

CITY of ALBUQUERQUE

TWENTY-FIFTH COUNCIL

COUNCIL BILL NO. R-23-180 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn, by request

1 RESOLUTION

2 APPROVING AND AUTHORIZING THE ACCEPTANCE OF GRANT AWARDS
3 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND
4 PROVIDING FOR AN APPROPRIATION TO THE DEPARTMENT OF FINANCE
5 AND ADMINISTRATION FOR FISCAL YEARS 2024, 2025 and 2026.

6 WHEREAS, one of the goals of the City of Albuquerque as an immigrant
7 friendly city is to improve the lives of immigrants, refugees, and asylees living
8 in and traveling through Albuquerque; and

9 WHEREAS, Article VIII of the City Charter states that, “The Council shall
10 preserve, protect and promote human rights and human dignity.... and shall
11 prohibit discrimination on the basis of race, color, religion, sex, national origin
12 or ancestry, age or physical handicap”; and

13 WHEREAS, the Albuquerque City Council re-affirmed its commitment to
14 immigrant integration and inclusion exemplified in R-00-151 by passing M-17-4
15 which states “the Council welcomes and encourages immigrants to live, work,
16 and study in Albuquerque and to participate in community affairs, and
17 recognizes immigrants for their important contributions to our culture and
18 economy”; and

19 WHEREAS, the Federal Emergency Management Agency has made
20 available to Albuquerque the shelter and services program to provide shelter,
21 food, transportation, acute medical care, personal hygiene supplies, and labor
22 to provide these services; and

23 WHEREAS, in order to meet the emergent need, the City was awarded
24 Federal Funding on September 28,2023 EMW-2023-SP-05176; and

25 WHEREAS, grant funds in the approximate amount of \$757,694 will be used
26 to assist asylees in the Albuquerque area; and

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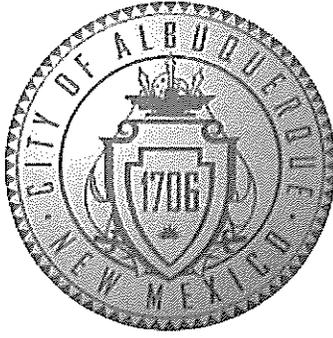
1 WHEREAS, the City of Albuquerque desires to appropriate these funds, if
2 awarded, to the Office of Emergency Management in the Finance and
3 Administration Department to achieve the grant objectives; and
4 WHEREAS, the grant funding, if awarded, would be dispersed in fiscal years
5 2024 through 2026. Grant funds do not cover City IDOH of approximately
6 \$17,000. Funds in the amount of \$17,000 will be transferred from the General
7 Fund to the Operating Grants Fund (265).BE IT RESOLVED BY THE COUNCIL,
8 THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

9 Section 1. That the grant application as submitted is hereby approved, and
10 its acceptance and filing with appropriate official or office is in all respects
11 approved.

12 Section 2. That upon award, funds in the amount of \$757,694 are hereby
13 appropriated to the Office of Emergency Management in the Finance and
14 Administration Department Operating Grants Fund (265) for Fiscal Years 2024,
15 2025 and 2026. Grant funds do not cover City IDOH of approximately \$17,000.
16 Funds in the amount of \$17,000 will be transferred from the General Fund to
17 the Operating Grants Fund (265).

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CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

10/30/2023

TO: Patrick Davis, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Office of Emergency Management
EMW-2023-SP-05176 FEMA's Shelter and Support Program SSP

FEMA provided grant funding to aid the city in its efforts to assist migrants from various countries who are seeking asylum in the United States. After Title 42 was lifted there has been a surge of migrants to various boarder States & Cities. These funds will help alleviate the financial burden that this influx of migrants would have on the City. These monies will provide shelter, food transportation, acute medical care, personal hygiene supplies and case management services and to shelter migrants recently released from DHS custody.

