

**COOPERATIVE AGREEMENT MODIFICATION**

Agreement/Appendix Title and Number: **W912PQ-18-2-1021**

Project Name/Description and Location: **ANG Facilities Operations and Maintenance Activities**

Modification Number: **P0001**

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: OPEN FY 18 APP 1021

Action	Funding Source	From	Change	To
FED	Allotment 100%	\$ -	\$ -	\$ -
	Allotment 75%	\$ -	\$ -	\$ -
	SRM 75%	\$ -	\$ -	\$ -
	<b>Total Federal MFL (Allotment)</b>	\$ -	\$ -	\$ -
IKA	Federal IKA 107th Allotment - 914th Utilities	\$ -	\$ -	\$ -
FED	AFP	\$ -	\$ 7,641,783.00	\$ 7,641,783.00
IKA	Federal IKA AFP - 914th Utilities		\$ 120,000.00	\$ 120,000.00
STATE	Allotment 25%	\$ -	\$ -	\$ -
	SRM 25%	\$ -	\$ -	\$ -
	<b>Total State MFL (Allotment)</b>	\$ -	\$ -	\$ -
IKA	State IKA 107th Allotment - 914th Utilities 25%	\$ -	\$ -	\$ -
STATE	AFP	\$ -	\$ 2,547,261.00	\$ 2,547,261.00
IKA	State IKA IKA AFP - 914th Utilities 25%	\$ -	\$ 40,000.00	\$ 40,000.00

**DESCRIPTION OF MODIFICATION:**

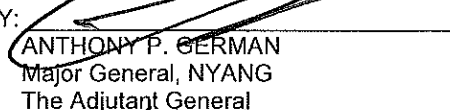
1. JUSTIFICATION: OPEN W912PQ-18-2-1021, Appendix 1021, ANG Facilities Operations and Maintenance Activities for Fiscal Year 2018.
2. SUMMARY: Appendix W912PQ-17-2-1021 is hereby extended for Fiscal Year 2018. The effective date is 01October 2017 and the termination date is 30September 2018. Appendix W912PQ-17-2-1021 is changed to read W912PQ-18-2-1021 for FY2018.
3. ACTION: TAG signature and review of the ANG Facilities Operations and Maintenance Activities Appendix 1021, MOD 1. Return signed modification to MNPF-EA, Room 207, Cooperative Agreements, x4775/4709.
4. This Appendix is subject to the availability of funds.
5. Replace pages 8-9 of Appendix 1021, FY 18 with updated attachment.
6. As FY2018 budgets are approved by NGB, program managers will add funding to the Appendix by separate modification.

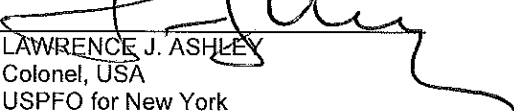
**EXECUTION**

Except as provided herein, all items 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:

NATIONAL GUARD BUREAU:

BY:   
 ANTHONY P. GERMAN  
 Major General, NYANG  
 The Adjutant General

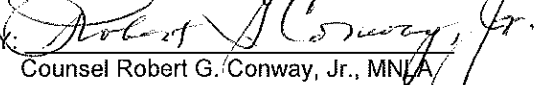
BY:   
 LAWRENCE J. ASHLEY  
 Colonel, USA  
 USPFO for New York

Date: 9/20/17

Date: 26 Sept 17

APPROVED AS TO LEGAL FORM:

APPROVED AS TO LEGAL FORM:

