager and Assistant City Manager on behalf of the municipality, thus had official support.

- The grant would benefit more than one municipality and was a multi-jurisdictional, cooperative effort, which takes precedence over one that would assist only a single community.
- The City and the area that would be served is home to the State Capitol and headquarters of all the major State agencies, the County Seat of Merrimack County and site of the County offices and not only the Merrimack County Superior Court but also the State Supreme Court, the Merrimack County Superior Court, and the Circuit Court.
- The City and surrounding area contains several major State highways as well as portions of I-93, I-89 and 293, and major bridges over the Merrimack River, a regional hospital with the busiest emergency department in the state, the State Mental Hospital, State Prison, nursing homes, elementary and secondary public and private schools, colleges, an airport, a bus terminal, several sites of historic significance, and multiple businesses including some with government defense contracts.
- The area to be served by the Central NH Response Team includes the Merrimack County Jail, the County Nursing Home, additional major highways, hospitals, schools, colleges, historic sites, public utilities, ski areas, a NASCAR track and additional amusement venues and other sites of importance to the economy of the state.
- The vehicle's primary usage is a protective role, to transport law enforcement and medical personnel safely and to perform rescues of not only first responders but also members of the public who are injured or exposed to potential injury from gunfire and explosive devices to transport them safely out of the danger zone.
- There are past examples in the State of New Hampshire where this capability if available would have saved lives.

The above were the relevant criteria for approval of the grant that figured in the decision to award the grant. It is the responsibility of each sub-grantee to utilize any equipment purchased with grant funds in a legally appropriate manner.

Very truly yours,

*Earl M. Sweeney*

Earl M. Sweeney

Assistant Commissioner

EMS:e



**John F. Duval**  
Chief of Police

## **City of Concord, New Hampshire**

### **POLICE DEPARTMENT**

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## **REPORT TO MAYOR AND THE CITY COUNCIL**

**FROM:** Chief John F. Duval

**DATE:** August 19, 2013

**SUBJECT:** Update on Homeland Security Grant – BearCat

I respectfully submit this memo, along with supporting documents, as a follow up to the Homeland Security Grant application for the BearCat Rescue Vehicle.

On August 8, 2013, I submitted a letter to Assistant Commissioner Earl Sweeney of the NH Department of Safety along with proposed language change to the original Homeland Security Grant for the BearCat Rescue Vehicle; specifically, Section B. The amended language removed references to specific groups.

On August 9, 2013, Assist. Commissioner Sweeney responded back acknowledging receipt of my request and indicated the proposed language change would be joined with the original grant application and would also be forwarded to the other members of the Grant Advisory Committee.



**Grant Application Instructions and Guidance  
FY 2012 Homeland Security Grant Program  
NH Department of Safety - Grants Management Unit**

- All applications must comply with the published state and federal criteria. See: <http://www.fema.gov/government/grant/hsgp>
- The NH Dept. of Safety - Grants Management Unit Grant application is located on-line at <http://www.nh.gov/safety/divisions/homeland/homelandgrants.html>
- The U.S. Department of Homeland Security FY 2012 Homeland Security Grant Program (HSGP) Guidelines can be accessed on-line <http://www.fema.gov/government/grant>
- The FY 2012 Authorized Equipment List (AEL) can be found on-line at <https://www.rkb.us/>
- Only eligible applicants may apply for HSGP funds. **Eligible applicants include:** Local units of government, as defined in the Department of Homeland Security Appropriations Act of 2005, refer to "any county, city, village, town, district, borough, special district, or other political subdivision of any State.". The lead applicant is responsible for grant funds and administration: including but not limited to assurances and audit requirements, maintenance or records, etc.
- An agency may submit multiple applications; however, each application **must** contain **only one project** and reflect **only one funding category**. Please consider your community's most critical need when applying for these limited funds.



**Grant Application Checklist**

This checklist is for your convenience in preparing, completing and submitting your grant application.

**A complete application submission must contain the following:**

Application Cover page, *including appropriate signatures*. Do not submit applications in binders, plastic cover or bound in any way

- Sections I-V
- Section VI
  - Required Attachments
    - Grant Terms and Conditions
    - City/County resolution
    - AEL Information Sheet(s)
    - Partnering agency letters of commitment
  - Optional Attachments
    - Environment Documents (to be supplied AFTER COMMITTEE & DOS APPROVAL TO BE SENT TO DHS/FEMA):
      - Written request for construction
      - NEPA checklist
      - Maps
      - Photographs

**Prior to Submission Check All Forms for Required Signatures**

For questions about this application please contact the Grants Management Unit at 603-271-7663

- **Send the Original of the completed grant application (and keep a copy in your possession) to:**  
NH Department of Safety - Grants Management Unit  
Commissioner's Office-Second Floor  
33 Hazen Drive  
Concord, NH 03305

**Applications MUST be received by Noon (12:00 p.m. EST) Friday, January 31, 2013.**

**FY 2012 NH Department of Safety - Grants Management Unit Grant Application  
CFDA #97.067**

Lead Applicant Agency) \_\_\_\_\_ Concord NH Police Department \_\_\_\_\_

Partnering Cities/Countries/ Agencies Twenty Membership Communities comprised of the Central NH Special Operations Unit  
 \_\_\_\_\_ (see Attached) \_\_\_\_\_

<b>Organization</b> (Circle as appropriate in each line)	<b>City</b>  <u>Law Enforcement</u>	County  Fire      EMS	Other  EMA      Hazmat Team      Other
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**Proposal Information:** Is this a continuation of a Homeland Security Grant? If so, identify the project.(s)    Y    N

Project Name: City of Concord Specialized Mission CBRNE/WMD Rescue Vehicle Amount: \$258,024.00 \_\_\_\_\_

Is this a construction project?    Y    N    Describe: (tower, fence, repeater, etc.) \_\_\_\_\_

**Local Project Title:** \_\_\_\_\_

Please check the Investment Justification which best describes your project\*:  
 \_\_\_\_\_ Special Team and or Special Response Enhancement (WMD/CBRNE)  
XX WMD/CBRNE prevention, protection, response, recovery  
 \_\_\_\_\_ Enhanced Communications

**Approvals**

NIMS Compliance (attached)	Y	N		
After Action Report (AAR) recommended this project	Y	N	Date(s) of Event _____	Exercise _____
NH IAC Infrastructure Analysis recommended this project	Y	N	(attach document re: certification of assessment)	

**Budget Summary**    *Select only ONE project per application. Complete ONE budget line and circle ONE project category.*

\$ \_\_\_\_\_ Communications

\$ 258,024.00    Equipment:    Decon    Detection    PPE    CBRNE    Rescue    Physical Security    IED    EMS  
 Other

	Authorizing Official per RSA (Per RSA 31:95b or RSA 37:6)	Project Director/Contact	Financial Officer
Name:	<b>Thomas Aspell</b>	<b>John Duval</b>	<b>Brian LeBrun</b>
Title:	<b>City Manager</b>	<b>Police Chief</b>	<b>Deputy City Manager</b>
Address:	<b>41 Green Street</b>	<b>35 Green Street</b>	<b>41 Green Street</b>
City, Zip:	<b>Concord 03301</b>	<b>Concord 03301</b>	<b>Concord 03301</b>
Phone No:	<b>603-225-8569</b>	<b>603-230-3735</b>	<b>603-225-8583</b>
Fax No:	<b>603-225-8519</b>	<b>603-225-8519</b>	<b>603-225-8519</b>
Email:	<b>taspell@concordnh.gov</b>	<b>jduval@concordnh.gov</b>	<b>blebrun@concordnh.gov</b>
Original Signatures	_____	_____	_____



**NH Department of Safety - Grants Management Unit  
FY 2012 Homeland Security Grant Application**

Please address all points in sequence. **The NH State Strategy is approved to support the preparedness, prevention, protection and recovery needs of NH's PRIMARY First Responders** (see [http://www.nh.gov/safety/divisions/homeland/2011/exe\\_summary.html](http://www.nh.gov/safety/divisions/homeland/2011/exe_summary.html)). See Homeland Security Presidential Directive #8 [http://www.dhs.gov/xabout/laws/gc\\_1215444247124.shtm](http://www.dhs.gov/xabout/laws/gc_1215444247124.shtm)

