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Lori A. Weaver
Commissioner

Iain N. Watt
Interim Director

STATE OF NEW HAMPSHIRE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF PUBLIC HEALTH SERVICES

29 HAZEN DRIVE, CONCORD, NH 03301
603-271-4501 1-800-852-3345 Ext. 4501
Fax: 603-271-4827 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

April 24, 2024

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court and

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to the provisions, of RSA 14:30-a, VI, authorize the Department of Health and Human Services, Division of Public Health Services to amend Fiscal Committee Item FIS #23-220 approved on August 11, 2023, and Governor and Executive Council Item #20 approved on August 23, 2023, by transferring funds in the amount of $5,750 between class lines, and creating a new class line, in order to align with the approved federal budget, effective upon approval by the Fiscal Committee and Governor and Executive Council through June 30, 2025 and further authorize the funds to be allocated as shown below. 100% Federal Funds.

05-95-90-903510-43020000 HEALTH AND SOCIAL SERVICES, HEALTH AND HUMAN SVCS DEPT OF, HHS: PUBLIC HEALTH DIVISION, BUREAU OF EMERGENCY PREPAREDNESS RESPONSE AND RECOVERY, NH MRC STRONG VOLUNTEER PROGRAM

FY2024

Class-Account	Description	Current Adjusted Authorized	Requested Action	Revised Adjusted Authorized
Revenue				
000-400146-16	Federal Funds	$ 1,239,080	$ -	$ 1,239,080
	Total Revenue:	**$ 1,239,080**	**$ -**	**$ 1,239,080**

Class-Account	Description	Current Adjusted Authorized	Requested Action	Revised Adjusted Authorized
Expense				
018-500106	Overtime	$ 4,000	$ -	$ 4,000
020-500200	Current Expenses	$ 40,562	$ (5,750)	$ 34,812
030-500311	Equipment	$ -	$ 5,750	$ 5,750
041-500801	Audit Fund Set Aside	$ 1,238	$ -	$ 1,238
060-500601	Benefits	$ 868	$ -	$ 868
070-500704	In State Travel Reimb	$ 7,649	$ -	$ 7,649
102-500731	Contracts for Program Services	$ 1,184,763	$ -	$ 1,184,763
	Total Expense:	**$ 1,239,080**	**$ -**	**$ 1,239,080**

EXPLANATION

This request is being made to transfer funds from class 020 Supplies to create class 030 Equipment for the purchase of training equipment to support medical volunteers with training and credentialing for public health and healthcare emergency response. Training equipment will be used to offer community training events such as basic Cardiopulmonary Resuscitation (CPR) classes and Stop-the-Bleed training. The purchase of this equipment helps ensure trained volunteers are prepared to respond to medical emergencies.

The following appropriation adjustments are being requested:

Class 020 The project supplies and materials were budgeted in class 020, Current Expenses, however, some of the items have been quoted to have a unit cost greater than $250, requiring that they be budgeted and purchased as equipment.
Class 030 The program will be purchasing reusable mannequins and reusable Automated External Defibrillators (AEDs) for training purposes.

In response to the anticipated two-part question, "Can these funds be used to offset General Funds?" and "What is the compelling reason for not offsetting General Funds?" the Division offers the following information: The funds are provided for a specified purpose by the Administration for Strategic Preparedness and Response as defined in the Notice of Grant Award and cannot be used to offset General Funds.

Area served: Statewide

Source of Funds: 100% Federal from the Administration for Strategic Preparedness and Response provided through one-time funding made available through the United States Department of Health and Human Services.

If Federal Funds become no longer available, General Funds will not be requested to support the program expenditures.

Respectfully Submitted,

Maureen Harn

FOR

Lori A. Weaver
Commissioner

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FIS 23-220

STATE OF NEW HAMPSHIRE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF PUBLIC HEALTH SERVICES
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Fax: 603-271-4827 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

Lori A. Weaver
Interim Commissioner

Patricia M. Tilley
Director

July 18, 2023

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court and

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to the provisions of RSA 14:30-a, VI, authorize the Department of Health and Human Services, Division of Public Health Services, to accept and expend funds from the Federal Department of Health and Human Services, Administration for Strategic Preparedness & Response (ASPR) to fund the Investing in New Hampshire's Medical Reserve Corps (MRC) Volunteer program in the amount of $1,239,080 for the development of a training curriculum to enhance response efforts to medical emergency events in New Hampshire, effective upon approval by the Fiscal Committee and Governor and Executive Council through June 30, 2025, and further authorize the funds to be allocated as follows. 100% Federal Funds.

