

COVER SHEET

(Prescribing Directive is DMNA Reg 1 1, Proponent Office is MNAG)

SUBJECT: FY 17 Modification for the ARNG Facilities Program, Appendix 1001 (MOD 2)	OFFICE SYMBOL: MNPf-EA
ACTION REQUIRED: TAG Signature	DATE: 13-Oct-16

MEMORANDUM FOR RECORD. (Describe briefly the requirement, background and action taken or recommended. Description must be sufficiently detailed to identify action without recourse to other sources.) (Continue Memorandum or Coordination on reverse as needed.)

1. JUSTIFICATION: Increase in Allotment, Decrease in AFP for Appendix 1001, FY17.

Action	Funding Source	From	Change	To
MFL-FED	Source A Funding (Navy-Farmingdale)		0.00	
	Source A Funding (Marines-Farmingdale)		0.00	
	Total FED Source A Funding	\$ -	0.00	\$ -
FED MFL	Allotment 100%	\$ -	646,307.33	\$ 646,307.33
	75%	\$ -	157,869.29	\$ 157,869.29
	50%	\$ -	624,823.38	\$ 624,823.38
	TOTAL FEDERAL MFL	\$ -	1,429,000.00	\$ 1,429,000.00
AFP-FED	Source A Funding (Navy-Farmingdale)	\$ -	93,058.59	\$ 93,058.59
	Source A Funding (Marines-Farmingdale)	\$ -	112,017.55	\$ 112,017.55
	Total FED Source A Funding	\$ -	205,076.14	\$ 205,076.14
FED AFP	AFP 100%	\$ 14,682,443.33	(5,804,333.54)	\$ 8,878,109.79
	75%	\$ 3,586,385.78	(1,417,787.56)	\$ 2,168,598.22
	50%	\$ 13,311,383.99	(4,728,392.00)	\$ 8,582,991.99
	TOTAL FEDERAL AFP	\$ 31,580,213.10	(11,950,513.10)	\$ 19,629,700.00
IKA	In Kind Assistance	\$ -	\$ 3,200,000.00	\$ 3,200,000.00
STATE MFL	Allotment 50%	\$ -	624,823.38	\$ 624,823.38
	25%	\$ -	52,623.10	\$ 52,623.10
	TOTAL STATE MFL	\$ -	677,446.48	\$ 677,446.48
STATE AFP	AFP 50%	\$ 13,311,383.99	(4,728,392.00)	\$ 8,582,991.99
	25%	\$ 1,195,461.93	(472,595.85)	\$ 722,866.07
	TOTAL STATE AFP	\$ 14,506,845.92	(5,200,987.85)	\$ 9,305,858.06
IKA	In Kind Assistance (Ft Drum and Watervliet) 25%	\$ -	\$ 100,000.00	\$ 100,000.00
	PROGRAM GRAND TOTAL MFL	\$ -	2,106,446.48	\$ 2,106,446.48
	PROGRAM GRAND TOTAL AFP	46,087,059.02	(17,151,500.95)	28,935,558.06

2. SUMMARY:

- a. Decrease Federal AFP to \$19,629,700.00 / State AFP to \$9,305,858.06
- b. Increase Federal Allotment to \$1,429,000.00 / State Allotment to \$677,446.48
- c. Increase amount of In Kind Assistance to \$3,200,000.00

3. ACTION: TAG review, sign and return modification to MNPf-EA, Room 207, Cooperative Agreements, x4775/4709.

COORDINATIONS				ADMIN REVIEW		
OFFICE	NAME	DATE	(NON) CONCUR		INITIALS	DATE
MNBF	Robert Martin <i>[Signature]</i>	11/2/16	<input type="checkbox"/> N <input checked="" type="checkbox"/> C	INITIAL REVIEW	LAM	15 Nov 16
MNLA	LTC O'Brien <i>[Signature]</i>	11/5/2016	<input type="checkbox"/> N <input checked="" type="checkbox"/> C	FINAL REVIEW		
MNLA	Mr. Conway <i>[Signature]</i>	11/16/16	<input type="checkbox"/> N <input checked="" type="checkbox"/> C	APPROVALS		
OTAG	MAJ Foster <i>[Signature]</i>	22 Nov 16	<input type="checkbox"/> N <input type="checkbox"/> C	MNAG-DJS		
MNPf-Pc	Col. Stewart <i>[Signature]</i>	11/1/16	<input type="checkbox"/> N <input checked="" type="checkbox"/> C	MNAG-SAS		
			<input type="checkbox"/> N <input type="checkbox"/> C	MNAR-COS	<i>[Signature]</i>	2016/11/22
			<input type="checkbox"/> N <input type="checkbox"/> C	MNAG-AAG	<i>[Signature]</i>	22 Nov 16
			<input type="checkbox"/> N <input type="checkbox"/> C	MNAG-TAG		22 NOV 2016
			<input type="checkbox"/> N <input type="checkbox"/> C	FILE		<input type="checkbox"/>
			<input type="checkbox"/> N <input type="checkbox"/> C			<input type="checkbox"/>