Responses should include all jurisdictions participating in the applications. Responses to each Section should be labeled; however, do not exceed page limits for each Section. **Please use the standard Times New Roman font, 12 pt. with 1" margins.**

**SECTION I: STRATEGY**

**(Maximum of 3 pages- use the letter for information pertaining to each key item as your answer outline)**

Describe your problem and solution in three pages or less. This narrative should include the following (answer each question by letter):

- A. This project not only guards against terrorism but improves our readiness and response to disasters in our region. The Central New Hampshire Special Operations Unit (hereafter referred to as "CNHSOU") is tasked with numerous responsibilities that include response to domestic terrorist events that occur within the State of New Hampshire and would cover diverse terrain ranging from an urban setting to remote rural. By virtue of our proximity to other jurisdictions, the collective training and experience of our personnel and our existing capabilities, the CNHSOU will be called upon to enter areas of danger when such an event is to take place. Our team needs a vehicle also referred to as a "Bearcat" to enhance our response capabilities in a protected manner for the transport of personnel and equipment to barricaded, suicidal and hostage situations, high risk warrants, high risk arrests and officer/citizen down rescues. The City of Concord is the State Capital and an active participant in the CNHSOU. The President and Vice-President of the United States have visited our area several times over the past years. In addition, our demographic is subject to multiple visits from Heads of State, United States Congressional members and many other dignitaries. We as a team have been called upon as a support function for the United States Secret Service. Their mission and security is paramount and this vehicle could assist with potential CBRNE incidents and the protection of their well-being.
- B. The State of New Hampshire's experience with terrorism slants primarily towards the domestic type. We are fortunate that our State has not been victimized from a mass casualty event from an international terrorism strike however on the domestic front, the threat is real and here. Groups such as the Sovereign Citizens, Free Staters and Occupy New Hampshire are active and present daily challenges. Outside of the officially organized groups, there are several homegrown clusters that are anti-government and pose problems for law enforcement agencies. As for all-hazard risks, New Hampshire is susceptible to man-made disasters, weather related incidents or CBRNE events. Because of this, our Unit researched existing "Specialized Response and Rescue Vehicles" which would make our response possible to such dangerous events and rescue missions. We currently do not possess such a vehicle. The type of vehicle needed would be capable of deploying bomb, HAZMAT, and special weapons personnel, equipped to detect

chemical, biological, and radiological materials as well as explosive gases. This vehicle also needs armor properties to protect these personnel from explosions and hits from multiple projectiles when required to enter "hot zones". The Lenco "BearCat" meets all these requirements. The BearCat has an optional Radiation Detection Package which can detect Alpha, Beta, and Gamma radiation. Another option is the Draeger Explosive Gas Detection System which can detect explosive gases. It is also equipped with ½" Mil Spec A46100 Ballistic Steel rated at a NIJ level IV (.50 Caliber and .30 Caliber AP, State Department Armor Level E). This provides appropriate deflection of blast fragmentation and protection from projectiles.

- C. When a situation dictates the need of the specialized equipment and the tactically trained officers that the CNHSOU has, the Team responds and assumes the tactical operations of the incident. SOU handles any incident, which has a propensity for armed confrontations, and through containment and specialized tactics would more likely be resolved without injury or loss of life. In order for the SOU to handle those volatile and potentially hostile situations it faces, we need a specialized vehicle to complete the mission. In addition, the Department of Homeland Security requires all agencies to comply with NIMS. For a Tactical Team to be in compliance with NIMS and qualify as a Type II team, they should have a CBRNE special-purpose rescue and incident vehicle. Currently there is no vehicle in our fleet that could provide any kind of protection to vulnerable citizens and First Responders who may find themselves in the epicenter of such an event.
- D. An immediate example demonstrative of our urgency and need to have such a capable vehicle came upon the CNHSOU on September 1<sup>st</sup>, 2012. Our team was called out as a result of a barricaded subject in his home that was purported to be armed with a handgun, shotgun and possibly a long arm. The subject had fired at least two shots (later learned it was three shots) during our 15 hour standoff ordeal. The individual was resistant to negotiations and ultimately in order to force the subject to surrender, it was necessary to contact another SWAT team to utilize their Bearcat. It took over three hours to get this resource and in the meantime the subject fired another round. The team's safety was in jeopardy until the Bearcat arrived and allowed the team to effectively and safely deploy gas to affect the suspect's arrest.
- E. The proposed solution to the stated problem is acquiring the much needed specialized vehicle in order to safely and effectively be mission ready.
- F. Our mission area for core capabilities is primarily focused on the response dimension, specifically with "On-Scene Security and Protection".
- G. The CNHSOU consists of over twenty membership communities that cover approximately 1,000 square miles making this the largest land area coverage of any team in the State of New Hampshire. Our jurisdiction's coverage area from north to south is approximately 85 road miles. Additionally, from our most western community to our eastern border is 75 road miles. This geographical dynamic presents its own challenges however we are also responsible for servicing over 150,000 residents within portions of Belknap, Grafton, Merrimack, and Sullivan Counties. Individual police officers, fire fighters and doctors from these cities and towns make up the team's composition.

- H. Twenty communities make up the membership of the CNHSOU. They include: Allenstown, Ashland, Boscawen, Bradford, Chichester, Concord, Enfield, Groton, Hanover, Haverhill, Hebron, Lincoln, Merrimack County Sheriff's Office, Pembroke, Pittsfield, Plymouth State University, Sugar Hill, Sutton, Tilton and Waterville Valley. Sunapee and Newport are in process of membership. Although the City of Concord is the applicant, the benefits of such a vehicle will be reaped by the entire membership.
- I. Not Applicable
- J. The "BearCat" is a vehicle based on a Ford F550 four wheel drive chassis. The BearCat has a 20-25 year useful life expectancy. The vehicle's power train and design are such that it can effectively respond to virtually any location in any weather or climate. Other features include run-flat tires that are pneumatic, but have a built-in polymer tire on the rim to enable the vehicle to continue to respond even in case of puncture. All windows on the vehicle are glass-clad polycarbonate, with explosion and projectile resistant capabilities. This vehicle will be housed inside a climate controlled garage in order to sustain its appearance and lifespan.
- K. The concept of Whole Community will certainly be applied as this specialized vehicle will be utilized on every callout regardless of the type of incident or location. If granted, the CNHSOU would be the only response team in the region to have the G3 model and would be readily available for mutual aid requests and assistance. The G3 model is unique in that it can maneuver in an urban setting with ease as well as through rural environments with heavy snow or difficult terrain. This vehicle would truly be a mitigation factor in order to maintain operability during all-hazard events.

## SECTION II: SCOPE OF WORK

(30 words or less)

- Please write the scope of work as you would like to see it written in a legal document.

The scope of this project is the purchase of the LENCO Bearcat Specialized Mission CBRNE Rescue Vehicle as outlined in the attached LENCO quote #9454

## SECTION III: PROJECT

Please answer **ONLY ONE** of the following sections. (Maximum of 1 page)

### ***I. Radio/Interoperability Project (CORE CAPABILITY: OPERATIONAL COMMUNICATIONS)*** (answer Part A OR Part B)

**Project must address core capabilities as follows:**

Within the first operational period, establish communication command structure to ensure secure and timely primary and secondary communications between all stakeholders ensuring that communications are effective 95% of the time.\*

***Part A: Please answer the following:***

- a) Will this investment include DHS/FEMA approved training? When? What?

- b) Will this investment include DHS/FEMA approved exercises? When?
- c) Identify the personnel by discipline that your agency supports with radio equipment.
- d) What is the age of your current equipment? Include portable and mobile.
- e) Is your current radio system or the new radio system you are proposing analog or digital?
- f) Is the requested equipment P-25 compliant?
- g) Discuss how you plan to maintain and replace this equipment.
- h) If your project exceeds \$100K – discuss how you will implement an exercise in connection with the project

\* A simple grant request for regular duty radios is unlikely to be honored in this grant round.