On January 1, 2021, FEMA awarded the City of Albuquerque \$269,00 with the potential for additional funding. After a short application window, the Office of Emergency Management ("OEM") was awarded \$757,694.00. FEMA announced the initial award in early July without an application requirement. On August 21, FEMA opened the applications for additional funding with 3 weeks to submit the application. OEM applied and was awarded additional funding. Grant funds do not cover City IDOH of approximately \$17,000 which will need to be supported by general fund to the Operating Grants Fund (265).

OEM respectfully requests approval to proceed with implementing the Grant and oversee the contractual services needed to provide services to the community noncitizen migrants that the City of Albuquerque currently services as well as the anticipated groups we are anticipated to see here in the near future. We would like to expedite approvals so there is no lapse in services and we can provide assistance to this community with these awarded funds.



EMW-2023-SP-05176 FEMA's Shelter and Support Program SSP

Approved:

Lawrence Rael Date
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:
Lauren Keefe 10/31/2023 | 9:10 AM MDT

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Lauren Keefe Date
City Attorney

Recommended:

DocuSigned by:
Roger Ebner 10/30/2023 | 12:25 PM MDT

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Roger Ebner Date
Director, Emergency Operations Center

Cover Analysis- EMW-2023-SP-05176

1. **What is it?** FEMA's Shelter and Support Program (SSP) EMW-2023-SP-05176
2. **What will this piece of legislation do?** Help serve migrants recently released from DHS custody.
3. **Why is this project needed?** Provide shelter, food, transportation, acute medical care, personal hygiene supplies, and case management services and to shelter noncitizen migrants recently released from DHS custody.
4. **How much will it cost and what is the funding source?** We are projecting to utilize \$757,694.00 grant funds to include contractual services in order to provide services. Grant funds do not cover City IDOH of approximately \$17,000. Funds in the amount of \$17,000 will be transferred from the General Fund to the Operating Grants Fund (265).
5. **Is there a revenue source associated with this contract?** If so, what level of income is projected? This will be paid by FEMA. Grant funds do not cover City IDOH which will be supported by general fund.
6. **What will happen if the project is not approved?** Noncitizen migrants will be displaced and will not have access to mentioned services.
7. **Is this service already provided by another entity?** Not in Albuquerque. We are working in conjunction with Non-Profit Organizations across the State and along the border.

FISCAL IMPACT ANALYSIS

TITLE: EMW-2023-SP-05176 FEMA's Shelter and Support Program SSP
 R: O:
 FUND: 265
 DEPT: DFAS/OEM

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

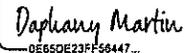
	Fiscal Years			
	2024	2025	2026	Total
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses	757,694	-	-	757,694
Property				-
Indirect Costs	17,000	-	-	17,000
Total Expenses	\$ 774,694	\$ -	\$ -	\$ 774,694
<input type="checkbox"/> Estimated revenues not affected				
<input checked="" type="checkbox"/> Estimated revenue impact				
Revenue from program				
Amount of Grant	757,694	-	-	757,694
City Cash Match				
City Inkind Match				
City IDOH	17,000	-	-	17,000
Total Revenue	\$ 774,694	\$ -	\$ -	\$ 774,694

These estimates do not include any adjustment for inflation.
 * Range if not easily quantifiable.

Number of Positions created

COMMENTS: This is for the performance period of March 1,2023 through September 30, 2025. There are no stated budget limitation by year in the notice of award. IDOH is not covered by grant, technical city match will impact General Fund 110.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:
DocuSigned by:

 10/30/2023 | 10:12 AM MDT
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 FISCAL ANALYST

APPROVED:
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 DIRECTOR (date)

REVIEWED BY:
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 EXECUTIVE BUDGET ANALYST

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 BUDGET OFFICER (date)

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 CITY ECONOMIST

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Effective date: 09/28/2023

Marianne Kemp
CITY OF ALBUQUERQUE
ONE CIVIC PLAZA 11TH FLOOR
ALBUQUERQUE, NM 87102

EMW-2023-SP-05176

Dear Marianne Kemp,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the FY 2023 Shelter and Services Program, has been approved in the amount of \$757,694.00 in Federal funding. This award of federal assistance is executed as a Grant.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Award Summary - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- FY 2023 Shelter and Services Program Notice of Funding Opportunity

