

FEMA-STATE AGREEMENT – (YEAR)
FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM
STATE OF //NAME//

The terms and conditions of the FEMA-State Agreement must not be modified by the Grantee. Please contact your FEMA Region if you have questions.

GRANTEES: Delete this text box when preparing a final document

This is the annual FEMA-State Agreement for the Fire Management Assistance Grant (FMAG) Program (the Agreement) under Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5187 (the Stafford Act); in accordance with Title 44 of the Code of Federal Regulations (44 CFR) § 204.25. The State must have a signed and up-to-date FEMA-State Agreement before receiving Federal funding for grants under approved requests for Fire Management Assistance declarations. The Governor and Regional Administrator are entering into this Agreement for all Fire Management Assistance declarations approved pursuant to 44 CFR Part 204 throughout the calendar year as the parties incorporate by amendment into this Agreement.

1. Federal assistance will be made available, within the limits of funds available from Congressional Appropriations for such purposes, in accordance with Section 420 of the Stafford Act, Executive Orders 12148 and 12673, applicable regulations found in 44 CFR including Part 13 and Part 204 as amended, and applicable policy and guidance.
2. Pursuant to 44 CFR, the State agrees to be the Grantee for the FMAG Program, Section 420 of the Stafford Act. The State agrees to comply with the Stafford Act, 44 CFR, and other applicable Federal and State laws, regulations, executive orders, policy, and guidance. _____ (State Agency) _____ will serve as the Grantee; the Governor’s Authorized Representative (GAR) and Alternate GAR are identified in Exhibit A. The Grantee is accountable for the use of the funds provided. All other State Agencies applying for Federal assistance will be designated as a subgrantee.
3. The State hereby waives any consultation process under Executive Order 12372 and 44 CFR Part 4, for grants or other financial assistance under the Stafford Act for the FMAG Program.
4. The State legislative authority for firefighting and laws, regulations, and other provisions applicable to this program include _____ (applicable State authorities) _____.

5. Federal assistance may be provided only for eligible costs incurred in the mitigation, management and control of a declared fire that is identified in this Agreement, in accordance with 44 CFR Part 204.
6. The Regional Administrator in consultation with the Governor's Authorized Representative and the Principal Advisor will establish the incident period for a declared fire. If the incident period for a declared fire extends into the next calendar year, Federal assistance with respect to that fire is governed by the fire threshold and the FEMA-State agreement in effect for the calendar year in which the incident period for the declared fire begins.
7. The State must meet the individual or cumulative fire cost threshold pursuant to 44 CFR § 204.51(b) prior to approval of the State's grant application (Standard Form 424, Request for Federal Assistance). The State must also have a current Administrative Plan and a FEMA-approved State Mitigation Plan (SMP) pursuant to 44 CFR Part 201 and § 204.51(d) before we approve the State's grant application. If the State does not have an approved SMP at the time the Amendment to FEMA-State Agreement for the Fire Management Assistance Grant Program (Exhibit E) is signed, the State will submit formally its approvable SMP for FEMA review and approval within 30 days of the date of the Amendment. If the State fails to do so, FEMA will deny the State's application for assistance under the declaration.
8. Federal funds may be provided under the Stafford Act for the FMAG Program on a 75 percent Federal/25percent non-Federal cost-sharing basis once the fire cost threshold is met.
9. The State agrees, on its behalf and on behalf of its political subdivisions and other recipients of Fire Management Assistance to cooperate with the Federal Government in seeking recovery of funds that are expended in the mitigation, management and control of a declared fire identified in this Agreement against any party or parties whose intentional acts or omissions may have caused or contributed to the damage or hardship for which Federal assistance is provided pursuant to the FMAG Program under Section 420 of the Stafford Act.
10. The State agrees, on its behalf and on behalf of its political subdivisions and other recipients of assistance under the Fire Management Assistance Grant Program, to seek recovery of all funds that are expended in the mitigation, management or control of a declared fire identified in this Agreement from any party or parties whose negligence may have caused or contributed to the damage or hardship for which FEMA provides assistance. FEMA will treat such amounts as duplicated benefits available to the Grantee in accordance with 42 U.S.C. 5155 and 44 CFR § 204.62.