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

BY:   
 Counsel Sean D. O'Brien, LTC, JA, NYARNG

Date: 8 Sept 2017

Date: 8 Sept 2017

MODIFICATION REQUIREMENTS FOR  
 AIR GUARD FY-18  
 AIR BASE FOMA AGREEMENT  
 CONTRACT NUMBER W912PQ-18-2-1021

AS OF: 9/5/2017

MOD # 1

LOCATION	FUNDING CATEGORIES	VALIDATED FUNDING (AFP)	CURRENT ALLOCATION (ALLOTMENT)	CHANGE +/-	REVISED ALLOCATION (ALLOTMENT)
GABRESKI FEDERAL	<i>CAPPED SALARY 100%</i>				
	VALIDATED - SALARY 100%			0.00	
	FRINGE BENEFIT 100%			0.00	
	CPP 100%			0.00	
	<i>CAPPED SALARY 75% FO</i>				
	VALIDATED - SALARY 75% FO			0.00	
	FRINGE BENEFIT 75% FO			0.00	
	OTHER THAN PS 75% FO			0.00	
	<i>CAPPED SALARY 75% SRM</i>				
	VALIDATED - SALARY 75% SRM			0.00	
	FRINGE BENEFIT 75% SRM			0.00	
	OTHER THAN PS 75% SRM			0.00	
	<b>TOTAL FEDERAL</b>		<b>\$ 1,712,931.00</b>	<b>\$ -</b>	<b>0.00</b>
	IKA				
STATE	<i>CAPPED SALARY 75% FO</i>	\$ -			
	VALIDATED - SALARY 25% FO	\$ -	\$ -	0.00	\$ -
	FRINGE BENEFIT 25% FO	\$ -	\$ -	0.00	\$ -
	OTHER THAN PS 25% FO	\$ -	\$ -	0.00	\$ -
	<i>CAPPED SALARY 75% SRM</i>	\$ -			
	VALIDATED - SALARY 25% SRM	\$ -	\$ -	0.00	\$ -
	FRINGE BENEFIT 25% SRM	\$ -	\$ -	0.00	\$ -
	OTHER THAN PS 25% SRM	\$ -	\$ -	0.00	\$ -
	<b>TOTAL STATE</b>	<b>\$ 570,977.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>\$ -</b>
		IKA		\$ -	
<b>106TH AFP</b>					
NIAGARA FEDERAL	<i>CAPPED SALARY 100%</i>				
	VALIDATED - SALARY 100%			0.00	
	FRINGE BENEFIT 100%			0.00	
	CPP 100%			0.00	
	<i>CAPPED SALARY 75% FO</i>				
	VALIDATED - SALARY 75% FO			0.00	
	FRINGE BENEFIT 75% FO			0.00	
	OTHER THAN PS 75% FO			0.00	
	<i>CAPPED SALARY 75% SRM</i>				
	VALIDATED - SALARY 75% SRM			0.00	
	FRINGE BENEFIT 75% SRM			0.00	
	OTHER THAN PS 75% SRM			0.00	
	<b>TOTAL FEDERAL</b>		<b>\$ 796,203.00</b>	<b>\$ -</b>	<b>0.00</b>
	IKA	\$ 120,000.00		0.00	
STATE	<i>CAPPED SALARY 75% FO</i>	\$ -			
	VALIDATED - SALARY 25% FO	\$ -	\$ -	0.00	\$ -
	FRINGE BENEFIT 25% FO	\$ -	\$ -	0.00	\$ -
	OTHER THAN PS 25% FO	\$ -	\$ -	0.00	\$ -
	<i>CAPPED SALARY 75% SRM</i>	\$ -			
	VALIDATED - SALARY 25% SRM	\$ -	\$ -	0.00	\$ -
	FRINGE BENEFIT 25% SRM	\$ -	\$ -	0.00	\$ -
	OTHER THAN PS 25% SRM	\$ -	\$ -	0.00	\$ -
	<b>TOTAL STATE</b>	<b>\$ 265,401.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>\$ -</b>
		IKA	\$ 40,000.00		0.00

107TH AFP						
HANCOCK FEDERAL	<b>CAPPED SALARY 100%</b>					
	VALIDATED - SALARY 100%			0.00		
	FRINGE BENEFIT 100%			0.00		
	CPP 100%			0.00		
	<b>CAPPED SALARY 75% FO</b>					
	VALIDATED - SALARY 75% FO			0.00		
	FRINGE BENEFIT 75% FO			0.00		
	OTHER THAN PS 75% FO			0.00		
	<b>CAPPED SALARY 75% SRM</b>					
	VALIDATED - SALARY 75% SRM			0.00		
	FRINGE BENEFIT 75% SRM			0.00		
	OTHER THAN PS 75% SRM			0.00		
	<b>TOTAL FEDERAL</b>		\$ 1,592,207.00	\$ -	0.00	\$ -
		IKA				
STATE	<b>CAPPED SALARY 75% FO</b>	\$ -				
	VALIDATED - SALARY 25% FO	\$ -	\$ -	0.00	\$ -	
	FRINGE BENEFIT 25% FO	\$ -	\$ -	0.00	\$ -	
	OTHER THAN PS 25% FO	\$ -	\$ -	0.00	\$ -	
	<b>CAPPED SALARY 75% SRM</b>	\$ -				
	VALIDATED - SALARY 25% SRM	\$ -	\$ -	0.00	\$ -	
	FRINGE BENEFIT 25% SRM	\$ -	\$ -	0.00	\$ -	
	OTHER THAN PS 25% SRM	\$ -	\$ -	0.00	\$ -	
	<b>TOTAL STATE</b>	\$ 530,735.67	\$ -	0.00	\$ -	
		IKA		\$ -		
	174TH AFP					
STRATTON FEDERAL	<b>CAPPED SALARY 100%</b>			0.00		
	VALIDATED - SALARY 100%			0.00		
	FRINGE BENEFIT 100%			0.00		
	CPP 100%			0.00		
	<b>CAPPED SALARY 75% FO</b>					
	VALIDATED - SALARY 75% FO			0.00		
	FRINGE BENEFIT 75% FO			0.00		
	OTHER THAN PS 75% FO			0.00		
	<b>CAPPED SALARY 75% SRM</b>					
	VALIDATED - SALARY 75% SRM			0.00		
	FRINGE BENEFIT 75% SRM			0.00		
	OTHER THAN PS 75% SRM			0.00		
	<b>TOTAL FEDERAL</b>		\$ 1,329,488.00	\$ -	0.00	\$ -
		IKA			0.00	
STATE	<b>CAPPED SALARY 75% FO</b>	\$ -				
	VALIDATED - SALARY 25% FO	\$ -	\$ -	0.00	\$ -	
	FRINGE BENEFIT 25% FO	\$ -	\$ -	0.00	\$ -	
	OTHER THAN PS 25% FO	\$ -	\$ -	0.00	\$ -	
	<b>CAPPED SALARY 75% SRM</b>	\$ -				
	VALIDATED - SALARY 25% SRM	\$ -	\$ -	0.00	\$ -	
	FRINGE BENEFIT 25% SRM	\$ -	\$ -	0.00	\$ -	
	OTHER THAN PS 25% SRM	\$ -	\$ -	0.00	\$ -	
	<b>TOTAL STATE</b>	\$ 443,162.67	\$ -	0.00	\$ -	
		IKA		\$ -		
	109TH AFP					
STEWART FEDERAL	<b>CAPPED SALARY 100%</b>			0.00		
	VALIDATED - SALARY 100%			0.00		
	FRINGE BENEFIT 100%			0.00		
	CPP 100%			0.00		
	<b>CAPPED SALARY 75% FO</b>					
	VALIDATED - SALARY 75% FO			0.00		
	FRINGE BENEFIT 75% FO			0.00		
OTHER THAN PS 75% FO			0.00			

