

# COOPERATIVE AGREEMENT MODIFICATION

Agreement/Appendix Title and Number: W912PQ-14-2-1004

Project Name/Description and Location: ARNG Electronic Security System

Modification Number: P00002 Installation, Operation and Maintenance

ISSUED BY:

NATIONAL GUARD BUREAU

ISSUED TO:

THE STATE OF NEW YORK

This modification is issued pursuant to the Authorities, 31 U.S.C. Chapter 63; MCA and Appendices Article VII, Sect 703; MCCA Article XII, Sect 1201 of the basic cooperative agreements. Mark purpose and obtain signatures as appropriate IAW NGR 5-1, Chapter 3.

- a. FUNDING
- b. TERMS AND CONDITIONS
- c. TERMINATION
- d. OTHER ADMINISTRATIVE

### DESCRIPTION OF MODIFICATION:

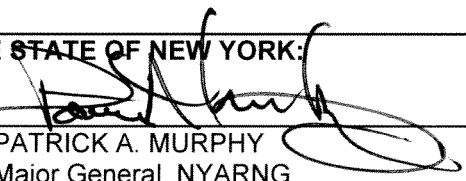
1. JUSTIFICATION: Request that a modification be completed for Appendix 1004 FY 14 to reflect First Quarter Allotment. The allotment for this appendix is all under the 100% Federal Share and will be used to support the ARNG Electronic Security System Installation, Operation and Maintenance Program as outlined with the appendix. In addition, the AFP in Appendix 1004 is increased by \$26,190.00 and decreased in Appendix 1003, ARNG Security Cooperative Agreement by \$26,190.00 as directed by NGB.
2. The Estimated Cost (AFP-Federal) for this appendix is increased by \$26,190.00 from \$496,415.00 to \$522,605.00.
3. The Maximum Funding Limitation (MFL-Federal) for this Appendix for FY 14 is increased by \$200,000.00 from \$0.00 to \$200,000.00.
4. In-Kind Assistance is \$0.
5. Replace page 5 of Appendix 1004, FY14 with updated attachment.
6. See MNFE-CFMO memo dated 8 November 2013.
7. FY2014 funding for this modification is authorized pursuant to HR2775, as enacted, Section 116. Funding is authorized to the Grantee for reimbursement of expenses incurred for 1) compensation of furloughed employees during the period of a lapse in Federal appropriations and, 2) expenses incurred by the Grantee that would have been paid by the Federal Government during that period had appropriations been available. HR2775, as enacted, Section 116 in its entirety is attached and incorporated by reference. Reimbursement of authorized, allowable expenses retroactive to 1 Oct 13 is authorized.
8. As FY2014 budgets are approved by NGB, program managers will add funding to the Appendix by separate modification and is subject to the availability of funds.

### EXECUTION

Except as provided herein, all terms and conditions of the Cooperative Agreement and/or Appendix remain unchanged in full force and effect.

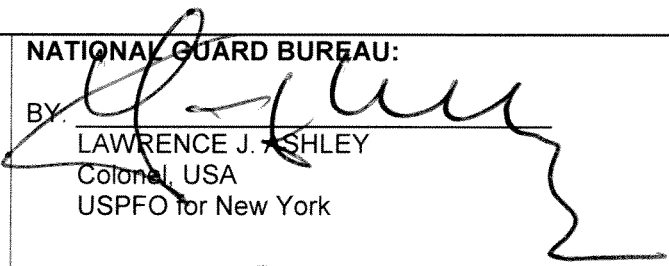
IN WITNESS WHEREOF, the parties by their authorized representatives execute this Cooperative Agreement Modification.

THE STATE OF NEW YORK:

BY:   
PATRICK A. MURPHY  
Major General, NYARNG  
The Adjutant General

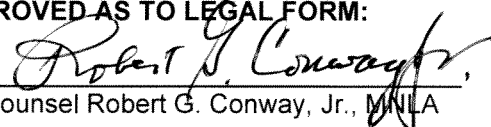
Date: 13 Dec 13

NATIONAL GUARD BUREAU:

BY:   
LAWRENCE J. ASHLEY  
Colonel, USA  
USPFO for New York

Date: 19 Dec 2013

APPROVED AS TO LEGAL FORM:

BY:   
Counsel Robert G. Conway, Jr., MNLA

Date: 11 Dec 2013

APPROVED AS TO LEGAL FORM:

BY:   
Counsel Paul Sausville, COL, JA, NYARNG

Date: 16 Dec 2013

Emergency Deficit Control Act of 1985, as amended, and \$469,639,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act.