***Part B: Communications Infrastructure Project (Tower, Other- Also requires COMPREHENSIVE NEPA APPROVAL by DHS/FEMA prior to commencement. This is a separate and additional process. GMU instruction will be given once the Grant Committee and DOS approves the project. See: <http://www.nh.gov/safety/divisions/homeland/2009/documents/ib329.pdf>).***

***The following need to be addressed with this initial application:***

- a) Describe the equipment that is requested (tower, etc.).
- b) What is your current percentage of communication coverage?
- c) Describe any construction or attachments that are part of this project?
- d) Have any studies, reports or surveys been completed that provide information on environmental resources/impact or historic properties in the area? Attach these reports.
- e) Discuss how you plan to maintain and replace this equipment.

**II: *Specialty Team or other Prevention, Response, Recovery Equipment (Decon, Detection, PPE, CBRNE, Rescue, Law Enforcement specific equipment, EMS, or Other Eligible project equipment). \* See <https://www.rkb.us>***  
**Project must address core capabilities as follows (Select and specify which one):**

- *Operational Coordination*
- ***Interdiction and Disruption***
- *Physical Protective Measures*
- *Long-Term Vulnerability Reduction*
- *Public Health and Medical Services*

The primary core capability that would be achieved by acquiring the CBRNE/WMD rescue vehicle would apply to the Interdiction and Disruption of a critical incident or an event. The rescue vehicle would be utilized to successfully and safely defuse incidents involving firearms, allow rescue missions to prevail without interruptions due to unsafe terrain, and provide protection to dignitaries, with the utmost confidence in any environment.

***Please answer the following:***

- a) Do you have a comprehensive equipment schedule that includes required equipment, equipment on hand, and needed equipment? **Yes**
- b) Does the requested equipment replace any existing inventory? If so, please describe. [The FY 2012 HSGP plays an important role in the implementation of Presidential Policy Directive 8 (PPD-8) by supporting the development and sustainment of core capabilities. Core capabilities are essential for the execution of each of the five mission areas outlined in the *National Preparedness Goal (NPG)*]. **No**
- c) Describe your training plan in order to use this specialized equipment.

**All sworn department members have basic or advanced Emergency Vehicle Operation Training. In addition, LENCO provides driver**

**training and specific training on the vehicle's specialized features upon acquisition. Four department members will be designated to receive this training. These department members will also train the existing staff on the vehicle's capabilities and perform driver training on the equipment.**

- d) Will this investment include DHS/FEMA approved training? When? What? **N/A**
- e) Will this investment include DHS/FEMA approved exercises? When?

**The Concord Police in conjunction with the CNHSOU and other agencies will utilize this rescue vehicle during approved exercises through DHS/FEMA in the near future in order to effectively train personnel at simulated CBRNE/WMD events, rescue missions, and high risk law enforcement operations.**

- f) Discuss how you plan to maintain and replace this equipment.

**The City of Concord will provide routine maintenance through our Combined Operations Maintenance Facility (C.O.M.F) which services the entire fleet of police, fire and general service vehicles. The C.O.M.F has the capability to service this type of vehicle as its platform is a Ford F-550 and currently service larger equipment. The City will be providing full insurance coverage for the vehicle. The lifespan of the rescue vehicle is 20-25 years so no replacement schedule has been planned at this time.**

- g) Does this project reduce critical infrastructure and soft target explosive attack vulnerabilities? If so, please describe. **Yes. Deployment of this vehicle to select sites during elevated threat levels provide protection to critical infrastructure and strengthen potential vulnerabilities that would otherwise be lacking. This CBRNE/WMD vehicle provides ballistic coverage and VBIED/IED protection in an urban environment.**
- h) If your project exceeds \$100K – outline your plans to include an exercise connected to this project.

**The Concord Police Department in conjunction with the CNHSOU actively participates in yearly DHS Drills throughout the region. This vehicle will be a staple for any exercise as well as every call out given its resource capability. These exercises range from CBRNE/WMD incidents to Search and Rescue missions in the mountains.**

\* Special vehicle requests are unlikely to be honored in this round.

#### **SECTION IV: BUDGET**

Provide the total estimated cost to implement this project by completing the table on the following page. In addition:

- Please coordinate the request with your equipment page and attach the AEL item description for each category of equipment requested. **See** <https://www.rkb.us>
- If the AEL equipment Category requested requires an EHP approval, once your grant is approved by Grant Committee and DOS, you will be provided with the specifics of the information

gathering that the process entails. This will then become part of your official grant file also. See: <http://www.nh.gov/safety/divisions/homeland/2011/documents/ib329.pdf>

- Provide the proposed funding amount that is expected to be obligated towards Law Enforcement. Law Enforcement Funding Amount: \$ 258,024.00
- Provide the proposed local funds that are expected to be obligated to this project. Additional local project dollars are greatly appreciated, but projects with local assets will not receive any bonus points. Local Funding Amount: \$ 0.00



## SECTION V: MANAGEMENT

Identify up to ten milestones, with start and end dates, which will be achieved within the 15 month period of performance (approximate). For planning purposes all projects MUST BE completed by 6/31/14

Milestone Number	Milestone Name	Start Date (mm/dd/yyyy)	End Date (mm/dd/yyyy)
1	Procurement of Vehicle	Approval of grant	06/30/2013
2	Driver Training/Equipment Familiarity + Training	06/30/2013	12/31/2013
3	Review of vehicle's performance/capabilities	12/31/2013	06/30/2014
4			
5			

## SECTION VI: ATTACHMENTS (Use as many pages as necessary for this section)

### Section VI.A. – Attachments – Required

- Signed Grant Terms and Conditions. See attached
- AEL Information Sheet(s)
- Partnering agency letters of commitment

### Section VI.B. – Attachments – Additional Supporting Documents

If the uniqueness of your project has not been captured from the questions above and you would like to provide any additional relevant information, please insert additional narrative or labeled graphic attachments.

### Section VI.C. – Attachments – Environmental Documents (TO BE SUPPLIED AFTER THIS PROJECT IS APPROVED BY GRANT COMMITTEE and by the DOS-GMU and REQUIRES DHS/FEMA APPROVAL BEFORE BEGINNING PROJECT). This will THEN become an addendum to your official application.

Projects involving communication towers (including the placement of equipment on an existing building or tower), physical security enhancements, new construction, renovation, and modifications to buildings and structures that are 50 years old or older require an environmental review. The following documents must be provided upon approval of your application by DOS:

1. A formal written request for construction with all the essential elements and information mentioned in the FEMA Information Bulletin #329 and subject requirements.
  - Description of the asset or facility, asset location including latitude/longitude, whether the infrastructure is publicly or privately owned, and the construction or renovation project.
  - Certification that a facility vulnerability assessment has been conducted for the facility.
  - An outline addressing how the construction or renovation project will address the identified vulnerabilities from the assessment.
  - Consequences of not implementing the construction or renovation project.
  
3. Completed National Environmental Policy Act (NEPA) Compliance checklist



4. Completed Environmental Historic Preservation Screening Memo (EHPSM)
5. Maps indicating location(s) of proposed project
  - Topographical / Aerial view Map
  - Floodplain map - (FIRM) map
6. Photographs of the location(s) of proposed project from all directions.

## Grant Terms and Conditions 2012

NOTE: The grant terms and conditions must be submitted with the grant application.

1. **Allowable Costs:** The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items as set forth in the applicable OMB Circulars and the FFY 2012 U.S. Department of Homeland Security, Grant Program Guidance and Application Kit.
2. **Freedom of Information Act (FOIA):** FEMA recognizes that much of the information submitted in the course of applying for funding under this program or provided in the course of its grant management activities may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5. U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office, and may likely fall within one or more of the available exemptions under the Act. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. The applicant may also consult FEMA regarding concerns or questions about the release of information under State and local laws. The grantee should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information.
3. **Americans with Disabilities Act of 1990 (ADA):** The sub grantee must comply with all requirements of the Americans with Disabilities Act of 1990 (ADA), as applicable.
4. **Integrating Individuals with Disabilities into Emergency Planning:** Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against people with disabilities in all aspects of emergency mitigation, planning, response, and recovery by entities receiving financial assistance from FEMA. In addition, Executive Order #13347, "Individuals with Disabilities in Emergency Preparedness" signed in July 2004, requires the Federal Government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism. Executive Order 13347 requires the Federal government to encourage consideration of the needs of individuals with disabilities served by State, local, and tribal governments in emergency preparedness planning.

