

RESOLUTION 12-2009

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING AND AUTHORIZING THE APPLICATION BY THE BENSON VOLUNTEER FIRE DEPARTMENT FOR GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, FOR A FIRE PREVENTION AND SAFETY GRANT.

WHEREAS, the United States Department of Homeland Security ("DOHS") administers an Assistance to Firefighters Grant Program (the "Grant Program") whereby the DOHS awards Fire Prevention and Safety Grants to fund fire prevention activities and research and develop improvements for firefighter safety; and

WHEREAS, the staff of the Benson Fire Department has completed a grant application (the "Application") for the Grant Program, attached hereto as Exhibit "A" and incorporated herein by this reference, that would enable the City to apply for a portion of the funding under the Grant Program; and

WHEREAS, a requirement of the Grant Program, pursuant to 15 U.S.C. 2229(b)(6), is that the Benson Volunteer Fire Department must match the Federal grant funds with an amount of non-Federal funds equal to five percent (5%) of the total project cost; and

WHEREAS, the Mayor and Council of the City of Benson have reviewed the terms and conditions of the Application and have determined that submitting the Application is in the best interests of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Benson, that the City hereby approves the Application, attached hereto as Exhibit "A," and authorizes Fire Chief Keith Spangler to execute it, and City staff is hereby authorized to take all steps necessary and proper to carry out its purposes.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, this 23rd day of February, 2009.



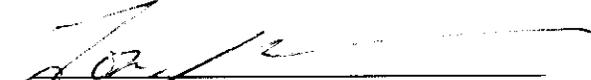
MARK M. FENN, Mayor

ATTEST:



VICKI L. VIVIAN, City Clerk

APPROVED AS TO FORM:



THOMAS A. BENAVIDEZ, City Attorney

Exhibit "A"
Grant Application

Entire Application

 **Preparer Information**

Preparer Information

Prefix	Mr.
First Name	Keith
Middle Initial	
Last Name	Spangler
Organization Name	Benson Volunteer Fire Department
Address 1	P.O. Box 2223
City	Benson
State	Arizona
Zip	85602 -
Business Phone	5205869832 Ext.
Home Phone	5202650032
Mobile Phone/Pager	5209754911
Email	kspangler@cityofbenson.com

* Is there a grant-writing fee associated with the preparation of this request? **No**

 If you answered yes above, what is the fee? **\$**

* **Are you the person to be contacted on matters involving this application? Yes**

If yes, please specify: **Primary Contact**



Contact Information

Primary Contact Information

· Title Chief
Prefix Mr.
· First Name Keith
Middle Initial
· Last Name Spangler
· Business Phone 5205869832 Ext.
· Home Phone 5202650032 Ext.
Mobile Phone/Pager 5209754911
Fax
· Email kspangler@cityofbenson.com

Alternate Contact Information

· Title Deputy Chief
Prefix N/A
· First Name Jason
Middle Initial
· Last Name Taylor
· Business Phone 5205869832 Ext.
· Home Phone 5202210854 Ext.
Mobile Phone/Pager
Fax
· Email sabbuilders@gmail.com

Applicant Information

EMW-2008-FP-01122

Originally submitted on 03/05/2009 by Keith Spangler (Userid: bensonfd)

Contact Information:

Address: P.O. Box 2223

City: Benson

State: Arizona

Zip: 85602

Day Phone: 5205869832

Evening Phone: 5202650032

Cell Phone: 5209754911

Email: kspangler@cityofbenson.com

Application number is EMW-2008-FP-01122

· Organization Name

Benson Volunteer Fire Department

· Type of Applicant

Fire Department

If other, please enter the type of Applicant

· Are you a Fire Department?

Yes

If yes, what type of department do you represent?

Combination

If you answered combination, above, what is the percentage of career members in your organization?

3

· Are you a non-fire based EMS?

No

· Type of community served?

Rural

· Employer Identification Number

86-6000234

· What is your DUNS Number?

144004418

· Please describe your organization and/or community that you serve

The City of Benson Volunteer Fire Department serves a population of approx. 4,900. The population increases to almost 10,000 during the winter months due to winter visitors. The first due response area is approximately 47 square miles. The City of Benson is a hub to area retail shopping and numerous RV parks. We have one hospital and one Skilled Nursing Facility. The city has one primary school with approximately 400 students, one middle school with approximately 300 students and one high school with approximately 350 students. The total area population is approximately 28,000 year round. Benson Volunteer Fire Department is a combination department with one paid full time employee, the chief and is slotted to have 35 volunteers. The department currently has 28 members on the roster. We perform all fire related functions to some point to include fire suppression, rescue, code enforcement,

fire inspections and fire prevention education to the school and community.

