

COOPERATIVE AGREEMENT MODIFICATION

Agreement/Appendix Title and Number: W912PQ-13-2-1001

Project Name/Description and Location: ARNG FACILITIES PROGRAM

Modification Number: P00002

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:

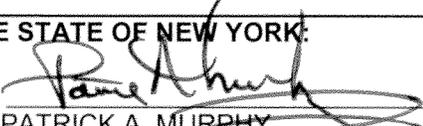
1. The Maximum Funding Limitation (MFL-Federal) for this Appendix W912PQ-13-2-1001 for Fiscal Year 2013 is increased by \$11,075,200.00 from \$7,626,100.00 to \$18,701,300.00.
2. The Estimated Cost (AFP Federal) for Appendix W912PQ-13-2-1001 for Fiscal Year 2013 increased by \$10,698,400.00 from \$14,066,300.00 to \$24,764,700.00.
3. The Maximum Funding Limitation (MFL-State) for Appendix W912PQ-13-2-1001 for Fiscal Year 2013 increased by \$6,657,843.00 from \$2,653,963.00 to \$9,311,806.00.
4. The Estimated Cost (AFP-State) for Appendix W912PQ-13-2-1001 for Fiscal Year 2013 increased by \$4,831,616.00 from \$6,857,625.00 to \$11,689,241.00.
5. In-Kind Assistance is increased by \$3,149,683.01 from \$1,230,606.00 to \$4,380,289.01.
6. As FY2013 budgets are approved by NGB, program managers will add funding to the Appendix by separate modification which 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.

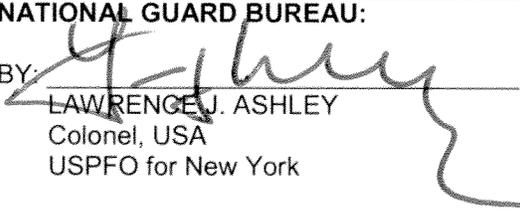
IN WITNESS WHEREOF, the parties by their authorized representatives execute this Cooperative Agreement Modification.

THE STATE OF NEW YORK:

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

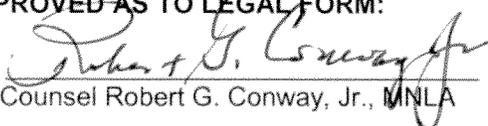
Date: 3 Jul 13

NATIONAL GUARD BUREAU:

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

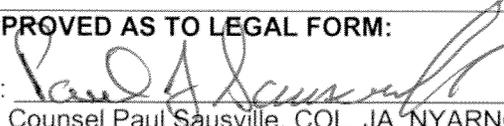
Date: 3 Jul 13

APPROVED AS TO LEGAL FORM:

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

Date: 18 June 2013

APPROVED AS TO LEGAL FORM:

BY: 
Counsel Paul Sausville, COL, JA, NYARNG

Date: 18 June 2013

Federal Share (100%)	\$ 14,011,830.32	\$ 14,011,830.32
Federal Share (75%)	\$ 2,071,739.34	\$ 2,071,739.34
Federal Share (50%)	\$ 4,201,830.34	\$ 4,201,830.34
Federal Total	\$ 20,285,400.00	\$ 20,285,400.00
Accomplished as In-Kind Assistance	\$ 3,002,626.28	
Grantee Share (50%)	\$ 4,201,890.34	\$ 4,201,890.34
Grantee Share (25%)	\$ 690,579.78	\$ 690,579.78
Program Income	\$ 0.00	\$ 0.00
Grantee Total	\$ 25,177,870.12	\$ 25,177,870.12

2. Fiscal Year 2011:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ 9,903,731.53	\$ 9,903,731.53
Federal Share (75%)	\$ 302,775.00	\$ 302,775.00
Federal Share (50%)	\$ 8,973,493.47	\$ 8,973,493.47
Federal Total	\$19,180,000.00	\$19,180,000.00
Accomplished as In-Kind Assistance	\$ 7,164,003.09	
Grantee Share (50%)	\$ 8,973,493.47	\$ 8,973,493.47
Grantee Share (25%)	\$ 100,925.00	\$ 100,925.00
Program Income	\$ 0.00	\$ 0.00
Grantee Total	\$ 9,074,221.47	\$ 9,074,221.47

