

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-136 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton, by request

1 RESOLUTION
2 APPROVING AND AUTHORIZING THE FILING OF THE ATTACHED GRANT
3 APPLICATION FOR A FINE PARTICULATE MATTER AIR MONITORING GRANT
4 WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND PROVIDING
5 AN APPROPRIATION TO THE ENVIRONMENTAL HEALTH DEPARTMENT IN
6 FISCAL YEAR 2019.

7 WHEREAS, the Environmental Health Department has a performance
8 measure that it will protect and enhance air quality for current and future
9 generations and thereby protect public health, economic well-being and
10 aesthetic values for the community (Bernalillo County); and

11 WHEREAS, the operation of the Air Quality Programs of the Environmental
12 Health Department provides the technical means of accomplishing these
13 goals; and

14 WHEREAS, the City of Albuquerque is desirous of applying for these
15 federal funds for which no City funds are required for FY 2019; and

16 WHEREAS, Congress has provided the U.S. Environmental Protection
17 Agency with special funding to address special projects designed to enhance
18 public health by reducing air pollution.

19 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
20 ALBUQUERQUE:

21 Section 1. That the attached application for the Fine Particulate Matter Air
22 Monitoring Grant in the amount of \$151,996 for the period of April 1, 2019 –
23 March 31, 2020, is hereby approved and its submission and filing with the
24 appropriate official or office of the Environmental Protection Agency is in all
25 respects approved.

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1 Section 2. That in the event that the grant is awarded, federal funds from
2 the Environmental Protection Agency in the amount of \$151,996 is hereby
3 appropriated to the Environmental Health Department for the Air Pollution
4 Control Programs in the Operating Grants Fund, Fund 265, beginning in Fiscal
5 Year 2019.

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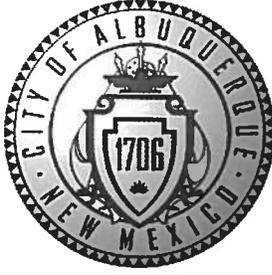
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CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

INTER-OFFICE MEMORANDUM

January 30, 2019

Mayor Timothy M. Keller

TO: Klarissa Pena, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Resolution approving and authorizing the filing of the attached grant application for a Fine Particulate Matter Air Monitoring Grant with the U.S. Environmental Protection Agency and providing an appropriation to the Environmental Health Department in Fiscal Year 2019.

For your consideration, please find the attached resolution which will allow the Environmental Health Department to apply for funding of its Fine Particulate Matter Air Monitoring Program for Fiscal Year 2019. The program supports ongoing air quality monitoring of fine particulate matter and information to our citizens and industries regarding air quality and air pollution.

The attached grant application is seeking 100% federal funding from the U.S. Environmental Protection Agency of \$151,996 for the period of April 1, 2019 through March 31, 2020. City matching funds are not required.

The attached resolution is submitted for consideration and action by the Council.

Title/ Subject of Legislation: Resolution approving and authorizing the filing of the attached grant application for a Fine Particulate Matter Air Monitoring Grant with the U.S. Environmental Protection Agency and providing an appropriation to the Environmental Health Department in Fiscal Year 2019.

Approved:



Sarita Nair Date
Chief Administrative Officer

3/23/19

Approved as to Legal Form:



Esteban Aguilar Date
City Attorney

3-1-19

comp 2/26/19

Recommended:



Sandra Begay Date
Director, Environmental Health Department

2/14/19

Cover Analysis

1. What is it?

An application for Federal Assistance for operation of the Environmental Health Department's Air Quality Program's Fine Particulate Matter Ambient Air Monitoring Program.

2. What will this piece of legislation do?

Allow the Mayor to apply for federal funding from the US EPA for operation of Albuquerque's Fine Particulate Matter Ambient Air Monitoring Program and request an appropriation for the Fine Particulate Matter Air Monitoring Grant for Federal FY 2019 to FY 2020.

3. Why is the project needed?

To provide ongoing ambient monitoring for particulate matter with an aerodynamic diameter less than 2.5 microns as required by 40 CFR Part 50 & 58.

4. How much will it cost and what is the funding source?

The application is seeking \$151,996 for the period of April 1, 2019 through March 31, 2020. There are no matching funds required for this grant. This will be an additional award to the existing PM Fine Grant allocation that was originally awarded for the period of April 1, 2018 to March 31, 2019. The US EPA is the Grantor.

5. What will happen if the project is not approved?

The City would violate the State Implementation Plan that the state has approved and submitted to the EPA. EPA could sanction the City and the state for failing to have an approved Air Quality Control Program in accordance with the federal Clean Air Act and the New Mexico Air Quality Control Act.

City of Albuquerque
Application for Federal Assistance SF-424

For Federal Fiscal Year 2019

Albuquerque/Bernalillo County
Air Pollution Control Program



FISCAL IMPACT ANALYSIS

TITLE: AIR POLLUTION CONTROL GRANT R: O:
 FUND: 265
 DEPT: EHD

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

| | Fiscal Years | | | Total |
|--|-------------------|-------------|------|----------------|
| | 2019 | 2020 | 2021 | |
| Base Salary/Wages (OT) | 0 | - | 0 | - |
| Fringe Benefits | 0 | - | 0 | - |
| Subtotal Personnel | - | - | - | - |
| Operating Expenses | 126,371 | | | 126,371 |
| Property | 25,625 | | | 25,625 |
| Indirect Costs FY19 | 0 | 0.00% | | - |
| Total Expenses | \$ 151,996 | \$ - | | 151,996 |
| <input type="checkbox"/> Estimated revenues not affected | | | | |
| <input checked="" type="checkbox"/> Estimated revenue impact | | | | |
| Amount of Grant | 151,996 | | | 151,996 |
| City Cash Match | - | | | - |
| City Inkind Match | 0 | | | - |
| City IDOH | - | | | - |
| Total Revenue | \$ 151,996 | \$ - | | 151,996 |

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

Number of Positions created 0

COMMENTS: This Grant is a new application. Revenue anticipated is from the United States Environmental Protection Agency for the PM2.5-Fine Grant for FY/19. It should be noted that this FY19 request will be expended through 3-31-20.