11. Within its authorities, the Governor shall ensure, through the State agency responsible for regulation of the insurance industry, that insurance companies make full payment of eligible insurance benefits to recipients of Federal assistance. The State also shall take all responsible steps to ensure that recipients are aware of procedures for filing insurance claims, and are informed of any State procedures instituted for assisting insured entities. Further, the State shall take all actions necessary and reasonable to ensure that all recipients of Federal assistance are aware of their responsibility to repay government assistance that is duplicated by insurance proceeds.
12. The State will certify that all costs reported on an applicant's Project Worksheet for work performed are in compliance with the terms and conditions in the FEMA-State Agreement.
13. The State agrees on behalf of its political subdivisions and other recipients of FMAG Program grants to ensure that subgrantees certify compliance, in accordance with the grant Assurances and Certification, with the Clean Water Act, Endangered Species Act, National Historic Preservation Act, and other applicable environmental laws that apply to those subgrantees.
14. Amendments to this agreement shall be executed for each Fire Management Assistance declaration approved during the calendar year. The amendment will specify the incident period, official fire name, declaration number, and counties included in the fire declaration.
15. Attached and also made a part of this Agreement are:
 - a. Exhibit A, State officials authorized to execute certification and otherwise to act on behalf of the State; and
 - b. Exhibit B, Certification regarding Drug-Free Workplace requirements.
 - c. Exhibit C, Certification for Contracts, Grants, Loans, and Cooperative Agreements, New Restrictions on Lobbying.
 - d. Exhibit D, Disaster Grant Agreement Articles.
 - e. Exhibit E, Amendment to the FEMA-State Agreement for the Fire Management Assistance Grant Program

Agreed:

Governor

Regional Administrator

Date: _____

Date: _____

EXHIBIT A

STATE CERTIFICATION OFFICERS

1. The Governor hereby certifies that [NAME] is the Governor's Authorized Representative (GAR) empowered to execute on behalf of the State all necessary documents for the Fire Management Assistance Grant Program, including, submitting requests for fire management assistance declarations, applying for the initial grant award, approving and submitting subgrants and certification of claims to the Regional Administrator. [NAME] is the First Alternate Governor's Authorized Representative, [NAME] is the Second Alternate Governor's Authorized Representative, and they are similarly empowered. Their specimen signatures follow:

_____	_____
GAR	First Alternate GAR
_____	_____
State Agency	State Agency

Second Alternate GAR

State Agency

2. The Governor hereby certifies that [NAME] is the official of the State, authorized to execute compliance reports, carry out compliance reviews, and distribute informational material as required by FEMA to ensure that all recipients of Federal disaster assistance are in full compliance with FEMA nondiscrimination regulations (located at 44 CFR Part 7).

3. The Governor hereby certifies that [NAME] is the official of the State who will execute compliance reports, carry out compliance reviews, and distribute information material as required by FEMA to ensure that all recipients of Federal disaster assistance are in compliance with the General Services Administration List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

EXHIBIT B

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 44 CFR Part 17. The regulations require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment. (See 44 CFR Part 17 and 2 CFR Part 3000).

A. The grantee certifies that it will or 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 ongoing drug-free awareness program to inform employees about--

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's 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 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 employer 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 ten 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 every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central

point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, 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 this grant:

Place(s) of Performance:

[ADDRESS]

Organization Name

Name and Title of Authorized Representative

Signature

Date

EXHIBIT C

**CERTIFICATION FOR CONTRACTS, GRANTS, LOANS,
AND COOPERATIVE AGREEMENTS**

This certification is required by the regulations implementing the New Restrictions on Lobbying, 44 CFR Part 18. The undersigned certifies, to the best of his or her knowledge and belief, that:

1. 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 an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other 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 contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Name and Title of Authorized Representative

Signature

Date

EXHIBIT D

DISASTER GRANT AGREEMENT ARTICLES

ARTICLE I. The United States of America, through the Administrator, Federal Emergency Management Agency (FEMA) (herein referred to as “the Grantor”) or his/her delegate, agrees to grant to the State Government, through its designated agency named on the first page of this Agreement (hereinafter referred to as “the Grantee”) funds in the amount specified on the obligating document, to support the Fire Management Assistance Grant Program authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 5187 (the Stafford Act), and activated in the FEMA-State Agreement for Fire Management Assistance Grants and applicable amendments. The Grantee agrees to abide by the grant terms and conditions as set forth in this document, to comply with all provisions of the State Administrative Plan, and all conditions contained in the FEMA-State Agreement.

ARTICLE II. This agreement takes effect at the time the FEMA-State Agreement is executed and remains in effect for the calendar year for all approved Fire Management Assistance Grants. Refer to obligating documents for funding information.

ARTICLE III. As stated in Exhibit B, paragraph 2, the Grantee agrees to comply with all applicable laws and regulations. In particular, the following laws, regulations, and OMB circulars govern standard grant management practices and are incorporated into this agreement by reference. Due to the nature of grant administration following the approval of a Fire Management Assistance Grant, some variance from standard practice may be warranted upon determination by FEMA.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sections 5121-5206 (the Stafford Act).