The Benson Fire Department is a department within the City of Benson Local Government. The primary source of operating revenue for the City of Benson is City Sales Tax. Benson Fire Department must compete for its funding from all the other departments within the city. These include Police, Gas, Water, Streets, Parks, Library, etc. Each department is important to the overall services the city provides. Public education is a top priority for the Fire Department. The ability of the Fire Department to purchase a large item for fire education is not practical, considering that all other City departments are competing for precious funds to add equipment in these hard economic times. This delicate balance between departments is a tough task to do and still maintain a balanced operational budget. Benson Fire Department is not a district; hence it does not have a dedicated funding source, and it must rely on City General Funds to support its operations and programs.

* Please describe your organization's need for Federal financial assistance.

* What is the permanent resident population of your Primary/First-Due Response Area or jurisdiction served?

4900

Note: If you are **not** a fire department or EMS organization, you may enter a zero.

Headquarters Physical Address

* Physical Address 1

Physical Address 2

* City

* State

* Zip

375 East 7th Street

Benson

Arizona

85602 - 6633

Mailing Address

* Mailing Address1

Mailing Address2

* City

* State

* Zip

P.O. Box 2223

Benson

Arizona

85602 - 2223

Account information

* Type of bank account

* Bank routing number - 9 digit number on the bottom left hand corner of your check

*Your account number

Checking

122105320

6808286629

Additional Information

· This fiscal year, are you receiving Federal funding from any other grant program for the same purpose for which you are applying for this grant? **No**

· This fiscal year, are you receiving Federal funding from any other grant program regardless of purpose? **No**

· Is the applicant delinquent on any federal debt? **No**

If you answered yes to any of the additional questions above, please provide an explanation in the space provided below:

Request Information

* 1. Select one of the choices listed below. You can apply for a maximum of 3 projects within an activity.
(If you modify your selection, you will lose data entered under the original activity.)

Program Name

Fire Prevention and Safety

Request Details

The number of projects and cost for the activity Fire Prevention and Safety are listed in the table below.

Activity	Number of Projects	Total Cost
Fire Prevention and Safety	1	\$ 22,894

View Project

Project Information

*1. Project

Props/Trailers/Safety Village

*If you selected other, above, please specify

Fire Extinguisher Props

*2. Who is the target audience for the planned project?

Other 8-18 and Over
50

*3. What is your estimated size of the target audience?

2000

* How was this target audience determined?

Will Be Conducting Assessment

Briefly describe method used (required if selected other than "None of the above" above)

The Benson Fire Department will be sending surveys to the local school and RV parks asking input on the use of fire extinguishers. The questions will ask age of person submitting survey, any experience with fire extinguishers, if they have been involved in a situation where an extinguisher could have been used to mitigate the problem. If they have lost any property due to fire. We will then do walk up surveys at the local retail shops and ask the same questions to the citizens that enter or leave the shop.

*4. Describe the steps or methods that will be used to achieve the goal and objectives of this project.

The Benson Fire Department goal with this project is to educate as many of its citizens from the age of eight to over 50 in the correct use of a fire extinguisher. We will do this in two ways. One way is to use the digital prop for use inside and at schools and RV parks. The live fire prop will be used outside at fairs and public information booths. We will use this for High School aged students up through the 65 and older age group. The objective is

to teach proper use of the fire extinguisher and recognition of danger signs when to stop the use of the extinguisher and get out of the area. We also hope to educate the public to call 911 whenever there is a fire and even when the fire has been put out.

*5. Will your organization periodically evaluate the project's impact on the community? Yes

If you answered Yes to question 5 above, please specify: The Benson Fire Department will evaluate the effectiveness of this project by first documenting how many students retained the education from the previous year. Second we will conduct surveys at the local senior center and see how many have participated in the extinguisher activity and can use the extinguisher properly. Third we will use the surveys during outside fairs and public booths to obtain the same information.

*6. Is it the applicant's intention to continue delivering this program after the grant year? Yes

*7. In the space provided below, please provide a brief synopsis of the proposed project:

The project is to educate the public on the proper use of fire extinguishers and give experience to the public on how to use the extinguisher properly. This will be done through both hand on training and lecture to the various groups.

*8. In the space provided below, please explain the experience you have in managing the type of project you are proposing:

The Benson Fire Department has received several grants in the past. We were able to purchase the equipment thru the City of Benson's Procurement Policy and request the required funds from the agency. The process of administering the program will be done thru the department personnel with the Fire Chief making sure all deadlines are met.