05-095-090-903510-XXXX0000 HEALTH AND SOCIAL SERVICES, HEALTH AND HUMAN SVCS DEPT OF, HHS: PUBLIC HEALTH DIVISION, BUREAU EMERGENCY PREPAREDNESS RESPONSE AND RECOVERY, NH MRC STTRONG VOLUNTEER PROGRAM

Class-Account	Description	FY24 Current Adjusted Authorized	Requested Action	FY 24 Revised Adjusted Authorized
Revenue				
000-400146-16	Federal Funds	$ -	$ 1,239,080	$ 1,239,080
	Total Revenue:	**$ -**	**$ 1,239,080**	**$ 1,239,080**

Class-Account	Description	FY24 Current Adjusted Authorized	Requested Action	FY24 Revised Adjusted Authorized
Expense				
018-500106	Overtime	$ -	$ 4,000	$ 4,000
020-500200	Current Expenses	$ -	$ 40,562	$ 40,562
041-500801	Audit Fund Set Aside	$ -	$ 1,238	$ 1,238
060-500601	Benefits	$ -	$ 868	$ 868
070-500707	In State Travel Reimb	$ -	$ 7,649	$ 7,649
102-500731	Contracts for Program Services	$ -	$ 1,184,763	$ 1,184,763
	Total Expense:	**$ -**	**$ 1,239,080**	**$ 1,239,080**

EXPLANATION

The purpose of this request is to accept grant funds from the Federal Department of Health and Human Services, Administration for Strategic Preparedness & Response (ASPR) to fund the Investing in New Hampshire's Medical Reserve Corps (MRC) Volunteers program.

New Hampshire has thirteen Regional Public Health Networks (RPHN) that oversee thirteen MRC units with 1,583 credentialed volunteers. The RPHNs and MRC Units are geographically located throughout New Hampshire and serve 1.3 million residents and another 4.3 million tourists annually. The MRC volunteers support all hazard emergency responses such as infectious disease outbreaks, point of dispensing (POD) operations, annual School-Based Clinics (SBC) for vaccine administration, disaster sheltering, radiological reception center operations, and medical surge operations at Alternate Care Sites (ACS) and Neighborhood Emergency Help Centers (NEHC).

The New Hampshire Department of Health and Human Services (NH DHHS) recognizes the value and contributions of the Medical Reserve Corps (MRC) volunteers to increase community resilience to all hazard incidents. With these Federal funds, NH DHHS seeks to increase MRC volunteer recruitment and retention efforts by providing volunteer liability protection, which is currently only available during declared public health incidents or states of emergency. Volunteer participation outside of declared disasters has decreased because of liability concerns. NH DHHS plans to utilize these funds to provide liability protection for two years while exploring legislation to address the standing need for liability protections for MRC volunteers. This funding ensures a robust volunteer capability to respond to all-hazard incidents regardless of a disaster declaration.

Additionally, NH DHHS plans to provide funding for medical screening program for N95 fit testing and the development and implementation of a robust training and exercise cycle at no cost to the volunteers. New online training opportunities will focus on Point of Dispensing (POD) operations, Volunteer Recruitment and Retention, and Crisis Communication. In-person trainings and exercises focus on CPR/First Aid/AED and Stop The Bleed certifications, credentialing CPR/First Aid/AED and Stop The Bleed instructors, Neighborhood Emergency Help Centers (NEHC) practices, Survivor and Family Assistance Center (SFAC) Operations, and disaster shelter operations. NH DHHS intends to competitively procure a contractor to develop educational materials, job aids, and online videos for publication.

The funds are to be budgeted as follows:

Class 018 These funds will be used for staff to assist in training and exercises with the MRC Volunteers as needed beyond the staff's normal workday. Many of the trainings and drills occur outside normal business hours.

Class 020 These funds will be used to purchase supplies to support the MRC volunteers such as training supplies, tourniquets, bandages, backpacks for necessary supplies in the field when deployed, and general office supplies.

Class 041 These funds will be used for Audit Set Aside per State requirement.

Class 060 These funds will be used for the benefits associated with the Overtime for staff as requested above in class 018.

Class 070 These funds will be used for staff members to travel to trainings, drills and exercises. DHHS staff will at times be the trainers and teachers of these events which are held at various locations around NH.

Class 102 These funds will be used to contract with vendors for trainings including POD Online training, Volunteer Recruitment and Retention training, Triage training, Medical Countermeasures Distribution training, and other necessary trainings that will be required for current and prospective volunteers who are actively deployed in emergency events.

In response to the anticipated two-part question, "Can these funds be used to offset General Funds?" and "What is the compelling reason for not offsetting General Funds?" the Division offers the following information: The funds are provided for a specified purpose by The Administration for Strategic Preparedness & Response (ASPR) as defined in the Notice of Grant Award and cannot be used to offset general funds.

Area served: Statewide

Source of Funds: 100% Federal funds from the Federal Department of Health and Human Services, The Administration for Strategic Preparedness & Response (ASPR).

If Federal Funds become no longer available, General Funds will not be requested to support the program expenditures.