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,



Robert Farmer
Acting Deputy Assistant Administrator
Acting Deputy Assistant Administrator Grant Programs Directorate



Award Summary

Program: Fiscal Year 2023 Shelter and Services Program

Recipient: CITY OF ALBUQUERQUE

UEI-EFT: L26ADC8DFL62

DUNS number: 007111891

Award number: EMW-2023-SP-05176

Summary description of award

The Fiscal Year (FY) 2023 Shelter and Services Program (SSP) provides grant funding to non-federal entities that serve noncitizen migrants recently released from DHS custody to provide shelter, food, transportation, acute medical care, personal hygiene supplies, and case management services, and to provide funding to non-federal entities to increase their capacity to shelter noncitizen migrants recently released from DHS custody, including renovations and modifications to existing facilities.

Construction budget summary table

The amount of the construction budget is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for Cost classification within this award

Cost classification	Total cost
Administrative and legal expenses	\$0.00
Land, structures, rights-of-way, appraisals, etc.	\$0.00
Relocation expenses and payments	\$0.00
Architectural and engineering fees	\$0.00
Other architectural and engineering fees	\$0.00
Project inspection fees	\$0.00
Site work	\$0.00
Demolition and removal	\$0.00
Construction	\$0.00
Equipment	\$0.00
Miscellaneous	\$0.00
SUBTOTAL	\$0.00
Contingencies	\$0.00
SUBTOTAL	\$0.00
Project (program) income	\$0.00
TOTAL PROJECT COSTS	\$0.00

Amount awarded table

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$0.00
Fringe benefits	\$26,958.20
Travel	\$131,972.00
Equipment	\$50,325.00
Supplies	\$0.00
Contractual	\$54,871.80
Construction	\$0.00
Other	\$493,567.00
Indirect charges	\$0.00
Federal	\$757,694.00
Non-federal	\$0.00
Total	\$757,694.00
Program Income	\$0.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2023 SSP NOFO.

Changes to program income:

Below are the approved changes to program income. Justifications are provided for the differences in the original application and the approved funding under this award.

Program Income
\$0.00
CHANGE FROM APPLICATION Program income changed from \$0.00 to \$0.00
JUSTIFICATION Program Income Not Permitted

Approved request details:

Project

Other				
DESCRIPTION Translation Services (as needed): estimate based on past experience				
	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$5,455.00	\$5,455.00	Other
CHANGE FROM APPLICATION Item from Contractual to Other Budget class from Contractual to Other				
JUSTIFICATION Updated to reflect crosswalk.				

Other

DESCRIPTION

Reserve Funding Allocation: \$488,112

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$488,112.00	\$488,112.00	Other

CHANGE FROM APPLICATION

Item created

JUSTIFICATION

Updated to reflect Reserve Funding Allocation

Fringe benefits

DESCRIPTION

The City of Albuquerque has estimated that we will be able to assist in final destination transport for approximately 245 migrants based on funding limitations and current level of funding. Average bus fare has been \$110/per trip.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$26,958.20	\$26,958.20	Fringe benefits

CHANGE FROM APPLICATION

Item from Travel to Fringe benefits
Budget class from Travel to Fringe benefits

JUSTIFICATION

Updated to reflect crosswalk.

Contractual

DESCRIPTION

Overnight Hotel Services: 337 non-citizen migrants, 3-4 nights per week, 24 months, \$80 per night

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$26,958.20	\$26,958.20	Contractual

Travel

DESCRIPTION

Contractual Staff: \$50/ hour (\$25 per hour per staff, 2 staff per hour), hosting 1678 migrants, 7 days per week, 24 months The City of Albuquerque plans to contract with a not-for-profit organization to supply staffing to provide assistance to the migrants we are servicing. This staff will help with all needs that the migrants may have. Provide staffing for the congregate sheltering facilities.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$131,972.00	\$131,972.00	Travel

CHANGE FROM APPLICATION

Item from **Contractual** to **Travel**
Budget class from **Contractual** to **Travel**

JUSTIFICATION

Updated to reflect crosswalk.