*9. The narrative portion of the application should contain supporting information that allows for evaluation of this project. If you are applying for a grant in the **Fire Prevention and Safety Activity**, your Narrative Statement must address the evaluation elements outlined in the Program Guidance ().

Keep in mind that the evaluation of your application will also be based on a clear understanding of your proposal, your ability to meet the objectives of the program, and your probability of successfully delivering your project to the population targeted. You need to fully explain how the funds will be used to accomplish the goals of your project. To that end be sure to include descriptions/justification for all budgeted items - items not justified may be disallowed.

Your narrative may **not** exceed **five** pages of text. You may either type your project narrative in the space provided below or create the text in your word processing system and then copy it into the space provided below. Images and attachments are not allowed.

The Benson Volunteer Fire Department is a combination department protecting approximately 4900 residents over a 47 square mile area. During the winter months this number increases to approximately 10,000 due to winter visitors. The services provided by Benson Fire Department are fire protection, fire prevention, accident victim extrication as well as medical assistance to the local ambulance service. Our protection area includes one elementary school (grades k-4), one middle school (grades 5-8) and a high school (grades 9-12). We also have one charter elementary school and one charter high school. We have approximately 15 churches, one hospital, one strip mall and one large retail store. We also have several small mercantile stores that service the agricultural community surrounding Benson. The City of Benson is a terminus for two highways, Hwy 80 and Hwy 90. We also have Interstate 10 bisecting the city limits to the north. We have the Union Pacific Rail Road running through the middle of the city.

With in the city limits we estimate that 10.8% of the population is between 13 and 18 years of age. The population of citizens older than 50 is approximately 46%. We will target these two groups with fire extinguisher training by visiting them at the senior center, local schools and various RV parks. The fire department has not had any public fire extinguisher training to this date due to the cost and the inability to transport any type of burn

pan. The schools would not allow any burning on the property especially with an uncontrolled burn pan. The fire department's annual budget of \$343,000.00 is funded by sales tax. In this budget we have very limited discretionary spending. Most of our budget is spent on personnel, vehicle maintenance, station maintenance, turnout purchases and maintenance and fuel. We have one line item for community service and with the economic times we can expect the funding for this line item to drop substantially. We will probably end up with less than \$1500.00 for fire prevention activities. All other non-essential programs will most likely be dropped. Our grant request this year is for two fire extinguishing training systems at a total cost of \$22,493.40

1. This purchase would allow cost effective training to the approximately six hundred and fifty (650) 13-18 year old students within the City limits. It will also allow Benson Fire Department to go into the surrounding communities to teach their 13-18 year olds
2. This purchase would also allow cost effective training for the 46% of the population over the age of 50.
 - a. Latest government press releases indicate that adults age 65 and older are 2.5 times more likely to die in fires than the overall population, and as Americans age their fire risk increases, according to the Department of Homeland Security's U.S. Fire Administration (USFA).
 - b. "Fires occurring in the home and in various health care settings for older adults are often preventable," said Charlie Dickinson, Deputy United States Fire Administrator. "Because the older adult population accounts for a substantial portion of the nation's fire deaths and injuries. It is important that we take steps to reduce this fire problem."
 - c. USFA Fire Safety Campaign for People 50-Plus (www.usfa.fema.gov/download/pdf/publications/fa-300.pdf). This study shows that over 1/3 of those who die in residential structure fires and 14 percent of the people who are injured are 65 and older.

The problem of non-trained persons being injured in fire can be readily reduced with training and assistance. Benson Fire Department currently has no extinguisher training for the public. With the purchase of the two fire extinguisher props we can expect to reach the majority of the target audience and a large number of individuals who fall between the target audiences.

To properly measure the success of our Fire Extinguisher Program will be done through exit surveys done when participants finish the training. We will also conduct a survey of how many participants remember how to use the extinguisher from year to year. This will be done by grading the individual during the training and documenting if the participant has been involved in our training before. These surveys will show the department where we need to focus our training and constantly strive to conduct better training to the public.

The longevity of the program will extend far past the first year. The City of Benson and surrounding area have new citizens moving in and this adds to the amount of participants we could have at our events for fire prevention. These props will enable the community to keep up their skills needed for proper fire extinguisher operation.

The initial cost of this project is the biggest hurdle we face. The cost of operating the extinguisher props is estimated at \$1.96 per participant. The cost can be absorbed by the department. The maintenance cost will be done through the department as well. No personnel cost will be added to the operation of this program as all the firefighters are volunteer and they are not compensated for fire prevention activities.