Respectfully Submitted,

Lori A. Weaver

Lori A. Weaver
Interim Commissioner

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Assistant Secretary for Preparedness & Response

Notice of Award

Award# 1 U3REP230690-01-00
FAIN# U3REP230690
Federal Award Date: 06/01/2023

Recipient Information

1. Recipient Name
NEW HAMPSHIRE DEPARTMENT OF HEALTH & HUMAN SERVICES
129 Pleasant St
Concord, NH 03301-3852
[NO DATA]

2. Congressional District of Recipient
02

3. Payment System Identifier (ID)
1453247637A1

4. Employer Identification Number (EIN)
026000618

5. Data Universal Numbering System (DUNS)
011040545

6. Recipient's Unique Entity Identifier (UEI)
LA2HR1U97VC6

7. Project Director or Principal Investigator
Ms. Karen O'Neil-Roy
Program Coordinator
karen.l.oneil-roy@dhhs.nh.gov
6032719448

8. Authorized Official
Stephanie Locke
Preparedness Section Chief
stephanie.locke@dhhs.nh.gov
603-271-9451

Federal Agency Information
ASPR Acquisition Management Contracts and Grants

9. Awarding Agency Contact Information
Aubrie Mims
GMS
Aubrie.Teneyck-Mims@hhs.gov
2027308669

10. Program Official Contact Information
Claudia Roman-Stolte
Project Officer
claudia.roman-stolte@hhs.gov
202-389-2632

Federal Award Information

11. Award Number
1 U3REP230690-01-00

12. Unique Federal Award Identification Number (FAIN)
U3REP230690

13. Statutory Authority
Sections 301, 307, 1701 and 2811 of the Public Health Service Act, 42 U.S.C. 241, 2421, 300u, 300hh-11

14. Federal Award Project Title
Investing in New Hampshire's MRC Volunteers

15. Assistance Listing Number
93.008

16. Assistance Listing Program Title
Medical Reserve Corps Small Grant Program

17. Award Action Type
New

18. Is the Award R&D?
No

Summary Federal Award Financial Information

19.	**Budget Period Start Date** 06/01/2023 - **End Date** 05/31/2025	
20.	**Total Amount of Federal Funds Obligated by this Action**	$1,239,080.22
	20a. Direct Cost Amount	$1,239,080.22
	20b. Indirect Cost Amount	$0.00
21.	Authorized Carryover	$0.00
22.	Offset	$0.00
23.	Total Amount of Federal Funds Obligated this budget period	$0.00
24.	**Total Approved Cost Sharing or Matching, where applicable**	$0.00
25.	**Total Federal and Non-Federal Approved this Budget Period**	$1,239,080.22
26.	**Period of Perfomance Start Date** 06/01/2023 - **End Date** 05/31/2025	
27.	Total Amount of the Federal Award Including Approved Cost Sharing or Matching this Period of Performance	$1,239,080.22

28. Authorized Treatment of Program Income
ADDITIONAL COSTS

29. Grants Management Officer - Signature
Virginia Simmons
Chief Grants Management Officer

30. Remarks

This is a new award. Please see Terms and Conditions.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Assistant Secretary for Preparedness & Response

Notice of Award

Award# 1 U3REP230690-01-00
FAIN# U3REP230690
Federal Award Date: 06/01/2023

Recipient Information

Recipient Name
NEW HAMPSHIRE DEPARTMENT OF HEALTH & HUMAN SERVICES
129 Pleasant St
Concord, NH 03301-3852
[NO DATA]

Congressional District of Recipient
02

Payment Account Number and Type
1453247637A1

Employer Identification Number (EIN) Data
026000618

Universal Numbering System (DUNS)
011040545

Recipient's Unique Entity Identifier (UEI)
LA2HR1U97VC6

31. Assistance Type
Cooperative Agreement

32. Type of Award
Other

33. Approved Budget
(Excludes Direct Assistance)

i. Financial Assistance from the Federal Awarding Agency Only
ii. Total project costs including grant funds and all other financial participation

a. Salaries and Wages	$4,000.00
b. Fringe Benefits	$868.00
c. Total Personnel Costs	$4,868.00
d. Equipment	$0.00
e. Supplies	$22,212.50
f. Travel	$1,768.50
g. Construction	$0.00
h. Other	$84,231.22
i. Contractual	$1,126,000.00
j. TOTAL DIRECT COSTS	$1,239,080.22
k. INDIRECT COSTS	$0.00
l. TOTAL APPROVED BUDGET	$1,239,080.22
m. Federal Share	$1,239,080.22
n. Non-Federal Share	$0.00

34. Accounting Classification Codes

FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	OBJECT CLASS	CFDA NO.	AMT ACTION FINANCIAL ASSISTANCE	APPROPRIATION
3-199C055	U3REP0690A	HOS07	41.15	93.008	$1,239,080.22	75-X-0140

AWARD ATTACHMENTS

NEW HAMPSHIRE DEPARTMENT OF HEALTH & HUMAN SERVICES 1 U3REP230690-01-00

1. Terms and Conditions

ASPR Administrative Terms and Conditions

This is a cooperative agreement which falls under The Administration for Strategic Preparedness and Response (ASPR)/Department of Health and Human Services (HHS). This Cooperative Agreement is issued sections 311(c) and 2813 of the Public Health Service (PHS) Act (42 U.S.C. Sec. 243c and 300hh – 15). By receiving funds under this award, the recipient assures that it will carry out the project/program as authorized, adhere to requirements laid out in the funding opportunity announcement and will comply with the terms and conditions and other requirements of this award. The recipient must adhere to all applicable federal statutes, including appropriations act requirements including Title II in Division H of the "Consolidated Appropriation Act, 2023".