	<b>CAPPED SALARY 75% SRM</b>				
	VALIDATED - SALARY 75% SRM			0.00	
	FRINGE BENEFIT 75% SRM			0.00	
	OTHER THAN PS 75% SRM			0.00	
	<b>TOTAL FEDERAL</b>	<b>\$ 2,210,954.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>\$ -</b>
	IKA			0.00	
<b>STATE</b>	<b>CAPPED SALARY 75% FO</b>	\$ -			
	VALIDATED - SALARY 25% FO	\$ -	\$ -	0.00	\$ -
	FRINGE BENEFIT 25% FO	\$ -	\$ -	0.00	\$ -
	OTHER THAN PS 25% FO	\$ -	\$ -	0.00	\$ -
	<b>CAPPED SALARY 75% SRM</b>	\$ -			
	VALIDATED - SALARY 25% SRM	\$ -	\$ -	0.00	\$ -
	FRINGE BENEFIT 25% SRM	\$ -	\$ -	0.00	\$ -
	OTHER THAN PS 25% SRM	\$ -	\$ -	0.00	\$ -
	<b>TOTAL STATE</b>	<b>\$ 736,984.67</b>	<b>\$ -</b>	<b>0.00</b>	<b>\$ -</b>
	IKA		\$ -		
<b>105TH AFP</b>					
<b>GRAND TOTAL</b>	<b>CAPPED SALARY 100%</b>	\$ -			
<b>(ALL BASES)</b>	VALIDATED - SALARY 100%	\$ -		0.00	\$ -
<b>FEDERAL</b>	FRINGE BENEFIT 100%	\$ -	\$ -	0.00	\$ -
	CPP 100%	\$ -	\$ -	0.00	\$ -
	<b>CAPPED SALARY 75% FO</b>	\$ -			
	VALIDATED - SALARY 75% FO	\$ -	\$ -	0.00	\$ -
	FRINGE BENEFIT 75% FO	\$ -	\$ -	0.00	\$ -
	OTHER THAN PS 75% FO	\$ -	\$ -	0.00	\$ -
	<b>CAPPED SALARY 75% SRM</b>	\$ -			
	VALIDATED - SALARY 75% SRM	\$ -	\$ -	0.00	\$ -
	FRINGE BENEFIT 75% SRM	\$ -	\$ -	0.00	\$ -
	OTHER THAN PS 75% SRM	\$ -	\$ -	0.00	\$ -
	<b>TOTAL FEDERAL</b>	<b>\$ 7,641,783.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>\$ -</b>
	<b>TOTAL FEDERAL PROGRAM IKA</b>	<b>\$ 120,000.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>\$ -</b>
<b>STATE</b>	<b>CAPPED SALARY 75% FO</b>	\$ -			
	VALIDATED - SALARY 25% FO	\$ -	\$ -	0.00	\$ -
	FRINGE BENEFIT 25% FO	\$ -	\$ -	0.00	\$ -
	OTHER THAN PS 25% FO	\$ -	\$ -	0.00	\$ -
	<b>CAPPED SALARY 75% SRM</b>	\$ -			
	VALIDATED - SALARY 25% SRM	\$ -	\$ -	0.00	\$ -
	FRINGE BENEFIT 25% SRM	\$ -	\$ -	0.00	\$ -
	OTHER THAN PS 25% SRM	\$ -	\$ -	0.00	\$ -
	<b>TOTAL STATE</b>	<b>\$ 2,547,261.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>\$ -</b>
	<b>TOTAL STATE PROGRAM IKA</b>	<b>\$ 40,000.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>\$ -</b>
	<b>PROGRAM TOTAL</b>			<b>0.00</b>	
<b>FED AFP TOTAL</b>	<b>\$ 7,641,783.00</b>			<b>0.00</b>	
<b>STATE AFP TOTAL</b>	<b>\$ 2,547,261.00</b>				

## APPENDIX 21 ANG FACILITIES OPERATIONS AND MAINTENANCE ACTIVITIES

### Section 2101. General.

a. This Appendix to the Master Cooperative Agreement (MCA) prescribes the terms, conditions, policies and administrative procedures related to the National Guard Bureau's (NGB) federal contribution for Facilities Operation and Maintenance Activities (FOMA) of the Air National Guard (ANG) within a State.

b. Statement of Facts.