ACTION OFFICER (Name, grade, phone and signature)

Lawrence J. Ashley, COL, USA, USPFO for New York, x4711

COOPERATIVE AGREEMENT MODIFICATION

Agreement/Appendix Title and Number: **W912PQ-17-2-1001**
 Project Name/Description and Location: **ARNG FACILITIES PROGRAM**
 Modification Number: **P0002**

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

Action	Funding Source	From	Change	To
MFL-FED	Source A Funding (Navy-Farmingdale)		0.00	
	Source A Funding (Marines-Farmingdale)		0.00	
	Total FED Source A Funding	\$ -	0.00	\$ -
FED MFL	Allotment 100%	\$ -	646,307.33	\$ 646,307.33
	75%	\$ -	157,869.29	\$ 157,869.29
	50%	\$ -	624,823.38	\$ 624,823.38
	TOTAL FEDERAL MFL	\$ -	1,429,000.00	\$ 1,429,000.00
AFP-FED	Source A Funding (Navy-Farmingdale)	\$ -	93,058.59	\$ 93,058.59
	Source A Funding (Marines-Farmingdale)	\$ -	112,017.55	\$ 112,017.55
	Total FED Source A Funding	\$ -	205,076.14	\$ 205,076.14
FED AFP	AFP 100%	\$ 14,682,443.33	(5,804,333.54)	\$ 8,878,109.79
	75%	\$ 3,586,385.78	(1,417,787.56)	\$ 2,168,598.22
	50%	\$ 13,311,383.99	(4,728,392.00)	\$ 8,582,991.99
	TOTAL FEDERAL AFP	\$ 31,580,213.10	(11,950,513.10)	\$ 19,629,700.00
IKA	In Kind Assistance	\$ -	\$ 3,200,000.00	\$ 3,200,000.00
STATE MFL	Allotment 50%	\$ -	624,823.38	\$ 624,823.38
	25%	\$ -	52,623.10	\$ 52,623.10
	TOTAL STATE MFL	\$ -	677,446.48	\$ 677,446.48
STATE AFP	AFP 50%	\$ 13,311,383.99	(4,728,392.00)	\$ 8,582,991.99
	25%	\$ 1,195,461.93	(472,595.85)	\$ 722,866.07
	TOTAL STATE AFP	\$ 14,506,845.92	(5,200,987.85)	\$ 9,305,858.06
IKA	In Kind Assistance (Ft Drum and Watervliet) 25%	\$ -	\$ 100,000.00	\$ 100,000.00
	PROGRAM GRAND TOTAL MFL	\$ -	2,106,446.48	\$ 2,106,446.48
	PROGRAM GRAND TOTAL AFP	\$ 46,087,059.02	(17,151,500.95)	\$ 28,935,558.06

DESCRIPTION OF MODIFICATION:

- JUSTIFICATION: Increase in Allotment, Decrease in AFP for Appendix 1001, ARNG Facilities Programs for Fiscal Year 2017.
- SUMMARY:
 - Decrease Federal AFP to \$19,629,700.00 / State AFP to \$9,305,858.06
 - Increase Federal Allotment to \$1,429,000.00 / State Allotment to \$677,446.48
 - Increase amount of In Kind Assistance to \$3,200,000.00
- ACTION: TAG signature and review of the ARNG Facilities Programs Appendix 1001, MOD 2. Return signed modification to MNPf-EA, Room 207, Cooperative Agreements, x4775/4709.
- This Appendix is subject to the availability of funds.
- Replace pages 5-6 of Appendix 1001, FY 17 with updated attachment.
- As FY2017 budgets are approved by NGB, program managers will add funding to the Appendix by separate modification.