Any applicable statutory or regulatory requirements, including 45 CFR Part 75 and 2 CFR Part 200, directly apply to this award apart from any coverage in the HHS Grants Policy Statement. References in the HHS Grants Policy Statement to 45 CFR part 74 or 45 CFR part 92 have been superseded by 45 CFR 75. The recipient must comply with 45 CFR 75, including the provision that no state or local government recipient nor any intermediate organization with the same duties as a governmental entity shall, in the selection of service providers, discriminate for or against an organization's religious character or affiliation. Information regarding HHS Grants Policy can be found at: https://www.hhs.gov/grants/grants/grants-policies-regulations/index.html. References in the HHS Grants Policy Statement to 45 CFR part 74 or 45 CFR part 92 have been superseded by 45 CFR 75.

Any formal amendments to this Notice of Award/Cooperative Agreement will require prior approval from both the assigned Grants Management Specialist and HHS Project Officer. Requests that require prior approval from the awarding office must be submitted in writing to the Grants Management Specialist via Grant Solutions. Only responses signed by the Grants Management Specialist or Grants Management Officer are to be considered valid. Grantees who take action on the basis of responses from other ASPR officials do so at their own risk. Such responses will not be considered binding by or upon ASPR. Please adhere to the following upon acceptance of this cooperative agreement:

1. Please be sure to read and review all terms and conditions of the award to include any Special Conditions that have a due date.
2. Make sure all information such as Authorizing Official, Principal Investigator, address, telephone numbers, etc…are correct.
3. Please make sure to register with the Payment Management System to ensure federal funds are received in a timely manner (read term and conditions for instructions).

Definitions:

Cooperative Agreement -The Federal Grant and Cooperative Agreement Act of 1977, 31 U.S.C. 6305 defines the cooperative agreement as an alternative assistance instrument to be used in lieu of a grant whenever substantial Federal involvement with the recipient during performance is anticipated. The difference between grants and cooperative agreements is the degree of Federal programmatic involvement rather than the type of administrative requirements imposed. Therefore, statutes, regulations, policies, and the information contained in this policy statement that are applicable to grants also apply to cooperative agreements, unless the award itself provides otherwise. **Link to HHS Grants Policy Statement:** HHS Grants Policy Statement

Authorizing Official - the individual(s), named by the applicant/recipient organization, who is authorized to act for the applicant/recipient and to assume the obligations imposed by the federal laws, regulations, requirements, and conditions that apply to grant applications or awards.

Principle Investigator (PD/PI) - the individual (s) designated by the recipient to direct the project or program being supported by the grant. The PI/PD is responsible and accountable to officials of the recipient organization for the proper conduct of the project, program, or activity (Source: 45 CFR 75.2).

STANDARD TERMS AND CONDITIONS:

This cooperative agreement is subject to the terms and conditions as stated here in Section III (Terms and Conditions) of this NOA. Refer to the "order of precedence" that explains the laws and regulations that govern the award in the event of any inconsistencies:

1. Federal Statutes
2. Federal Regulations
3. Executive Orders
4. OMB Policies to include 2 CFR 200
5. Terms and Conditions attached to the ASPR Notice of Award (including any Special Programmatic and Administrative Terms and Conditions).

1. Revision of Budget and Program Plans (45 CFR 75.308):

Any revisions to the budget of ASPR Cooperative Agreements require prior approval from both the assigned Grants Management Specialist and HHS Project Officer. This request must be formal and signed by the Authorized Official of the award. Formal amendments to the Notice of Award are for approved requests that require significant re-budgeting (over 25% of the total budget). Requests less than 25% of the total budget that are approved will be approved via email or memorandum by the ASPR Grants Office. The recipient has the option to request a formal amendment to the Notice of Award is budget revision is less than 25% of total budget.

The following request prior approval for budget revisions:

a. A need for additional Federal Funding.
b. A change in a key person(s) identified in the proposal or the award document.
c. The approved Recipient Program Manager's absence from the project for more than three (3) months, or a 25 percent reduction in his or her time devoted to the project.
d. The inclusion of additional costs that require prior approval in accordance with the applicable cost principles for Federal Funds and your cost share match.
e. The inclusion of pre-award costs.
f. A sub-award to another entity under which it will perform a portion of the substantive project or program under the award if it was not included in the approved budget. This does not apply to your contracts for acquisition of supplies, equipment, or general support services you need to carry out the project or program.
g. The transfer of funds among direct cost categories, functions and activities for awards in which the Federal share of the project exceeds the simplified acquisition threshold and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Grants Management Specialist. A transfer that would cause any Federal appropriation or part thereof to be used for purposes other than those consistent with the original intent of the appropriation is prohibited.

Please note: a change in the scope or objective of the project or program under the award, even if there is no associated budget revision also requires prior approval.

2.Supporting Information:

Information such as consultant agreements, vendor quotes, and service agreements may be required in order to support proposed costs. Our receipt of this information does not constitute approval or acceptance of any

term or condition included therein. For the purpose of clarity, all subcontractors or other arrangements included in the Recipient's proposal and/or the final approved budget do not require additional approval to commence performance. This additional information is required if the cost exceeds $750,000.00 and has not been provided otherwise. Should the US Government have any concerns, said concerns will be communicated within 10 days of receipt.