3. Fiscal Year 2012:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ 11,913,100.00	\$ 11,913,100.00
Federal Share (75%)	\$ 500,000.00	\$ 500,000.00
Federal Share (50%)	\$ 8,000,000.00	\$ 8,000,000.00
OCO Funding	\$ 1,766,500.00	\$ 1,766,500.00
Federal Total	\$ 22,179,600.00	\$ 22,179,600.00
Accomplished as In-Kind Assistance	\$ 2,488,000.00	
Grantee Share (50%)	\$ 8,000,000.00	\$ 8,000,000.00
Grantee Share (25%)	\$ 200,000.00	\$ 200,000.00
Program Income	\$ 0.00	\$ 0.00
Grantee Total	\$ 30,379,600.00	\$30,379,600.00

4. Fiscal Year 2013:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ 12,342,159.00	\$ 8,628,094.00
Federal Share (75%)	\$ 1,100,000.00	\$ 1,100,000.00
Federal Share (50%)	\$ 11,322,541.00	\$ 8,973,206.00
Federal Total	\$ 24,764,700.00	\$ 18,701,300.00
Accomplished as In-Kind Assistance	\$4,380,289.01	
Grantee Share (50%)	\$ 11,322,541.00	\$ 8,973,206.00
Grantee Share (25%)	\$ 366,700.00	\$ 338,600.00
Program Income	\$ 0.00	\$ 0.00
Grantee Total	\$ 11,689,241.00	\$ 9,311,806.00

5. Fiscal Year _____:

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

MEMORANDUM FOR USP&FO, COL Lawrence J. Ashley

SUBJECT: Appendix 1, In-Kind Assistance (IKA) in Support of MNFE-CFMO for FY-13

1. Request approval to use IKA for the following MNFE requirements for FY-13. These requirements are subject to change as we move through FY-13:

a. ARNG-Z has Indefinite Delivery/Indefinite Quality (IDIQ) contracts for non-inherently governmental positions that are not available through the NYS Personnel System. The NYS Personnel System may request Task Orders from the National IDIQ to fill their contract employee needs:

- X (1) Real Property Manager - Latham
- X (2) ISR Manager Contract
- ✓ (3) Data Administrator Contract
- ✓ (4) **The Purchase Request for a Program Analyst will fulfill a necessary need for data entry for utility bills Statewide. This service cannot be provided by NYS at this time because of the state hiring freeze that is currently in place.**
- ✓ (5) **The Purchase Request for a Fire and Safety Coordinator will provide the NYARNG with a subject matter expert (SME). This coordinator will not only provide a service that will benefit the safety of facilities and service members, but will add significant cost savings as the services rendered will not have to be contracted out for every facility. This service cannot be provided by NYS at this time because of the state hiring freeze that is currently in place.**
- ✓ (6) **Project Manager for Planning and Programming. This position is responsible for the execution of MILCON and SRM programs to include the creation of MILCON and SRM programming documents such as DA Forms 1390/91 and NGB Form 420-R, POM cycle documents, the capital projects execution input in Pride Web and FMBT and other aspects of project management necessary at the programming stage, based on the Master Planning Capital Investment Strategy. The Project Manager for Planning and Programming is recognized by ARNG as the critical link to successful project execution prior to project migration to the Construction and Engineering Branch. NYS cannot provide this service at this time.**
- ✓ (7) **The Purchase Request for a Master Planner for Planning and Programming is a necessity in planning the Capital Investment Strategy for future construction, renovation, repair, and overall Construction and Engineering budget allocation recommendations. The position is responsible for developing the Long Range Construction Plan and advising TAG-NY on future strategies that support real property sustainment and growth. The Master Planner is recognized by ARNG as the critical link to producing a Real Property Development Plan for programming and execution. This service cannot be provided by NYS at this time because of the state hiring freeze that is currently in place.**

MNFE-CFMO

SUBJECT: Appendix 1, In-Kind Assistance in Support of MNFE-CFMO for FY-13

✓ (8) The Purchase Request for a Project Manager to provide oversight and organization of construction phases for the Readiness Center Alterations project at 2366 5th Avenue, NYC. This service cannot be provided by NYS at this time because of the state hiring freeze that is currently in place.