FEMA has several resources available to assist emergency managers in planning and response efforts related to people with disabilities and to ensure compliance with Federal civil rights laws:

**Comprehensive Preparedness Guide 301 (CPG-301): Interim Emergency Management Planning Guide for Special Needs Populations:** CPG-301 is designed to aid tribal, State, territorial, and local governments in planning for individuals with special needs. CPG-301 outlines special needs considerations for: Developing informed Plans; Assessments and Registries; Emergency Public Information/Communication; Sheltering and Mass Care; Evacuation; Transportation; Human Services/Medical Management; Congregate Settings; Recovery; and Training and Exercises. CPG-301 is available at <http://www.fema.gov/pdf/media/2008/301.pdf>.

**Guidelines for Accommodating Individuals with disabilities in Disaster:** The Guidelines synthesize the array of existing accessibility requirements into a user friendly tool for use by response and recovery personnel in the field. The Guidelines are available at <http://www.fema.gov/oer/reference/>.

**Disability and Emergency Preparedness Resource Center:** A web-based "Resource Center" that includes dozens of technical assistance materials to assist emergency managers in planning and response efforts related to people with disabilities. The "Resource Center" is available at <http://www.disabilitypreparedness.gov>.

**Lessons Learned Information Sharing (LLIS) resource page on Emergency Planning for Persons with Disabilities and Special Needs:** This resource page provides more than 250 documents, including lessons learned, plans, procedures, policies, and guidance, on how to include citizens with disabilities and other special needs in all phases of the emergency management cycle. LLIS.gov is available to emergency response providers and homeland security officials from the Federal, State, and local levels. To access the resource page, log onto <http://www.LLIS.gov> and click on *Emergency Planning for Persons with Disabilities and Special Needs* under *Featured Topics*.

5. **Applicable Federal Regulations:** The Sub grantee must comply with the Office of Management and Budget (OMB) Circulars, as applicable: A-21 Cost Principles for Educational Institutions; A-87 Cost Principles for State and Local Governments; A-110 Uniform Administrative Requirements for Grants and Agreements with Institutions; and, A-122 Cost Principles for Non-Profit Organizations.
6. **Audit Requirements:** The sub grantee agrees to comply with the requirements of OMB Circular A-133.  
*Audit Threshold:*
  - ❖ Non-Federal entities that expend \$500,000 or more in federal funds (from all sources including pass-through sub awards) in the organizational fiscal year shall have a single organization-wide audit conducted in accordance with the provisions of OMB Circular A-133.

- ❖ Non-Federal entities that expend less than \$500,000 a year in federal awards are exempt from federal audit requirements for that year. Records must be available for review or audit by appropriate officials including DOS, the federal agency, and the General Accounting Office.  
*Audit Due Date:* Audits are due to DOS no later than nine (9) months after the close of each fiscal year during the term of the award.  
*Audit Compliance:* If a compliance audit is not required, a written certification must be provided at the end of each audit period stating that the sub grantee has not expended the amount of federal funds that would require a compliance audit.
7. **Availability of Federal Funds:** This grant award is contingent upon availability of federal funds approved by Congress.
  8. **Bidding Requirements:** The sub grantee must comply with proper competitive bidding procedures as required by 28 CFR Part 66 (formerly OMB Circular A-102) or OMB Circular A-110, as applicable. On any items, including those bids in the aggregate, whose total cost is less than \$5,000, the bids do not have to be submitted to the DOS for review and approval; but adequate documentation must be maintained in the sub grantee's files. On any items, including those bids in the aggregate, whose total cost is \$5,000 or more, bids must be submitted to DOS, if requested.
    - a. **Buy American Act:** In general, grantees are not required to comport with the restrictions of the Buy American Act (41 U.S.C. 10a) However, grants authorized under the Stafford Act, including EMPG program, must follow these standards. The Buy American Act requires that all materials purchased be produced in the United States, unless such materials are not available, or such purchases would not be in the public interest
  9. **Bonding:** It is strongly recommended that all officials identified on this grant who have authority to obligate, expend or approve expenditures be bonded for an amount no less than the total amount of the grant.
  10. **Civil Rights Compliance and Notification of Findings:** The sub grantee will comply with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1964, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Homeland Security's Non-Discrimination Regulations, 28 CFR Part 42, Subparts C,D,E, and G; and Department of Homeland Security's regulations on disability discrimination, 28 CFR Part 35 and 39. In the event a Federal or State Court, Federal or State administrative agency, or the Sub grantee or Contractor makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the Sub grantee or Contractor will forward a copy of the findings to DOS who will, in turn, submit the findings to the Department of Homeland Security and the Office of Justice Programs' Office of Civil Rights.
  11. **Limited English Proficiency (LEP):** Recipients of FEMA financial assistance is required to comply with several Federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, natural origin, and sex in the delivery of services. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The grantee is encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. For additional information, see <http://www.lep.gov>
  12. **Ensuring Equal Treatment for Faith based Organizations:** Per 28 CFR part 38 requiring State Administrative Agencies to treat these organizations the same as any other applicant or recipient. Prohibits SAA from making awards or from administering grants based upon an organization's religious character, or affiliation, religious name, or the religious composition of the Board of Directors. The regulation also prohibits faith-based organizations from using financial assistance from US DOJ to fund inherently religious activities. Additional stipulations may apply and should be referred to U.S. DOJ.
  13. **Closed-Captioning of Public Service Announcements:** Any television public service announcement that is produced or funded in whole or in part by any agency or instrumentality of the federal government shall include closed captioning of the verbal content of such announcement.
  14. **Compliance Agreement:** The sub grantee agrees to abide by all Terms and Conditions including "Special Conditions" placed upon the grant award by DOS. Failure to comply could result in a "Stop Payment" being placed on the grant.
  15. **Compliance with Section 504 of the Rehabilitation Act of 1973 (Handicapped):** All recipients of federal funds must comply with Section 504 of the Rehabilitation Act of 1973. Therefore, the federal funds recipient pursuant to the requirements of the Rehabilitation Act of 1973 hereby gives assurance that no otherwise qualified handicapped person shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of or be subject to discrimination, including discrimination in employment, in any program or activity that receives or benefits from federal financial assistance. The recipient agrees it will ensure that requirements of

the Rehabilitation Act of 1973 shall be included in the agreements with and be binding on all of its sub grantees, contractors, subcontractors, assignees or successors.

16. **Confidential Information:** Any reports, information, data, etc., given to, prepared or assembled by the sub grantee under this grant (which DOS requests to be kept confidential) shall not be made available to any individual or organization by the sub grantee without prior written approval of DOS.
17. **Protected Critical Infrastructure Information (PCII):** The PCII Program, established pursuant to the *Critical Infrastructure Information Act of 2002* (Public Law 107-296) (CII Act), created a new framework, which enables State and local jurisdictions and members of the private sector to voluntarily submit sensitive information regarding critical infrastructure to DHS. The Act also provides statutory protection for voluntarily shared CII from public disclosure and civil litigation. If validated as PCII, these documents can only be shared with authorized users who agree to safeguard the information.
18. The recipient must promptly refer to DHS/OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any sub recipient.
19. **Conflict Of Interest:** Personnel and other officials connected with this grant shall adhere to the requirements given below:

*Advice:* No official or employee of a state or unit of local government or of non-government grantees/sub grantees shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which these funds are used, where to his knowledge he or his immediate family, partners, organization other than a public agency in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.