The government's due diligence review and continuous monitoring will include but not be limited to information on performance, ownership and organization, assets and operations, business/company management experience and strategy, processes and policies, business/company reputation and affiliations, litigation, regulatory, financial standings, upper management and key personnel's personal capitalization or ventures, business/company agreements, sales, transfers, partnerships, mergers, acquisitions, or takeovers etc. Based on these reviews, additional supporting information may be required from the Recipient.

3. Reporting Subawards and Executive Compensation:

Applicability
As required by the Federal Funding Accountability and Transparency Act of 2006, this new award is subject to the subaward and executive compensation reporting requirement of 2 CFR Part 170.Grant Recipients awarded a new federal grant greater than or equal to $30,000 as of October 1, 2010 are subject to FFATA sub-award reporting requirements as outlined in the Office of Management and Budgets guidance issued August 27, 2010. The prime awardee is required to file a FFATA sub-award report by the end of the month following the month in which the prime recipient awards any sub-grant greater than or equal to $30,000. This information and reporting is located at http://www.fsrs.gov.

A. Reporting of first-tier subawards.
Unless you are exempt as provided in paragraph c. of this award term, you must report each action that obligates $30,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions below).

1. Where and when to report.
You must report each obligating action described in paragraph a.1. of this award term to http://www.fsrs.gov. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2022, the obligation must be reported by no later than December 31, 2022.)

2. What to report. You must report the information about each obligating action that the submission instructions posted at http://www.fsrs.gov specify:

B. Total Compensation of Recipient Executives
1. Applicability and what to report: You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if:

i. the total Federal funding authorized to date under this award is $25,000 or more;

ii. in the preceding fiscal year, you received-

(a) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(b) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

C. Exemptions

If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

D. Definitions: For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ll.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").

iii. A subaward may be provided through any legal agreement, including an agreement that you or a 4 subrecipient considers a contract.

4. Subrecipient means an entity that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

i. Salary and bonus.

ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives and are available generally to all salaried employees.
iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
v. Above-market earnings on deferred compensation which is not tax-qualified.
vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

4. Subaward Equal Treatment:
The recipient must comply with 45 CFR 75, including the provision that no State or local government recipient nor any intermediate organization with the same duties as a governmental entity shall, in the selection of service providers, discriminate for or against an organization's religious character or affiliation.

5. Mandatory Disclosures:
The non-Federal entity or applicant for a federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment. (See also 2 CFR part 180 and 31 U.S.C. 3321).

6. English Language:
All Federal financial assistance announcements and Federal award information must be in the English language. Applications must be submitted in the English language and must be in the terms of U.S. dollars. If the Federal awarding agency receives applications in another currency, the Federal awarding agency will evaluate the application by converting the foreign currency to United States currency using the date specified for receipt of the application.

Non-Federal entities may translate the Federal award and other documents into another language. In the event of inconsistency between any terms and conditions of the Federal award and any translation into another language, the English language meaning will control. Where a significant portion of the non-Federal entity's employees who are working on the Federal award are not fluent in English, the non- Federal entity must provide the Federal award in English and the language(s) with which employees are more familiar.

7. Legal and Financial Responsibility:
The recipient organization is legally and financially responsible for all aspects of this grant, including funds provided to sub-recipients.

8. Executive Level II Salary Cap:
For FY 2022, the Consolidated Appropriations Act, 2022 restricts the amount of direct salary to Executive Level II of the Federal Executive Pay scale. Effective January 1, 2023, the Executive Level II salary is $212,100 annually.

Funds made available by this award shall not be used by the grantee or subrecipient to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate more than current Executive Level II compensation requirements.

9. Facility Physical Security Requirements:

You shall implement at your facility current industry best practices for physical and cyber security. You shall allow ASPR input into the implementation of the physical and cyber security measures. To the extent that ASPR requires modifications, such modifications shall be treated as compensable change(s) and would be reimbursed to the extent not covered under the approved budget for this award.

10. Committee on Foreign Investment in the United States (CFIUS) Acknowledgement:

Foreign Investment. In addition to the requirements above, prior to the close of any "covered transaction," as that term is defined by 50 U.S.C. 4565(a)(4), Recipient acknowledges its requirement to make a voluntary submission of information (e.g., any cooperative agreement, partnership, merger, acquisition, or takeover that is proposed or pending) related to the covered transaction to the Committee on Foreign Investment in the United States ("CFIUS"). The CFIUS package shall be submitted to the Grants Management Specialist for review and comment 10 business days in advance of Recipient's voluntary submission to CFIUS. For the purposes of determining whether a transaction is a "covered transaction," the parties acknowledge that the Recipient's facility is "critical infrastructure" that may be used to produce "critical technologies" in support of "national security," as those terms are defined in 50 U.S.C. 4565(a). Recipient agrees to follow any recommendations issued throughout the CFIUS process, including any determinations with respect to permissibility of the transaction.

11. Gun Control:

None of the funds made available through this award may be used, in whole or in part, to advocate or promote gun control.

