

# COOPERATIVE AGREEMENT MODIFICATION

Agreement/Appendix Title and Number: W912PQ-14-2-1005

Project Name/Description and Location: ARNG Command, Control, Communications, Computers, and Information Management (C4IM) Services

Modification Number: P00001

ISSUED BY:

NATIONAL GUARD BUREAU

ISSUED TO:

THE STATE OF NEW YORK

This modification is issued pursuant to the Authorities, 31 U.S.C. Chapter 63; MCA and Appendices Article VII, Sect 703; MCCA Article XII, Sect 1201 of the basic cooperative agreements. Mark purpose and obtain signatures as appropriate IAW NGR 5-1, Chapter 3.

- a. FUNDING
- b. TERMS AND CONDITIONS
- c. TERMINATION
- d. OTHER ADMINISTRATIVE

### DESCRIPTION OF MODIFICATION:

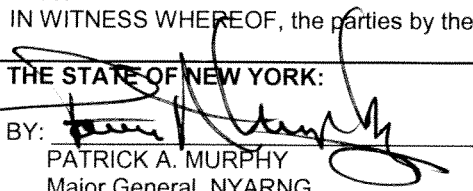
1. JUSTIFICATION: Request that a Modification be issued to open Appendix 1005, ARNG Command, Control, Communications, Computers, and Information Management (C4IM) Services, of the Master Cooperative Agreement for Fiscal Year 2014.
2. This Appendix, W912PQ-14-2-1005, is hereby extended for Fiscal Year 2014. The effective date is 01 October 2013 and the termination date is 30 September 2014.
3. The Appendix number W912PQ-13-2-1005 is changed to read **W912PQ-14-2-1005 for FY 2014.**
4. The Initial Maximum Funding Limitation (MFL-Federal) for this Appendix W912PQ-14-2-1005 for FY-14 is \$0.00
5. The initial Estimated Cost (AFP-Federal) for this Appendix W912PQ-14-2-1005 for FY-14 is \$1,120,496.00.
6. The Initial Maximum Funding Limitation (MFL-Federal) for Recruiting and Retention Phones is \$0.00.
7. The Initial Estimated Cost for Recruiting and Retention Phones is \$20,000.00.
8. The Initial Maximum Funding Limitation (MFL-State) for this Appendix W912PQ-14-2-1005 for FY-14 is \$0.00.
9. The initial Estimated Cost (AFP-State) for this Appendix W912PQ-14-2-1005 for FY-14 is \$114,344.00.
10. In-Kind Assistance is established at \$914,000.00
11. Add the attached updated pages 5-6 to this Appendix for FY-14.
12. See attached memo from MNAS dated 22 October 2013.
13. FY2014 funding for this modification is authorized pursuant to HR2775, as enacted, Section 116. Funding is authorized to the Grantee for reimbursement of expenses incurred for 1) compensation of furloughed employees during the period of a lapse in Federal appropriations and, 2) expenses incurred by the Grantee that would have been paid by the Federal Government during that period had appropriations been available. HR2775, as enacted, Section 116 in its entirety is attached and incorporated by reference. Reimbursement of authorized, allowable expenses retroactive to 1 Oct 13 is authorized.
14. As FY 2014 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.

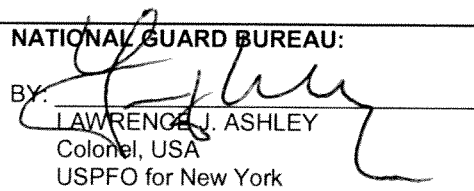
IN WITNESS WHEREOF, the parties by their authorized representatives execute this Cooperative Agreement Modification.

THE STATE OF NEW YORK:

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

Date: 14 Nov 13

NATIONAL GUARD BUREAU:

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

Date: 18 Nov 13

APPROVED AS TO LEGAL FORM:

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

Date: 31 Oct 2013

APPROVED AS TO LEGAL FORM:

BY:   
 Counsel Paul Sausville, COL, JA, NYARNG

Date: 31 Oct 2013

Attachment A

Master Cooperative Agreement, Appendix 5  
 In Kind Assistance Detail  
 FY 14 - As of September 2013