*Appearance:* In the use of these grant funds, officials or employees of state or local units of government and non-governmental grantees/sub grantees shall avoid any action which might result in, or create the appearance of the following:

  - Using his or her official position for private gain;
  - Giving preferential treatment to any person;
  - Losing complete independence or impartiality;
  - Making an official decision outside official channels; and/or
  - Adversely affecting the confidence of the public in the integrity of the government or the program.
20. **Consultants:** Billings for consultants who are individuals must include at a minimum: a description of services; dates of services; number of hours for services performed; rate charged for services; and, the total cost of services performed. Individual consultant costs must be within the prevailing rates, **not to exceed the maximum of \$550.00 per day. Permission for costs that exceed \$550 per day in total will need to be granted by DOS who must seek approval for DHS/FEMA for an increased rate.**
21. **Continuation:** The applicant agrees that if the requested project is funded continuation is not guaranteed.
22. **Contract Requirements:** The applicant agrees that no contract or agreement may be entered into by the sub grantee for execution of project activities or provision for services to a sub grant project (other than the purchase of supplies or standard commercial or maintenance services) which is not incorporated in the approved application. Any such arrangements will provide that the sub grantee will retain ultimate control and responsibility for the project and that the contractor will be bound by these conditions as well as the sub grantee.
23. **Data Collection:** The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.
24. **Debarment Certification:** With the signing of the grant application, the sub grantee agrees to comply with Federal Debarment and Suspension regulations as outlined in the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -Lower Tier Covered Transactions" form.
25. **Deobligation of Grant Funds:** All grants must be deobligated at the end of the end of the grant period. Failure to deobligate the grant in a timely manner will result in an automatic deobligation of the grant by DOS.
26. **Disclosure of Federal Participation:** In compliance with Section 623 of Public Law 102-141, the subgrantee agrees that no amount of this award shall be used to finance the acquisition of goods and services (including construction services) for the project unless the subgrantee agrees to the following:
  - Specifies in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of federal funds that will be used to finance the acquisition and

- Expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition.

The above requirements only apply to a procurement for goods or services (including construction services) that has an aggregate value of \$500,000 or more.

27. ***Drug-Free Workplace Certification:*** This Certification is required by federal regulations implementing the Federal Drug-Free Workplace Act of 1988. The federal regulations, published in the January 31, 1989, Federal Register, require certification by state agency sub grantees that they will maintain a drug-free workplace. The certification is a material representation of fact upon which reliance will be placed when DOS determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of the grant; or government-wide suspension or debarment.
28. ***Environmental:*** Recipient shall comply with all applicable Federal, State, and local environmental and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988) and Environmental Justice (12898). Failure of the recipient to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding. Recipient shall not undertake any project having the potential to impact EHP resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings that are 50 years old or greater. Recipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office.
29. ***Equipment:*** The subgrantee agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security and the NH Department of Safety - Grants Management Unit." Additionally, when practicable, any equipment purchased with funding under this agreement shall bear on it the logos of the NH Department of Safety - Grants Management Unit and U.S. Department of Homeland Security.
30. ***Equal Employment Opportunity:*** No person shall on the grounds of race, creed, color or national origin, be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under sub grants awarded pursuant to the Act governing these funds or any project, program, activity or sub grant supported by such requirements of Title VI of the Civil Rights Act of 1964, and all applicable requirements pursuant to the regulations of the Department of Commerce (Title 15, code of Federal Regulations, Part 8, which have been adopted by the Federal Funding Agency); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Labor Regulation 41 CFR Part 60; and the Department of Justice Non-discrimination Regulations 28 CFR Part 42, Subparts C, D, E and G. The subgrantee must therefore ensure it has a current Equal Employment Opportunity Program (EEOP) which meets the requirements of 28 CFR 42.301. The Subgrantee further agrees to post in a conspicuous place, available to all employees and applicants for employment, notices setting forth the provisions of the EEOP, as supplemented in Department of Labor Regulations 41 CFR Part 60. The Subgrantee assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will immediately forward a copy of the findings to DOS.
31. ***Financial Responsibility:*** The financial responsibility of sub grantees must be such that the subgrantee can properly discharge the public trust which accompanies the authority to expend public funds. Adequate accounting systems should meet the following criteria:
  - Accounting records should provide information needed to adequately identify the receipt of funds under each grant awarded and the expenditure of funds for each grant;
  - Entries in accounting records should refer to subsidiary records and/or documentation which support the entry and which can be readily located;
  - The accounting system should provide accurate and current financial reporting information; and,
  - The accounting system should be integrated with an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting data, promote operational efficiency and encourage adherence to prescribed management policies.
32. ***Fiscal Regulations:*** The applicant assures that it will comply and all its sub grantees and contractors will comply, with the applicable provisions of the U.S. Department of Homeland Security, FFY 2012 Homeland Security Grant Program Guidance and Application Kit, and all other applicable federal laws, orders, circulars or regulations.
33. ***Fraud:*** The applicant understands that whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property which are the subject of a sub grant or contract or other form of assistance, whether received directly or indirectly from DOS, may be fined or imprisoned or both. Whoever knowingly falsifies, conceals or covers up by trick, scheme or device, any material fact in any application for assistance or in any record required to be maintained, will be subject to prosecution under the provisions of Section 1001 of Title 18,

United States Code. Any program or project underwritten in whole or in part by any subgrantee, or contract or other form of assistance, whether received directly or indirectly from DOS will be subject to the provisions of Section 371 of Title 18, United States Code.

34. **Interest and Other Program Income:** The applicant agrees to be accountable for all interest or other income earned by the subgrantee with respect to sub grant funds or as a result of conduct of the project (sale of publications, registration fees, service charges, etc.) All program income generated by this grant during the project must be reported to DOS quarterly and must be put back into the project or be used to reduce the grantor participation in the program. The use or planned use of all program income must have prior written approval from DOS.
  35. **Interoperable Equipment:** Grantee is responsible for all license requirements resulting from a potential grant. Equipment must meet DHS/FEMA recommended P-25 compatible standards
  36. **Legal Action:** The applicant agrees that should the NH Department of Safety - Grants Management Unit determine that it needs to take legal action against the applicant for actions arising out of the grant, the applicant will waive jurisdiction and have the case heard in either state or federal court in Concord, New Hampshire.
  37. **National Energy Policy:** Compliance with the National Energy Conservation Policy and Energy Policy Acts. In accordance with the FY 2008 DHS Appropriations Act, all FY 2008 & forward grant funds must comply with the following two requirements:
    - None of the funds made available shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order No. 13123, part 3 of title V of the National Energy Conservation Policy Act (42 USC 8251 et. Seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).
    - None of the funds made available shall be used in contravention of section 303 of the Energy Policy Act of 1992 (42 USC13212).
  38. **Non-Supplanting Agreement:** The subgrantee shall not use grantor funds to supplant state or local funds or other resources that would otherwise have been made available for this program.
  39. **Obligation of Grant Funds:** Grant funds may not be obligated prior to the effective date of the approved grant application and without advance written approval by DOS. No obligations are allowed after the end of the grant period and the final request for payment must be submitted no later than 30 calendar days before the end of the grant period.
  40. **Performance:** This grant may be terminated or fund payments discontinued by DOS where it finds a substantial failure to comply with the provisions of the legislation governing these funds or regulations promulgated, including those grant conditions or other obligations established by DOS. In the event the subgrantee fails to perform the services described herein and has previously received financial assistance from DOS, the subgrantee shall reimburse DOS the full amount of the payments made. However, if the services described herein are partially performed, and the subgrantee has previously received financial assistance, the subgrantee shall proportionally reimburse DOS for payments made.
  41. **Political Activity:** None of the funds, materials, property or services provided directly or indirectly under this contract shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office, or otherwise in violation of the provisions of the "Hatch Act."
  42. **Project Implementation:** The subgrantee agrees to implement this project within 60 days following the grant award effective date or be subject to automatic cancellation of the grant.
  43. **Property Control:** Effective control and accountability must be maintained for all personal property. Sub grantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes. Sub grantees should exercise caution in the use, maintenance, protection and preservation of such property.
    - Title:* Subject to the obligations and conditions set forth in 28 CFR Part 66 (formerly OMB Circular A-102), title to non-expendable property acquired in whole or in part with grant funds shall be vested in the subgrantee. Non-expendable property is defined as any item having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.
    - Use and Disposition:* Equipment shall be used by the subgrantee in the program or project for which it was acquired as long as needed, whether or not the program or project continues to be supported by federal funds. When use of the property for project activities is discontinued, the subgrantee shall request, in writing, disposition instructions from DOS prior to actual disposition of the property. Theft, destruction, or loss of property shall be reported to DOS immediately.
- b. **Property Control Record:** The sub-grantee agrees to be subject to a biennial audit by NH DOS and/or its duly authorized representatives. Upkeep, maintenance, and training of and for equipment procured as part of the Homeland Security grant program is a local and/or grantee responsibility. The inventory of this equipment is a local responsibility and the recipient of such understands that inspections, auditing, and inventory accounting of

this equipment may occur as a condition of this grant either from Federal, State or other appropriate level agency and agent. To comply with OMB circular A-87, equipment valued over \$5,000 must be inventoried and tracked locally and be reported to the NH Department of Safety (DOS) Grants Management Unit for 3 years or until the item carries a depreciated value of less than \$100. The disposition of the equipment must be reported. DOS recommends consulting with local auditors for GASB-34 compliance and disposition rules governing equipment procured with Federal funds.