12. Pornography:

None of the funds made available through this award may be used to maintain or establish a computer network unless
such network blocks the viewing, downloading, and exchanging of pornography.

13. Lobby Restrictions:

The grantee must comply with 45 CFR Part 93. None of the funds made available through this award shall be used to pay 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 any of the following covered Federal actions: the awarding of any Federal contract, grant or cooperative agreement, the making of any Federal loan, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. Influencing or attempting to influence means making, with the intent to influence, any communication to or appearance before 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 covered action.

14.Sterile Needle Distribution:

No federal funds associated with this cooperative agreement shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: Provided, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis, infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

15. Accounting Records and Disclosure:
Awardees and sub-recipients must maintain records which adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income. The awardee, and all its sub-recipients, should expect that ASPR, or its designee, may conduct a financial compliance audit and on-site program review of grants with significant amounts of Federal funding.

16. Procurement:
When procuring equipment, the recipient must comply with the procurement standards at 45 CFR Part 75.329, Procurement Procedures, which requires the performance and documentation of some form of cost or price analysis with every procurement action.

17. Trafficking In Persons:
Provisions applicable to a recipient that is a private entity.

A. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not:

- Engage in severe forms of trafficking in persons during the period of time that the award is in effect
- Procure a commercial sex act during the period of time that the award is in effect; or
- Use forced labor in the performance of the award or subawards under the award.

B. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity is:

- Determined to have violated a prohibition in paragraph a.1 of this award term; or
- Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a. 1 of this award term through conduct that is either associated with performance under this award; or imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government wide Debarment and "Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 376.

Provision applicable to a recipient other than a private entity:
We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity:

- Is determined to have violated an applicable prohibition in paragraph A. of this award term; or
- Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition through conduct that is either:
    - Associated with performance under this award; or Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government wide Debarment and "Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 376 c. Provisions applicable to any recipient. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition of this award term; our right to terminate unilaterally that is described above b of this section:
- Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and is in addition to all other remedies for noncompliance that are available to us under this award.

  You must include the requirements of this section of this award term in any subaward you make to a private entity.

18. Reducing Text Messaging While Driving:
In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, dated October 1, 2009, contractors, subcontractors, and recipients and subrecipients are encouraged "to adopt and enforce policies that ban text messaging while driving company-owned or - rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Agencies should also encourage Federal contractors, subcontractors, and grant recipients and subrecipients as described in this section to conduct initiatives of the type described in section 3(a) of this order."

19. Publications:
All grantee publications, including research publications press releases other publications or documents about research that is funded by ASPR must include the following two statements:

1. Specific acknowledgment of ASPR grant support, such as:
"Research reported in this [publication/press release] was supported by [name of the program office(s), or other ASPR offices] the Department of Health and Human Services Administration for Strategic Preparedness and Response under award number [specific ASPR grant number(s)] "
2. Disclaimer that says:
"The content is solely the responsibility of the authors and does not necessarily represent the official views of the Department of Health and Human Services Administration for Strategic Preparedness and Response".

20. Federal Information Security Management Act (FISMA):
If applicable, all information systems, electronic or hard copy which contain federal data need to be protected from unauthorized access. This also applies to information associated with ASPR grants. Congress and the OMB have instituted laws, policies and directives that govern the creation and implementation of federal information security practices that pertain specifically to grants and contracts. The current regulations are pursuant to the Federal Information Security Management Act (FISMA), Title III of the E-Government Act of 2002 Pub. L. No. 107-347.

21. Health and Safety Regulations and Guidelines
Grantees are responsible for meeting applicable Federal, State, and local health and safety standards and for establishing and implementing necessary measures to minimize their employees' risk of injury or illness in activities related to ASPR grants. In addition to applicable Federal, State, and local laws and regulations, the following regulations must be followed when developing and implementing health and safety operating procedures and practices for both personnel and facilities:

29 CFR 1910.1030, Blood borne pathogens; 29 CFR 1910.1450, Occupational exposure to hazardous chemicals in laboratories; and other applicable occupational health and safety standards issued by the Occupational Health and Safety Administration (OSHA) and included in 29 CFR 1910.
Nuclear Regulatory Commission "Standards and Regulations, pursuant to the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.). Copies may be obtained from the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The following guidelines are recommended for use in developing and implementing health and safety operating procedures and practices for both personnel and facilities:

Biosafety in Microbiological and Biomedical Laboratories, CDC and NIH, HHS. This publication is available athttp://www.cdc.gov/OD/ohs/biosfty/bmbl5/BMBL_5th_Edition.pdf.

Prudent Practices for "Safety in Laboratories (1995), National Research Council, National Academy Press, 500 Fifth Street, NW, Lockbox 285, Washington, DC 20055 (ISBN 0-309-05229-7). This publication can be obtained by telephoning 800-624-8373. It also is available at http://www.nap.edu/catalog/4911.html.
Grantee organizations are not required to submit documented assurance of their compliance with or implementation of these regulations and guidelines. However, if requested by ASPR, grantees should be

able to provide evidence that applicable Federal, State, and local health and safety standards have been considered and have been put into practice.