EXECUTION

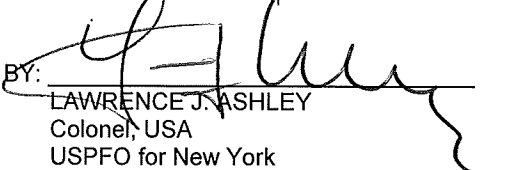
Except as provided herein, all terms and conditions of the Cooperative Agreement and/or Appendix remain unchanged in full force and effect.

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

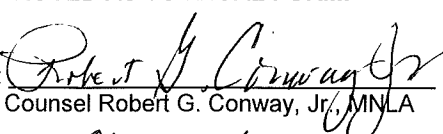
THE STATE OF NEW YORK:

BY: 
 ANTHONY P. GERMAN
 Major General, NYANG
 The Adjutant General
 Date: 122 NOV 2016

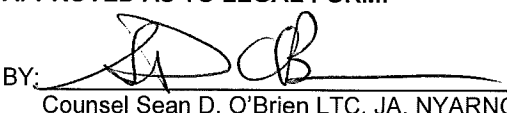
NATIONAL GUARD BUREAU:

BY: 
 LAWRENCE J. ASHLEY
 Colonel, USA
 USPFO for New York
 Date: 23 Nov 16

APPROVED AS TO LEGAL FORM:

BY: 
 Counsel Robert G. Conway, Jr., MNLA
 Date: 6 Nov 2016

APPROVED AS TO LEGAL FORM:

BY: 
 Counsel Sean D. O'Brien LTC, JA, NYARNG
 Date: 5 Nov 2016

APPENDIX 1 ARNG FACILITIES PROGRAMS

Section 101. General.

a. This Appendix to the Master Cooperative Agreement (MCA) prescribes terms, conditions, policy and administrative requirements related to the National Guard Bureau's (NGB's) federal contribution for the Facilities Programs (FP) of the Army National Guard within the State.

b. Statement of Facts.

(1) The authorities and provisions set forth in National Guard Regulation (NGR) 5-1 and NGR 420-10 are incorporated into this Appendix by reference.

(2) The Facilities Programs (FP) provides federal support to the State Military Department (Grantee) for the operation and maintenance of authorized facilities coded on the Facilities Inventory and Support Plan (FISP), and the guidance prescribed in NGR 420-10.

1. The support includes leases, facilities operations, tails for military construction appropriation-funded projects, real property sustainment, restoration, modernization, O&M minor construction, and demolition costs, for facilities identified for the joint use of the state and federal government.

2. The USPFO shall not reimburse the State Military Department for any costs for a facility unless **ARNG-IEZ** has approved or will approve that facility for support, or unless **ARNG-IEZ** has explicitly authorized an exception. The binding media for registering support is the FISP.

3. NGR 420-10 authorizes NGB to provide 100% federal funding for certain expenses for operating and maintaining facilities identified for 100% federal funding in NGR 420-10.

4. NGR 420-10 requires that the Grantee share in 25 percent of certain expenses for operating and maintaining licensed readiness centers. When the state provides this contribution, NGR 420-10 authorizes NGB to contribute 75 percent of these expenses in federal funds.

5. NGR 420-10 requires that the Grantee share in 50 percent of certain expenses for operating and maintaining state-owned readiness centers. When the state provides this contribution, NGR 420-10 authorizes NGB to contribute 50 percent of these expenses in federal funds.

Section 102. Additional Definitions.

a. Definitions not included in NGR 5-1 that are specific to this Appendix include:

(1) Real Property: Land and facilities.

(2) Facility: A separate and individual building, structure, utility system, or other real property improvement.

(3) Facilities Operations: The actions and functions performed to support real property requirements, such as leases, utilities (including distribution), solid waste management, pest control, custodial activities, snow removal and other pavement clearance operations, grounds maintenance, real property administration, master planning, fire and emergency services, and related engineering management.

(4) Sustainment: Maintenance and repair activities necessary to keep an inventory of facilities in good working order. It includes regularly scheduled adjustments and inspections, preventive maintenance tasks, and emergency response and service calls for minor repairs. It also includes major repairs or replacement of facility components (usually accomplished by contract) that are expected to occur periodically throughout the life cycle of facilities. This work includes cyclical roof replacement, refinishing of wall surfaces, repairing and replacement of heating and cooling systems, replacing tile and carpeting, and similar types of work. It does not include landscaping, mowing, soil stabilization, and similar activities, which are municipal services.