(1) The authorities and provisions set forth in NGR 5-1 are incorporated into this Appendix by reference.

(2) The FOMA Appendix provides Federal support to the State Military Department for operation and maintenance (Non-Repair) of authorized facilities, leases, real property operations, day to day real property maintenance and/or preventive maintenance costs for buildings and systems listed in the USAF Real Property Inventory Detail List (RP-RCS-SAF-MIL (A) 7115) for each installation under tenant code "54" (ANG), per Air Force Handbook 32-9007.

(3) Facilities not identified on the Real Property Inventory Detail List requiring federal support must be approved by NGB/A7AR or be a part of an approved Airport Use Agreement, Support Agreement or an Airport Joint Use Agreement (AJUA). NGB/A7AR approval will be included as an attachment to this Appendix. Attendant site facilities include, but are not limited to roads, sidewalks, railroads, grounds, airfields, storage areas, fencing, liquid fuel storage and dispensing systems, utility plants and systems for water, storm drainage, sanitary sewage, electricity, communications charges (for administration of this Appendix only), gas, steam, heating, refrigeration, and air conditioning, where authorized.

(4) Federal support may require Grantee matching funds. Specific funding ratios are dependent upon the determination of Unit Missions and can be found on the NGB/A7RP Website. This file (CE Cooperative Agreement Funding Levels) will be updated as policy changes occur and will be the primary source for determining funding ratios for the FOMA program. Otherwise, the requirement for Grantee matching funds is based on unit mission(s) as provided below or upon specific notification from NGB/A7RP.

(5) The Federal government will contribute 100% of allowable costs for operating and maintaining Regional Simulator Facilities, Regional Training Centers (CRTCs) (excluding units collocated with a CRTc), Ranges, Weather Schools, Foreign and Regional Training Sites, Regional Equipment Operator's Training Schools (REOTS), Technical Education Center (TEC) and allowable costs described as Base Operating Support (BOS), on specific installations, as identified by NGB/A7RP.

(a) Grantee matching funds representing a minimum 15% of allowable FOMA costs are required for ANG Installations designated as Air Education and Training Command (AETC) supported (gained) unless identified above.

(b) Grantee matching funds representing a minimum 20% of allowable FOMA costs are required for ANG Installations designated as permanent active home station fighter alert units (A) and Space Command at Greeley, Colorado.

(c) Grantee matching funds representing a minimum 25% of allowable FOMA costs are required for all other unit/missions.

(6) NGB/A7RP requires that a copy of Appendix 21 (CA) when: (1) the initial agreement or modification to the initial agreement during each fiscal year, (2) a modification to the initial funding, (3) any reduction of Federal funding, (4) Appendix close-out.

### Section 2102. Additional Definitions. (Reserved)

**Section 2103. Office of Primary Responsibility.**

a. The Office of Primary Responsibility for this Appendix is the Civil Engineer (NGB/A7), National Guard Bureau, Air National Guard Readiness Center, 3501 Fetchet Avenue, Andrews AFB, MD 20762.

b. The Civil Engineer, for the purposes of this Appendix, is the NGB individual authorized final approval of all Facility Operations and Maintenance Activities, financial plans and modifications, and the language of this Appendix. NGB/A7 is authorized to distribute and recall any/all Facility Operations and Maintenance funds to the United State Property and Fiscal Officer (USPFO), and to take any other action on behalf of NGB or the Chief, NGB, as specifically reserved under this Appendix. Within the Mission and Installations Support Directorate, the Chief, Resource Division (NGB/A7R) acts for the Mission and Installations Support Director in the day-to-day administration of Appendix 21.

**Section 2104. Scope of Agreement.**

a. Scope of Services.

(1) The Grantee shall furnish services incidental to the operation, sustainment, restoration, and modernization of those facilities authorized federal support and listed on the current (RP-RCS-SAF-MIL (A) 7115). Facilities may include Runway Supervisory Units (RSU), pads and appurtenances, runway distance markers and navigational aids (when not maintained by an Airport Authority), or other ANG funded and required facilities not identified in the 7115 report, however, approved by NGB/A7A. Facilities identified as part of an approved AJUA will be maintained and funded through the appropriate AJUA.

(2) The Grantee may contract for these services provided that all required and appropriate paragraphs and clauses prescribed in Article VIII of the MCA are included in the contracts and that the performance specifications listed below are met.

b. Performance Specifications.