22. ASPR Annual Reporting Requirements

All reports listed below will be monitored by the ASPR Grant Specialist:

1)**Federal Financial Report (FFR)** – All ASPR Grant/Cooperative Agreement recipients are required to register with The Payment Management System at www.pms.psc.gov. PMS is the accounting system in which awardees will draw down federal funding and submit the required annual Federal Financial Reports (FFR). The FFRs are due within 90 days of the Budget Expiration Date listed on the Notice of Award. Any extension request for submission of the Federal Financial Report must be approved by the assigned Grants Management Specialist via Prior Approval.

2) **Annual Program Progress Reports: Please see BARDA Programmatic Conditions.** (All Annual Progress Reports must be uploaded to Grant Notes in Grant Solutions).

3) **Subaward and Executive Compensation Reporting**: Awardees must ensure that they have the necessary processes and systems in place to comply with the sub-award and executive total compensation reporting requirements established under OMB guidance at *2 CFR Part 170*, unless they qualify for an exception from the requirements, should they be selected for funding. CFDA number is to be included on all subawards, including contracts and consultant agreements, so ASPR staff may track compliance (see above for further details).

4) **Tangible Property Report**: Awardees will be required to submit an annual (after each 12-month period) Tangible Property Report (SF 428). Final SF 428 reports are due 90 days after the end of the project period. Supporting documents must be uploaded in Grant Notes in Grant Solutions.

5) **Real Property Status Report**: Annual reporting of real property is required on an annual basis. Supporting documents must be uploaded in Grant Solutions (see section 7 above for further details).

6) **Audit requirements** for federal award recipients can be found at in 2 CFR 200, Subpart F Audit Requirement located at www.ecfr.gov. Specifically, non-Federal entities that expend a total of $750,000 or more in Federal awards, during each Fiscal Year, are required to have an audit completed in accordance with OMB Circular A-133. The Circular defines Federal awards as Federal financial assistance (grants) and Federal cost-reimbursement (contracts) received both directly from a Federal awarding agency as well as indirectly from a pass-through entity and requires entities submit, to the Federal Audit Clearinghouse (FAC), a completed Data Collection Form (SF-SAC) along with the Audit Report, within the earlier of 30 days after receipt of the report or 9 months after the fiscal year end.

The Data Collection Forms and Audit Reports MUST be submitted to the FAC electronically at http://harvester.census.gov/fac/collect/ddeindex.html . For questions and information concerning the submission process, please visit http://harvester.census.gov/sac/ or call the FAC 1-800-253-0696.

7) **Indirect Cost Rates:** 2 CFR §200.414/45 CFR§75.414(f) In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that has never received a negotiated indirect cost rate, except for those non-Federal entities described in Appendix VII to Part 200/Appendix VII to part 75 —States and Local Government and Indian Tribe Indirect Cost Proposals, paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. As described in 2 CFR §200.403/45 CFR §75.403 Factors affecting allowability of costs, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time. 45 CFR 75.414(g) Any Non-Federal entity that has a current federally

negotiated indirect cost rate may apply for a one-time extension of the rates in that agreement for a period of up to four years. This extension will be subject to the review and approval of the cognizant agency for indirect costs. If an extension is granted the non-Federal entity may not request a rate review until the extension period ends. At the end of the 4-year extension, the non-Federal entity must re-apply to negotiate a rate. Subsequent one-time extensions (up to four years) are permitted if a renegotiation is completed between each extension request.

8) **SAM.gov:** It is the responsibility of the recipient to ensure their UEI (Unique Entity Identity registration with SAM.gov has not expired and renewed annually to include new and updated information. In the event of an expired SAM.gov registration can delay a recipient additional federal funding.

9) **Reporting of Matters Related to Recipient Integrity and Performance**
General Reporting Requirement
If the total value of your 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 this Federal award, then you as the recipient must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available. FAPIIS reporting can be done at www.fapiis.gov.

Proceedings About Which You Must Report
Submit the information required about each proceeding that:

- Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- Reached its final disposition during the most recent five year period; and (If one of the following):
- A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition; a civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;
- An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000; or (4) Any other criminal, civil, or administrative proceeding if: It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
- It had a different disposition arrived at by consent or compromise with an acknowledgement of fault on your part; and (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

All reports and any supporting documentation must be submitted via Grant Notes in Grant Solutions with the exception of FFRs.

23. Financial and Program Management Standards:

You are required to comply with 45 CFR 75.300-75.309, 75.400-75.477, which prescribe standards for financial management systems; methods for making payments; and rules for cost sharing and matching, program income, revisions to budgets and program plans, audits, allowable costs, and fee and profit.

24. No-Cost Extension Requests:
All no cost extensions should be requested up to 90 days before the end of the Project Period. Request for a NCE must be a formal memorandum with letterhead and signed by the Authorized Official of the cooperative or his/her delegate. Requests for NCEs can be up to 12 months at a time. No exceptions will be made. If approved by ASPR, the project/budget period will be extended and the funding in PMS will reflect the new budget expiration date.