Contractual

DESCRIPTION

Bedding, cots and other supplies: 1678 non-citizen migrants, 7 days per week, 24 months; estimated total consumable cost

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$6,938.60	\$6,938.60	Contractual

CHANGE FROM APPLICATION

Item from **Equipment** to **Contractual**
Budget class from **Equipment** to **Contractual**

JUSTIFICATION

Updated to reflect crosswalk.

Contractual

DESCRIPTION

Congregate Sheltering: 1678 non-citizen migrants, 7 days per week, 24 months, \$12.50 per night

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1,678	\$12.50	\$20,975.00	Contractual

Equipment

DESCRIPTION

Meals for Non-Citizen Migrants various providers: \$15 per meal, 1678 non-citizen migrants, 2 meals/day, 24 months

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	3,355	\$15.00	\$50,325.00	Equipment

Of the total Federal funds, \$757694.00 has been placed on hold. See the following terms in the Agreement Articles for more details:

Article number	Title	Payment hold
Article 49	Funding Hold: Detailed Cost Breakdown & Justification Required	\$269582.00
Article 50	Funding Hold: Detailed Cost Breakdown & Justification Required	\$488112.00

Agreement Articles

Program: Fiscal Year 2023 Shelter and Services Program

Recipient: CITY OF ALBUQUERQUE

UEI-EFT: L26ADC8DFL62

DUNS number: 007111891

Award number: EMW-2023-SP-05176

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Article 1**Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB’s guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article 2**General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3**Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article 4**Activities Conducted Abroad**

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article 5	Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
Article 8	Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.
Article 9	Civil Rights Act of 1968 Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article 10 Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article 11 Debarment and Suspension

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article 12 Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

Article 13 Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.

Article 14 Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

Article 15	E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.
Article 16	Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 17	False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
Article 18	Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 19	Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.
Article 20	Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) 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 B-138942.

Article 21**Hotel and Motel Fire Safety Act of 1990**

Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a

Article 22**John S. McCain National Defense Authorization Act of Fiscal Year 2019**

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

Article 23**Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article 24**Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article 25**National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans

Article 26	Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
Article 27	Non-Supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
Article 28	Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.
Article 29	Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.
Article 30	Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
Article 31	Rehabilitation Act of 1973 Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 32 Reporting of Matters Related to Recipient Integrity and Performance
General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 33 Reporting Subawards and Executive Compensation
Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 34 Required Use of American Iron, Steel, Manufactured Products, and Construction Materials
Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the

application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the “Build America, Buy America” provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

Article 35 SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 36 Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article 37 Trafficking Victims Protection Act of 2000 (TVPA)

Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

Article 38 Universal Identifier and System of Award Management

Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article 39 USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

Article 40 Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article 41 Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

Article 42 Environmental Planning and Historic Preservation (EHP) Review

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at: <https://www.fema.gov/grants/guidance-tools/environmental-historic>. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article 43**Applicability of DHS Standard Terms and Conditions to Tribes**

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article 44**Acceptance of Post Award Changes**

In the event FEMA determines that an error in the award package has been made, or if an administrative change must be made to the award package, recipients will be notified of the change in writing. Once the notification has been made, any subsequent requests for funds will indicate recipient acceptance of the changes to the award. Please call FEMA Grant Management Operations at (866) 927-5646 or via e-mail to: ASK-GMD@fema.dhs.gov if you have any questions.

Article 45**Disposition of Equipment Acquired Under the Federal Award**

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.

Article 46**Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 47**Indirect Cost Rate**

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article 48**Funding Hold: Environmental Planning and Historic Preservation**

The recipient is required to obtain the required DHS/FEMA EHP compliance approval for this project pursuant to the FY23 Shelter & Services Program Grant NOFO prior to commencing work for this project. DHS/FEMA will notify you when the EHP compliance review is complete, and work may begin.