✓ (9) Engineer IIA (Energy Manager) Contract

(10) Purchase Request repair POL System at Syracuse FMS 5. Going through the federal system will present a significant cost savings to the agency.

✓ (10) The Purchase Request for Davis-Ulmer is to provide a review of both the drawings and installation of the fire sprinkler system at Farmingdale. The state cannot provide this service, Federal contracting is required. (ONE TIME)

(11) The following PRs are for construction services are on federal land and are 100% federally funded. Ordering through the federal system will allow us to receive these services in a timely manner. Federal contracting procedures are also preferable due to excessive OGS fees. These projects were approved for IKA in FY-10. Due to the deployment of the Project Manager the below mentioned projects were not executed.

- (a) Provide Wash Rack Facility at CSMS-C, Rochester
- (b) Provide Electrical Upgrade at CSMS-C, Rochester
- (c) Upgrade Fire Alarm System at CSMS-C, Rochester
- (d) Refinish shop floor at CSMS-C, Rochester
- (e) Provide Epoxy Resin and anti- static floor for CSMS-C, Rochester

(12) Purchase Request is to repair overhead door at Ft Drum Mates. Ordering through the federal system will allow us to receive these services in a timely manner. Federal contracting procedures are also preferable due to excessive OGS fees.

(13) Purchase Request is to replace Acidic Glycol in E-Wing HRU Loop and Sample the Four Remaining Loops at Ft Drum Mates. Ordering through the federal system will allow us to receive these services in a timely manner.

(14) The following PRs are to support the Secured Building located at Latham HQ and Camp Smith. Ordering through the federal system will allow us to receive these services in a timely manner and is more cost-efficient using the federal system.

- (a) Purchase shedder for Latham and Cp Smith
 - (b) Purchase 5 drawer safe for Latham and Cp Smith
 - (c) Furniture for Latham and Cp Smith
 - (d) ~~Purchase computer equipment for Latham and Cp Smith~~
- } SCIF
RMD

MNFE-CFMO

SUBJECT: Appendix 1, In-Kind Assistance in Support of MNFE-CFMO for FY-13

b. Military Interdepartmental Purchase Request (MIPR) is generally used to transfer monies for supplies and services and Store Front Leases between two different military organizations. This procedure is outlined in the host tenant agreements for the facilities below. These MIPRs are for 100% federally supported requirements:

✓(1) MIPR for Scotia Air Base to support the annual cost of maintenance and repair of the CST building.

✓(2) MIPR/WBS for Fort Hamilton to support the annual utility and maintenance and repair of the CST building.

✓(3) MIPR for Glenville Readiness Center for refuse removal and janitorial services.

✓(4) MIPR for Store Front Lease for Watertown, NY.

✓(5) MIPR for Store Front Lease for Central Avenue, Albany, NY.

✓(6) MIPR for Store Front Lease for North Brooklyn, NY.

✓(7) MIPR for Store Front Lease for Long Island City, NY.

✓(8) MIPR for new Store Front Lease for 6159 Route 1, Cicero, North Syracuse, NY.

✓(9) MIPR for new Store Front Lease for Patchogue, NY.

✓(10) MIPR for new Store Front Lease for Middletown, NY.

✓(11) MIPR for Support Agreement at Watervliet Arsenal, NY.