25. Close out of ASPR Cooperative Agreement:
After the Project Period expiration date of the ASPR Cooperative Agreement, it is the responsibility of the recipient to provide the following within 90 days:

- Complete a Final Federal Financial Report in the Payment Management System.
- Complete a Final A-133 Audit (if applicable) and submit to Federal Audit Clearing House http://facweb.census.gov
- Complete a Final Invention Statement (if applicable). This document will be provided by the assigned Grants Management Specialist (upload in Grant Notes via Grant Solutions.
- Complete an SF 428 -Tangible Personal Property Report (if applicable) (upload in Grant Notes via Grant Solutions).

The close out process must be completed within 180 days after the award expiration date. Any extension must be requested from the assigned Grants Management Specialist. If the requested documents are not received within the close out period and it is determined the close out cannot occur with the cooperation of the recipient, ASPR will conduct a unilateral close out and deobligate any remaining funding. A unilateral close-out letter will be sent to the recipient.

26. Record Retention Requirements (2 CFR 200.333)
Length of Retention Period: (1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (a) through (d) of this section.
Link: https://www.gpo.gov/fdsys/granule/CFR-2015-title2-vol1/CFR-2015-title2-vol1-sec200-333

You must also comply with 45 CFR 75, which outlines the retention and access requirements for records. Unless excepted, you must retain financial and programmatic records, supporting documents, statistical records, and all other records that are required by the terms of an award, or may reasonably be considered pertinent to an award, for a period of 3 years from the date of submission of the final Federal Financial Report (SF 425). Pursuant to 45 CFR 75.363 you are authorized to use electronic copies of original records instead of the original records, provided that the electronic copy is a faithful rendition of the original.

If the information described in this section is maintained on a computer, you must retain the computer data on a reliable medium for the time periods prescribed. You may transfer computer data in machine readable form from one reliable computer medium to another. Your computer data retention and transfer procedures must maintain the integrity, reliability, and security of the original computer data. You also must maintain an audit trail describing the data transfer. For the record retention time periods prescribed in this section, you must not destroy, discard, delete, or write over such computer data.

27. Termination:
Your award may be terminated in whole or in part by the Grants Management Specialist, pursuant to 45 CFR 75.372:

a. If you materially fail to comply with the terms and conditions of the award.
b. With your consent, in which case the parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

c. By you upon sending to the Grants Management Specialist written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. The Recipient must provide such notice at least 30 calendar days prior to the effective date of the termination. However, in the case of partial termination, if the Grants Management Specialist determines that the reduced or modified portion of the award will not accomplish the purposes for which the award was made, the Grants Management Specialist may terminate the award in its entirety.

If costs are allowed under an award, your responsibilities outlined at 45 CFR 75.381 including those for property management as applicable, shall be considered in the termination of the award, and provision shall be made for continuing your responsibilities after termination, as appropriate.

28. Enforcement:

Remedies for noncompliance. If you materially fail to comply with the terms and conditions of this award, whether stated in a Federal statute, regulation, assurance, application, or notice of award, the Grants Management Specialist may, in addition to imposing any of the special conditions outlined in, 45 CFR 75.371take one or more of the actions specified under that section, as appropriate in the circumstances.

29. Disputes and Appeals:

The procedures of 45 CFR 75.374 govern the processing of claims and disputes and for deciding appeals of decisions by the Grants Management Specialist.

As the recipient organization, you acknowledge acceptance of the grant terms and conditions by drawing down or otherwise obtaining funds from the Payment Management System. In doing so, your organization must ensure that you exercise prudent stewardship over Federal funds and that all costs are allowable, allocable, and reasonable.

The terms and conditions of this ASPR Cooperative Agreement apply directly to the Primary Recipient of HHS funds. The recipient is accountable for the performance of the project, program, or activity; the appropriate expenditure of funds under the award by all parties; and all other obligations of the recipient, as cited in the Notice of Award. In general, the requirements that apply to the recipient, including public policy requirements, also apply to subrecipients and contractors under grants, unless an exception is specified.

Failure to comply with the above stated terms and conditions may result in suspension, classification as High Risk Status, termination of this award or denial of funding in the future.

All terms and conditions remain in effect until specifically approved and removed by the Grants Management Officer. Special Administrative Conditions will not be removed from this cooperative agreement until conditions have been met. All responses to special terms and conditions of award and post award requests must be uploaded in Grant Notes in Grant Solutions or sent via email to the ASPR Grants Management Specialist and the Program Official as identified on your Notice of Award (see below).

PMS Information:

Remarks:

Payment under this award will be made available through the HHS Departmental Payment Management System (PMS). PMS provides instructions for making withdrawals of Federal funds. Inquiries regarding payments should be directed to Program Support Center/Division of Payment Management (PSC/DPM), DHHS, Post Office Box

6021; Rockville, MD 20852; 1-877-614-5533; PMSSupport@psc.gov.

Contacts:

The Grants Management Specialist, Aubrie TenEyck-Mims aubrie.teneyck-mims@hhs.gov is responsible for the negotiation, award and administration of this project and for interpretation of grants administration policies and provisions.

The Project Officer is responsible for the programmatic and technical aspects.