

# CITY of ALBUQUERQUE

## TWENTY SIXTH COUNCIL

COUNCIL BILL NO. R-24-97 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Joaquín Baca, by request

1 RESOLUTION  
2 APPROVING AND AUTHORIZING THE ACCEPTANCE OF GRANT AWARDS  
3 FROM THE US DEPARTMENT OF HOMELAND SECURITY, FEDERAL  
4 EMERGENCY MANAGEMENT AGENCY (FEMA) AND PROVIDING FOR AN  
5 APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION  
6 FOR FISCAL YEAR 2025 THROUGH FISCAL YEAR 2027.

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

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

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

20 WHEREAS, the Federal Emergency Management Agency has made available  
21 to the City of Albuquerque, the Shelter and Services program to provide shelter,  
22 food, transportation, acute medical care, personal hygiene supplies to asylees  
23 released by the Department of Homeland Security; and

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

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1 WHEREAS, grant funds in the approximate amount of \$757,694 is being used  
2 to assist asylees in the Albuquerque area; and

3 WHEREAS, in order to meet this continuing need, on September 17, 2024,  
4 the City has been awarded Federal Emergency Management Agency funding  
5 through the Shelter and Services Program-Competitive (SSP-C) EMW-2024-SP-  
6 05200 in the amount of \$537,591 to be used to continue assisting asylees  
7 released in the Albuquerque area; and

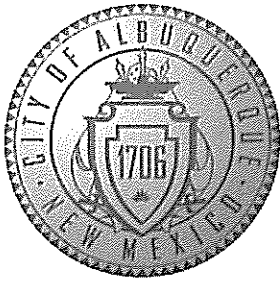
8 WHEREAS, the City of Albuquerque is desirous of appropriating these  
9 funds to achieve the grant objectives.

10 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
11 ALBUQUERQUE

12 Section 1. That Council hereby approves and authorizes Office of Emergency  
13 Management in the Department of Finance and Administrative Services  
14 Department to accept the grant appropriation from the Department of Homeland  
15 Security, Federal Emergency Management Agency in the amount of \$537,591,  
16 and its submission and filing of the application with the appropriate official or  
17 office is in all respects approved.

18 Section 2. That upon approval, funds in the amount of \$537,591, consisting  
19 of \$533,892 in Federal Emergency Management Agency funds from the US  
20 Department of Homeland Security, and \$3,699 for indirect costs from the  
21 Transfer to Operating Grants Fund Program in the General Fund, are hereby  
22 appropriated to the Office of Emergency Management in the Department of  
23 Finance and Administration in the Operating Grants Fund 265 for Fiscal Years  
24 2025 through 2027.

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**CITY OF ALBUQUERQUE**  
Albuquerque, New Mexico  
Office of the Mayor

Mayor Timothy M. Keller

**INTER-OFFICE MEMORANDUM**

**October 8, 2024**

**TO:** Dan Lewis President, City Council

**FROM:** Timothy M. Keller, Mayor



**SUBJECT:** Approval and authorization of grant award from US Department of Homeland Security, FY24 SSP-C Shelter and Services Program-Competitive (SSP-C) and providing an appropriation to the Office of Emergency Management in the Department of Finance & Administration.

Federal Emergency Management Agency (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 to migrants recently released from DHS custody.

On August 28, 2024, FEMA awarded Round 2 (Reserve Funding) to the City of Albuquerque in the amount of \$533,892. Funds in the amount of \$3,699 will be transferred from the General Fund (110) to the Operating Grants Fund (265) for the purpose of meeting indirect overhead requirements.

OEM respectfully requests approval to proceed with implementing the grant and oversee the contractual services being provided to the noncitizen migrants currently being released from DHS custody. 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.



## Cover Analysis

**1. What is it?**

A grant appropriation for assistance from the US Department of Homeland Security, Federal Emergency Management Agency, FY24 SSP-C Shelter and Services Program-Competitive (SSP-C), has made available to the City of Albuquerque to provide shelter, food, transportation, acute medical care, personal hygiene supplies to asylees released by the Department of Homeland Security.

**2. What will this piece of legislation do?**

Allow the City to appropriate funding from the Department of Homeland Security, Federal Emergency Management Agency, which will be used to help serve migrants recently released from DHS custody.