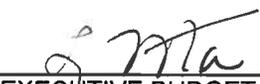
COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

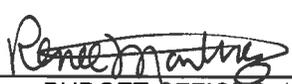
PREPARED BY:

 FISCAL MANAGER

APPROVED:

 DIRECTOR (date)

REVIEWED BY:

 EXECUTIVE BUDGET ANALYST (date)

 2/11/19
 BUDGET OFFICER (date)


 CITY ECONOMIST (date)

SF-424 APPLICATION FOR FEDERAL ASSISTANCE

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- Preapplication
- Application
- Changed/Corrected Application

*** 2. Type of Application:**

- New
- Continuation
- Revision

*** If Revision, select appropriate letter(s):**

*** Other (Specify):**

*** 3. Date Received:**

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*** a. Legal Name:**

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

*** c. Organizational DUNS:**

d. Address:

*** Street1:**

Street2:

*** City:**

County/Parish:

*** State:**

Province:

*** Country:**

*** Zip / Postal Code:**

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

*** First Name:**

Middle Name:

*** Last Name:**

Suffix:

Title:

Organizational Affiliation:

*** Telephone Number:**

Fax Number:

*** Email:**

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

US Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.034

CFDA Title:

Surveys, Studies, Research, Investigations, and Special Purpose Activities Relating to the Clean Air Act.

*** 12. Funding Opportunity Number:**

EPA-CEP-01

* Title:

Surveys, Studies, Research, Investigations, Demonstrations, and Special Purpose Activities Relating to the Clean Air Act.

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

2019 Albuquerque/Bernalillo County PM Fine and Speciation Grant

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

| | |
|---------------------|---|
| * a. Federal | <input type="text" value="151,996.00"/> |
| * b. Applicant | <input type="text" value="0.00"/> |
| * c. State | <input type="text" value="0.00"/> |
| * d. Local | <input type="text" value="0.00"/> |
| * e. Other | <input type="text" value="0.00"/> |
| * f. Program Income | <input type="text" value="0.00"/> |
| * g. TOTAL | <input type="text" value="151,996.00"/> |

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

- Yes
- No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:
Middle Name:
* Last Name:
Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: 

* Date Signed:

SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY | | | | Total (5) |
|--|-------------------------------------|---------|---------|---------|---------------|
| | (1) FY2019 | (2) | (3) | (4) | |
| a. Personnel | \$ 0.00 | \$ | \$ | \$ | \$ |
| b. Fringe Benefits | 0.00 | | | | |
| c. Travel | 0.00 | | | | |
| d. Equipment | 25,625.00 | | | | 25,625.00 |
| e. Supplies | 10,981.00 | | | | 10,981.00 |
| f. Contractual | 40,000.00 | | | | 40,000.00 |
| g. Construction | 0.00 | | | | |
| h. Other | 75,390.00 | | | | 75,390.00 |
| i. Total Direct Charges (sum of 6a-6h) | 151,996.00 | | | | \$ 151,996.00 |
| j. Indirect Charges | 0.00 | | | | \$ |
| k. TOTALS (sum of 6i and 6j) | \$ 151,996.00 | \$ | \$ | \$ | \$ 151,996.00 |
| 7. Program Income | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ |

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Standard Form 424A (Rev. 7- 97)
Prescribed by OMB (Circular A -102) Page 1A

BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006
Expiration Date: 06/30/2014

SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|--|-----------------------------|--------------------|-----------------------|--------------------|---------------|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. FY2019 | 66.034 | \$ | \$ | \$ 151,996.00 | \$ | \$ 151,996.00 |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. Totals | | \$ | \$ | \$ 151,996.00 | \$ | \$ 151,996.00 |

SECTION C - NON-FEDERAL RESOURCES

| (a) Grant Program | (b) Applicant | (c) State | (d) Other Sources | (e)TOTALS |
|-------------------------------|---------------|-----------|-------------------|-----------|
| 8. FY2019 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTAL (sum of lines 8-11) | | | | |

SECTION D - FORECASTED CASH NEEDS

| | Total for 1st Year | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|------------------------------------|--------------------|-------------|-------------|-------------|---------------|
| 13. Federal | \$ 151,996.00 | | | | \$ 151,996.00 |
| 14. Non-Federal | | | | | |
| 15. TOTAL (sum of lines 13 and 14) | \$ 151,996.00 | | | | \$ 151,996.00 |

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

| (a) Grant Program | FUTURE FUNDING PERIODS (YEARS) | | | |
|----------------------------------|--------------------------------|------------|-----------|------------|
| | (b)First | (c) Second | (d) Third | (e) Fourth |
| 16. FY2019 | \$ 151,996.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| 17. | 0.00 | 0.00 | 0.00 | 0.00 |
| 18. | 0.00 | 0.00 | | |
| 19. | | | | |
| 20. TOTAL (sum of lines 16 - 19) | \$ 151,996.00 | | | |

SECTION F - OTHER BUDGET INFORMATION

| | |
|----------------------------------|------------------------------|
| 21. Direct Charges: \$151,996.00 | 22. Indirect Charges: \$0.00 |
| 23. Remarks: | |

**EPA FORM 4700-4 PRE-AWARD COMPLIANCE
REVIEW REPORT**



U.S. ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

**Preaward Compliance Review Report for
All Applicants and Recipients Requesting EPA Financial Assistance**

Note: Read instructions on other side before completing form.