(1) The Grantee shall have sufficient funds available to meet the non-federal share of the cost for operation maintenance and or preventive maintenance.

(2) The Grantee shall operate and maintain all facilities according to minimum standards required by applicable federal, state, and local agencies for the maintenance and operation of such facilities.

**Section 2105. Authorized Activities/Charges.**

a. Personnel.

(1) Payments for salaries, to include approved overtime, and allowable benefits in accordance with State personnel policy for the payment of salary and benefits of like State government positions within the same geographic area. Salary costs over the Federal Cap (WG or GS) based on the Manpower Authorization Letters will be borne by the Grantee. Manning authorization does not equate to funding, growth must be preapproved in writing by NGB/A7RP. If a State has a pay raise, pay cap, pay freeze or hiring freeze, or employee furloughs for like positions throughout the State, then employees under this Appendix will have corresponding limitations. When there is no like State government position available, salaries and benefits will be equivalent to a comparable Federal Civil Service grade and series position in the geographic area.

(2) Merit and Incentive awards based on performance that exceeds standards and contributes to improvements in organizational productivity, customer service, or accomplishment of organizational goals. Awards should be consistent and available with other similar State government positions. Must be approved, in writing, in advance by NGB/A7RP

(3) Costs for training tuition, registration, travel and per diem for personnel employed under this agreement when the training courses, seminars, or workshops are required for the employee's position. Fees for training of FOMA employees are authorized when associated with new requirements or periodic certification, examinations, or licenses that are required by state or federal agencies when operating or maintaining a real property facility.

(4) Travel expenses for personnel performing real property operations and maintenance activities at a location other than that assigned, are allowable to the extent they are payable and at a rate consistent with state regulations.

(5) Costs for OSHA physicals and Personal Protective Equipment (PPE) only when required for the state FOMA staff.

b. Operations and Maintenance.

(1) Costs for normal day to day maintenance and preventive maintenance of the physical plant, which includes but is not limited to buildings, structures, and storage areas, improved or semi improved grounds, storm drains, insect and rodent control, snow removal/pavement clearance, grass and weed cutting, utility and sewage systems, gas, steam, heating, refrigeration, air conditioning ventilation, and liquid fuel storage and dispensing facilities.

(2) Utilities costs for water, electricity, gas, sewage, and other purchased utility services.

(3) Preventive maintenance costs of Real Property Installed Equipment (RPIE).

(4) Operation, maintenance and preventive maintenance costs for structural fire protection, fire alarm systems and fire suppression systems when required for Real Property Installed Equipment, in accordance with ANG Engineering Technical Letter (ETL) 08-2, Use of Appendix 21 (FOMA) Funds to Support Organizational Equipment.

(5) Costs of custodial services, refuse collection, recycling, and disposal.

(6) Cost of supplies for day to day maintenance of buildings and grounds, that include equipment and subcontracts of authorized infrastructure are allowable. Verification of the proper federal account should be emphasized to ensure non-FOMA funds are used for those items funded under other federal programs such as local 100% S/R&M or Base O&M. Actual FOMA supplies will be located within the Base Civil Engineer (BCE) work area.

(7) Cost of housekeeping and operational supplies, utilities, services and subcontracts for those items necessary to provide essential FOMA support of authorized facilities are allowable. If these supplies and/or services are shared by activities outside FOMA support guidelines, the Grantee may charge only the appropriate proportional amount to FOMA.

(a) Housekeeping supplies are those used in the cleaning of the physical plant (e.g., mops, brooms, floor sweepers, cleansers, brushes, window cleaner) as defined in the current ETL.

(b) Operational supplies are those items used or consumed in support of the execution of the FOMA Appendix. Verification of the proper federal account should be emphasized to ensure non-FO funds are used for those items funded under the federal S/R&M program of this FOMA agreement.

(8) Costs for technical engineering, non-personal services for the preparation of studies, specialized phases of design, drafting, land surveying, construction inspections, etc., when the Computer Aided Design (CAD) position is vacant.

(9) Costs for currently approved NGB/A7 negotiated AJUA.

(10) Commercial communications costs, including toll charges and wireless communication charges are authorized, when in direct support of the FOMA appendix, within the limitations of Federal Communications regulations.

c. Equipment and Tools.

(1) Costs for Non LGT vehicles, equipment and/or tools that exceed a line-item cost of \$5,000 must be approved, in writing, in advance of purchase or lease, by NGB/A7RP. Must also be for the sole purpose of this appendix.

(2) Rental of equipment or tools is authorized when it is determined the most cost effective method and is necessary to perform authorized services. Rental periods exceeding 150 days must be approved, in writing, in advance of the rental, by NGB/A7RP. Rental of equipment or tools listed under the Unit's Allowance Standards or local LGT are to be funded from those sources and not through the FOMA program. The Grantee is fully responsible for costs not approved by NGB/A7RP.

