

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Karen J. Kennard	ORIGINATED DATE: 07/10/03	APPROVED BY:
REVISED BY: Karen J. Pabón	REVISED DATE: 01/09/14	SERC
DATE ISSUED: 07/10/03	DATE EFFECTIVE: 07/10/03	SUBJECT: Grant Application & Awards
PROCESSED BY:	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.2

Reference: NAC 459.99135 through 459.99148 and 459.99161 through 459.99169, inclusive

PRINCIPLE:

The State Emergency Response Commission (SERC) awards grants with funds from the federal government and fees collected from facilities within the State of Nevada. Grants are awarded to assist the counties, through the Local Emergency Planning Committees (LEPCs), and state agencies, to conduct planning and training, and identify equipment needs for first responders. (Additional funds derived from the sale of United We Stand license plates are administered by the SERC pursuant to SERC policy 8.2a.)

POLICY:

- A. A minimum of six weeks prior to the due date of a grant application, LEPCs and State agencies will be notified the application kit has been posted on the SERC website www.serc.nv.gov. Applications may be submitted requesting appropriate elements as outlined in the application kit. Applications must be submitted by the due date designated in the application kit. Failure to submit the grant application by the due date will result in denial of the application.
 - 1. The SERC receives two main revenue sources for funding grants relating to responding to hazardous materials incidents:
 - a. **Fees**
Fees collected from fixed facilities provide revenue for SERC grants. Approved expenses include planning, training, equipment, operations and community right to know activities as they relate to hazardous materials.

All training requests other than for conferences must first be made through the State Fire Marshal's Office (SFM) . If the SFM declines the training, the request may be included in the SERC grant application.

As applicable, the LEPC/State agency shall adhere to the policies and procedures of the governing body regarding hiring consultants or contractors. If local policies are not applicable, this SERC policy will prevail.

Any application including consultant/contractor services must include at least two (2) competitive bids. The bids must include an itemized quote and scope of work from the consultant/contractor. If the applicant is unable to obtain two (2) competitive bids, they may provide a detailed explanation of the attempts made to comply with this policy.

After consideration by the SERC, a sole source consultant/contractor may be approved to provide services. A "sole source" shall mean any contractor who, at the time of entering the current contract, was reasonably believed to be the only known qualified source. "Qualified source" shall be one meeting or exceeding the minimum statutory, regulatory, and published or solicited minimum contractor qualifications.

Requests for equipment must be made in accordance with the costs on the list attached to the grant application. For equipment not included on the list, the application must include a quote for the equipment.

Radio communication equipment requested must conform with the Nevada Communication Interoperability Plan.

Operation funds are automatically awarded to each eligible LEPC from this revenue source. If a LEPC is not eligible for a grant at the time the awards are approved by the SERC, no operation funds will be awarded. If the LEPC becomes eligible during the fiscal year, operation funds may be awarded at a prorated amount equal to $\frac{1}{4}$ of the original operation award for each remaining quarter of the fiscal year. These funds are to pay the general operation costs of the LEPC as they relate to hazardous materials under SARA Title III, EPCRA, and SERC laws, regulations and policies. Costs must be reasonable and appropriate to the operation of the LEPC and include, but are not limited to:

- ◆ Postage
- ◆ Office supplies
- ◆ Telephone and satellite phone service charges
- ◆ Copying
- ◆ Publication costs
- ◆ Equipment maintenance
- ◆ Meeting costs
- ◆ Refreshments*
- ◆ Travel to SERC/LEPC meetings for all LEPC members
- ◆ Clerical Assistance**
- ◆ Grant writing
- ◆ Announcement of LEPC activities on radio, television, newspapers, etc.

*Expenses incurred for food and/or beverages provided at LEPC training sessions, LEPC meetings or LEPC conferences are allowed provided they satisfy the following three tests:

- ❖ The costs of the food and/or beverages are considered reasonable
- ❖ The food and /or beverages are provided at a LEPC function
- ❖ The food and/or beverages provided are not related directly to amusement and/or social events (Any event where alcohol is being served is considered a social event and, therefore, costs associated with that event are not allowable.)