**3. Why is this project needed?**

Continue to 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?**

The grant award are federal funds from the US Department of Homeland Security, Federal Emergency Management Agency in the amount of \$533,892 and funds of \$3,699 for indirect costs from the Transfer to Operating Grants program in the General Fund.

**5. Is there a revenue source associated with this contract? If so, what level of income is projected?**

No

**6. What will happen if the project is not approved?**

Noncitizen migrants will be released directly into the community from DHS custody.

**7. Is this service already provided by another entity?**

Not in the City of Albuquerque.

**FISCAL IMPACT ANALYSIS**

TITLE: FY24 SSP-C Shelter and Services Program-Competitive (SSP) R: O: 265  
 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:

	2025	Fiscal Years		Total
		2026	2027	
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses	533,892			533,892
Property				-
Indirect Costs	3,699			3,699
<b>Total Expenses</b>	<b>\$ 537,591</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 537,591</b>
<input type="checkbox"/> Estimated revenues not affected				
<input checked="" type="checkbox"/> Estimated revenue impact				
Revenue from program				
Amount of Grant	533,892			533,892
City Cash Match				
City Inkind Match				
City IDOH	3,699			3,699
<b>Total Revenue</b>	<b>\$ 537,591</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 537,591</b>

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, 2026. There are no stated budget limitation by year in the notice of award. We are projecting to utilize \$533,892 grant funds to include contractual services to meet this need. Funds in the amount of \$3,699 will be transferred from the General Fund (110) to Operating Grants Fund (265).

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

PREPARED BY:

DocuSigned by:  
*Daphany Martin* 10/11/2024 | 12:02 PM MDT  
 FISCAL ANALYST

APPROVED:

DocuSigned by:  
*Michael Foley* 10/11/2024 | 12:42 PM MDT  
 DIRECTOR (date)

REVIEWED BY:

DocuSigned by:  
*Alan R. Gutowski* 10/11/2024 | 1:19 PM MDT  
 EXECUTIVE BUDGET ANALYST

DocuSigned by:  
*Donna Sandoval* 10/11/2024 | 1:58 PM MDT  
 BUDGET OFFICER (date)

Signed by:  
*Christine Boerner* 10/11/2024 | 1:59 PM MDT  
 CITY ECONOMIST

# Award Letter

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

Effective date: 09/17/2024



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

EMW-2024-SP-05200

Dear Marianne Kemp,

Congratulations on behalf of the Department of Homeland Security, your application submitted for the FY 2024 Shelter and Services Program, has been approved in the amount of \$533,892.00 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 2024 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,

A handwritten signature in blue ink that reads "P.S. Williams". The signature is written in a cursive, flowing style.

PAMELA WILLIAMS  
Assistant Administrator, Grant Programs

# Award Summary

**Program:** Fiscal Year 2024 Shelter and Services Program

**Recipient:** CITY OF ALBUQUERQUE

**UEI-EFT:** L26ADC8DFL62

**DUNS number:** 007111891

**Award number:** EMW-2024-SP-05200

## Summary description of award

The Fiscal Year (FY) 2024 Shelter and Services Program (SSP) provides grant funding to non-federal entities that serve noncitizen migrants recently released from DHS custody to temporarily provide shelter, food, transportation, acute medical care, personal hygiene supplies, and labor necessary to manage cases to provide these services, and to provide funding to non-federal entities to increase their capacity to temporarily 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



<b>Cost classification</b>	<b>Total cost</b>
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
<b>SUBTOTAL</b>	<b>\$0.00</b>
Contingencies	\$0.00
<b>SUBTOTAL</b>	<b>\$0.00</b>
Project (program) income	\$0.00
<b>TOTAL PROJECT COSTS</b>	<b>\$0.00</b>

## 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):

<b>Object Class</b>	<b>Total</b>
Personnel	\$3,600.00
Fringe benefits	\$113,264.00
Travel	\$91,424.00
Equipment	\$66,004.00
Supplies	\$0.00
Contractual	\$256,000.00
Construction	\$0.00
Other	\$3,600.00
Indirect charges	\$0.00
Federal	\$533,892.00
Non-federal	\$0.00
<b>Total</b>	<b>\$533,892.00</b>
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 FY2024 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.