(5) Restoration: Repair and replacement work to restore facilities damaged by lack of sustainment, excessive age, natural disaster, fire, accident, or other causes. It reduces the backlog of facilities rated C-3 and C-4 on the Installation Status Report. Restoration may be overhaul, reprocessing, or replacement of deteriorated component parts/materials to current industry standards. Restoration is also the relocation or reconfiguration of land and building components and utility systems, and the upgrade of the same to current building and other codes.

(6) Modernization: The construction of new facilities or alteration of existing facilities solely to implement new or higher standards (including regulatory changes), to accommodate new functions (or change the purpose of

a facility), or to replace building components that typically last more than 50 years (such as foundations and structural members).

(7) Construction: The erection, installation, or assembly of a new facility; the relocation of a facility; the complete replacement of an existing facility; or the addition, expansion, extension, alteration, or conversion (to a new type use) of an existing facility. This includes equipment (not furniture) installed and made a part of facilities and related site preparation, excavation, filling and landscaping or other land improvements. It also includes increases in components of facilities for functional reasons and the extension of utilities to areas not previously served. The federal share of the project cost cannot exceed the statutory ceiling in 10 U.S.C. 18263b. Construction is an activity that may be part of either the restoration or modernization programs. It is separately defined, because failure to adhere to the statutory limitations of construction may result in an anti-deficiency violation.

(8) Facilities Inventory and Support Plan (FISP): The FISP is an electronic document that provides detailed information on all federal/state owned, state operated, ARNG facilities within each state, Commonwealth or Territory. It details information on structures, activities, locations, and lists other pertinent data required for federal participation for support. The FISP registers the real property inventory, to include the agreement support code, which dictates the federal reimbursement for each real property facility.

(9) Sustainment Restoration Floor (SRF): Expenditures under the Appendix that directly go toward sustainment or restoration of real property. Specifically, these are expenditures properly chargeable against AMSCOs beginning with 132G78 and AMSCOs 132G76.F1, 132G76.G1, and 132G76.L1.

(10) Facilities Programs Personnel Allocation Standard (FP-PAS). The automated system used by **ARNG-IEZ** and the States and Territories to determine manpower requirements for federally reimbursed State employees. It standardizes the maximum number and types of employees required to provide the necessary manpower for engineering, sustainment, administrative functions at the Construction and Facility Management Office, training centers, logistical facilities to support facilities operations, sustainment, restoration, and modernization (including operations and maintenance construction) requirements.

Section 103. Office of Primary Responsibility.

a. The Office of Primary Responsibility for this Appendix is the Army National Guard Installations Division (**ARNG-IEZ**).

b. Chief, **ARNG-IEZ**, for the purposes of this Appendix, is a designee of the Chief, National Guard Bureau, and is the individual authorized to make final approval of all Facilities Programs budgets and modifications to them and to the language of this Appendix, to authorize distribution and recall of Real Property Operations and Maintenance funds to the USPFO, to receive specified accounting reconciliation reports, and to take any other action on behalf of **ARNG-IEZ** or the Chief, NGB, as specifically reserved under this Appendix for **ARNG-IEZ**.

Section 104. 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 FISP, including attendant site facilities, that are necessary and directly required for those facilities. 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.

(2) The Grantee may contract for the services, provided that the required and appropriate paragraphs and clauses are included as prescribed in the MCA, and that the performance specifications listed below are met.

b. Performance Specifications.

(1) The Grantee shall comply with federal provisions relating to the evaluation of flood hazards and to the prevention, control, and abatement of water pollution.

(2) The Grantee shall have sufficient funds available to meet the non-federal share of the cost for operations, sustainment, restoration, modernization, or construction projects. Sufficient funds shall be available

when projects are completed to assure effective operation and sustainment of facilities for the purposes for which the state conducts their sustainment, restoration, and modernization.

(3) If requested, the Grantee shall obtain NGB approval of final working drawings and specifications before it advertises or places a project on the market for bidding. The Grantee shall execute the project, or cause it to be executed, to final completion according to the approved plans and specifications. For those projects that require the initial approval of NGB, the State CA PM shall submit to the NGB the following changes:

1. Project cost increases above the approved federal contribution ceiling.
2. Project space or function changes that undertake other activities before the original conditions of the project have been met.