| | | | | |
|--|---|------------------------------|-----|----|
| I. Applicant/Recipient (Name, Address, State, Zip Code). City of Albuquerque/Env. Health Dept. P.O. Box 1293, Albuquerque, NM 87103 | | DUNS No. 949437065 | | |
| II. Is the applicant currently receiving EPA assistance? Yes | | | | |
| III. List all civil rights lawsuits and administrative complaints pending against the applicant/recipient that allege discrimination based on race, color, national origin, sex, age, or disability. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7. See instructions on reverse side.) See attached Ex. A, List as of September 28, 2018 | | | | |
| IV. List all civil rights lawsuits and administrative complaints decided against the applicant/recipient within the last year that allege discrimination based on race, color, national origin, sex, age, or disability and enclose a copy of all decisions. Please describe all corrective action taken. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7. See instructions on reverse side.) See attached Ex. B, List, Decisions and Corrective Actions Taken, Sep. 9, 2017- Sep. 28, 2018 | | | | |
| V. List all civil rights compliance reviews of the applicant/recipient conducted by any agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. § 7.80(c)(3)) None | | | | |
| VI. Is the applicant requesting EPA assistance for new construction? If no, proceed to VII; if yes, answer (a) and/or (b) below. <table style="width:100%; border:none;"> <tr> <td style="text-align:center;">Yes</td> <td style="text-align:center;">No</td> </tr> </table> a. If the grant is for new construction, will all new facilities or alterations to existing facilities be designed and constructed to be readily accessible to and usable by persons with disabilities? If yes, proceed to VII; if no, proceed to VI(b). Yes No b. If the grant is for new construction and the new facilities or alterations to existing facilities will not be readily accessible to and usable by persons with disabilities, explain how a regulatory exception (40 C.F.R. § 7.70) applies. Yes No | | | Yes | No |
| Yes | No | | | |
| VII. Does the applicant/recipient provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its programs or activities? (40 C.F.R. § 5.140 and § 7.95) ✓ Yes No a. Do the methods of notice accommodate those with impaired vision or hearing? ✓ Yes No b. Is the notice posted in a prominent place in the applicant's offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications? ✓ Yes No c. Does the notice identify a designated civil rights coordinator? ✓ Yes No | | | | |
| VIII. Does the applicant/recipient maintain demographic data on the race, color, national origin, sex, age, or handicap of the population it serves? (40 C.F.R. § 7.85(a)) Yes | | | | |
| IX. Does the applicant/recipient have a policy/procedure for providing access to services for persons with limited English proficiency? (40 C.F.R. Part 7, E.O. 13166) Yes | | | | |
| X. If the applicant/recipient is an education program or activity, or has 15 or more employees, has it designated an employee to coordinate its compliance with 40 C.F.R. Parts 5 and 7? Provide the name, title, position, mailing address, e-mail address, fax number, and telephone number of the designated coordinator. Torri Jacobus, Managing Attorney, Office of Civil Rights, City of | | | | |
| XI. If the applicant/recipient is an education program or activity, or has 15 or more employees, has it adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7? Provide a legal citation or Internet address for, or a copy of, the procedures. https://www.cabq.gov/office-of-equity-inclusion/grievance-procedure; | | | | |
| For the Applicant/Recipient | | | | |
| I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. I assure that I will fully comply with all applicable civil rights statutes and EPA regulations. | | | | |
| A. Signature of Authorized Official | B. Title of Authorized Official CAO | C. Date 3/23/19 | | |
| For the U.S. Environmental Protection Agency | | | | |
| I have reviewed the information provided by the applicant/recipient and hereby certify that the applicant/recipient has submitted all preaward compliance information required by 40 C.F.R. Parts 5 and 7; that based on the information submitted, this application satisfies the preaward provisions of 40 C.F.R. Parts 5 and 7; and that the applicant has given assurance that it will fully comply with all applicable civil rights statutes and EPA regulations. | | | | |
| A. Signature of Authorized EPA Official See * note on reverse side | B. Title of Authorized EPA Official | C. Date | | |

EX. A, HRD/EEOC REPORT FOR EPA GRANT FUNDING AS OF 9/28/2018

Civil rights lawsuits and administrative complaints pending against the applicant/recipient
that allege discrimination based on race, color, national origin, sex, age or disability

This report includes any responsive lawsuits or administrative complaints that are brought against either the City of Albuquerque (the applicant) or the Environmental Health Department (the recipient). It does not include complaints brought against other departments of the City of Albuquerque if the complaint did not name either the City of Albuquerque or the Environmental Health Department as a defendant, per EPA request.

| Name | EEOC No. | HRD No. | Basis of Charge | Matter ID |
|-----------------------|-----------------|----------------|---|------------------|
| Adkinson, Hamp M. | 543-2015-00205 | | Race; Color; Religion; Retaliation | 29.041 |
| Alvarado, Pauline | 543-2016-00575 | | Retaliation and National Origin | 38.162 |
| Apodaca, Anntoinette | 39B-2018-01798 | 18-08-15-0274 | Sex; Retaliation | 10.970 |
| Archuleta, Roberta D. | 543-2015-00815 | | Sex; National Origin | 10.735 |
| Aswani, Poonam | | 15-04-08-0143 | Race; Color; National Origin; Retaliation | 12.196 |
| Baca, Loriann | 543-2015-00934 | | Disability | 20.151 |
| Baca, Loriann | 543-2015-00859 | | Retaliation | 20.156 |
| Ballor, Keith P. | 543-2018-00673 | | Retaliation; Age | 11.272 |
| Barnett, Noe | 543-2014-00804 | | Retaliation | 10.626 |
| Bennett, Delano | 39B-2018-00731 | 18-02-05-0038 | Disability | 12.296 |
| Boateng, Tracey | 39B-2018-01208 | 18-04-20-0121 | Race; National Origin; Retaliation | 10.954 |
| Brinkley, Deby | 543-2018-00484 | | Sex; Retaliation | 24.287 |
| Brito, Brian | 543-2014-00408 | | Disability | 17.069 |
| Burk, Michael | 39B-2018-01248 | 18-04-26-0129 | Race; Sex; Retaliation; Age | 11.266 |
| Casaus, Shawn F. | 543-2016-00564 | | Retaliation | 10.816 |
| Castillo, Maryann S. | 543-2016-00906 | | Retaliation; Sex | 12.239 |
| Chavez, Angela N. | 846-2015-14491 | | Sex; Retaliation; Disability | 10.703 |
| Chavez, Remberto M | 543-2017-00092 | | National Origin | 12.245 |
| Chavez, Seth G. | 543-2013-00171 | | Sex; Retaliation; Disability | 10.456 |
| Collins, Freddie | 543-2017-00292 | | Retaliation; Race; Age. | 12.252 |
| Dix, Tiffani A | 543-2015-00855 | | Sex, Religion; National Origin; Retaliation | 10.739 |
| Eliason, Kevin O. | 543-2014-00953 | | Retaliation; Race; Age | 29.039 |
| Ellison, Joshua R. | 543-2018-00210 | | Sex; Equal Pay | 11.255 |
| Fernandez, Jesse | 846-2015-21381 | | National Origin | 38.124 |
| Ficke, Veronica | 39B-2014-02363 | | Sex; Retaliation | 10.613 |
| Finley, Elizabeth A. | 543-2016-00787 | | Sex; Equal Pay Act of 1963 | 10.836 |
| Fuentes, Raymond | 543-2018-00606 | | Age | 15.096 |