<b>Program Income</b>
\$0.00
CHANGE FROM APPLICATION <b>Program income</b> changed from <b>\$0.00</b> to <b>\$0.00</b>
JUSTIFICATION <b>Not applicable under SSP-C via the Internal Comment section.</b>

Approved request details:

**Project**

<b>Fringe benefits</b>				
DESCRIPTION Onward destination transportation: Plane Tickets \$354 x 136 NCM/ Monthly = \$48,144.00. Additional RFI Needed.				
	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$48,144.00	\$48,144.00	Fringe benefits
CHANGE FROM APPLICATION <b>Item created</b>				
JUSTIFICATION Additional RFI Needed.				

## Contractual

### DESCRIPTION

Rent of building for congregate shelter once we are no longer able to use the current City facility. \$75,000 x 24 months = \$180,000. Additional RFI Needed.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$180,000.00	\$180,000.00	Contractual

### CHANGE FROM APPLICATION

#### Description changed

**Unit price** from **\$509,000.08** to **\$180,000.00**

### JUSTIFICATION

Additional RFI Needed.

## Travel

### DESCRIPTION

Contracted labor to staff and manage Congregate sheltering site 24/7. \$4,514.00/ week x 20.25 weeks = \$91,424.00. Additional RFI Needed.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$91,424.00	\$91,424.00	Travel

### CHANGE FROM APPLICATION

#### Description changed

**Unit price** from **\$410,774.00** to **\$91,424.00**

### JUSTIFICATION

Additional RFI Needed

## Personnel

### DESCRIPTION

Over-The-Counter Medication: Band aides, cold meds, allergy meds, etc. \$100 x 36 months = \$3,600.00

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	36	\$100.00	\$3,600.00	Personnel

### CHANGE FROM APPLICATION

**Description changed**

**Quantity** from 1 to 36

**Unit price** from \$3,600.00 to \$100.00

### JUSTIFICATION

Budget updated to reflect award.

## Equipment

### DESCRIPTION

Meals for migrants and Grab & go breakfast/snack & bottled water (Granola bars, oatmeal, chip, ect...) \$3.00 x 2,000 NCM = \$6,000.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	2,000	\$3.00	\$6,000.00	Equipment

### CHANGE FROM APPLICATION

**Description changed**

**Quantity** from 1 to 2,000

**Unit price** from \$66,004.00 to \$3.00

### JUSTIFICATION

Budget updated to reflect award.

## Equipment

### DESCRIPTION

Contracted meals: Meals for migrants \$14.00 x 4286 NCM = \$60,004

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	4,286	\$14.00	\$60,004.00	Equipment

### CHANGE FROM APPLICATION

**Item created**

### JUSTIFICATION

Budget updated to reflect award.

## Contractual

### DESCRIPTION

Hotel for medical or other issues which prevent a migrant from staying in the congregate shelter. Also, will be used for overflow if the congregate shelters become full. \$80 x 950 = \$76,000

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	950	\$80.00	\$76,000.00	Contractual

### CHANGE FROM APPLICATION

**Item created**

### JUSTIFICATION

Budget updated to reflect award.

## Other

### DESCRIPTION

Secondary Services: Clothing: Socks, Underwear, shirts, pants, jackets, etc. \$100 x 36 months = \$3,600.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	36	\$100.00	\$3,600.00	Other

### CHANGE FROM APPLICATION

**Description changed**

**Quantity** from 1 to 36

**Unit price** from \$3,600.00 to \$100.00

### JUSTIFICATION

budget updated to reflect award.

