

Resolution No. RS2019-1818

A resolution approving Amendment D to a grant from the U.S. Environmental Protection Agency to The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, to fund an ongoing program to protect air quality to achieve established ambient air standards and protect human health.

WHEREAS, The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, previously entered into a grant agreement with the U.S. Environmental Protection Agency to fund an ongoing program to protect air quality to achieve established ambient air standards and protect human health approved by resolution RS2015-1355; and,

WHEREAS, the parties wish to amend the grant agreement to increase the amount of the grant by \$278,747.00 from \$1,790,080.00 to \$2,068,827.00, a copy of which Amendment Dis attached hereto; and,

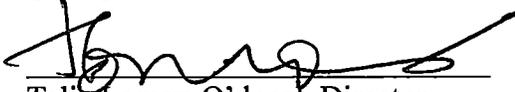
WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that Amendment D be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Amendment D to the grant by and between the U.S. Environmental Protection Agency and The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Health, to fund an ongoing program to protect air quality to achieve established ambient air standards and protect human health, a copy of which Amendment D is attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is authorized to execute the same.

Section 2. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO AVAILABILITY OF FUNDS:


Talia Lomax-O'dneal, Director
Department of Finance

INTRODUCED BY:

APPROVED AS TO FORM AND LEGALITY:


Assistant Metropolitan Attorney

Member(s) of Council

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

Tanaka Vercher

Tanaka Vercher
Councilmember, District 28

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

A handwritten signature in black ink, appearing to read "Russ Pulley". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Russ Pulley

Councilmember, District 25

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 00408115 MODIFICATION NUMBER: D PROGRAM CODE: A	DATE OF AWARD 05/01/2019
		TYPE OF ACTION Augmentation: Increase	MAILING DATE 05/08/2019
		PAYMENT METHOD: ASAP	ACH# 40377
RECIPIENT TYPE: Other		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 Nashville & Davidson County 311 23rd Ave., N. Nashville, TN 37203	
PROJECT MANAGER John Finke 2500 Charlotte Avenue Nashville, TN: Tennessee 37209-4129 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 Air Pollution Control Program Support This action approves an increase of \$278,747 to Tennessee's Metropolitan Government of Nashville & Davidson County in support of their Section 105 continuing environmental program grant.			
BUDGET PERIOD 10/01/2014 - 09/30/2019	PROJECT PERIOD 10/01/2014 - 09/30/2019	TOTAL BUDGET PERIOD COST \$3,672,851.00	TOTAL PROJECT PERIOD COST \$3,672,851.00
NOTICE OF AWARD			
Based on your Application dated 07/27/2016 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$278,747. EPA agrees to cost-share 59.96% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$2,068,827. 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 and Radiation 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 05/01/2019

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 1,790,080	\$ 278,747	\$ 2,068,827
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	\$ 1,470,297	\$	\$ 1,470,297
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 3,260,377	\$ 278,747	\$ 3,539,124

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.001 - Air Pollution Control Program Support	Clean Air Act: Sec. 105	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal

Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1904VW9100	19	E1	04V8	000A04	4112			278,747
									278,747

Budget Summary Page: A00408115, Nashville

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$1,773,595
2. Fringe Benefits	\$871,682
3. Travel	\$106,612
4. Equipment	\$232,000
5. Supplies	\$144,570
6. Contractual	\$0
7. Construction	\$0
8. Other	\$96,007
9. Total Direct Charges	\$3,224,466
10. Indirect Costs: <u>23.10%</u> Base <u>Salary/fringe</u>	\$448,385
11. Total (Share: Recipient <u>40.04</u> % Federal <u>59.96</u> %.)	\$3,672,851
12. Total Approved Assistance Amount	\$2,202,554
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$278,747
15. Total EPA Amount Awarded To Date	\$2,068,827

Administrative Conditions

The Following Term and Condition Has Been Revised:

A. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

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.

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

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 in annual reports. Reporting is required 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:
R4epagrantsmbewbreporting@epa.gov
cc: davis.latoria@epa.gov

Based on EPA's review of the planned budget, this award meets the conditions above and is subject to the Disadvantaged Business Enterprise (DBE) Program reporting requirements. However, if the recipient believes this award does not meet these conditions, it must provide a

justification and budget detail within 21 days of the award date clearly demonstrating that, based on the planned budget, this award is not subject to the DBE reporting requirements to the Regional point of contact listed above, if applicable.

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 Effort 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.

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

All Programmatic Conditions Remain the Same.

AIR POLLUTION 105 AMENDMENT #D

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

6/13/19
Date

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

6/13/19
Date

APPROVED AS TO AVAILABILITY OF FUNDS:

Talia Lomax-O'dneal
Talia Lomax-O'dneal
Director, Department of Finance

6-27-19
Date

APPROVED AS TO RISK AND INSURANCE:

TRC
Director of Risk Management Services

6/27/19
Date

APPROVED AS TO FORM AND LEGALITY:

Metropolitan Attorney
Metropolitan Attorney

6/28/19
Date

David Briley
David Briley
Metropolitan Mayor

Date

ATTEST:

Metropolitan Clerk

Date