(4) The Grantee shall design and/or modify all facilities to comply with the appropriate accessibility standards, unless such facilities are exempt from compliance: the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41-CFR 101-19.6); the Uniform Federal Accessibility Standards (UFAS), published as FED-STD-795 (1 April 1988), or the Americans with Disabilities Act (Public Law 101—336), as implemented in the Federal Register 26 July 1991. The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications by contractors.

(5) The Grantee shall provide and maintain competent and adequate architectural engineering supervision and inspection at project sites to ensure that the completed work conforms to the approved plans and specifications. It shall furnish progress reports and other information as the NGB may require.

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

(7) The Grantee shall cause work on a project to be commenced within a reasonable time after receipt of notification from the NGB that funds have been approved. Furthermore, the Grantee shall ensure that the project shall be performed to completion with reasonable diligence.

(8) The Grantee shall not dispose of or encumber its title or other interests in the site and facilities during the period of federal interest.

Section 105. Authorized Activities/Charges.

a. Authorized costs and activities as shown in NGR 420-10.

b. Payment for salaries, to include allowable benefits, in accordance with State personnel policy for like state government positions within the same geographic area for validated FP positions. When there is no like state government position available, salaries and benefits will be equivalent to a comparable grade and series Federal Civil Service position in the geographic area. Exceptions to a state government position or comparable Federal Civil Service position must be approved by NGB.

(1) Benefit costs include Social Security (**FICA**) contributions; workers compensation **insurance**, medical **insurance** and unemployment insurance (**FUTA**) premiums; and **contributions to** the State retirement system.

(2) Costs for merit and incentive awards based on performance providing the awards are part of a program available and consistent with those offered to similar state government positions.

(3) If a state has a pay raise, pay freeze or pay cap, a hiring freeze or employee furloughs for like positions throughout the State then State FP employees will have corresponding limitations.

(4) Travel expenses for FP personnel performing ARNG FP activities at a location other than that assigned, at a rate consistent with state travel policy.

(5) Costs for training, registration, travel and per diem for FP when the training courses, seminars and workshops are authorized by NGB for the FP position. Attendance at CFMO University, DBIA training and ISR training is authorized

(6) Fees associated with new requirements, periodic certification, examinations, or licenses required by state or federal agencies for the performance of FP activities.

c. Costs for travel and per diem for FP employees whose salary receives no federal reimbursement to attend NGB sponsored courses required to perform duties of the position.

Section 106. Unauthorized Activities/Charges.

a. Unauthorized costs and activities as shown in NGR 420-10 and all other activities/charges not otherwise approved by **ARNG-IEZ**.

b. Reimbursement for courses, whether accredited or non-accredited, and professional training not specifically required for performance of position duties covered under this agreement.

c. **Reimbursement of monthly or one-time worker's compensation payouts (claims); additional post-retirement costs, such as additional costs associated with 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, shall not be authorized.**

d. **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, shall not be authorized.**

e. **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, shall not be authorized. These are matters between the State and the employee(s), and such costs shall be borne by the Grantee.**

Section 107. Budget Requirements.

a. Limitations.

(1) The CA PM shall submit a budget via the designated automated system each fiscal year for FP. The budget shall list by line item the Facilities Programs to be funded under this Appendix and the amount of that line item for which it expects reimbursement from NGB. Upon the approval of the budget, its summary sheet shall be incorporated into this Appendix. It shall also state the Sustainment Restoration Floor (SRF) for the fiscal year.

(2) The listed summary total amounts on the approved FP budget and any approved modifications to this budget constitute the maximum amount NGB intends to reimburse the state for its FP under this Appendix. This budget shall be incrementally funded. Subject to the availability of funds, NGB shall provide additional funds to the Grantee for Facilities Programs activities monthly until the approved maximum amount is reached or until NGB approves an increase to this maximum amount.

(3) The CA PM is granted flexibility to move funding within the AMSCOs indicated in the enclosure of the annual budget submission instruction letter to adjust actual expenditures where they differ from the budget except as follows:

1. The CA PM may obligate and disburse any funds issued in AMSCO 131G79.RO and 131G79.TO only for activities authorized by these AMSCOs. The CA PM must return to **ARNG-IEZ** any funds for which it has no authorized requirements. It may transfer 131G79.RO and 131G79.TO funds to other AMSCOs covered under this Appendix only with the prior written approval of **ARNG-IEZ**.

2. The state may not decrease the Federal funds contribution in its SRF or decrease the Federal funds contribution in its Facilities Program Budget without prior notification of **ARNG-IEZ** and the written approval of the USPFO.