EX. A, HRD/EEOC REPORT FOR EPA GRANT FUNDING AS OF 9/28/2018

Civil rights lawsuits and administrative complaints pending against the applicant/recipient
that allege discrimination based on race, color, national origin, sex, age or disability

This report includes any responsive lawsuits or administrative complaints that are brought against either the City of Albuquerque (the applicant) or the Environmental Health Department (the recipient). It does not include complaints brought against other departments of the City of Albuquerque if the complaint did not name either the City of Albuquerque or the Environmental Health Department as a defendant, per EPA request.

| Name | EEOC No. | HRD No. | Basis of Charge | Matter ID |
|---------------------------|-----------------|----------------|------------------------------------|------------------|
| Fulton, Jennifer F. | 39B-2016-00604 | 6-01-27-0633 | Sex | 29.044 |
| Gallegos, Gilbert G. | 543-2016-00294 | | Disability | 31.022 |
| Garcia, Anthony | 543-2017-01109 | | Retaliation | 31.030 |
| Gutierrez, Joshua | 543-2016-00078 | | Disability; Failure to Accommodate | 17.095 |
| Harrison, Lark | 543-2018-00103 | | Race | 33.047 |
| Hernandez, Edward A. | 543-2015-01034 | | Disability; Retaliation | 17.091 |
| Holguin, Jennifer | 543-2018-00886 | | Retaliation; Disability | 11.278 |
| Houston, Barbara L | 543-2015-00821 | | Race; Sex | 10.744 |
| Korovlev, Phillip W. | 543-2015-00303 | | Race; Sex | 10.692 |
| Loggins, Jr., Aaron B | 543-2014-00830 | | Retaliation | 20.131 |
| Lujan, Lydia | 39B-2016-01008 | 16-04-25-0133 | Race; National Origin | 10.817 |
| Miller, Wesley K. | 543-2016-00893 | | Retaliation; Disability | 10.835 |
| Montoya, Robert J. | 543-2016-00847 | | Age | 12.235 |
| Moya, Christopher | 39B-2018-00642 | 18-01-31-0029 | Retaliation; Age Discrimination | 22.052 |
| Nadas, Tamas | 39B-2018-00927 | 18-03-26-0093 | National Origin; Retaliation | 10.950 |
| Nilsson-Lund, Jennifer M. | 543-2015-00222 | | Sex; Retaliation | 10.688 |
| Nilsson-Lund, Jennifer | 543-2015-00578 | | Retaliation | 10.711 |
| Nilsson-Lund, Jennifer M. | 543-2015-00660 | | Retaliation | 10.715 |
| Paez, Ted S. | 543-2018-00672 | | Age; Disability | 11.271 |
| Paiz, Veronica, E. | 543-2015-00120 | | Retaliation | 29.040 |
| Peltier-Seibel, Ramona L. | 543-2018-00676 | | Race; Sex; Age | 11.273 |
| Pino, Cindy L. | 543-2016-00785 | | Sex; Equal Pay Act of 1963 | 10.830 |
| Rodarte-Wolf, Kimberly L. | 846-2015-21614 | | Sex | 38.126 |
| Romero, Teresa C. | 543-2018-00570 | | Retaliation; Disability | 10.959 |
| Saavedra, Catherine | 543-2016-00788 | | Age; Equal Pay Act of 1963 | 10.842 |

EX. A, HRD/EEOC REPORT FOR EPA GRANT FUNDING AS OF 9/28/2018

Civil rights lawsuits and administrative complaints pending against the applicant/recipient
that allege discrimination based on race, color, national origin, sex, age or disability

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| Name | EEOC No. | HRD No. | Basis of Charge | Matter ID |
|--------------------------------|-----------------|----------------|---|------------------|
| Sanchez, Christella B. | 543-2015-00793 | | Sex; National Origin; Retaliation; Disability | 10.731 |
| Sanchez, Randy | 39B-2018-01326 | | Race; National Origin; Retaliation | 11.268 |
| Sandoval, Genevieve M. | 543-2016-00797 | | Sex; Equal Pay Act of 1963 | 10.833 |
| Stout, Regina M. | 543-2016-00786 | | Sex; Equal Pay Act of 1963 | 10.831 |
| Sizemore, Furman G. | | | New Mexico Human Rights Act | 10.838 |
| Soto, Judy V. | 543-2018-00898 | | Sex; Age; National Origin | 17.136 |
| Stout, Regina M. | 543-2016-00786 | | Sex; Other (EPA) | 10.831 |
| Summerville, Joseph | 543-2014-00120 | | Retaliation; Race | 19.040 |
| SWOP Civil Rights Complaint | | | OCR Complaint | 48.007-4 |
| Tafoya, Jonell | 39B-2018-01187 | | Sex; Retaliation | 12.302 |
| Zamora, Charles | 543-2015-01152 | | Age | 15.074 |

EX. B, HRD/EEOC REPORT FOR EPA GRANT FUNDING AS OF 9/28/2018

Civil rights lawsuits and administrative complaints decided against the applicant/recipient between September 29, 2017 and September 28, 2018, that allege discrimination based on race, color, national origin, sex, age or disability