44. **Publications:** The subgrantee agrees that all publications created with funding under this grant agreement shall prominently contain the following statement: "This document was prepared under a grant from the NH Department of Safety - Grants Management Unit (DOS) and the United States Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of DOS or the U.S. Department of Homeland Security." Additionally, any publication created with funding under this agreement shall bear on it the logos of the NH Department of Safety - Grants Management Unit and U.S. Department of Homeland Security.

The subgrantee also agrees that one copy of any such publication will be submitted to DOS to be placed on file and distributed as appropriate to other potential sub grantees or interested parties. DOS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the subgrantee.

All recipients of financial assistance will comply with requirements that publications or other exercise of copyright for any work first produced under Federal financial assistance awards hereto related unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this award, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the recipient grants the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works. The recipient shall affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under an award

All recipients of financial assistance must obtain DHS's approval 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.

45. **Records:** The applicant will give the grantor agency or the Comptroller General, through any authorized representative, the access to and the right to examine all records, books, papers or documents related to the grant.
46. **Recording and Documentation of Receipts and Expenditures:** Sub grantee's accounting procedures must provide for accurate and timely recording of receipt of funds by source of expenditures made from such funds and unexpended balances. These records must contain information pertaining to grant awards, obligations, unobligated balances, assets, liabilities, expenditures and program income. Controls must be established which are adequate to ensure that expenditures charged to the sub grant activities are for allowable purposes. Additionally, effective control and accountability must be maintained for all grant cash, real and personal property and other assets. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract documents, grant award documents, etc.
47. **Reports:** The subgrantee shall submit, at such times and in such form as may be prescribed, such reports as DOS may reasonably require, including financial reports, progress reports, final financial reports and evaluation reports.
48. **Final and fiscal close-out Report:** The report is in addition to the cumulative progress reports and is also due 30 days after the end of the grant period.
49. **Copyright:** Except as otherwise provided in the terms and conditions of this grant, the sub-grantee or a contractor paid through this grant is free to copyright any books, publications or other copyrightable materials developed in the course of or under this grant. However, the federal awarding agency and/or state funding agency (NH DOS) reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for federal government and/or NH DOS purposes:
- a. the copyright in any work developed under this grant or through a contract under this grant; and,
  - b. any rights of copyright to which a sub-grantee or subcontractor purchases ownership with grant support.

The federal government's rights and/or NH DOS' rights identified above must be conveyed to the publisher and the language of the publisher's release form must ensure the preservation of these rights.

50. **Retention of Records:** Records for non-expendable property purchased totally or partially with grantor funds must be retained for three years after its final disposition. All other pertinent grant records including financial records, supporting documents and statistical records shall be retained for a minimum of three years after the final expenditure report. However, if any litigation, claim or audit is started before the expiration of the three year period, then records must be retained for three years after the litigation, claim or audit is resolved.
51. **Suspension or Termination of Funding:** DOS may suspend, in whole or in part, and/or terminate funding for or impose another sanction on a subgrantee for any of the following reasons:
- Failure to comply substantially with requirements or statutory objectives of the 2003 Omnibus Appropriations Act issued there under, or other provisions of Federal Law;
  - Failure to adhere to the requirements, standard conditions or special conditions;
  - Proposing or implementing substantial program changes to the extent that, if originally submitted, the application would not have been approved for funding;
  - Failure to submit reports;
  - Filing a false certification in this application or other report or document;
  - Other good cause shown.
52. **Utilization and Payment of Grant Funds:** Funds awarded are to be expended only for purposes and activities covered by the sub grantee's approved project plan and budget. Items must be in the sub grantee's approved grant budget in order to be eligible for reimbursement.
53. **Utilization of Minority Businesses:** Sub grantees are encouraged to utilize qualified minority firms where cost and performance of major contract work will not conflict with funding or time schedules.
54. **Written Approval of Changes:** Any mutually agreed upon changes to this sub grant must be approved, in writing, by DOS prior to implementation or obligation and shall be incorporated in written amendments to this grant. This procedure for changes to the approved sub grant is not limited to budgetary changes, but also includes changes of substance in project activities and changes in the project director or key professional personnel identified in the approved application.

**Certifications Regarding Lobbying, Debarment, Suspension and other Responsibility Matters and Drug-Free Workplace Requirements**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the State Funding Agency (DOS) determines to award the covered transaction, grant or cooperative agreement.

**1. Lobbying**

As required by Section 1352, Title 31 of the U.S. Code, and implemented by the applicable CFR, for persons entering into a grant or cooperative agreement over \$100,000, as defined by the applicable CFR, the applicant certifies that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting 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 the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting 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 this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form -- LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- C. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub recipients shall certify and disclose accordingly.

**2. Debarment, Suspension, and Other Responsibility Matters (Sub-Recipient)**

As required by Executive Order 12549, Debarment and Suspension, and implemented under the applicable CFR, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510.

- 1. The applicant certifies that it and its principals:
  - A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
  - B. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection



- with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- C. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph A(2) of this certification; and
  - D. Have not within a three-year period preceding this application had one or more public transactions (Federal, State or Local) terminated for cause or default; and
2. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. Drug-Free Workplace (*Grantees Other Than Individuals*)

As required by the Federal Drug-Free Workplace Act of 1988 and implemented at 28 CFR Part 67, Subpart F. The applicant certifies that it will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an on-going drug-free awareness program to inform employees about --
  - A. The dangers of drug abuse in the workplace;
  - B. The grantee's policy of maintaining a drug-free workplace;
  - C. Any available drug counseling, rehabilitation and employee assistance programs, and
  - D. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);
4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will
  - A. Abide by the terms of the statement; and
  - B. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency, in writing within 10 calendar days after receiving notice under subparagraph (4) (b), from an employee or otherwise receiving actual notice of such conviction. Employers or convicted employees must provide notice, including position title, to the State Funding Agency. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (4)(b), with respect to any employee who is so convicted
  - A. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - B. Requiring such employee to participate satisfactorily in a drug abuse assistance rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5) and (6).

#### 2012 Article I - Financial Guidelines

The recipient and any subrecipient shall comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to FEMA grants are listed below:

##### A. Administrative Requirements

1. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
2. 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110)
3. 44 CFR part 10, Environmental Considerations

##### B. Cost Principles

1. 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)
2. 2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
3. 2 CFR Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122)
4. 48 CFR 31.2, Federal Acquisition Regulations (FAR), Contracts with Commercial Organizations

##### C. Audit Requirements

1. OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

## **Article II - Prohibition on Using Federal Funds**

The recipient understands and agrees that it cannot use any Federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.

## **Article III - Compliance with Program Guidance**

The recipient agrees that all allocations and use of funds under this grant will be in accordance with the Homeland Security Grant Program guidance and application kit.

## **Article IV - Summary Description of Project**

The FY 2012 Homeland Security Grant Program (HSGP) funding shall be used for costs related to preparedness activities associated with implementing the State Homeland Security Strategy, any respective Urban Area Security Strategies, and the Investments identified during the application period. The HSGP consists of the State Homeland Security Program (SHSP), in the amount of \$5,137,205.00, the Citizen Corps Program (CCP), in the amount of \$100,150.00, the Metropolitan Medical Response System (MMRS) program, in the amount of \$281,693.00, and Operation Stonegarden, in the amount of \$95,000.00. The following counties received Operation Stonegarden funds: Coos - \$95,000. Together, these programs provide an integrated mechanism to enhance the coordination of National Priority efforts to prevent, respond to, and recover from terrorist attacks, major disasters and other emergencies.