If the recipient requests a payment for one of the activities requiring EHP compliance review, FEMA may not make a payment for that work while the EHP compliance review is still pending. If FEMA discovers that work has been commenced under one of those activities prematurely, FEMA may disallow costs incurred prior to completion of the EHP compliance review and the receipt of DHS/FEMA approval to begin the work.

Please contact your DHS/FEMA SSP Program Office at FEMA-SSP@fema.dhs.gov to receive specific guidance regarding EHP compliance. If you have questions about this term and condition or believe it was placed in error, please contact the relevant Preparedness Officer.

EHP is required: This grant includes an activity (Modification to Facility) that requires the recipient to submit an EHP Screening form. The form and Instructions are available at: <https://www.fema.gov/media-library/assets/documents/90195>

Article 49**Funding Hold: Detailed Cost Breakdown & Justification Required**

FEMA has placed a funding hold on this award, and \$269,582.00 is on hold in the FEMA financial systems. The CITY OF ALBUQUERQUE is prohibited from obligating, expending, or drawing down the federal funds associated with the following projects/investments.

- Project/Investment # 1-8 - Shelter and Services Program : \$269,582.00, Budget details provided were either not sufficient to determine if costs are allowable, allocable, and reasonable, and/or a detailed budget review was not completed, therefore a Funding Hold has been placed on all Federal Funding until a detailed budget has been received, reviewed, and approved by both FEMA and CBP offices..

To release the funding hold, the recipient must provide a detailed cost breakdown and justification for the projects/investments listed above. FEMA will rescind the funding hold upon its review and approval of the detailed cost breakdown and justification.

If you believe this funding hold was placed in error, please contact the relevant Program Analyst or Grants Management Specialist.

Article 50**Funding Hold: Detailed Cost Breakdown & Justification Required**

FEMA has placed a funding hold on this award, and \$488,112.00 is on hold in the FEMA financial systems. The CITY OF ALBUQUERQUE is prohibited from obligating, expending, or drawing down the federal funds associated with the following projects/investments. Project/Investment # 1-8 - Shelter and Services Program : \$488,112.00, Budget details provided were either not sufficient to determine if costs are allowable, allocable, and reasonable, and/or a detailed budget review was not completed, therefore a Funding Hold has been placed on all Federal Funding until a detailed budget has been received, reviewed, and approved by both FEMA and CBP offices. To release the funding hold, the recipient must provide a detailed cost breakdown and justification for the projects/investments listed above. FEMA will rescind the funding hold upon its review and approval of the detailed cost breakdown and justification. If you believe this funding hold was placed in error, please contact the relevant Program Analyst or Grants Management Specialist.

Obligating document

1. Agreement No. EMW-2023-SP-05176	2. Amendment No. N/A	3. Recipient No. 856000102	4. Type of Action AWARD	5. Control No. WX05544N2023T-001		
6. Recipient Name and Address CITY OF ALBUQUERQUE ONE CIVIC PLAZA NW 11TH FLOOR ALBUQUERQUE, NM 87102		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Marianne Kemp		9a. Phone No. 5057683134	10. Name of FEMA Project Coordinator Shelter and Services Program Grant Program		10a. Phone No. 1-877-585-3242	
11. Effective Date of This Action 09/28/2023	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 03/01/2023 to 09/30/2025 Budget Period 03/01/2023 to 09/30/2025		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listing No.	Accounting Data (ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
SSP	97.999	2023-FA-PA12 - P410-xxxx-4101-D	\$0.00	\$757,694.00	\$757,694.00	See Totals
Totals			\$0.00	\$757,694.00	\$757,694.00	\$0.00
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	
Robert Farmer, Acting Deputy Assistant Administrator Acting Deputy Assistant Administrator Grant Programs Directorate Grant Programs Directorate	DATE 09/28/2023