This report is based on any responsive lawsuits or administrative complaints that were decided against either the City of Albuquerque (the applicant) or the Environmental Health Department (the recipient). It does not include complaints decided against other departments of the City of Albuquerque if the complaint did not name either the City of Albuquerque or the Environmental Health Department as a defendant, per EPA request.

| Name | EEOC No. | HRD No. | Basis of Charge | Matter ID |
|---------------------|-----------------|----------------|--|------------------|
| Sizemore, Furman G. | 39B-2018-01871 | 18-08-06-0264 | Race; Retaliation; NM Human Rights Act | 10.838 |

Enclose a Copy of All Decisions

The final decisions in this matter are provided following this page. All decisions were issued by the Second Judicial District Court for the County of Bernalillo, State of New Mexico. They are:

Judgment, *Sizemore v. City of Albuquerque*, Case No. D-202-CV-2016-05356 (May 16, 2018) ProLaw Doc. No. 405511

Order on Plaintiff's Cost Bill, *Sizemore v. City of Albuquerque*, Case No. D-202-CV-2016-05356 (Jun. 19, 2018) ProLaw Doc. No. 411576

Attorney Fee Award, *Sizemore v. City of Albuquerque*, Case No. D-202-CV-2016-05356 (Sep. 6, 2018) ProLaw Doc. No. 424039

Corrective Actions Taken

The City paid the judgment awarded by a jury of compensatory damages of \$37,939.20 to Mr. Sizemore for a violation of the NM Human Rights Act; paid his costs of \$19,344.34 and paid his attorneys fees of \$341,424.38.

Mr. Sizemore alleged that he was paid a lower salary due to his race. Mr. Sizemore has now submitted a request for a salary adjustment for evaluation to the City's Wage Review Committee. The City is awaiting the results of the Committee's evaluation.

SECOND JUDICIAL DISTRICT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

FURMAN G. SIZEMORE, Ph.D,

Plaintiff,

vs.

Case No. D-202-CV-2016-05356

CITY OF ALBUQUERQUE,

Defendant.

ATTORNEY FEE AWARD

THIS MATTER having come before the Court by Plaintiff's Motion for Attorney Fees pursuant to the New Mexico Human Rights Act, Defendant having filed a Response and Plaintiff having filed his Reply and a hearing was held on August 29, 2018 at which counsel of record presented oral arguments and the Court having reviewed the record, having heard arguments of counsel and being otherwise advised in the premises, FINDS:

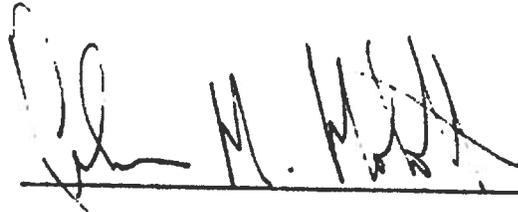
1. The New Mexico Human Rights Act, NMSA 1978 §28-1-13[D] provides for award of reasonable attorney fees to prevailing plaintiffs. Plaintiff is the prevailing party in this case.

2. The Lodestar method is the appropriate method for determining reasonable time expended and a reasonable hourly rate.

3. Based on the Affidavits submitted by Plaintiff and the Court's knowledge of the hourly rates charged for civil rights employment cases by attorneys in this community with similar knowledge, training, skill and experience to that of Plaintiff's counsel and hourly rates for contract lawyer and paralegals, the Court determines the following hourly rates to be reasonable hours and applies those rates to the following hours of reasonable time expended in the prosecution of Plaintiff's case:

- a. Attorney J. Edward Hollington 750 hours at \$350 per hour for a total of \$262,500.00;
- b. Contract attorney 140 hours at \$200 per hour for a total of \$28,000.00; and
- c. Paralegal 400 hours at \$65 per hour for a total of \$26,000.00.

IT IS THEREFORE ORDERED that Plaintiff be and hereby is awarded attorney fees in the amount of \$316,500.00, plus applicable New Mexico gross receipt tax of 7.875% for a total of \$341,424.38. No interest shall accrue on this award.



Alan Malott
District Court Judge

9-6-18

APPROVED BY:

J. EDWARD HOLLINGTON & ASSOCIATES, P.A.

/s/ J. Edward Hollington

J. Edward Hollington
Attorney for Plaintiff
708 Marquette Avenue N.W.
Albuquerque, NM 87102-2035
(505) 843-9171/(505) 843-7027 (fax)
Edward708@aol.com

APPROVED AS TO FORM:

CITY OF ALBUQUERQUE

/s/ Melissa M. Kountz, 9/4/2018

Samantha M. Hults, Assistant City Attorney
Melissa M. Kountz, Assistant City Attorney
Post Office Box 2248
Albuquerque, New Mexico 87103
(505) 768-4500
shults@cabq.gov
mkountz@cabq.gov

BROWN LAW FIRM, BROWN & GURULÉ

/s/ Desiree D. Gurulé, 9/4/2018

Desiree G. Gurulé

333 Rio Rancho Blvd. NE, Suite 102

Rio Rancho, NM, 87124

(505) 292-9677

(505) 292-9680 (facsimile)

desiree@brownlawnm.com

Attorney for Defendant

SECOND JUDICIAL DISTRICT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

FURMAN G. SIZEMORE, Ph.D,

Plaintiff,

Case No. D-202-CV-2016-05356

vs.

CITY OF ALBUQUERQUE,

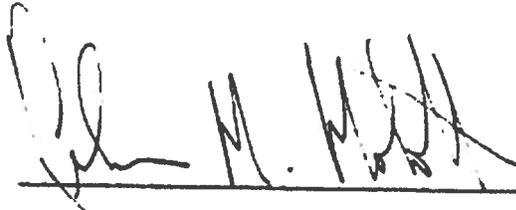
Defendant.

JUDGMENT

THIS MATTER having come on for a jury trial before the Honorable Alan M. Malott, District Court Judge from April 30, 2018 through May 4, 2018, and the jury having completed the Special Verdict form provided to them, which is separately filed in this matter, which Special Verdict determined that the City of Albuquerque discriminated against Plaintiff in matters of compensation in violation of the New Mexico Human Rights Act, judgment is hereby entered;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, judgment be, and hereby is entered in favor of the Plaintiff, Furman G. Sizemore, Ph.D., and against the Defendant City of Albuquerque for compensatory damages as set forth in the Special Verdict form, in the amount of \$37,939.20.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that Plaintiff, Furman G. Sizemore, Ph.D., may be awarded his costs and reasonable attorney's fees pursuant to NMSA 1978, §28-1-13(D)(2005) to be determined pursuant to further order of this Court.