## **Article V - Federal Financial Reports (SF-425) – Required Quarterly**

The recipient shall submit the Federal Financial Report (FFR, SF-425) within 30 days of the end of the first Federal quarter following the initial grant award. The recipient shall submit quarterly FFRs thereafter until the grant ends. Reports are due on January 30, April 30, July 30, and October 30. A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and fund draw downs may be withheld if these reports are delinquent. The final FFR is due 90 days after the end date of the performance period.

## **Article VI - Operation Stonegarden Program Condition**

The recipients are prohibited from drawing down or reimbursing sub-recipients of Operation Stonegarden Funding (OPSG) provided through this award until each unique, specific or modified county level, tribal or equivalent Operations Order and or Frag Order has been reviewed, and approved by official notification by FEMA and or CBP/BP and or respective AOR Sector Headquarters. Each unique Operations Order will be transferred via secure portal (CBP/BP) BPETS system from each respective AOR Sector HQ to CBP/BP HQ Washington, DC for review and pre-approval for Operational continuity and forwarded to FEMA GPD/PGD OPSG Program Office for final review/approval. Official notification will be send via email to the respective State Administrative Agency (SAA) and CBP/BP HQ OPSG Program Coordinator Washington, DC.

## **Article VII - Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to [ASK-GMD@dhs.gov](mailto:ASK-GMD@dhs.gov) if you have any questions.

## **Article VIII - Trafficking In Persons**

A. Provisions applicable to a recipient that is a private entity.

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not:
  - a. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  - b. Procure a commercial sex act during the period of time that the award is in effect; or
  - c. Use forced labor in the performance of the award or subawards under the award.
2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity:
  - a. Is determined to have violated a prohibition in paragraph A.1 of this award term; or
  - b. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph A.1 of this award term through conduct that is either:
    - i. Associated with performance under this award; or
    - ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement)," as implemented by our agency at 2 CFR Part 3000.

B. Provisions applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity:

1. Is determined to have violated an applicable prohibition in paragraph A.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph A.1 of this award term through conduct that is either:
  - a. Associated with performance under this award; or
  - b. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement)," as implemented by our agency at 2 CFR part 3000.

C. Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph A.1 of this award term.

2. Our right to terminate unilaterally that is described in paragraph A.2 or B of this section:
  - a. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
  - b. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph A.1 of this award term in any subaward you make to a private entity.

D. Definitions. For purposes of this award term:

1. "Employee" means either:
  - a. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
  - b. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
3. "Private entity" means:
  - a. Any entity other than a State, local government, Indian Tribe, or foreign public entity, as those terms are, defined in 2 CFR 175.25.
  - b. Includes:
    - i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian Tribe at 2 CFR 175.25(b).
    - ii. A for-profit organization.
4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

**Article IX - Classified Security Condition**

A. "Classified national security information," as defined in Executive Order (EO) 12958, as amended, means information that has been determined pursuant to EO 12958 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

B. No funding under this award shall be used to support a contract, subaward, or other agreement for goods or services that will include access to classified national security information if the award recipient has not been approved for and has access to such information.

C. Where an award recipient has been approved for and has access to classified national security information, no funding under this award shall be used to support a contract, subaward, or other agreement for goods or services that will include access to classified national security information by the contractor, subawardee, or other entity without prior written approval from the DHS Office of Security, Industrial Security Program Branch (ISPB), or, an appropriate official within the Federal department or agency with whom the classified effort will be performed.

D. Such contracts, subawards, or other agreements shall be processed and administered in accordance with the DHS "Standard Operating Procedures, Classified Contracting by States and Local Entities," dated July 7, 2008; EOs 12829, 12958, 12968, as amended; the National Industrial Security Program Operating Manual (NISPOM); and/or other applicable implementing directives or instructions. All security requirement documents are located at: <http://www.dhs.gov/xopnbiz/grants/index.shtm>

E. Immediately upon determination by the award recipient that funding under this award will be used to support such a contract, subaward, or other agreement, and prior to execution of any actions to facilitate the acquisition of such a contract, subaward, or other agreement, the award recipient shall contact ISPB, or the applicable Federal department or agency, for approval and processing instructions.

DHS Office of Security ISPB contact information:

Telephone: 202-447-5346

Email: [DD254AdministrativeSecurity@dhs.gov](mailto:DD254AdministrativeSecurity@dhs.gov)

Mail: Department of Homeland Security  
Office of the Chief Security Officer  
ATTN: ASD/Industrial Security Program Branch  
Washington, D.C. 20528

**Article X - Central Contractor Registration and Universal Identifier Requirements**

A. Requirement for Central Contractor Registration (CCR)

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that applicants and recipients review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) Numbers

If recipients are authorized to make subawards under this award, they:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.

2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

#### C. Definitions

For purposes of this award term:

1. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).
2. Data Universal Numbering System (DUNS) number means the nine digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
  - a. A Governmental organization, which is a State, local government, or Indian Tribe;
  - b. A foreign public entity;
  - c. A domestic or foreign nonprofit organization;
  - d. A domestic or foreign for-profit organization; and
  - e. A Federal agency, but only as a sub recipient under an award or subaward to a non-Federal entity.
4. Subaward:
  - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ---.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
  - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
5. Subrecipient means an entity that:
  - a. Receives a subaward from you under this award; and
  - b. Is accountable to you for the use of the Federal funds provided by the
  - c. subaward.

#### Article XI - Reporting Subawards and Executive Compensation

##### A. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).
2. Where and when to report.
  - a. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsr.gov>.
  - b. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsr.gov> specify.

##### B. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if:
  - a. the total Federal funding authorized to date under this award is \$25,000 or more;
  - b. in the preceding fiscal year, you received-
    - i. 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
  - c. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)
2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:
  - a. As part of your registration profile at <http://www.ccr.gov>.
  - b. By the end of the month following the month in which this award is made, and annually thereafter.

##### C. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if:
  - a. in the subrecipient's preceding fiscal year, the subrecipient received-
    - i. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

- b. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
    - a. To the recipient.
    - b. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

#### D. Exemptions

1. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
  - a. Subawards, and
  - b. The total compensation of the five most highly compensated executives of any subrecipient.

#### E. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:
  - a. A Governmental organization, which is a State, local government, or Indian tribe;
  - b. A foreign public entity;
  - c. A domestic or foreign nonprofit organization;
  - d. A domestic or foreign for-profit organization;
  - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
2. Executive means officers, managing partners, or any other employees in management positions.
3. Subaward:
  - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. \_\_.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
  - c. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
4. Subrecipient means an entity that:
  - a. Receives a subaward from you (the recipient) under this award; and
  - b. Is accountable to you for the use of the Federal funds provided by the subaward.
5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
  - a. Salary and bonus.
  - b. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - c. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
  - d. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
  - e. Above-market earnings on deferred compensation which is not tax-qualified.
  - f. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

#### Article XII - National Environmental Policy Act (NEPA)

The recipient shall comply with all applicable Federal, State, and local environment and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental justice (12898). Failure of the recipient to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding. Recipient shall not undertake any project having the potential to impact EHP resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings that are 50 years old or greater. Recipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbance activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated prior to the full environmental and historic preservation review could result in non-compliance finding. For your convenience, here is the screening form link: (The Screening Form is available at: [www.fema.gov/doc/government/grant/bulletins/info329\\_final\\_screening\\_memo.doc](http://www.fema.gov/doc/government/grant/bulletins/info329_final_screening_memo.doc)). For these types of projects, grantees must complete the FEMA EHP Screening Form (OMB Number 1660-0115/FEMA Form 024-0-01) and submit it, with all supporting documentation, to the GPD EHP team at [GPD EHPinfo@fema.dhs.gov](mailto:GPD EHPinfo@fema.dhs.gov) for review. Grantees should submit the FEMA EHP Screening Form for each project as soon as possible upon receiving their grant award.