✓(12) MIPR/WBS for Support Agreement at Ft Drum MATES, NY

(15) MIPR/WBS to support ECO~~P~~ Study at Cp Smith. The state cannot perform this service as quickly as the Army's Public Health Command (PHC). The PHC can on site within 3 weeks

c. The following requests for construction, restoration and sustainment projects are on federal land and are 100% federally funded. Ordering through the federal system will allow us to receive these services in a timely manner and is more cost-efficient using the federal system.

Federal contracting procedures are also preferable due to excessive NYS Office of General Services (OGS) fees. Also included is an environmental assessment. They are:

✓(1) Contract for HVAC maintenance at Fort Drum MATES (TRANE)

✓(2) Contract for HVAC maintenance at Farmingdale AFRC (TRANE)

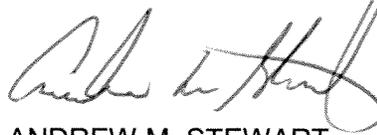
MNFE-CFMO

SUBJECT: Appendix 1, In-Kind Assistance in Support of MNFE-CFMO for FY-13

✓ (3) Annual cost for the maintenance of the Facility Focus software program. This is 100% federally supported system. NYS does not provide this service at this time.

2. Request authorization to increase by ~~\$1,743,415.00~~ ^{\$1,714,437.40} from \$2,665,851.61 to ~~4,409,226.61~~ ^{\$4,380,289.01} from the Master Cooperative Agreement (MCA) Appendix 1 to IKA.

3. POC for this matter is SGM Mike Good, who can be reached at extension 4555.



ANDREW M. STEWART
LTC, LG, NYARNG
Program Director (CFMO)

CF:
CW2 Renee Davin

MNAG-TAG

Concur
Concur/Non-Concur

3 Jul 13



Date

Signature

The Adjutant General

USP&FO-NY

Concur
Concur/Non-Concur

3 Jul 13



Date

Signature

USP&FO- NY



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
UNITED STATES PROPERTY AND FISCAL OFFICER FOR NEW YORK
330 OLD NISKAYUNA ROAD
LATHAM, NEW YORK 12110-3514

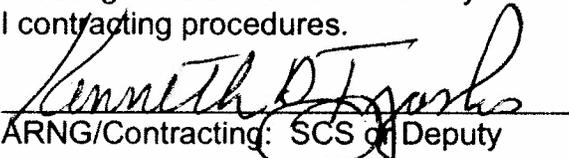
MNPF

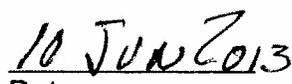
10 June 2013

MEMORANDUM FOR MNPF-CO

SUBJECT: Approval of the attached request for In-Kind Assistance Letter Dated: 31 May 2013, from MNFE-CFMO FY 13, Appendix 1001, Facilities Program

1. In accordance with NGR 5-1 Chapter 9, In-Kind Assistance (IKA) is the federal procurement of supplies or services for a State's/Territory's State Military Department through a Cooperative Agreement. In-kind assistance can be federally procured supplies, services, or construction. Services can include real property maintenance and repair.
2. Use of federal procurement system to contract supplies, services, or construction does not relieve the state of its responsibility to meet the match or share requirements specified in the appropriate Agreement. In-Kind Assistance comes from the federal share of an agreement. When an agreement has a State match/share the Grants Officer Representative is responsible for ensuring the State meets its match/share requirements. The State Military Department shall credit the amount of its share of the costs of in-kind assistance against the costs claimed for reimbursement under the cooperative agreement. In-kind assistance is program year sensitive and as such the credit due the federal government may be in the form of a check if in-kind assistance coincides with the end of a fiscal year.
3. ARNG Contracting Division has verified they can/cannot support the attached request to utilize Federal contracting procedures.


ARNG/Contracting: SCS or Deputy


Date

4. Questions may be directed to MNPF, ATTN: CW2 Renee M. Davin at Commercial, 518-786-4709, DSN: 489-4709, or renee.davin@us.army.mil.

RENEE M. DAVIN
CW2, AG, NYARNG
Management & Program Analyst
Cooperative Agreements