Alan Malott
District Court Judge

5-15-18

APPROVED BY:

J. EDWARD HOLLINGTON & ASSOCIATES, P.A.

/s/ J. Edward Hollington

J. Edward Hollington
Attorney for Plaintiff
708 Marquette Avenue N.W.
Albuquerque, NM 87102-2035
(505) 843-9171/(505) 843-7027 (fax)
Edward708@aol.com

APPROVED AS TO FORM:

CITY OF ALBUQUERQUE

Submitted to Defendant's counsel for position on 5/8/18 alternative form submitted & rejected

Samantha M. Hults, Acting City Attorney
Melissa M. Kountz, Assistant City Attorney
Post Office Box 2248
Albuquerque, New Mexico 87103
(505) 768-4500
shults@cabq.gov
mkountz@cabq.gov

BROWN LAW FIRM, BROWN & GURULÉ

Submitted to Defendant's counsel for position on 5/8/18

Desiree G. Gurulé

3777 The American Rd. NW, Suite 100

Albuquerque, NM, 87114

(505) 292-9677

(505) 292-9680 (facsimile)

desiree@brownlawnm.com

Attorney for Defendants

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

FURMAN G. SIZEMORE, Ph.D,

Plaintiff,

vs.

Case No. D-202-CV-2016-05356

CITY OF ALBUQUERQUE,

Defendant.

ORDER ON PLAINTIFF'S COST BILL

THIS MATTER having come before the Court upon Plaintiff's Cost Bill; the Court having reviewed the Cost Bill and the parties' briefing; the Court having reviewed the file; and being sufficiently advised;

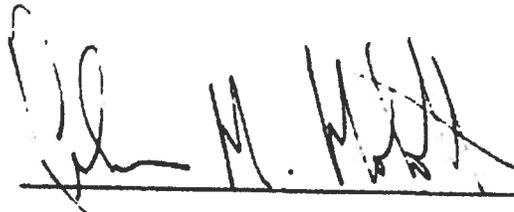
THE COURT FINDS:

1. There is jurisdiction over the parties and the subject matter ;
2. Further hearing on this matter is not necessary for an appropriate determination of the issues presented. *Nat'l Excess Ins. Co. v. Bingham*, 1987-NMCA-109, ¶ 9, 742 P.2d 537; *State Trans. Dep't. v. Yazzie*, 1991-NMCA-098, ¶ 12, 817 P.2d 1257; *Flagstar Bank v. Licha*, 2015-NMCA-086, ¶ 28, 356 P.3d 1102.
3. Plaintiff was the prevailing party at trial and should recover his costs reasonably incurred in proving his case. Rule 1-054 NMRA; *Dunleavy v. Miller*, 1993 NMSC 059. An award of costs is not limited solely to those categories delineated in Rule 1-054 NMRA, but may extend to those costs reasonably and necessarily incurred in establishing a litigants' claims or defending against claims brought against a litigant. *Smith v. Village of Ruidoso*, 1999 NMCA 151.
4. Defendant's objections to the Cost Bill are not well taken and should be denied.

5. Plaintiff's reasonable costs incurred both in establishing his claims at trial and in defending against Defendant's dispositive Motion practice are \$19,344.34.

WHEREFORE, IT IS ORDERED:

Plaintiff is hereby awarded his costs of \$19,344.34 to be paid by Defendant.

A handwritten signature in black ink, appearing to read "Alan M. Malott", written over a horizontal line.

Alan Malott
District Court Judge

6-19-18

Copies of the foregoing were e-mailed, mailed, or delivered to the following on the date of filing/e-filing:

J. Edward Hollington
J. Edward Hollington & Associates, P.A.
708 Marquette Avenue NW
Albuquerque NM 87102-0423
edward708@aol.com

Desiree D. Gurulé
Brown Law Firm, Brown & Gurulé
333 Rio Rancho Blvd. Suite 102
Rio Rancho, NM 87124
desiree@brownlawnm.com

Samantha M. Hults
Melissa M. Kountz
City of Albuquerque Legal Department
Post Office Box 2248
Albuquerque, New Mexico 87103
shults@cabq.gov
mkountz@cabq.gov

Susan L. Gibson

Susan L. Gibson, TCAA
Division XV

CERTIFICATION REGARDING LOBBYING AND SF
LLL

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) 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 an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) 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 contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

| | |
|---|---|
| * APPLICANT'S ORGANIZATION <input style="width: 90%; border: none; border-bottom: 1px solid black;" type="text" value="City of Albuquerque"/> | |
| * PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE | |
| Prefix: <input style="width: 80px; border: none; border-bottom: 1px solid black;" type="text" value="Ms."/> | * First Name: <input style="width: 250px; border: none; border-bottom: 1px solid black;" type="text" value="Sarita"/> Middle Name: <input style="width: 150px; border: none; border-bottom: 1px solid black;" type="text"/> |
| * Last Name: <input style="width: 350px; border: none; border-bottom: 1px solid black;" type="text" value="Nair"/> | Suffix: <input style="width: 80px; border: none; border-bottom: 1px solid black;" type="text"/> |
| * Title: <input style="width: 300px; border: none; border-bottom: 1px solid black;" type="text" value="Chief Administrative Officer"/> | |
| * SIGNATURE: <input style="width: 300px; height: 40px; border: none; border-bottom: 1px solid black;" type="text" value="SMC"/> | * DATE: <input style="width: 100px; border: none; border-bottom: 1px solid black;" type="text" value="3/23/19"/> |