**Clerical Assistance is limited to 50% of the amount awarded in the operation category and must be declared as a line item of the budget presented in the grant application. Clerical assistance is defined as: prepare and post agendas; travel to and from LEPC/SERC meetings; prepare and distribute meeting minutes; prepare grant applications to the SERC; prepare financial reporting forms.

b. Federal Grants

Money awarded from federal agencies to SERC provides revenue for SERC subgrants. The SERC may award subgrants to LEPCs/State agencies in compliance with federal and SERC terms and conditions, for planning and training activities as they relate to hazardous materials. State agencies, including SERC, which receive subgrants, will comply with state purchasing rules and state budgetary authority.

LEPCs and grantees/sub-grantees are required to report on any additional information requested by the SERC on its behalf or on behalf of granting federal agencies to include, but not limited to, the annual information requested for the Hazardous Materials Emergency Planning (HMEP) grant final report.

All training requests other than for hazmat conferences must first be made through the SFM. If the SFM declines the training, the request may be included in the HMEP grant application.

As applicable, the LEPC/State agency shall adhere to the policies and procedures of the governing body regarding hiring consultants or contractors. If local policies are not applicable, this SERC policy will prevail.

Any application including consultant/contractor services must include at least two (2) competitive bids. The bids must include an itemized quote and scope of work from the consultant/contractor.

After consideration by the SERC, a sole source consultant/contractor may be approved to provide services. A "sole source" shall mean any contractor who, at the time of entering the current contract, was reasonably believed to be the only known qualified source. "Qualified source" shall be one meeting or exceeding the minimum statutory, regulatory, and published or solicited minimum contractor qualifications.

After the initial open grant application cycle and award of subgrants, eligible applicants may submit a mid-cycle grant application for grant awards of available unobligated funds, if any, any time throughout the remainder of the federal grant period.

c. Unallowable Expenses

Expenses not related to hazardous materials functions pursuant to federal and state laws and regulations are not allowed. Unallowable expenses include, but are not limited to, activities relating to homeland security, weapons of mass destruction and terrorism. Training expenses will not be reimbursed if the training was not attended. Additionally, finance charges, late fees and taxes are not allowable expenses from grants provided by the SERC.

- B. Eligible LEPCs/State agencies may submit an application for grant funds. The SERC will consider and award grants to LEPCs first. State agencies may be awarded grants from the remaining funds of the original available amount. Eligibility is determined by the following:
1. LEPC Eligibility
 - a. Compliance with Emergency Planning and Community Right-to-Know Act (EPCRA), Nevada Administrative Code (NAC), SERC policy 8.3, "Certified Assurances and Compliance Certification" and related SERC policies as outlined in policy 8.3.
 - b. If a LEPC has met all administrative requirements except having a National Response Team (NRT-1) compliant plan approved by the SERC, the LEPC may apply for grant funds from the planning category to appropriately review, develop, revise and/or update the plan.
 2. State Agency Eligibility
 - a. The state agency department head must prioritize the request and sign the grant application, certified assurances and grant award.
 - b. The agency must identify, by name, the hazardous materials emergency response plan it operates under and what its role is in that plan.
 - c. The agency must identify its role, if any, in the State Hazardous Materials Emergency Response Plan annex to the State Comprehensive Emergency Management Plan.
 - d. If the agency has response capabilities, it must complete the Level of Response Questionnaire.
 - e. The agency must participate in a hazardous materials exercise annually.

PROCEDURES FOR OPEN GRANT CYCLE APPLICATIONS:

- A. At its quarterly meeting, or a special meeting if necessary, the LEPC must discuss, determine, and approve the appropriate grant application, including the percentage of operation funds to be used towards clerical assistance. The LEPC will submit an application based on its determined needs for the county as a whole. As determined by the LEPC, the funding request may provide planning, training and equipment to, but not limited to, state and local entities, private companies, non-profit corporations, public utilities owned and operated by political subdivisions of the State and general improvement districts involved in preventing, responding to and mitigating hazardous materials incidents.