Detailed below is a complete list of the products and services that provide State and Federal shared communications support which must be funded with Federal contracts:

| ITEM          | PRODUCT OR SERVICE            | DESCRIPTION OF PRODUCT OR SERVICE                        | REASON FOR FEDERAL PROCUREMENT                              | STATUS OF IKA | ANNUAL                |                    |
|---------------|-------------------------------|--|---|---------------|-----------------------|--------------------|
|               |                               |  |   |               | ESTIMATED ANNUAL COST | STATE 10%          |
| 1             | Credit Card MODs              | Provides ad hoc network repair supplies                  | State Credit card does not allow sufficient funding amounts | Proposed      | \$92,000.00           | \$9,200.00         |
| 2             | Avaya Maintenance (Rochester) | Monitoring, Repair and Tech Support                      | State Contract cost significantly higher                    | Proposed      | \$700,000.00          | \$70,000.00        |
| 3             | Avaya Maintenance (Latham)    | Monitoring, Repair and Tech Support                      | State Contract cost significantly higher                    | Proposed      | \$70,000.00           | \$7,000.00         |
| 4             | Avaya Contract Farmingdale    | Monitoring, Repair and Tech Support.                     | State Contract cost significantly higher                    | Proposed      | \$50,000.00           | \$5,000.00         |
| 5             | Veramak ECAS maintenance      | Provide software maintenance for our chargeback solution | Established Federal Contract                                | Proposed      | \$2,000.00            | \$200.00           |
| <b>Totals</b> |                               |  |   |               | <b>\$914,000.00</b>   | <b>\$91,400.00</b> |

FY 14 – Master Cooperative Agreement, Appendix 1005, C4IM  
IN-KIND ASSISTANCE  
PAGE 2 to ATTACHMENT A

MNAG-TAG

<sup>DAK</sup>  
Concur/Non-Concur

14 NOV 13  
Date

Signature

The Adjutant General

USP&FO-NY

<sup>to</sup>  
Concur/Non-Concur

14 NOV 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

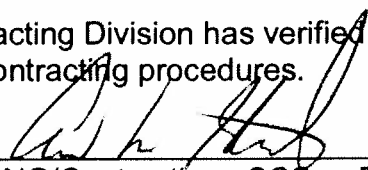
MNPF

21 October 2013

MEMORANDUM FOR MNPF-CO

SUBJECT: Approval of the attached request for In-Kind Assistance Letter Dated: 21 October 2013, from MNFE-CFMO FY 14, Appendix 1005, C4IM

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

11/19/13

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](mailto:renee.davin@us.army.mil).

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

MEMORANDUM FOR: MNPF-PC

SUBJECT: Opening of FY 14 Cooperative Funding Agreement, Telecommunications

1. Opening to FY 14 Cooperative Agreement, Appendix 5, Page 4, Section 506, paragraphs a. and b.

| Projected Expenditure for Master Cooperative Agreement Appendix 5 |         | \$2,666,000.00 |               |
|---|---------|----------------|---------------|
| FUNDING   | FEDERAL | MCA AFP        | MCA ALLOTMENT |
| Federal Share - IKA   |         | \$914,000.00   |               |
| Federal Share State Contracts - 90/10                             |         | \$206,496.00   |               |
| FEDERAL TOTAL   | QOIM    | \$1,120,496.00 |               |
| Federal Share - Recruiting and Retention                          |         | \$20,000.00    |               |
| GRAND TOTAL - FEDERAL   |         | \$1,140,496.00 |               |
| FUNDING   | STATE   |                |               |
| State Share - IKA 10%   |         | \$91,400.00    |               |
| State Share - State Contracts 10%                                 |         | \$22,944.00    |               |
| STATE TOTAL   |         | \$114,344.00   |               |
| Total MCA App 5 Requirements                                      |         | \$1,254,840.00 |               |

2. Within the Federal Share indicated above (\$1,140,496.00) \$914,000.00 is reserved and designated specifically for in kind assistance (IKA) through federal procurement procedures. The use of IKA shall be at the request of The Adjutant General and approved by the USP&FO. NGB-AEN approval is not necessary.

3. Projected Expenditure of the Master Cooperative Agreement, Appendix 1005 for FY 14 is \$2,666,000.00, based on a cost analysis and decrement list development. Over the past 5 years, New York has not received sufficient NGB funding to support the MCA. Shortfalls have been made up by the PBAC from other NY Directorates.