COPY OF NEGOTIATED INDIRECT COST RATE
AGREEMENT

FY2019 Indirect Overhead Rates

Administrative Indirect Overhead Rates

Rates are based on Wage & Fringes

OMB Indirect Overhead Rates

Rates are based on Wage & Fringes

| Indirect Cost Allocation Rates – Enterprise, Internal Service Funds and Special Revenue Funds | Admin Rate | | Indirect Cost Allocation Rates – Grants * | OMB Rate |
|---|----------------------|--|--|----------|
| Air Quality | 13.7% | | Animal Welfare | 17.2% |
| Aviation | 10.2% | | Cultural Affairs - Library | 26.2% |
| Communications | 10.8% | | Environmental Health – Air Quality F265 | 13.7% |
| Fleet | 24.3% | | Family & Community Services | 14.2% |
| Golf Course** | 11.1% | | Fire | 4.6% |
| Insurance & Benefits | 9.2% | | Parks & Recreation | 9.3% |
| Parking | 17.9% | | Planning | 18.1% |
| Risk | 18.8% | | Police/Emergency Management/CAO | 8.9% |
| Senior Affairs - Fund 250 | 7.20% | | Senior Affairs | 11.6% |
| Solid Waste | 10.5% | | Solid Waste | 9.5% |
| Sports Stadium* | 31.7% | | Transit | 13.9% |
| Supplies* | 50.4% | | | |
| Transit | 16.0% | | | |
| | | | | |
| Water Utility Authority | Billed Separately | | | |

* Must have an active grant in FY/19

KEY CONTACTS FORM

EPA KEY CONTACTS FORM

Authorized Representative: Original awards and amendments will be sent to this individual for review and acceptance, unless otherwise indicated.

Name: Prefix: First Name: Middle Name:
Last Name: Suffix:
Title:
Complete Address:
Street1:
Street2:
City: State:
Zip / Postal Code: Country:
Phone Number: **Fax Number:**
E-mail Address:

Payee: Individual authorized to accept payments.

Name: Prefix: First Name: Middle Name:
Last Name: Suffix:
Title:
Complete Address:
Street1:
Street2:
City: State:
Zip / Postal Code: Country:
Phone Number: **Fax Number:**
E-mail Address:

Administrative Contact: Individual from Sponsored Programs Office to contact concerning administrative matters (i.e., indirect cost rate computation, rebudgeting requests etc).

Name: Prefix: First Name: Middle Name:
Last Name: Suffix:
Title:
Complete Address:
Street1:
Street2:
City: State:
Zip / Postal Code: Country:
Phone Number: **Fax Number:**
E-mail Address:

EPA KEY CONTACTS FORM

Project Manager: *Individual responsible for the technical completion of the proposed work.*

Name: Prefix: First Name: Middle Name:

Last Name: Suffix:

Title:

Complete Address:

Street1:

Street2:

City:

State:

Zip / Postal Code:

Country:

Phone Number:

Fax Number:

E-mail Address:

ASSURANCES NON-CONSTRUCTION PROGRAMS
CERTIFICATION

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

| | |
|--|---------------------------------------|
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  | TITLE Chief Administrative Officer |
| APPLICANT ORGANIZATION City of Albuquerque | DATE SUBMITTED 3/23/19 |

MINORITY AND WOMEN OWNED BUSINESS

EPA's policy is that recipients of Federal assistance award a fair share of procurement actions to disadvantaged business enterprises (DBEs), including historically black colleges and universities (HBCUs). These fair share objectives must be based on availability of qualified minority businesses enterprises (MBEs) and women's business enterprises (WBEs) to do work in the relevant market for procurement activities for four separate categories, i.e., construction, equipment, and services. Please indicate below whether you chose to use the State Negotiated rates as your fair share objective or to develop your own rates based on availability in your market area.

The City of Albuquerque
(Name of applicant)

Chooses

to use the State negotiated FY16 rates for procurement activities funded by any EPA agreement as follows:

| | MBE | WBE |
|---------------|--------|--------|
| Construction | 34.39% | 11.02% |
| Manufacturing | 18.87% | 15.40% |
| Retail Trade | 19.46% | 21.15% |
| Service | 33.88% | 21.72% |

City of Albuquerque
(Name of applicant)

Chooses

to conduct an availability analysis of the relevant market area and submit the package to EPA for negotiation prior to any procurement activity funded by an assistance agreement.

APPLICANT'S CONTACT FOR DBE ISSUES:

NAME: Jesse Muniz

TITLE: Chief Procurement Officer

PHONE: 505-768-3342

INTERGOVERNMENTAL REVIEW



Mid-Region Council of Governments

December 27, 2018

Dewey V. Cave
Executive Director
Greggory Hull
Chair, Board of Directors
Mayor, City of Rio Rancho

Dwayne Salisbury
Environmental Health Manager
Air Quality Programs
Albuquerque Environmental Health Department
11850 Sunset Gardens SW
Albuquerque, New Mexico 87121

MEMBER GOVERNMENTS

City of Albuquerque
Albuquerque Public Schools
AMAFCA
City of Belen
Bernalillo County
Town of Bernalillo
Village of Bosque Farms
CNM
Village of Corrales
Village of Cuba
Town of Edgewood
Village of Encino
ESCAFCA
Town of Estancia
Village of Jemez Springs
Laguna Pueblo
Village of Los Lunas
Los Lunas Schools
Village of Los Ranchos
MRGCD
City of Moriarty
Town of Mountainair
Town of Peralta
City of Rio Communities
City of Rio Rancho
Rio Rancho Public Schools
Sandoval County
Santa Ana Pueblo
SSCAFCA
Village of Tijeras
Torrance County
UNM
Valencia County
Village of Willard

RE: City of Albuquerque FY/19 Fine Particulate Matter Air Monitoring Grant
City of Albuquerque CDFA Number 66.001 – DUNNS Number 94-9437065

Dear Mr. Salisbury:

On behalf of the Mid-Region Council of Governments (MRCOG), I would like to give the City of Albuquerque's Air Quality Programs of the Environmental Health Department my strong support for its application for \$151,996 in federal funding.

It is my understanding that these grant funds afford the City of Albuquerque's Air Quality Programs of the Environmental Health Department the opportunity for the continued monitoring of fine particulate matter in Bernalillo County. This application for funding in no way conflicts with local or regional plans.