3. The sum of federal reimbursements and program income may not exceed the requirements listed for each AMSCO in the approved FP Appendix budget. The state must have prior written USPFO approval of an amended budget before it may request a reimbursement or receive program income that would bring its receipts above the AMSCO requirements in the previously approved budget.

b. **AMSCOs: The state CA PM shall use any of the appropriate BRAC, 131G35.*, 131G56.D0, 131G79.* 132G76.*, 132G78.*, 131G5210.*, 131G5220.*, 131G79.G0.*, and 132G93.* AMSCOs listed in the DFAS Manual 37-100-XX current for the fiscal year in question, unless the CA PM has received written ARNG-IEZ approval to use additional AMSCOs in accounting for charges to this Appendix. No charge shall be made to the listed AMSCOs unless it specifically falls under the guidelines of the AMSCO as defined in the current DFAS Manual 37-100-XX. The State Military Department (SMD) shall use the AMSCO's provided by the CA PM in accounting to this Appendix.**

c. Cost Sharing.

- (1) Depending on the Facilities Programs line item in the approved budget, NGB shall contribute no more than 100 percent, 75 percent, or 50 percent of the total cost of the activity.
- (2) The budget shall only list the NGB share of each line item.
- (3) The budget shall separately list the total NGB contribution for 100 percent, 75 percent, and 50 percent RPMA activities, and it shall list the total Grantee share.

d. Budget Changes.

(1) The CA PM must submit a written request to decrease the federal funds in its SRF or to decrease the federal funds in its Facilities Programs. The CA PM must furnish a copy of the said request to **ARNG-IEZ**. The request shall include an updated budget reconciliation report and justification as enclosures. 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.

(2) CA PM budget changes not requiring **ARNG-IEZ** written approval shall be reflected in the periodic reports it is required to submit to **ARNG-IEZ**.

1. Changes the CA PM makes to the budget during the fiscal year do not require **ARNG-IEZ** approval. However, the TAG and the USPFO must execute a CA modification, when the State Military Department wishes to decrease the federal funds in its SRF or to decrease the Federal funds in its approved FP budget. Such modifications must include a cover letter, the modification, and reconciliation. The change shall not be binding unless a CA modification to this Appendix has been executed.

2. Annual Funding Program (AFP) may not be transferred from the FP without a signed modification to the Appendix that includes justification for the transfer. Transfers of funds within the FP Appendix that remain part of the FP do not require a modification.

3. Funding transfers into the FP, whether from **ARNG-IEZ**, other NGB program managers, the State Military Department, PBAC, or program income, do not require **ARNG-IEZ** approval. They will, however, require a modification to the FP Appendix. The transfer shall not be binding unless a CA modification to this Appendix has been executed.

4. CA PM's must submit via e-mail an electronic copy of the executed Appendix and all modifications thereto to **ARNG-IEZ** immediately upon execution.

e. Budget Reports.

The CA PM shall submit any requested financial or budget report that **ARNG-IEZ** may require.

Section 108. Appendix Administration.

ARNG-IEZ and NGB-PARC-A must approve any changes to the instructions, terms or conditions of the Appendix, IAW NGR 5-1, Chapter 3. The change shall not be binding unless it is so approved. The change and approval shall not be binding unless a CA modification to this appendix has been executed.

Section 109. 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 Grantee 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. 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. Program Income: The gross income received by the Grantee from fees for services performed and from the use or rental of real or personal property, the operation and maintenance of which is supported under this Appendix. Program Income shall be added to the budget as a Grantee contribution regardless of the percentage of federal contribution reflected in this Appendix. This dollar amount may reflect anticipated Program Income and be updated as Program Income is reported, but as a minimum shall reflect the total dollars received as Program Income for each fiscal year as it occurs.

e. In accordance with Section 107, 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%)	\$14,682,443.33	\$14,682,443.33
Federal Share (75%)	\$ 3,586,385.78	\$ 3,586,385.78
<u>Federal Share (50%)</u>	<u>\$13,311,383.89</u>	<u>\$ 13,311,383.89</u>
Federal Total	\$31,580,213.00	\$31,580,213.00
In Kind Assistance	\$ 3,600,000.00	\$ 3,600,000.00
Grantee Share 25% IKA	\$ 100,000.00	\$ 100,000.00
Source A Funding (Navy/Marines)	\$ 234,112.85	\$ 234,112.85
Grantee Share (50%)	\$13,311,383.89	\$13,311,383.89
<u>Grantee Share (25%)</u>	<u>\$ 1,195,461.93</u>	<u>\$ 1,195,461.93</u>
Grantee Total	\$14,506,845.82	\$14,506,845.82