#### Article XIV - Activities Conducted Abroad

All recipients of financial assistance will comply with the requirements 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 XV - Fly America Act of 1974

All recipients of financial assistance will comply with the requirements of the Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds requirement, which states preference for the use of U.S. flag air carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

***New Reporting Requirement: Typing of Equipment and Training:***

The FY 2011 HSGP Guidance and 2012 FOA require that all grantees report equipment purchases and the typed capability the equipment supports (where such typing guidance exists); the number of people trained in a given capability to support a reported number of defined resource typed teams (e.g., 63 responders were trained in structural collapse to support 23 Type 2 USAR Teams); and the total number of a defined type of resource and capabilities built utilizing the resources of this grant. Grantees will specify the number of resources, capability supported, whether it is a NIMS or State/local typed resource, the cost, and whether the resource sustains current capabilities or adds new capabilities. The resources should be reported only after equipment is delivered or after training has occurred and the corresponding grant funds have been expended. GMU will advise further on format for reporting upon grant award.

**As a condition of the receipt of these funds:**

***Funding may be suspended or terminated for filing a false certification in this application or other reports or document as part of this program.***

**Tracking of Equipment:**

***Upkeep, maintenance, and training of and for equipment procured as part of the Homeland Security grant program is a local and/or grantee responsibility. The inventory of this equipment is a local responsibility and the recipient of such understands that inspections, auditing, and inventory accounting of this equipment may occur as a condition of this grant either from Federal, State or other appropriate level agency and agent.***

***Equipment valued over \$5,000:***

***To comply with OMB circular A-87, equipment valued at this level must inventoried and tracked locally and be reported to the State Department of Safety (DOS) – Grants Management Unit for 2 years or until the item carries a depreciated value of less than \$100. The disposition of the equipment must be reported. DOS recommends consulting with local auditors for GASB-34 compliance and disposition rules governing equipment procured with Federal funds.***

**Certification by Official Authorized to Sign**

I certify that I understand and agree to comply with the general and fiscal provisions of this grant application including the terms and conditions; to comply with provisions of the regulations governing these funds and all other federal and state laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized by the Applicant to perform the tasks of the Official Authorized to Sign as they relate to the requirements of this grant application; that costs incurred prior to Grantee approval may result in the expenditures being absorbed by the subgrantee; and, that the receipt of these grant funds through the Grantee will not supplant state or local funds.

**CERTIFICATION:** I CERTIFY THAT I AM DULY AUTHORIZED UNDER THE STATUTES OF THE STATE OF NH TO APPLY FOR, AUTHORIZE, OR ACCEPT THE HOMELAND SECURITY GRANT FUNDS / EQUIPMENT HEREIN. \*\*\*THE AUTHORIZING OFFICIAL MUST BE STATUTORILY ALLOWED TO SIGN A CONTRACT FOR THE MUNICIPALITY (i.e. Mayor, City Manager, Town Manager, Chairperson BOS, etc.) PER RSA 31:95b or RSA 37:6

**Non-Supplanting Certification:** This certification, which is a required component of the New Hampshire application, affirms that federal Homeland Security grant funds will be used to **supplement** (add to) existing funds, and will not **supplant** (replace) funds that have been locally appropriated for the same purpose. Potential supplanting will be addressed in the application review as well as in the pre-award review, post award monitoring, and the audit. Applicants and/or grantees will be/may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons OTHER than the receipt or expected receipt of federal Homeland Security grant funds. Supplanting funds is loosely defined (for these purposes) as using federal grant money to “replace” or “take the place of” existing local funding for equipment or programs. The funds are intended to provide local entities with **increased or in 2012 sustained capabilities** or to build capacity to address CBRNE/WMD terrorist incidents. The FY 2012 HSGP plays an important role in the implementation of Presidential Policy Directive 8 (PPD-8) by supporting the development and sustainment of core capabilities. Core capabilities are essential for the execution of each of the five mission areas outlined in the *National Preparedness Goal* (NPG).

Thomas Aspell

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Name *Please type or print*  
City Manager

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Title *Please type or print*  
City of Concord

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Agency  
41 Green Street

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Mailing Address  
Concord, NH 03301

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City, State, ZIP

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( 603 ) 225-8569

Phone:

taspell@concordnh.gov

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( 603 )

and Fax #

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Email Address

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SIGNATURE

**Core Capabilities by Mission Area**

Prevention	Protection	Mitigation	Response	Recovery
Planning				
Public Information and Warning				
Operational Coordination				
Forensics and Attribution	Access Control and Identity Verification	Community Resilience	Critical Transportation	Economic Recovery
Intelligence and Information Sharing	Cybersecurity	Long-Term Vulnerability Reduction	Environmental Response/Health and Safety	Health and Social Services
Interdiction and Disruption	Intelligence and Information Sharing	Risk and Disaster Resilience Assessment	Fatality Management Services	Housing
Screening, Search, and Detection	Interdiction and Disruption	Threats and Hazard Identification	Infrastructure Systems	Infrastructure Systems
	Physical Protective Measures		Mass Care Services	Natural and Cultural Resources
	Risk Management for Protection Programs and Activities		Mass Search and Rescue Operations	
	Screening, Search, and Detection		On-Scene Security and Protection	
	Supply Chain Integrity and Security		Operational Communications	
			Public and Private Services and Resources	
			Public Health and Medical Services	
		Situational Assessment		



APPLICATION NUMBER \_\_\_\_\_

**FY 2012 HOMELAND SECURITY GRANT PROGRAM APPLICATION EVALUATION**

<b>SECTION I. STRATEGY (30 points)</b>						
1. Rate the terrorism and natural hazard risks as identified by the application. Does this align with the DHS required targets of: Guard Against Terrorism, Secure our Borders, Enforce Immigration Laws, and Improve Readiness for, Response to and Recovery from Disasters, whole community?	0	1	2	3	4	5
2. Rate the severity of the problem as identified by the application. Is it local, regional, more?	0	1	2	3	4	5
3. Rate the proposed solution as identified by the application to mitigate the identified problem.	0	1	2	3	4	5
4. Rate the impact of this project on the identified risks and CORE CAPABILITIES	0	1	2	3	4	5
5. How well does the application explain the sustainability created or enhanced by this project?	0	1	2	3	4	5
6. Is this project a multi-jurisdictional application with <b>all</b> signed letters of support attached?	0					5
<b>SECTION II. SCOPE OF WORK (3 points)</b>						
7. How well does this scope of work describe the overall project and capabilities enhanced by same?	0	1	2	3		
<b>SECTION III. PROJECT (12 points)</b>						
8. Does the proposal provide specific quantitative project outcomes information?	0					3
9. How viable is the maintenance and replacement plan?	0	1	2	3	4	
10. Are "whole community" aspects/responses outlined ?	0	1	2	3	4	5
<b>SECTION IV. BUDGET (20 points)</b>						
11. Does the project contain a concise line item budget that adds correctly?	0					5
12. Does the proposal include AEL# <b>with</b> documentation?	0					5
13. Are all project costs reasonable, necessary and allowable? Is there a more cost-effective option?	0	1	2	3	4	5
14. How cost-effective does the funding plan appear to be given the described needs?	0	1	2	3	4	5
<b>SECTION V. MANAGEMENT (15 points)</b>						
16. Does the applicant provide specific milestones as well as start and end dates?	0					5
17. Are exercises and training included in the project and detailed in connection to same?	0	1	2	3	4	5
18. Do the milestones collectively present a clear sequence of events that effectively build upon each other and would allow the project to be completed within the period of performance?	0	1	2	3	4	5
<b>SECTION VI. ATTACHMENTS (10 points)</b>						
19. Are all of the required attachments submitted as part of the application (AARs, promulgation studies, or other quantified information to support project need)?	0					10
<b>COMPREHENSIVE APPLICATION (10 points)</b>						
20. How well do the individual responses collectively demonstrate a strong vision to support the overall project?	0	1	2	3	4	5
21. Does this application demonstrate a strong and convincing reason for funding?	0	1	2	3	4	5

**TOTAL POINTS** \_\_\_\_\_

**APPLICATION NUMBER** \_\_\_\_\_

**FY 2012 HOMELAND SECURITY GRANT PROGRAM APPLICATION  
EVALUATION**

*Please provide constructive comments for each section.*

***SECTION I. STRATEGY***

***SECTION II. SCOPE OF WORK***

***SECTION III. PROJECT***

***SECTION IV. BUDGET***

***SECTION V. MANAGEMENT***

***SECTION VI. ATTACHMENTS***

***COMPREHENSIVE APPLICATION***

***OTHER***