4. The AFP and ALLOTMENT will be modified as additional funding is received.

5. Questions concerning this agreement should be directed to CW4 David Tiffany, x4301.

KAVANAGH DENNIS D 1017610780

DENNIS D. KAVANAGH  
Policy and Plans, Administrative Support

DISTRIBUTION:

- MNPF-USP&FO-NY, Management and Program Analyst (Cooperative Agreements)
- MNBF, ATTN: Mr. Thomas Halabuda

## **APPENDIX 5**

### **ARNG COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS, AND INFORMATION MANAGEMENT (C4IM) SERVICES**

#### **Section 501. General.**

a. This Appendix prescribes the terms, conditions, policies and procedures for the National Guard Bureau's (NGB's) Federal contributions for the Army National Guard (ARNG) Command, Control, Communications, Computers, and Information Management (C4IM) Services of the Army National Guard within the State.

b. Statements of Fact.

(1) The authorities and provisions set forth in the following regulations and directives are incorporated into this Appendix by reference.

- (a) NGR 5-1, NGB Grants and Cooperative Agreements
- (b) AR 25-1, Army Knowledge and Information Technology
- (c) DA PAM 25-1-1, Information Technology Support and Services

(2) NGB Appropriations 2065, Operations & Maintenance (O&M) funds can be used in support of this Agreement. The support of ARNG C4IM services is authorized for facilities described and coded for federal support in the Facilities Inventory and Support Plan (FISP). These facilities shall be provided for the joint use of the State and the Federal Government.

(3) Information Technology Services including equipment and facilities incidentals to those services are generally acquired from commercial common carriers. The services are acquired according to tariff provisions and at established tariff rates unless cost or operational requirements dictate otherwise.

(4) Acquisition of leased base communications services within the ARNG is subject to policies and procedures contained in OMB Bulletins, DOD Directives, Army Regulations and other directives issued pursuant thereto.

(5) Network design is a coordination effort between the information manager in the state and the Chief, ARNG-IMP. Final approval of network design and acquisition of circuits is with the Chief, ARNG-IMP.

(6) The nature of the cost for communications in support of the National Guard in the states is such that it is not practical, desirable, nor economical to provide completely separate communications systems to meet State and Federal requirements. Communications are provided by a common system, and the State and Federal portions of the costs must be apportioned between the two. The State (Grantee) and the USPFO shall determine that percentage.

#### **Section 502. Additional Definitions**

a. Command, Control, Communications, Computers and Information Management Service (C4IM) consist of four categories; baseline services; enhanced services; mission funded services and mission unique services.

(1) Baseline services: These services are specifically designated as "baseline". State Joint Force Headquarters (JFHQ) J6/G6/DOIMs will provide baseline IT services to ARNG activities on a non-reimbursable basis.

(2) Enhanced services: These are "baseline" services with enhanced performance measures that exceed one or more of the standards listed in the C4IM service list. ARNG activities desiring enhanced IT services will request and obtain these services from the JFHQ J6/G6/DOIM on a reimbursable basis. ARNG activities and JFHQ J6/G6/DOIM will enter into a support agreement for enhanced services.

(3) Mission funded services: These services are specifically designated as "mission funded" in the C4IM services List, ARNG activities will reimburse the JFHQ J6/G6/DOIM for these services unless the J6/G6/DOIM determines that J6/G6/DOIM operations cannot reasonably provide the required services.

(4) Mission unique services: These services do not appear on the C4IM Services list since the list only includes the most commonplace IT services. Resources and provisioning for these services are the responsibility of the tenant activity. If the unique mission service interfaces in any way with the JFHQ or state/territory IT infrastructure, activities will submit acquisition plans to the installation JFHQ J6/G6/DOIM for review and approval.

(5) IT Metrics: The IT Metrics Program provides a common framework which allows installation commanders and IT managers to assess the current status of IT operations and infrastructure and to

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evaluate the degree to which each component supports mission accomplishment. By identifying mission capability shortfalls, commanders and IT managers at all levels can make informed decisions regarding allocation of limited IT investment resources

(6) QOIM: Services which Includes manpower authorizations, contracts, peculiar and support equipment, and associated costs specifically identified and measurable to plan, manage, coordinate, and execute Information Technology Services Management (ITSM). Includes the delivery of services consisting of secure and non-secure fixed voice communications, wireless voice, data and video connectivity services, video conferencing services (excludes desktop video teleconferencing (VTC) Collaboration). Provides infrastructure support, including the design, installation, and maintenance of special circuits/systems in support of life safety/security systems and monitoring/control systems. Provides Collaboration and Messaging Services including services and tools for workforce to communicate and share information). Provides Application and Web-hosting including operation and management services required to support web and application hosting. Provides for IT Operations Centers including systems and processes necessary to allow customers to have seamless access to IT applications and solutions. Provides Desktop Management Support including management and support for end-user hardware and software services and tools. Includes Service Desk Support, Continuity of Operations (COOP) and Disaster Recovery support.