(c) Section 5 of Public Law 113-6 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. (a) Employees furloughed as a result of any lapse in appropriations which begins on or about October 1, 2013, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.

(b) For purposes of this section, "employee" means:

- (1) a federal employee;
- (2) an employee of the District of Columbia Courts;
- (3) an employee of the Public Defender Service for the District of Columbia; or
- (4) a District of Columbia Government employee.

(c) All obligations incurred in anticipation of the appropriations made and authority granted by this joint resolution for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government functions, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this joint resolution.

SEC. 116. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

(b) For purposes of this section, the term "State" and the term "grantee" shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, "to continue carrying out a Federal program" means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

(c) The authority under this section applies with respect to any period in fiscal year 2014 (not limited to periods beginning or ending after the date of the enactment of this joint resolution) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this

section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.

SEC. 117. Expenditures made pursuant to the Pay Our Military Act (Public Law 113-39) shall be charged to the applicable appropriation, fund, or authorization provided in this joint resolution.

SEC. 118. For the purposes of this joint resolution, the time covered by this joint resolution shall be considered to have begun on October 1, 2013.

SEC. 119. Section 3003 of division G of Public Law 113-6 shall be applied to funds appropriated by this joint resolution by substituting "fiscal year 2014" for "fiscal year 2013" each place it appears.

SEC. 120. Section 408 of the Food for Peace Act (7 U.S.C. 1736b) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "December 31, 2012".

SEC. 121. Amounts made available under section 101 for "Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction" may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System and the Geostationary Operational Environmental Satellite system.

SEC. 122. The authority provided by sections 1205 and 1206 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) shall continue in effect, notwithstanding subsection (h) of section 1206, through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2014 for military activities of the Department of Defense.

SEC. 123. Section 3(a)(6) of Public Law 100-676 is amended by striking both occurrences of "\$775,000,000" and inserting in lieu thereof, "\$2,918,000,000".

SEC. 124. Section 14704 of title 40, United States Code, shall be applied to amounts made available by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for "October 1, 2012".

SEC. 125. Notwithstanding section 101, amounts are provided for "The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Salaries and Expenses" at a rate of operations of \$4,820,181,000: *Provided*, That notwithstanding section 302 of Division C, of Public Law 112-74 as continued by Public Law 113-6, not to exceed \$25,000,000 shall be available for transfer between accounts to maintain minimum operating levels.

SEC. 126. Notwithstanding section 101, amounts are provided for "The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Defender Services" at a rate for operations of \$1,012,000,000.

SEC. 127. Notwithstanding any other provision of this joint resolution, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2786 (113th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2014 Budget Request Act of 2013 (D.C. Act 20-127), as modified as of the date of the enactment of this joint resolution.

c. Budget Reports.

(1) The CA PM shall reconcile budget amounts with ARNG-ILI-F ESS periodically, as of 31 December, 31 March, 30 June, 30 September, and 31 December. This report is due 30 days after the "as of" date".

(2) The State shall submit any other requested financial or budget report that ARNG-ILI-F ESS may require.

d. Budget Changes.

(1) The CA PM must submit a written request through the Grants Officer/USPFO to ARNG-ILI-F ESS PM, to decrease or increase funds in their ESS budget.

(2) The request shall include an updated budget reconciliation report as an enclosure. The request will not be binding until the document receives the approval from the ARNG-ILI-F ESS PM; no reimbursement can take place until a CA modification to this Appendix has been executed.

**Section 408. Appendix Administration.**

Changes to the Appendix terms and conditions will be processed IAW NGR 5-1, Chapter 3

**Section 409. Funding Limitation.**

a. Approved Budget/Annual Funding Program (AFP): The total dollar amount that NGB anticipates, subject to the availability of funds, being available for reimbursement to the state for its costs in fulfilling its responsibilities under this Appendix. This amount may be increased or decreased by the ARNG-ILI-F ESS PM during the fiscal year.

b. Total Dollars Obligated: The total amount of funds obligated for NGB's share under this Appendix. Only funds obligated through an executed CA modification to this appendix are available for reimbursement to the state. Funds shall be obligated as received by the CA PM.

c. Accomplished as In-Kind Assistance: The total dollars expended through federal acquisition. This dollar amount may reflect anticipated In-Kind Assistance and be updated as IKA is approved, but as a minimum shall reflect the total dollars accomplished through In-Kind Assistance in support of this Appendix for each fiscal year as it occurs.

d. In accordance with Section 407 the following funding limitations are provided for each fiscal year as it occurs.