(3) Reimbursement for costs of maintenance and or repairs to Grantee owned equipment, tools, and vehicles used solely in support of the FOMA Appendix that were approved, in writing, in advance, by NGB/A7RP may be charged to FOMA, provided the costs do not exceed 50% of the current value—one-time cost, not life cycle of equipment.

d. Support

(1) Support costs for certain Morale Welfare Recreation (MWR) or other revenue generating activities may be provided to the activity without reimbursement when authorized under the provisions of AFI 32-1061, paragraph 3-4, AFI 65-106, chapter 2, AFI 32-9003 chapter 6, and AR 60-10/AFJI 34-211, paragraph 1-4. Such support will be provided using the applicable determination of direct and indirect costs and in the ratio prescribed in the instructions cited.

(2) Centralized Personnel Plan (CPP), not to exceed 3% of overall appendix. Approved and signed CPP must accompany FinPlan submittal.

**Section 2106. Unauthorized Activities/Charges.**

FOMA funding will not be used to support the following:

(1) Bowling alleys, camping areas, golf course and/or pro shop, VIP quarter, Package (Class VI) stores, family housing/living quarters, museums, store front recruiting offices, utilities and interior renovations for AAFES facilities, revenue producing facilities such as Officers' Club or Open Mess, NCO Club, Services Club, credit union, bank, child care facilities, non-ANG licensed facilities, and recreational vehicle parking areas.

(2) Organizational furniture items, including but not limited to, modular furniture, window dressings (shades, curtains, etc.), plants, etc.

(3) Costs for vehicles or equipment purchased through NGB/A4 or listed in an NGB Allowance Standard (AS) and not originally purchased with FOMA funds without approval from NGB/A7RP.

(4) Costs associated with procurement and/or maintenance of utility poles or other related communication facilities.

(5) Costs for the purchase, repair, operation, and maintenance of copy machines or inventory control equipment.

(6) Costs for the purchase of computer or like equipment.

(7) Communication costs for items used for traditional Guardsmen requirements.

(8) Costs associated with the purchase of any item listed in an applicable Allowance Standard or not classified or listed as Real Property Installed Equipment.

(9) Costs associated with training for the purpose of employment qualification.

(10) Funding to support a lodging operation at locations other than TEC and CRTCs. If lodging is approved as the most cost effective measure in lieu of contract quarters, all costs associated with the lodging operation (utilities, lodging personnel, repair and maintenance of the facility, housekeeping supplies, soap, towels, linen, etc.) must be funded from the contract quarters program. These funds may be transferred to FOMA for execution. The funding ratio for approved lodging costs is 100% federal funds.

(11) Costs for the purchase or rental of uniforms for employees. This would include any personalized type clothing or non-PPE.

(12) Costs of courses for professional training, whether accredited or non-accredited, not specifically required for the performance of duties of an approved position covered under this agreement.

(13) Reimbursement of monthly or one-time worker's compensation payouts (claims); additional post-retirement costs, such as additional costs associated with any reimbursement to the state for any post-employment payments to former employees to include health insurance; early retirement incentives, such as bonuses or payouts; post-retirement payment of vacation or annual leave, is not authorized.

(14) Reimbursement of costs incurred by, or associated with, the process of collective bargaining between the State and its employees covered by a Bargaining Unit for the purposes of negotiating matters involving



employment issues, such as general working or safety conditions on the job, job qualifications and the like, is not authorized.

(15) Reimbursement of costs associated with arbitration services, professional or otherwise, in the negotiation and settlement of a grievance or other formal complaint filed by an employee or a group of employees, is not authorized. These are matters between the State and the employee(s), and such costs shall be borne by the Grantee.

(16) If Federal funding through the Appendix is unavailable the CPP shall become a Wing bill.

(17) Any maintenance or repairs of pavements, ramps or walkways.

#### **Section 2107. Financial Plan Requirements.**

##### **a. Annual Financial Plan Submission.**

(1) A FOMA Financial Plan (FinPlan) shall be submitted each fiscal year to the local ANG Base Finance Office within each State with a courtesy copy provided to NGB/A7RP. The FinPlan shall indicate anticipated expense amounts, by line item, and shall be based on the maximum Grantee share amount available during the year for which funding is requested. FinPlan submissions are due to NGB/A7RP within the timeframe indicated in the budget call documents, and local Finance Office timetables for submission of Installation and GSU location FinPlan.

(2) The annual FinPlan shall be approved before execution of this Appendix. The total amount of the approved FinPlan shall be the maximum amount NGB/A7 is obligated to reimburse the Grantee for the cost of performance of this Appendix.

(3) NGB/A7, at its discretion, may unilaterally increase or decrease the FinPlan totals to include increasing the budget line items that do not involve a Grantee match requirement, increasing line items and waiving the Grantee match requirements on a case-by-case basis. Increases may also occur based upon assurances of the availability of state matching funds.

b. Element of Expense/Investment Codes (EEIC): The EEICs listed in the NGB/A7 approved FinPlan are the only EEICs authorized for use. Additional guidance on the proper use of financial data will be provided as part of the annual fiscal year Financial Guidance issued through NGB/FM.