This project can be a great benefit for the community for a relatively small amount of funding from this grant. These systems and project will provide training to both school aged and senior citizens. We can also extend the training to those who are not in the target audience thus providing the community with an overall project that can impact the community and possibly keep someone from getting injured or save a life as well as protect property. Any consideration given to us for this grant will be greatly appreciated.

Budget Item

*Item	Fire Extinguisher Prop
*Select Object Class	Equipment
If you selected other above, please specify	
* Number of units	2 (Whole number only)
* Cost per unit	\$ 11447 (Whole dollar amounts only)
* Description	One fire extinguisher unit is a digital unit for use inside and with younger participants. It has digital flames and a laser extinguisher. The second unit is a prop fueled by propane and has live fire. It is meant to challenge the older participants to keep their interest in continued training. The extinguisher is filled with water and air to simulate a real extinguisher and when the correct method is used to
The space to the right can be used to provide further clarification on the costs (i.e. personnel costs: number of hours/rate/staff; or meeting costs: number of meetings/days/attendees). Budget justification should be included in the project narrative.	

apply the extinguishing product the fire goes out.

Budget

Budget Object Class

Budget Amount

Personnel	0
Benefits	0
Travel	0
Equipment	22,894
Supplies	0
Contractual	0
Construction	0
Other	0
Indirect Charges	0

Indirect Cost Details

Agency Indirect Cost Agreement with

Indirect Cost Rate %

Agreement Summary

Total Federal and Applicant Share

Federal Share	\$ 21,749
Applicant Share	\$ 1,145
Federal Rate Sharing (%)	95/5

* Non-Federal Resources (The combined Non-Federal Resources must equal the Applicant Share of \$ 1,145)

a. Applicant	\$ 1,145
b. State	\$ 0
c. Local	\$ 0
d. Other Sources	\$ 0

If you entered a value in Other Sources other than zero (0), include your explanation below. You can use this space to provide information on the project, cost share match, or if you have an indirect cost agreement with a federal agency.

Total Budget **\$ 22,894**

Narrative Statement

The narrative for Fire Prevention and Safety is provided when adding Fire Prevention and Safety Projects under the **Request Details** section.

Assurances and Certifications**FEMA Form 20-16A**

You must read and sign these assurances by providing your password and checking the box at the bottom of this page.

Note: Fields marked with an * are required.

Assurances Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have any 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 costs) 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 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. Section 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen 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. Sections 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. Section 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Sections 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) Sections 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 Acts of 1968 (42 U.S.C. Section 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 Title 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 interest in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 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. Sections 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction sub agreements.
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. Section 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. Section 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. Section 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. Section 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 of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.
19. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.

Signed by **Keith Spangler** on **03/05/2009**

Form 20-16C

You must read and sign these assurances by providing your password and checking the box at the bottom of this page.

Note: Fields marked with an * are required.

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibilities Matters; and Drug-Free Workplace Requirements.

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying; and 44 CFR Part 17, "Government-wide Debarment and suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

A. As required by the section 1352, Title 31 of the US Code, and implemented at 44 CFR Part 18 for persons into a grant or cooperative agreement over \$100,000, as defined at 44CFR Part 18, the applicant certifies that:

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

(b) If any other funds 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all the sub awards at all tiers (including sub grants, contracts under grants and cooperative agreements and sub contract(s)) and that all sub recipients shall certify and disclose accordingly.

2. Debarment, Suspension and Other Responsibility Matters (Direct Recipient)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A, the applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency.

(b) Have not within a three-year period preceding this application been convicted of or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification: and

(d) have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. Drug-Free Workplace (Grantees other than individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44CFR Part 17, Subpart F, for grantees, as defined at 44 CFR part 17, Sections 17.615 and 17.620:

(A) The applicant certifies that it will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantees policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- (1) Abide by the terms of the statement and
- (2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the applicable FEMA awarding office, i.e. regional office or FEMA office.

(f) Taking one of the following actions, against such an employee, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other appropriate agency.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance

Street

City

State

Zip

Action

If your place of performance is different from the physical address provided by you in the Applicant Information, click on Add Place of Performance button above to ensure that the correct place of performance has been specified. You can add multiple addresses by repeating this process multiple times.

Section 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a Statewide certification.

Signed by **Keith Spangler** on **03/05/2009**

Standard Form LLL

Only complete if applying for a grant for more than \$100,000 and have lobbying activities. See Form 20-16C for lobbying activities definition.

This form is not applicable