## Fringe benefits

### DESCRIPTION

Onward Destination Transportation: Bus Tickets \$296.00 x 220 NCM/Monthly = 65,120.00.  
Additional RFI Needed.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$65,120.00	\$65,120.00	Fringe benefits

### CHANGE FROM APPLICATION

**Description changed**

**Unit price** from \$110,000.00 to \$65,120.00

### JUSTIFICATION

Additional RFI Needed

Of the total Federal funds, \$384688.00 has been placed on hold. See the following terms in the Agreement Articles for more details:

<b>Article number</b>	<b>Title</b>	<b>Payment hold</b>
Article 48	Funding Hold: Detailed Cost Breakdown & Justification Required	\$384688.00



# Agreement Articles

**Program:** Fiscal Year 2024 Shelter and Services Program

**Recipient:** CITY OF ALBUQUERQUE

**UEI-EFT:** L26ADC8DFL62

**DUNS number:** 007111891

**Award number:** EMW-2024-SP-05200

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

I. 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 federal awarding agency.

**Article 2      General Acknowledgements and Assurances**

Recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in effect as of the federal award date and located at 2 C.F.R. Part 200 and adopted by DHS at 2 C.F.R. § 3002.10. All recipients and subrecipients must acknowledge and agree to provide DHS access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R. § 200.337. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations. 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 and 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 required by law, federal regulation, Notice of Funding Opportunity, federal award specific terms and conditions, and/or federal awarding agency program guidance. V. Recipients must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receiving the Notice of Award for the first award under which this term applies. Recipients of multiple federal awards from DHS should only submit one completed tool for their organization, not per federal award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active federal award, not every time a federal award is made. Recipients must submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in these 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 to the 30-day deadline if the recipient identifies steps and a timeline for completing the tool. Recipients must request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

<b>Article 3</b>	<b>Acknowledgement of Federal Funding from DHS</b> Recipients must acknowledge their use of federal award 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 award funds.
<b>Article 4</b>	<b>Activities Conducted Abroad</b> Recipients must coordinate with appropriate government authorities when performing project activities outside the United States obtain all appropriate licenses, permits, or approvals.
<b>Article 5</b>	<b>Age Discrimination Act of 1975</b> Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (codified as amended at 42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
<b>Article 6</b>	<b>Americans with Disabilities Act of 1990</b> Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 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.
<b>Article 7</b>	<b>Best Practices for Collection and Use of Personally Identifiable Information</b> Recipients who collect personally identifiable information (PII) as part of carrying out the scope of work under a federal award 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.
<b>Article 8</b>	<b>Civil Rights Act of 1964 – Title VI</b> Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352 (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. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA’s implementing regulations at 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. No. 90-284 (codified as amended at 42 U.S.C. § 3601 et seq.) 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, 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 to any work first produced under federal awards and also include an acknowledgement that the work was produced under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

**Article 11****Debarment and Suspension**

Recipients must comply with the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689 set forth at 2 C.F.R. Part 180 as implemented by DHS at 2 C.F.R. Part 3000. These regulations prohibit recipients from entering into covered transactions (such as 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 the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

**Article 13****Duplicative Costs**

Recipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, recipients may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.

<p><b>Article 14</b></p>	<p><b>Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX</b>  Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (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. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA’s implementing regulations at 44 C.F.R. Part 19.</p>
<p><b>Article 15</b></p>	<p><b>E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety</b>  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.</p>
<p><b>Article 16</b></p>	<p><b>Energy Policy and Conservation Act</b>  Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 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.</p>
<p><b>Article 17</b></p>	<p><b>False Claims Act and Program Fraud Civil Remedies</b>  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.)</p>
<p><b>Article 18</b></p>	<p><b>Federal Debt Status</b>  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.)</p>
<p><b>Article 19</b></p>	<p><b>Federal Leadership on Reducing Text Messaging while Driving</b>  Recipients are encouraged to adopt and enforce policies that ban text messaging while driving recipient-owned, recipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Recipients are also encouraged to conduct the initiatives of the type described in Section 3(a) of E.O. 13513.</p>

**Article 20 Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: [Certificated Air Carriers List | US Department of Transportation, https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list](https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list)) 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 entirely or in part by federal award 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. 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 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal 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. Per 6 C.F.R. Part 9, recipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on Grants.gov as the Grants.gov Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).

**Article 25      National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) 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 of federal awards under programs that prohibit supplanting by law must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.

**Article 28****Notice of Funding Opportunity Requirements**

All the instructions, guidance, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.

**Article 29****Patents and Intellectual Property Rights**

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth 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. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. 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. No. 93-112 (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**

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 the federal award, then the recipient 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 by reference.

**Article 33      Reporting Subawards and Executive Compensation**

For federal awards that equal or exceed \$30,000, recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation set forth at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated by reference.