Title 44 of the Code of Federal Regulations (44 CFR)

44 CFR Part 13	Uniform administrative requirements for grants and cooperative agreements to state and local governments
44 CFR Part 17	Governmentwide Requirements for drug-free Workplace (grants)
44 CFR Part 18	New restrictions on lobbying
44 CFR Part 204	Disaster Assistance; Fire Management Assistance Grant Program
44 CFR Subchapter B	Insurance and Hazard Mitigation

- 44 CFR Subchapter C** Fire Prevention and Control
- 44 CFR Subchapter D** Disaster Assistance
- 44 CFR Part 7** Nondiscrimination in Federally Assisted Programs

Other Applicable Federal Regulations, Circulars and Forms

- 2 CFR Part 215** Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110)
- 2 CFR Part 220** Cost Principles for Educational Institutions (OMB Circular A-21)
- 2 CFR Part 225** Cost Principles for State and Local Governments (OMB Circular A-87)
- 2 CFR Part 230** Cost Principles for Nonprofit Organizations (OMB Circular A-122)
- 45 CFR Part 74** Appendix E, Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Hospitals.
- 48 CFR 31.2** Federal Acquisition Regulation, Contracts with Commercial Organizations.
- OMB Circular A-133** Audits of States, Local Governments, and Non-Profit Organizations
- 31 CFR 205.6** Funding techniques – Cash Management Improvement Act
- ASSURANCES** Submitted with the SF-424, Application for Federal Assistance

ARTICLE IV. The specific terms and conditions of this agreement are as follows:

1. No transfer of funds to agencies other than those identified in the approved grant agreement shall be made without prior approval by FEMA. Grantee shall be paid using the HHS Payment Management System (Smartlink),

provided Grantee maintains and complies with procedures for minimizing the time between transfer of funds from the U.S. Treasury and disbursement by the Grantee and Subgrantees. The Grantee commits itself to: 1) initiating cash drawdowns only when actually needed for its disbursement; 2) timely financial reporting using SF-425, Federal Financial Report; and imposing the same standards of timing and amount upon any secondary recipient.

2. Grantee shall follow the cost sharing requirements per 44 CFR, Part 204, Section 204.61.
3. The Grantee shall transfer to FEMA the appropriate share, based on the Federal support percentage, of any refund, rebate, credit, amount derived from legal action, or other amounts arising from the performance of this agreement, along with any accrued interest, if any. The Grantee shall take necessary action to effect prompt collection of all monies due or which may become due and to cooperate with FEMA in any claim or suit in connection with amounts due.
4. The Grantee is free to copyright any original work developed in the course of or under the agreement. FEMA reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Government purposes. Any publication resulting from work performed under this agreement shall include an acknowledgement of FEMA financial support and a statement that the publication does not necessarily reflect FEMA's views.
5. The Grantee shall submit final Federal Financial reports (SF-425) within 90 days of the performance period expiration date to report all administrative costs incurred within the performance period.
6. The grant shall be completed within the time period prescribed in FEMA regulations and on the obligating documents. Written requests for an extension will include information and documentation to support the amendment and a schedule for completion. No subsequent grant agreements, monetary increase amendments, or time extension amendments will be approved unless all overdue financial or performance reports have been submitted by the Grantee to the appropriate Regional Office.
7. The certifications signed by the State on the FEMA-State Agreement relating to maintenance of a Drug-free workplace (44 CFR Part 17) and New Restrictions on Lobbying (44 CFR Part 18) apply to this grant agreement and are incorporated by reference.

EXHIBIT E
AMENDMENT TO
FEMA-STATE AGREEMENT FOR THE FIRE MANAGEMENT
ASSISTANCE GRANT PROGRAM

This Exhibit amends the standing 2013 FEMA-State Agreement for the Fire Management Assistance Grant Program with __State__ under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5187, in accordance with 44 CFR § 204.25. The 2013 Agreement is dated _____.

On _____ (date), FEMA declared _____ (fire name and declaration number) _____, in the State of _____ (state) _____, and the following counties _____ (insert counties) _____, based on the threat posed by the fire during (incident period) _____.

(Include the following if the State does not have an approved SMP at the time of this Amendment)

Before the State's application will be approved and assistance provided, the State must have a FEMA approved State Mitigation Plan (SMP) in accordance with 44 CFR Part 201 and § 204.51(d). The State will submit formally its approvable SMP for FEMA review and approval within 30 days of the date of the Exhibit E Amendment to the FEMA State Agreement. If the State fails to do so, FEMA will deny the State's application for assistance under the declaration.

The State of _____ will adhere to the terms and conditions of the 2013 FEMA-State Agreement for this declared fire.

Agreed:

Governor/GAR

Regional Administrator

Date: _____

Date: _____