### **Section 503. Office of Primary Responsibility.**

a. The Office of Primary Responsibility for this Appendix is the Army National Guard Information Technology Plans, Policy, and Resource Division (ARNG-IMP), National Guard Bureau, Army National Guard Readiness Center, 111 South George Mason Drive, Arlington, Virginia 22204-1382.

b. The Chief, ARNG-IMP, 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 C4IM Service budgets and modifications to it and to the language of this Appendix, to authorize distribution and recall of communications funds to the USPFO, to receive specified accounting reconciliation reports, to approve minor communications projects above a set limit and to take any other action on behalf of NGB or the Chief, NGB, as specifically reserved under this appendix for ARNG-IMP.

c. The Joint Forces Headquarters (JFHQ), J6/G6, Director Information Management (DOIM), or Deputy Chief of Staff for Information Management (DCSIM), as appointed by the Adjutant General, is responsible for reviewing all requests for procurement of C4IM communications equipment and services and validating requests for payment through commercial accounts. The responsible person is also responsible for making inspections as necessary to determine the extent of compliance with and efficiency of operation under this Appendix.

### **Section 504. Scope of Agreement.**

a. Scope of Services.

(1) The Grantee shall provide baseline C4IM Services to facilities described and coded for federal support in the Facilities Inventory and Support Plan (FISP).

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

b. Performance Specifications.

(1) The Grantee shall adhere to the guidelines of IT Metrics updates and the performance specifications as stated in the C4IM Service List.

### **Section 505. Authorized Activities/Charges.**

a. Authorized Activities/Charges are those Baseline items and services IAW QOIM C4IM Service 15 List. Other than baseline items and services are authorized and maybe provided subject to the availability of funds. These services include but may not be limited to the following types of services:

(1) Funding, billing and internal controls for (installation/activity/armory) Base communications

(BASECOM) to include fax, voice, data and other services.

- (2) Specific communications issues and regulatory requirements to include emergency responses.
- (3) Development of NG Strategic communications Plan for the state Military Department.
- (4) Services for the integration of the GuardNet communications network to best support the mission of the state Military Department.
- (5) Provide coordination for a communications disaster recovery plan for the Military Department of State.
- (6) Services for the investigation of electronic commerce initiative as related to communications.
- (7) Services to develop, implement, and coordinate the communications infrastructure.
- (8) Provide services to develop and coordinate inherent processes such as the Network Help Desk to facilitate information support.
- (9) Cost of circuits for Distance Learning (DL) classrooms will be funded primarily by ARNG-TR using MDEP TADT. Exceptions to use base communications funds (MXCB/QOIM) will be authorized on a case-by-case basis by ARNG-IMP.
- (10) Cell and digital services in accordance to TAG policy.

b. Other services under C4IM Services 18 and 19 may be authorized on a case by case basis by ARNG-IMP. Requests for support under C4IM Services 18 and 19 shall state the specific C4IM Services number, Task ID, Task and how the support is to be accomplished, e.g. State employee, State contract hire.

#### **Section 506. Unauthorized/Charges**

a. The following base communications services are unauthorized unless specifically requested by the Grantee and approved in writing by ARNG-IMP:

- (1) Request for Foreign Exchange, WATS 800 service, Defense Switched Network (DSN)
- (2) Requests for services that exceed \$2,000 monthly or \$5,000 nonrecurring per work order or circuit (DA PAM 25-1-1).
- (3) Requests for circuits over 25 miles or that cross the LATA line, unless the service is within a State and is procured through the State in accordance with an NGB approved Network Design.
- (4) Request for Secret Internet Protocol Router Network (SIPRNET) and/or Joint Worldwide Intelligence Communications Systems (JWICS) circuits.
- (5) Automation equipment (e.g., computers, servers, printers, and software, etc.).
- (6) C4IM Services 16 and 17.