**Article 34 Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**

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. The agency should notify the recipient for information on the process for requesting a waiver from these requirements. (a) When the Federal agency has determined 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. Definitions The definitions applicable to this term are set forth at 2 C.F.R. § 184.3, the full text of which is incorporated by reference.

<b>Article 35</b>	<b>SAFECOM</b> 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. The SAFECOM Guidance is updated annually and can be found at Funding and Sustainment   CISA.
<b>Article 36</b>	<b>Terrorist Financing</b> Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.
<b>Article 37</b>	<b>Trafficking Victims Protection Act of 2000 (TVPA)</b> Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (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 by reference.
<b>Article 38</b>	<b>Universal Identifier and System of Award Management</b> 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 reference.
<b>Article 39</b>	<b>USA PATRIOT Act of 2001</b> 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.
<b>Article 40</b>	<b>Use of DHS Seal, Logo and Flags</b> Recipients must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS component (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.
<b>Article 41</b>	<b>Whistleblower Protection Act</b> Recipients must comply with the statutory requirements for whistleblower protections at 10 U.S.C § 470141 U.S.C. § 4712.

**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](mailto: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: Detailed Cost Breakdown & Justification Required**

FEMA has placed a funding hold on \$384,688.00 in the FEMA financial systems. Your organization is prohibited from obligating, expending, or drawing down the federal funds associated with the following cost items: Labor for Primary Services/Travel: \$91,424.00; Shelter/Contractual: \$180,000.00; Transportation/Fringe Benefits: \$113,264.00. Specific descriptions and calculations needed to justify how each total was developed. Additional information required. Budget details provided were not sufficient to determine if costs are allowable, allocable, and reasonable. To release the funding hold, the recipient must provide a detailed cost breakdown and justification for the cost items listed above. FEMA will rescind the funding hold upon its review and approval of the detailed cost breakdown and justification.



# Obligating document

<b>1. Agreement No.</b> EMW-2024-SP-05200	<b>2. Amendment No.</b> N/A	<b>3. Recipient No.</b> 856000102	<b>4. Type of Action</b> AWARD	<b>5. Control No.</b> WX04607N2024T		
<b>6. Recipient Name and Address</b> CITY OF ALBUQUERQUE ONE CIVIC PLAZA NW 11TH FLOOR ALBUQUERQUE, NM 87102		<b>7. Issuing FEMA Office and Address</b> Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		<b>8. Payment Office and Address</b> FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
<b>9. Name of Recipient Project Officer</b> Marianne Kemp		<b>9a. Phone No.</b> 5057683134	<b>10. Name of FEMA Project Coordinator</b> Shelter and Services Program Grant Program		<b>10a. Phone No.</b> 1-877-585-3242	
<b>11. Effective Date of This Action</b> 09/17/2024	<b>12. Method of Payment</b> OTHER - FEMA GO	<b>13. Assistance Arrangement</b> COST REIMBURSEMENT		<b>14. Performance Period</b> 10/01/2023 to 09/30/2026 <b>Budget Period</b> 10/01/2023 to 09/30/2026		
<b>15. Description of Action a. (Indicate funding data for awards or financial changes)</b>						
<b>Program Name Abbreviation</b>	<b>Assistance Listing No.</b>	<b>Accounting Data (ACCS Code)</b>	<b>Prior Total Award</b>	<b>Amount Awarded This Action + or (-)</b>	<b>Current Total Award</b>	<b>Cumulative Non-Federal Commitment</b>
SSP	97.141	2024-FA-PA12 - P410-xxxx-4101-D	\$0.00	\$533,892.00	\$533,892.00	See Totals
Totals			\$0.00	\$533,892.00	\$533,892.00	\$0.00
<b>b. To describe changes other than funding data or financial changes, attach schedule and check here:</b> N/A						
<b><del>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)</del></b> This field is not applicable for digitally signed grant agreements						



<b>17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)</b>	<b>DATE</b>
<b>18. FEMA SIGNATORY OFFICIAL (Name and Title)</b>	<b>DATE</b>
<b>PAMELA WILLIAMS, Assistant Administrator, Grant Programs</b>	<b>09/17/2024</b>