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# COOPERATIVE AGREEMENT MODIFICATION

Agreement/Appendix Title and Number: W912PQ-13-2-1002

Project Name/Description and Location: ARNG Environmental Programs Resources Management

Modification Number: P00006

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:

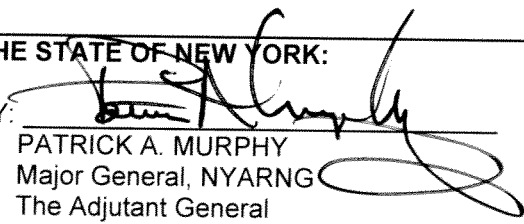
1. JUSTIFICATION: Request a Modification to reflect an increase in both the 75% Federal Share and the 25 % State Shares, to offset the increase in fringe benefit rates effective 01 April 2013. No additional AFP or Allotment was received from NGB or other entities. Funds to accommodate the 75% Federal shortfall were moved from the 100% Federal Share amount. MNFE confirmed with MNBF that State Funds are available to support the State shortfall.
2. The total Maximum Funding Limitation (MFL-Federal) for this Appendix W912PQ-13-2-1002 for FY 13 remains unchanged at \$1,225,000.00.
3. The total Estimated Cost (AFP-Federal) for this Appendix W912PQ-13-2-1002 for FY 13 remains unchanged at \$1,225,000.00.
4. The AFP and MFL-Federal of the 100% Federal Share has been decreased by \$15,000.00 from \$1,149,832.00 to \$1,134,832.00.
5. The AFP and MFL-Federal of the 75% Federal Share has been increased by \$15,000.00 from \$75,168.00 to \$90,168.00.
6. The (MFL-State) for this Appendix W912PQ-13-2-1002 for FY 13 is increased by \$4,200.00 from \$25,804.00 to \$30,004.00.
7. The Estimated Cost (AFP-State) for this Appendix W912PQ-13-2-1002 for FY 13 is increased by \$4,200.00 from \$25,804.00 to \$30,004.00.
8. In-Kind Assistance is unchanged at \$110,000.00.
9. Add the attached updated pages 7-8 to this Appendix for FY 13.
10. See attached memo from MNFE dated 17 October 2013.
11. As FY2013 budgets are approved by NGB, program managers will add funding to the Appendix by separate modification and are 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: 31 Jan 14

NATIONAL GUARD BUREAU:

BY:   
 LAWRENCE LASHLEY  
 Colonel, USA  
 USPFO for New York

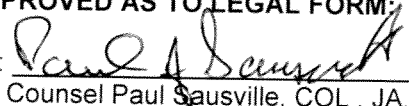
Date: 5 Feb 14

APPROVED AS TO LEGAL FORM:

BY:   
 Counsel Robert G. Conway, MNLA

Date: 15 Jan 2014

APPROVED AS TO LEGAL FORM:

BY:   
 Counsel Paul Sausville, COL, JA, NYARNG

Date: 16 JAN 14

## MEMORANDUM FOR MNPF, CW2 Davin

SUBJECT: Request to Modify Master Cooperative Funding Agreement (CFA), W912PQ-13-2-1002, Appendix 2 (Environmental)

1. Request that a modification be completed, for Appendix 2, to increase both the seventy-five percent federal share and the twenty-five percent state share. These amounts did not take into consideration the increase in fringe benefits rates effective 1 April 2013. No additional AFP or allotment was received from NGB or otherwise, the funds to accommodate the seventy-five percent shortfall were moved from the one hundred percent federal share amount. This office confirmed with MNBF, that the state funds were available to support the state shortfall.

Section 207. Funding Limitation is changed as follows:

a. Funding.

	(Allotment) Maximum Funding Limitation	(AFP) Estimated Cost
Federal Share (100%)	\$ 1,134,832.00	\$ 1,134,832.00
Federal Share (75%)	\$ 90,168.00	\$ 90,168.00
Federal Share (50%)	\$ .00	\$ .00
Federal Total	\$ 1,225,000.00	\$1,225,000.00
State Share (50%)	\$ .00	\$ .00
State Share (25%)	\$ 30,004.00	\$ 30,004.00
Program Income	\$ .00	\$ .00
State Total	\$ 30,004.00	\$ 30,004.00
Grand Total	\$ 1,255,004.00	\$ 1,255,004.00

b. In-Kind Assistance.

Within the federal share indicated above \$110,000.00 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. NGB-AEN approval is not necessary.