Please let me know if my staff or I can support you further.

Sincerely,

Dewey V. Cave
Executive Director

DC/PS

DETAILED ITEMIZED BUDGET

BUDGET CATEGORIES INFORMATION (FROM SF424A, SECTION B TOTALS)

Enter Total Program Costs, i.e., Federal and Non-Federal Funds Combined

(Attach Separate Sheet(s) if necessary)

Object Class Categories

| | | |
|---|------|---------------------|
| f. CONTRACTUAL: List each planned contract separately, type of services to be procured, proposed procurement method (i.e. small purchase, formal advertising, competitive negotiations or non-competitive negotiations) and the estimated cost. Also, please indicate if the proposed contract performance period will go beyond the budget period of assistance for which this application is submitted. | | |
| NMDOH SLD PM2.5 Lab Analysis | | \$ 13,000.00 |
| Contract for instrument repair, maintenance, and calibration to include: continuous and non-continuous PM2.5 samplers, Ncore, and and associated equipment | | \$ 3,000.00 |
| Contract for Repair Parts and Consumables for Met One/Teledyne | | \$ 2,000.00 |
| Contract for Repair Parts & Servicing of Meteorological Towers at PM2.5 sites | | \$ 2,000.00 |
| Contract for Calibration, Maintenance, & Certification of PM2.5 ancillary equipment | | \$ 10,000.00 |
| Contract for Repair Parts and Consumables for URG Speciation, MetOne Super SASS Sampler, and BAM Monitors | | \$ 10,000.00 |
| COMBINED CONTRACTUAL TOTAL | | \$ 40,000.00 |
| g. CONSTRUCTION | N/A | \$ - |
| h. OTHER: Explain by major categories any items not included in above standard budget categories. <u>Caution:</u> Do not include or propose as a direct project cost, any cost that is indirect in nature (see OMB Circular A-87) or is included in the indirect cost pool on which the indirect cost rate (item j) is based. | | |
| Communications for data transmittal | | \$ 6,865.00 |
| Electricity | | \$ 1,500.00 |
| Quality Assurance - PEP Audits - EPA IN-KIND | | \$ 12,500.00 |
| 47mm Teflon Filters - EPA IN-KIND | | \$ 2,025.00 |
| US EPA Contracted Speciation Lab - 1-in-3 day sampling - EPA IN-KIND | | \$ 52,500.00 |
| TOTAL OTHER | | \$ 75,390.00 |
| i. TOTAL DIRECT CHARGES: (Sum of items a. through h.) | | \$ 151,996.00 |
| j. INDIRECT COSTS: (RATE: 0.0%) | | \$ - |
| k. TOTAL PROPOSED PROGRAM COSTS (Sum of Items i. and j.) | | \$ 151,996.00 |
| SHARE: FEDERAL | 100% | GRANTEE 0% |

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| | | |
|---|---|---------------------|
| d. Equipment: | | |
| (1) List each item costing \$5,000 or more to be purchased for this project. | | |
| | | |
| | | |
| | | |
| | FRM Sampler | \$ 25,625.00 |
| | | |
| | | |
| | | |
| | SUB-TOTAL | \$ 25,625.00 |
| | EQUIPMENT TOTAL COMBINED | \$ 25,625.00 |
| e. Supplies: List by groups, as appropriate. Consumables, paper, printing, office supplies, reproduction supplies. | | |
| | | |
| | Supplies | |
| | Consumables*(Pumps (\$750.00*8), Pump Service Kits (\$170.00 *2.), O-ring Kits (\$25.00 *4) | \$ 6,440.00 |
| | Postage and Shipping | \$ 1,264.00 |
| | | |
| | Office Supplies (paper (100.00), mechanical pens and pens (50.00), printer ink (341.00*3)) | \$ 1,173.00 |
| | Pump Box (Del Norte) | \$ 2,104.00 |
| | SUPPLIES TOTAL | \$ 10,981.00 |

*Please note that this list is not inclusive of all consumables. There are several types of samplers from various manufacturers that are utilized.

NARRATIVE STATEMENT (WORKPLAN)

City of Albuquerque - Environmental Health Department - Air Quality Programs
 FY 2019 Workplan for PM2.5 Grant
 (4/1/19 – 03/31/20)

| Item | Outputs | Reporting Mechanism | Time Frame |
|------|--|---|------------------|
| 1 | For the Core PM2.5 network, the City will maintain, repair, and service an FEM PM2.5 monitor as primary and a FRM sampler as collocated at 35-001-0023 (Del Norte). To meet minimum network requirements, a FEM PM2.5 monitor will be operated and maintained at 35-001-0029 (South Valley). | AQS data submittal | Quarterly |
| 2 | The City will maintain, repair, service and report continuous hourly-PM2.5 monitoring data from 35-001-0023 (Del Norte), 35-001-0029 (South Valley), 35-001-1013 (North Valley) and 35-001-1012 (Tramway) to AirNow and use the data to report the Air Quality Index. | AirNow data submittal | Hourly |
| 3 | The City will maintain, repair, and service the speciation samplers at 35-001-0023 on an every 3 rd day sampling routine. Analysis and AQS data submittal will be accomplished through the national USEPA contract. | AQS data submittal | Per EPA Contract |
| 4 | The City will procure a data logger for data transmission at 35-001-0023. | E-mail | On-going |
| 5 | The City will purchase consumables and maintenance items needed for the maintenance, repair, and service of PM2.5 monitoring, sampling, speciation, and meteorological instruments. | Conference Calls | On-going |
| 6 | The City will operate and maintain PM2.5 network monitors and samplers using NIST traceable transfer standards to meet EPA's data and measurement quality objectives. Transfer standards will be provided and maintained by certified vendors. | Certificates of traceability – maintained on-site | Annually |
| 7 | The City will submit an annual performance assessment of the PM 2.5 monitoring program to EPA. | Network Review | Annual |
| 8 | The City will quality assure PM2.5 FRMs and FEMs and report the results to AQS. | AQS data submittal | Quarterly |