##### **c. Financial Plan Changes.**

(1) Financial Plan changes to increase federal funding, when funded locally, do not need to be forwarded to NGB/A7RP.

(2) Requests for Financial Plan changes, increases or decreases, require NGB/A7RP approval and must be submitted, via email, as scanned documents. The request shall not be binding unless it is so approved. The request and approval shall not be binding unless a CA modification to this appendix has been executed.

(3) Requests for changes to this Appendix to incorporate initial fiscal year funding shall be sent to NGB/A7RP for review and approval. The request will reflect the unit spending plan based on the amount of approved federal funding, as provided in the approved FinPlan, and the availability of state matching funds.

(4) Per NGR 5-1 an approved and signed initial FY CA modification document should be sent to NGB/A7RP. This should be forwarded upon completion and the modification with initial funding is to be forwarded within 45 days of issuance.

(5) Fiscal year close out requests shall be forwarded to NGB/A7RP for review and approval. Requests will list a summary of all changes and or executed CA modifications processed during the fiscal year that affected this Appendix but did not require NGB/A7RP approval. This list shall contain, at a minimum, the modification number, date of modification, and a synopsis of the processed change. If no modifications were made to this Appendix, other than initial and close out, indicate no other action taken during the fiscal year.

d. FOMA Funding.

(1) Federal funding provided under this Appendix is requirements based and issued within the constraints and limitations of the federal budget. Funding will be provided for authorized personnel positions listed on the manpower authorization document. Manning authorization does not equate to funding, growth must be preapproved in writing by NGB/A7RP. Federal funding for salaries will not exceed the amount listed on the approved budget for personnel.

(2) Funding will be provided to support only those activities designated in Section 2105. The FOMA may be funded through a combination of Facility Operations (FO) Program funds, Sustainment, Restoration, and Modernization (S/R&M) Program funds and local Base Operation and Maintenance (O&M) funds as approved by the local Financial Management Board (FMB). Funds transferred to the Appendix from local FO, S/R&M or O&M programs can only be used for authorized activities/charges listed in Section 2105. The transfer of funds into the FOMA from other funding programs or the State Military Department, does not require NGB/A7RP approval, but does require a funding modification to the Appendix. Funding the FOMA with other program funds does not guarantee that future year FOMA budgets will be increased accordingly and may require continued from other local funding programs.

(3) Funding may not be transferred from the FOMA program without the prior written approval of NGB/A7RP. Restrictions assigned to FOMA activities apply to the transferred funding and may be used to accomplish the activities authorized under the terms and conditions of the appendix. When local S/R&M or Base O&M funds are transferred to the FOMA Appendix, the state is required to provide matching funds. The transfer of funds to the FOMA program does not change the original Approved Budget/AFP Limitation. Transfers require a funding modification to the FOMA appendix.

(4) Funding for the FOMA Agreement must be obligated within 45 days of receipt. NGB/A7RP, at its discretion, may unilaterally withdraw funding if not coded correctly (by PEC, RC/CC & EEIC) and or obligated after the 45 days. All excess and unmatched funding must be returned at the earliest convenience but preferably before Aug 15, per NGB/FM Financial Guidance.

(5) Funding during a Continuing Resolution (CR) will be at the sole discretion of NGB/FM. The percentage of authorization is established by NGB/FM, in accordance with OMB guidance. NGB/A7RP will not conduct any FM Checkbook or funding actions until actual funding has been released by NGB/FM.

**Section 2108. Appendix Administration.**

a. Personnel/Supervision.

(1) All SMD or state contracted personnel will be located within the Base Civil Engineer (BCE) work area and will receive technical direction (direct management of for priorities, time and funding accountability) from the BCE or the BCE's designated representative. The BCE may elect to assign personnel under this Appendix to a Geographically Separated Unit (GSU) for which they are responsible.

(2) FOMA manpower authorizations will be determined by NGB/A7RP and issued, at a minimum, every four years based on the 7115 Real Property Inventory Detail List records. FOMA manpower authorizations may be adjusted by NGB/A7RP upon justification or due to a permanent mission change.

(3) Supervision of employees will be in accordance with state/SMD policy and procedures. The BCE, or their designated representative, will provide input to the SMD regarding personnel actions (i.e. hiring, performance evaluations, terminations, performance counseling).

b. Equipment/Supplies.

(1) The use of new, existing, and/or surplus government property is authorized upon proper certification by the SMD that such material will be used for FOMA purposes. The value of this property will not be charged to the SMD or used by the SMD to meet the matching funds requirement.

(2) Certain items of government equipment may be provided for SMD use as Government Furnished Equipment (GFE) and/or Vehicles. The absence of GFE and/or Vehicles does not relieve the SMD from its primary responsibility for performance of the terms and conditions outlined in this Appendix. Accountability of GFE and/or Vehicles will be in accordance with Chapter 8. Considerations for damage to Air Force Property used in support of Appendix 21 will be determined using AFMAN 23-220, Chapter 22.10. The SMD/state may insure against the cost of repair on federal vehicles and/or GFE used by SMD employees when such insurance is required by state law or is part of consistent agency practice. The failure to secure insurance against damage renders costs associated with any damage, as a direct or indirect result of the use of a federal vehicle and/or GFE by an SMD employee, as a cost to the state. The Grantee's liability for lost or damaged GFE will be in accordance with applicable State laws.