1. Fiscal Year 2010:	Approved Budget/(AFP) \$346,001.60	Total Dollars Obligated \$346,001.60
	Accomplished as In-Kind Assistance \$0	
2. Fiscal Year 2011:	Approved Budget/(AFP) \$475,100.00	Total Dollars Obligated \$475,100.00
	Accomplished as In-Kind Assistance \$0	
3. Fiscal Year 2012:	Approved Budget/(AFP) \$ 497,200.00	Total Dollars Obligated \$497,200.00
	Accomplished as In-Kind Assistance \$0.00	

February 2011

4. Fiscal Year 2013:	Approved Budget/(AFP) \$471,100.00	Total Dollars Obligated \$471,100.00
	Accomplished as In-Kind Assistance \$22,644.00	
5. Fiscal Year 2014:	Approved Budget/(AFP) \$522,605.00	Total Dollars Obligated \$200,000.00
	Accomplished as In-Kind Assistance \$0	

**Section 410. Agreement Particulars.**

The information below shall be recorded by the Grants Officer's Representative (GOR) for compliance with the reporting requirements of the DoD Assistance Award Action Report System (DAADS) and the Federal Funding Accountability and Transparency Act of 2006.

a. Grantee/Recipient Category:	Government
b. Grantee/Recipient Type:	State Government
c. Grantee/Recipient DUNS:	044776024
d. Primary Place of Performance (if different from 'Issued To' on CA Modification Form):	
<hr/>	
(To include Zip + 4)	
e. Grantee/Recipient County (Primary Place of Performance):	36
f. Grantee/Recipient Congressional District (Primary Place of Performance):	Albany
g. Major Agency:	DOD
h. Agency Code:	2100
i. Funding Agency:	Army
j. Program Source Agency:	21
k. Transaction Type:	Cooperative Agreement
l. CFDA:	12.401
m. CFDA Program Title:	Operation and Maintenance, Army National Guard
n. Program Source Account-Funding:	2065
o. Treasury Appropriation Code:	2065
p. Award/Obligation/Action Date:	1Oct2013
q. Starting Date:	1Oct2013
r. Ending Date:	30Sept2014
s. Record Type:	Individual Action
t. Fiscal Year/Quarter:	2014/1st Qtr

MEMORANDUM FOR MNPF, CW2 Davin

SUBJECT: Modification of Master Cooperative Funding Agreement (CFA),  
W912PQ-14-2-1004, Appendix #4 (IDS Program)

1. Request that a modification be issued to change Appendix #4 of the Master CFA for FY14 as follows:

Section 306. Funding Limitation is changed as follows:

a. Funding.

	Allotment Max. Funding Limitation	AFP Estimated Cost
<u>Federal Share (100%)</u>		
	\$200,000.00	\$522,605.00

b. In-Kind Assistance.

Within the federal share indicated above \$0.00 is reserved and designated specifically for In-Kind Assistance (IKA) through federal procurement procedures. The use of IKA shall be at the request of The Adjutant General as approved by the USP&FO. ARNG-ARI approval is not necessary.

2. This appendix is subject to the availability of funds.

3. Request that a modification be completed for Appendix #4 to reflect first quarter allotment. The allotment for this appendix is all under the one hundred percent federal share and will be used to support the ARNG Electronic Security System Installation, Operation and Maintenance Program as outlined within the appendix. In addition, we are also increasing the AFP in Appendix #4, by \$26,190 and decreasing the AFP in Appendix #3, ARNG Security Cooperative Agreement as directed by NGB.