MNFE (37)

SUBJECT: Request to Modify Master Cooperative Funding Agreement (CFA),  
W912PQ-13-2-1002, Appendix 2 (Environmental)

2. The point of contact for this matter is Lisa Bogardus, who may be reached at extension 4980.

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PAUL R. CONTE  
LTC, FA, NYARNG  
CFMO-NY

CF:  
MNFE-EC  
MNBF

(c) Generally, environmental resource support shall be provided funds for authorized facilities as coded in the FISP. However, some environmental services and projects are not facility-related but mission-related, and as such, will be supported with 100 percent federal funding.

(2) The percentage share (e.g., 100%, 75%, 50%) of federal reimbursement shall be broken out in Section 209, Funding Limitations.

f. Budget Changes.

(1) The CA PM must submit a written request to NGB-ARE to decrease or increase funds in the budget. The request shall include an updated budget reconciliation report as an enclosure. The request and approval shall not be binding, nor can any expenditure of funds be approved, unless a CA modification to this appendix has been executed.

(2) Budget changes will be reflected in the periodic reports required by NGB-ARO-FP.

**Section 208. Appendix Administration.**

a. Real Property, Construction, Repair, and Maintenance:

(1) For environmental requirements involving real property, construction, repair, and maintenance, the CFMO is responsible for work classification, technical adequacy, and compliance with criteria associated with all ARNG real property activities within the state, regardless of the federal program-funding source.

b. Contract Provisions:

(1) Grantees will include a requirement for contractors to conform with ARNG eMS policy, regarding: complying with applicable environmental regulations, preventing pollution, and implementing actions that minimize environmental impacts from those aspects found to have potentially significant impacts. In meeting this requirement, Grantees should brief appropriate contractors on their eMS requirements prior to initiation of contracted work.

(2) Grantees will include all provisions of Article VIII, of the Master Cooperative Agreement in contracts.

(3) Changes to the terms and or conditions of this Appendix will be processed IAW NGR 5-1, Chapter 3.

**Section 209. 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 NGB 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 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. The following funding limitations are provided for each fiscal year as it occurs:

1. Fiscal Year 2010:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ 1,014,000.00	\$ 1,014,000.00
Federal Share (75%)	\$ 84,500.00	\$ 84,500.00
Federal Share (50%)	\$ 0.00	\$ 0.00
Federal Total	\$ 1,098,500.00	\$ 1,098,500.00
Accomplished as In-Kind Assistance	\$312,441	

August 2009

Grantee Share (50%)	\$ 0.00	\$ 0.00
Grantee Share (25%)	\$ 28,167.00	\$ 28,167.00
Grantee Total	\$ 28,167.00	\$ 28,167.00

2. Fiscal Year 2011:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ 1,065,124.00	\$ 1,065,124.00
Federal Share (75%)	\$ 85,176.00	\$ 85,176.00
Federal Share (50%)	\$ 0.00	\$ 0.00
Federal Total	\$ 1,150,300.00	\$ 1,150,300.00
Accomplished as In-Kind Assistance \$495,500.00		
Grantee Share (50%)	\$ 0.00	\$ 0.00
Grantee Share (25%)	\$ 28,392.00	\$ 28,392.00
Grantee Total	\$ 28,392.00	\$ 28,392.00

3. Fiscal Year 2012:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ 913,409.00	\$ 913,409.00
Federal Share (75%)	\$ 77,411.00	\$ 77,411.00
Federal Share (50%)	\$ 0.00	\$ 0.00
Federal Total	\$ 990,820.00	\$ 990,820.00
Accomplished as In-Kind Assistance \$304,400.00		
Grantee Share (50%)	\$ 0.00	\$ 0.00
Grantee Share (25%)	\$ 25,804.00	\$ 25,804.00
Grantee Total	\$ 25,804.00	\$ 25,804.00

4. Fiscal Year 2013:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ 1,134,832.00	\$ 1,134,832.00
Federal Share (75%)	\$ 90,168.00	\$ 90,168.00
Federal Share (50%)	\$ 0.00	\$ 0.00
Federal Total	\$ 1,225,000.00	\$ 1,225,000.00
Accomplished as In-Kind Assistance \$110,000.00		
Grantee Share (50%)	\$ 0.00	\$ 0.00
Grantee Share (25%)	\$ 30,004.00	\$ 30,004.00
Grantee Total	\$ 30,004.00	\$ 30,004.00

5. Fiscal Year \_\_\_\_\_:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ _____	\$ _____
Federal Share (75%)	\$ _____	\$ _____
Federal Share (50%)	\$ _____	\$ _____
Federal Total	\$ _____	\$ _____
Accomplished as In-Kind Assistance \$ _____		
Grantee Share (50%)	\$ _____	\$ _____
Grantee Share (25%)	\$ _____	\$ _____
Grantee Total	\$ _____	\$ _____