

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		GRANT NUMBER (FAIN): 96497715		DATE OF AWARD 04/11/2019		
			MODIFICATION NUMBER: 6				
			PROGRAM CODE: PM		TYPE OF ACTION Augmentation: Increase		MAILING DATE 04/18/2019
			PAYMENT METHOD: ASAP		ACH# 40377		
RECIPIENT TYPE: County			Send Payment Request to: Las Vegas Finance Center				
RECIPIENT: Metropolitan Gov't of Nashville & Davidson County 311 23rd Ave., N. Nashville, TN 37203 EIN: 62-0694743			PAYEE: Metropolitan Gov't of Nashville & Davidson County 311 23rd Ave., N. Nashville, TN 37203				
PROJECT MANAGER John Finke 2500 Charlotte Avenue Nashville, TN 37209 E-Mail: john.finke@nashville.gov Phone: 615-340-0443		EPA PROJECT OFFICER Gwendolyn Graf 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: graf.gwendolyn@epa.gov Phone: 404-562-9289		EPA GRANT SPECIALIST Latoria Davis Grants and Audit Management Section E-Mail: davis.latoria@epa.gov Phone: 404-562-9782			
PROJECT TITLE AND EXPLANATION OF CHANGES PM 2.5 Ambient Air Monitoring Program This action approves an increase of \$130,000 to support the Metropolitan Government of Nashville and Davidson County Tennessee's compliance with National Ambient Air Quality Standards by continuing the ongoing collection of data on the ambient air concentrations of fine particulate matter in Nashville, Tennessee.							
BUDGET PERIOD 04/01/2015 - 03/31/2020		PROJECT PERIOD 04/01/2015 - 03/31/2020		TOTAL BUDGET PERIOD COST \$650,000.00	TOTAL PROJECT PERIOD COST \$650,000.00		
NOTICE OF AWARD							
Based on your Application dated 02/05/2015 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$130,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$648,809. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.							
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE				
ORGANIZATION / ADDRESS 61 Forsyth Street Atlanta, GA 30303-8960			ORGANIZATION / ADDRESS U.S. EPA, Region 4 Air, Pesticides and Toxics Management Division 61 Forsyth Street Atlanta, GA 30303-8960				
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY							
Digital signature applied by EPA Award Official Keva R. Lloyd - Grants Management Officer					DATE 04/11/2019		

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 518,809	\$ 130,000	\$ 648,809
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 518,809	\$ 130,000	\$ 648,809

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	Clean Air Act: Sec. 103	2 CFR 200 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1904VW9057	19	E1	04V8	000A04XPM	4112			130,000
									130,000

Budget Summary Page: PM2.5 Nashville 96497715

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$253,687
2. Fringe Benefits	\$133,435
3. Travel	\$14,000
4. Equipment	\$30,000
5. Supplies	\$28,392
6. Contractual	\$140,000
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$599,514
10. Indirect Costs: <u>13.04%</u> Base salary/fringe	\$50,486
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$650,000
12. Total Approved Assistance Amount	\$650,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$130,000
15. Total EPA Amount Awarded To Date	\$648,809

Administrative Conditions

The Following Administrative Terms and Conditions Have Been Revised:

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2018>
These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at <http://www.epa.gov/grants/grant-terms-and-conditions>.

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

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

REPORTING PROVISION

Based on EPA's review of the planned budget, this award does not meet the condition below and is not subject to the reporting requirements of the Disadvantaged Business Enterprise (DBE) Program.

However, if during the performance of the award the total of all funds expended for direct procurement by the recipient and procurement under subawards or loans in the "Other" category exceeds \$250,000, annual reports will be required in accordance with the reporting paragraph below and you are required to notify the Regional or Headquarters point of contact defined in the correspondence condition, if applicable, for additional instructions.

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

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Efforts requirements as described in 40 CFR Part 33 Subpart C and Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D and explained below.

MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E

When required, MBE/WBE reports must be submitted annually. The recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) on an annual basis. The current EPA Form 5700-52A can be found at the EPA Office of Small and Disadvantaged Business Utilization's Home Page at <https://www.epa.gov/resources-small-businesses>

MBE/WBE reporting is required annually for assistance agreements where there are funds budgeted for

procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category with a cumulative total that exceed the threshold amount of \$250,000, including amendments and/or modifications. The recipient must make reporting a requirement of all sub-awards/loans. All procurement actions are reportable, not just that portion which exceeds \$250,000.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box titled "annual" and the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to:

To: R4epagrantsmbewbereporting@epa.gov

and

Cc: davis.latoria@epa.gov

Attn: Latoria Davis-Reed

The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at http://www.epa.gov/osbp/dbe_reporting.htm

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

Current Fair Share Objective/Goal

The dollar amount of this assistance agreement or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000, or more. The State of Tennessee has negotiated the following, applicable MBE/WBE fair share objectives/goals with EPA as follows:

MBE: CONSTRUCTION 2.6%; SUPPLIES 5.2%; SERVICES 5.2%; EQUIPMENT 5.2%

WBE: CONSTRUCTION 2.6%; SUPPLIES 5.2%; SERVICES 5.2%; EQUIPMENT 5.2%

Negotiating Fair Share Objectives/Goals

In accordance with 40 CFR, Part 33, Subpart D, established goals/objectives remain in effect for three fiscal years unless there are significant changes to the data supporting the fair share objectives. The recipient is required to follow requirements as outlined in 40 CFR Part 33, Subpart D when renegotiating the fair share objectives/goals.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

(a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow,

competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

Programmatic Conditions

The Following Programmatic Term and Condition Has Been Revised:

QMP Term and Condition:

QMP Pending Approval Term and Condition: The recipient submitted an updated Quality Management Plan (QMP) to the EPA Region 4 Quality Assurance Office during 2/28/19. If the QMP is not approved by EPA, the recipient agrees to submit a revised QMP that addresses EPA's concerns within 45 calendar days of receipt of EPA's comments. In the meantime, the recipient agrees to follow the latest QMP submittal until the EPA Quality Assurance Officer fully approves the document.

AIR POLLUTION 103
AMENDMENT #6

IN WITNESS WHEREOF, the parties have by their duly authorized representatives set their signatures.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Wendy Long MD
Wendy Long, MD, MPH
Director, Metro Public Health Department

5/9/19
Date

Carol Etherington
Carol Etherington, MSN, RN, FAAN
Chair, Board of Health

5/9/19
Date

APPROVED AS TO AVAILABILITY OF FUNDS:

Talia Lomax-O'dneal ^{SPM}
Talia Lomax-O'dneal
Director, Department of Finance

5-20-19
Date

APPROVED AS TO RISK AND INSURANCE:

B. CW
Director of Risk Management Services

5/21/19
Date

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Metropolitan Attorney

5/21/19
Date

David Briley
Metropolitan Mayor

Date

ATTEST:

Metropolitan Clerk

Date

Metro Council Office

MAY 23 2019

Time 11:35 By PL