- B. The head of a State agency must determine the priority of funding requests from all Divisions of that agency. The agency will submit an application based on its determined needs for the entire agency. As determined by the head of the agency, the funding request may provide planning, training and equipment to Divisions of the agency.
- C. Applications must be submitted by the due date designated in the application kit.
- D. Upon receipt of the applications, SERC staff will review to ensure compliance with state and federal terms and conditions.
- E. SERC staff will distribute the applications to the Planning & Training Subcommittee and the Funding Committee within ten working days of the application due date.
- F. The Planning & Training Subcommittee will meet and review the applications to determine appropriateness and eligibility of the request when compared to the level of response. The Planning & Training Subcommittee will make recommendations to the Funding Committee.
- G. The Funding Committee will meet and review the applications to determine appropriateness and eligibility based on the Planning and Training Subcommittee's recommendations. The Committee will also determine the amount of funds to award. The Committee will make recommendations to the SERC.
- H. Funding of the applications will be placed on a SERC agenda for approval. Grants will be awarded based on the applications submitted and the availability of money.

The SERC may approve amounts of money with contingencies or conditions to be met prior to preparation and funding of the grant award. The grant project period will commence on the date designated by the grant cycle or the date compliance is attained, which ever is later. The SERC may withdraw the grant award and deobligate the money if contingencies or conditions are not met within 90 days of notification to the applicant.

If time constraints do not permit review of an application by the Planning and Training Subcommittee and/or the Funding Committee, the SERC may consider an award of any application which has been agendized.

- I. A copy of the LEPC meeting minutes approving the grant application, along with SFM declination of training, scope of work, quotes from contractors, signed Grant Application, signed Certified Assurances, and signed Compliance Certification must be forwarded to the SERC office prior to preparation of a grant award.

- J. SERC staff will prepare the award documents to include SERC and grantee employer tax identification number, the Catalog of Federal Domestic Assistance (CFDA) number and the name of the federal agency. Staff will obtain the Executive Director's signature and distribute consistent with the SERC approved amounts and conditions.
- K. Grant awards are signed by the LEPC Chair or the head of the grantee agency and returned to the SERC for filing. The Grant Award must be signed and original returned to the SERC office prior to an award being funded.

PROCEDURES FOR MID-CYCLE FEDERAL GRANT APPLICATIONS:

- A. After the initial award of funds received on a federal grant through an open grant cycle, the SERC will notify eligible applicants of the availability of unobligated funds. These funds, if any, will be available throughout the year at the request of an applicant and upon approval of the Funding Committee.
- B. Staff will notify LEPCs/State agencies of the availability of unobligated funds, if any, at least quarterly throughout the year.
- C. At its quarterly meeting, or a special meeting if necessary, the LEPC must discuss, determine, and approve the appropriate grant application. The LEPC will submit an application based on its determined needs for the county as a whole. As determined by the LEPC, the funding request may provide planning and training to, but not limited to, state and local entities, private companies, non-profit corporations, public utilities owned and operated by political subdivisions of the State and general improvement districts involved in preventing, responding to and mitigating hazardous materials incidents.
- D. Applications must be submitted in the form designated in the mid-cycle application kit.
- E. Upon receipt of the applications, SERC staff will review to ensure compliance with state and federal terms and conditions.
- F. Staff will forward the request to the Funding Committee. Within five days, the Funding Committee will set a meeting to consider the request.
- G. The Funding Committee may approve or deny the request with a report of its action being made to the SERC at its next regularly scheduled meeting.

The Funding Committee may approve amounts of money with contingencies or conditions to be met prior to preparation and funding of the grant award. The grant project period will commence on the date designated by the grant cycle or the date compliance is attained, which ever is later. The SERC may

withdraw the grant award and deobligate the money if contingencies or conditions are not met within 90 days of notification to the applicant.

If time constraints do not permit review of an application by the Funding Committee, the SERC may consider an award of any application which has been agendized.

- H. SERC staff will prepare the award documents to include SERC and grantee employer tax identification number, the Catalog of Federal Domestic Assistance (CFDA) number and the name of the federal agency. Staff will obtain the Executive Director's signature and distribute consistent with the SERC approved amounts and conditions.
- I. Grant awards are signed by the LEPC Chair or the head of the grantee agency and returned to the SERC for filing. The Grant Award must be signed and original returned to the SERC office prior to an award being funded.