4. The point of contact for this matter is SGT Nicole Richardson, who may be reached at extension 6117.



PAUL R. CONTE  
LTC, FA, NYARNG  
Program Director (CFMO)

CF:  
MNBF, Tom Halabuda



Appendix 4

State ESS SER M&M	
Validation/Submission	FY14
STATE	NY
ARNG ESS - recorded Vault Count	211
ARNG ESS - recorded Vault (Panel) Equivalent	5
Total Panel Equivalent Counts	119
Number of Authorized Technicians	2
Additional Technicians - Authorized	2
Total Technicians	4
Appendix 1004 - IO&M (Salary, Health, Tax, Benefits, etc.)	\$336,560
Travel Costs - (Facility to Facility, Certifications, Training, etc.)	\$20,000
Vehicle Fees - (GSA, Lease, or Rental)	\$42,354
Spare Parts	\$14,313
Materials and Tools	\$6,556
Training Courses - Travels and Per Diems	\$17,192
IDS Panel - Cell Back-up Costs	\$13,680
<b>Maintenance Subtotal</b>	<b>\$450,655</b>
<b>ESS Central Monitoring Subtotal</b>	<b>\$27,900</b>
Supervisor-Lead Tech Acct. (131G39.30)	(\$84,140)
<b>FY14 ESS Maint. &amp; Monitoring TOTAL</b>	<b>\$394,415</b>
<b>Maintenance &amp; Monitoring = AMSCO (131G39.1F)</b>	<b>+++</b>
<p>This FY ESS M&amp;M report (131G39.1F) was auto-generated, based on your State Equipment Report, to identify your Federal funding requirements in support of the current, certified, authorized and approved installed-ESS equipment per AR190-11. These funds do not support special or new ESS/ MILCON projects as desired by the State. These funds are to be obligated and executed IAW NGR 5-1, Appendix 1004. Labor is based on Dept. of Labor-Bureau of Labor Statistics (BLS), for the <b>Position Code: 49-2098</b>.</p>	
<b>Supervisor-Lead Tech = AMSCO (131G39.30) - Read Note</b>	
<p>ESS Program Supervisor/Lead Tech funding level was State-specific determined, based on Dept. of Labor - Bureau of Labor Statistics (BLS), for the <b>Position Code: 49-1011</b>. These funds (131G39.30) are for labor-only. All ESS actions such as: travels, fees, parts, vehicle, etc. are still programmed against 131G39.1F per DFAS 37-100. This labor rate could be reduced v. last FY, per ARNG-ILI ESS Program Manager, based on: 1) DoD budget level/austerity and 2) State ESS Program proper execution last FY.</p>	
<b>FY14 Supervisor-Lead Tech Total =</b>	<b>\$102,000</b>
<b>COMBINED PROJECTION - FY14 ESS FAD =</b>	<b>\$496,415</b>





# SOF: Command Non-Cum

Last Data Refreshed from ECC

11/06/2013 08:11:26

Report Run Time

11/06/2013 09:12:56

Current User

BOGARDUS, LISA

## Variables

Fund 206510D14 Operation & Maintenance, Army National G  
 Funds Center ARMY/A181X NY Construction and Facility Management

Fund	Funds Center	MDEP	Current AFP	Allocation	Comm. (Non Cum)	Oblig. (Non Cum)	Exp (Non Cum)	Disp. (Non Cum)	Available Budget AFP	Available Budget Allotment
			\$	\$	\$	\$	\$	\$	\$	\$
206510D14	A181X	MDEP			34,730.66	0.00	0.00	0.00	0.00	-34,730.66
206510D14	A181X	QDPW			86,964.80	0.00	0.00	0.00	0.00	-86,964.80
206510D14	A181X	GRPA	0.00	2,400,000.00						2,400,000.00
206510D14	A181X	UA	22,988,500.00	2,955,000.00					22,988,500.00	2,955,000.00
Overall Result			22,988,500.00	5,355,000.00	121,695.46	0.00	0.00	0.00	22,866,804.54	5,233,304.54

**SOF: Command Cum**

Last Data Refreshed from ECC

11/06/2013 08:11:26

Report Run Time

11/06/2013 09:25:33

Current User

BOGARDUS, LISA

**Variables**

Fund 206511D14 Operation & Maintenance, Army National G  
 Funds Center ARMY/A181X NYConstruction and Facility Management

Fund	Funds Center	MDEP #	Current AFP	Alotment	Comm. (Cum)	Open Commitments	Oblig. (Cum)	Undisbursed Obligations	Exp. (Cum)	Disb. (Cum)	Available Budget AFP	Available Budget Allotment
06511D14	A181X		898,000.00	328,700.00							898,000.00	328,700.00
<b>Overall Result</b>			898,000.00	328,700.00							898,000.00	328,700.00