(3) Supplies and services will be obtained by the Grantee using state/SMD procurement procedures as the primary means of securing services.

(4) The use of federal contracting or procurement (In-Kind Assistance) to obtain supplies or services requires written USPFPO approval per NGR 5-1, Chapter 9. IKA is the exception to state contracting or procurement.

a) The use of IKA does not alleviate the Grantee's burden to match the federal funding.

(5) Changes to the instructions, terms and/or conditions to this Appendix shall be executed IAW NGR 5-1, Chapter 3. The change shall not be binding unless it is so approved and a CA modification to this appendix has been executed.

**Section 2109. Funding Limitations.**

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 to this appendix are available for reimbursement to the Grantee. Funding must be obligated within 45 days upon receipt by the Base Comptroller Office.

c. Accomplished as IKA. The total dollars expended through federal acquisition.

d. The following funding limitations are provided for each fiscal year as it occurs.

1. Fiscal Year 2016:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ 694,248.00	\$ 694,248.00
<u>Federal Share (75%)</u>	<u>\$6,177,652.00</u>	<u>\$6,177,652.00</u>
 Federal Total	 \$6,871,900.00	 \$6,871,900.00
Accomplished as In-Kind Assistance	\$168,322.66	
 <u>Grantee Share (25%)</u>	 <u>\$2,059,217.33</u>	 <u>\$2,059,217.33</u>
<u>Grantee Total</u>	<u>\$2,059,217.33</u>	<u>\$2,059,217.33</u>

2. Fiscal Year 2017:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ 821,797.00	\$ 821,797.00
Federal Share (75%)	\$6,614,203.00	\$6,614,203.00
 Federal Total	 \$7,436,000.00	 \$7,436,000.00

Accomplished as In-Kind Assistance \$114,666.66

Grantee Share (25%)	\$2,204,734.34	\$2,204,734.34
Grantee Total	\$2,204,734.34	\$2,204,734.34

3. Fiscal Year 2018:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)		
Federal Share (75%)		
Federal Share (50%)		
Federal Total	\$ 7,641,783.00	\$ _____

Accomplished as In-Kind Assistance \$ 120,000.00

Grantee Share (50%)		
Grantee Share (25%)		
Grantee Total	\$ 2,547,261.00	\$ _____

Fiscal Year \_\_\_\_\_:

4.

	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	\$ _____	\$ _____

Fiscal Year \_\_\_\_\_:

5.

	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%)		

October 2015

Grantee Share (25%)	\$ _____	\$ _____
Grantee Total	\$ _____	\$ _____

**Section 2110. 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): (To include Zip + 4)	New York, 12110-3514
e. Grantee/Recipient County (Primary Place of Performance):	Albany
f. Grantee/Recipient Congressional District (Primary Place of Performance):	36
g. Major Agency:	DOD
h. Agency Code:	5700
i. Funding Agency:	Air
j. Program Source Agency:	57
k. Transaction Type:	Cooperative Agreement
l. CFDA:	12.401
m. CFDA Program Title:	Operation and Maintenance, Air National Guard
n. Program Source Account-Funding:	3840
o. Treasury Appropriation Code:	3840
p. Award/Obligation/Action Date:	1 Oct 2017
q. Starting Date:	1 Oct 2017
r. Ending Date:	30 Sep 2018
s. Record Type:	Individual Action
t. Fiscal Year/Quarter:	2018/1st Qtr
u. Unique Federal Award Identification Number (FAIN)	W912PQ-18-2-1021
v. Approved Budget Amount:	\$7,641,783.00
w. R&D Award (Yes or No)	No
x. Indirect Cost Rate or CPP Rate:	\$ 14,159.00

**EXECUTION**

**IN WITNESS WHEREOF: The parties, by their signatures, execute this Appendix and agree to its terms and conditions.**

<p><b>STATE OF NEW YORK:</b></p> <p>BY:  ANTHONY P. GERMAN Major General, NYANG The Adjutant General</p> <p><u>8 Sept 17</u> (Date)</p>	<p><b>NATIONAL GUARD BUREAU:</b></p> <p>BY:  LAWRENCE J. ASHLEY Colonel, USA USP&amp;FO for New York</p> <p><u>26 Sept 17</u> (Date)</p>
<p><b>Approved as Legal Form:</b></p> <p> Counsel Robert G. Conway, Jr., MNLA</p> <p><u>8 Sept 2017</u> (Date)</p>	<p><b>Approved as to Legal Form:</b></p> <p> Counsel Sean D. O'Brien, LTC, JA, NYARNG</p> <p><u>8 Sept 2017</u> (Date)</p>