2. Fiscal Year 2017:

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ 8,878,109.79	\$ 646,307.33
Federal Share (75%)	\$ 2,168,598.22	\$ 157,869.29
<u>Federal Share (50%)</u>	<u>\$ 8,582,991.99</u>	<u>\$ 624,823.38</u>
Federal Total	\$19,629,700.00	\$ 1,429,000.00
In Kind Assistance	\$ 3,200,000.00	\$ 3,200,000.00
Grantee Share 25% IKA	\$ 100,000.00	\$ 100,000.00
Source A Funding (Navy/Marines)	\$ 205,076.14	\$ 0.00
Grantee Share (50%)	\$ 8,582,991.99	\$ 624,823.38
<u>Grantee Share (25%)</u>	<u>\$ 722,866.07</u>	<u>\$ 52,623.10</u>
Grantee Total	\$ 9,305,858.06	\$ 677,446.48

Fiscal Year _____:

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

October 2016

Grantee Total \$ _____ \$ _____

4. 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%)	\$ _____	\$ _____
Program Income	\$ _____	\$ _____
Grantee Total	\$ _____	\$ _____

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%)	\$ _____	\$ _____
Program Income	\$ _____	\$ _____
Grantee Total	\$ _____	\$ _____


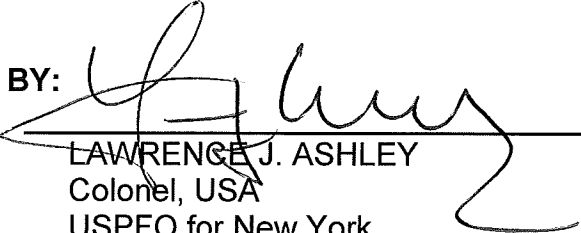
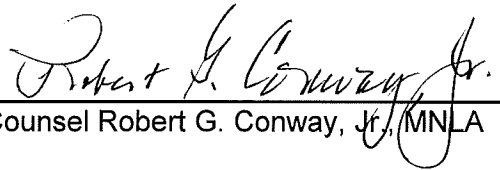
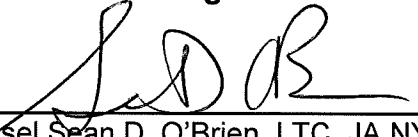
Section 110. Agreement Particulars.

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, as amended.

- | | |
|---|---|
| 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: | 2100 |
| i. Funding Agency: | Army |
| j. Program Source Agency: | 21 |
| k. Transaction Type: | Cooperative Agreement |
| l. CFDA: | 12.401 |
| m. CFDA Program Title: | Operation and Maintenance,
Army National Guard |
| n. Program Source Account-Funding: | 2065 |
| o. Treasury Appropriation Code: | 2065 |
| p. Award/Obligation/Action Date: | 1 Oct 2016 |
| q. Starting Date: | 1 Oct 2016 |
| r. Ending Date: | 30 Sep 2017 |
| s. Record Type: | Individual Action |
| t. Fiscal Year/Quarter: | 2017/1 st Qtr |
| u. Unique Federal Award Identification Number (FAIN) | W912PQ-17-2-1001 |
| v. Approved Budget Amount: | \$31,580,213.00 |
| w. R&D Award (Yes or No) | No |
| x. Indirect Cost Rate or CPP Rate: | \$53,958.00 |

EXECUTION

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

<p>STATE OF NEW YORK</p> <p>BY:  _____ ANTHONY P. GERMAN Major General, NYANG The Adjutant General</p> <p><u>22 NOV 2016</u> (Date)</p>	<p>NATIONAL GUARD BUREAU:</p> <p>BY:  _____ LAWRENCE J. ASHLEY Colonel, USA USPFO for New York</p> <p><u>23 NOV 16</u> (Date)</p>
<p>Approved as to Legal Form:</p> <p> _____ Counsel Robert G. Conway, Jr., MNLA</p> <p><u>1 Nov 2016</u> (Date)</p>	<p>Approved as to Legal Form:</p> <p> _____ Counsel Sean D. O'Brien, LTC, JA NYARNG</p> <p><u>5 Nov 2016</u> (Date)</p>