#### **Section 507. Budget Requirements.**

a. State Operating Budget. Each State J6/A6 shall be provided Annual Funding Guidance (AFG) by ARNG-IMP. The State J6/A6 shall break out the AFG by specified budget categories (MXCB/QOIM AMSCOs). ARNG-IMP may specify funding ceilings or floors for particular budget categories. The State J6/A6 shall include all of the requirements necessary to provide adequate baseline C4IM service support to facilities authorized or projected to be authorized. It shall do so whether or not there is funding available in order to capture all unfinanced requirements and input /submit data through IT Metrics.

(1) The state J6/A6 shall develop an Approved Budget and identify an Approved Budget amount for the authorized MDEP for the entire FY, to cover projected state communication costs authorized by this agreement, NLT 30 September. It is not required that ARNG-IMP approves the state's Budget. However, the Budget amount identified for this agreement shall not exceed the AFG. A Budget's amount may exceed the AFG if approved by ARNG-IMP.

(2) Changes the J6/A6 makes to its Approved Budget during the fiscal year do not require ARNG-IMP approval. However, increases or decreases to the budget will be processed IAW NGR 5-1, Chapter 3.

(3) Although State Operating Budget reports are not routinely required by ARNG-IMP, the CA PM shall submit requested financial or budget reports that ARNG-IMP may require.

(4) It is critical that the CA PM provides input to the J6/A6 (DOIM) to be included into the IT Metrics to track their requirements. The IT Metrics data is used to determine critical requirements for future funding allocations and Program Objective Memorandum (POM) submissions through the federal funding process.



b. Cost Share: (if Applicable)

(1) The Cost Share for This Appendix Shall Be

FEDERAL: 90%  
STATE: 10%

(2) Costs share may include:

(a) Recurring costs and toll charges. Funding shall be limited to necessary services as substantiated by previous funding programs, for projections for activation/deactivation of units, and planned upgraded communications services in support of NGB approved networks.

(b) Leased equipment. Leased equipment charges shall be prorated based upon the number of lines used for State requirements versus the number of lines for Federal requirements.

(c) Recruiting and Retention costs. Field recruiter communication costs are supported through this Appendix with funding provided by the Recruiting and Retention budget.

**Section 508. Appendix Administration.**

a. ARNG-IMP may authorize communication services in addition to those listed here to ARNG activities and/or organizations with special communication requirements. Requests submitted to ARNG-IMP for consideration shall be fully justified to include cost estimates and a statement on the availability of funds within the state to support the services requested.

b. Inspection and Monitoring. The JFHQ J6/G6/Director of Information Management (DOIM) and/or Information Management Officer (IMO) is/are responsible for monitoring the extent of compliance with and the efficiency of operation under this appendix as it pertains to the federal guidelines and laws.

c. Requirements and limitations associated with Other Procurement Army (OPA) vs Operational & Maintenance (O&M) funding are identified in the National Security Appropriations Act. It should be noted that systems exceeding the limitations identified in the National Security Appropriations Act (\$250,000 or more for equipment) must be funded through OPA funds and purchases cannot be split to avoid the limitation. However, OPA funding cannot be executed through this appendix.

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

**Section 509. Funding Limitation.**

a. Approved Budget/Annual Funding Program (AFP): The total dollar amount that NGB anticipates, subject to the availability of funds, being available for reimbursement to the State for its costs in fulfilling its responsibilities under this Appendix. This amount may be increased or decreased by NGB during the fiscal year.

b. Total Dollars Obligated: The total amount of funds obligated for NGB's share under this Appendix. Only funds obligated through an executed CA modification to this appendix are available for reimbursement to the state. Funds shall be obligated as received by the CA PM.

c. Accomplished as In-Kind Assistance: The total dollars expended through Federal acquisition. This dollar amount may reflect anticipated In-Kind Assistance and be updated as IKA is approved, but as a minimum shall reflect the total dollars accomplished through In-Kind Assistance in support of this Appendix for each fiscal year as it occurs.

d. In accordance with Section 507(b) Cost Sharing, the Federal and Grantee shares are indicated for each fiscal year as it occurs:

| (1) Fiscal Year 2010:              | Approved Budget/(AFP)     | Total Dollars Obligated     |
|------------------------------------|---------------------------|-----------------------------|
| Federal Share (100%)               | \$ 393,378.91             | \$ 393,378.91               |
| Federal Share ( 90%)               | \$ 2,142,880.11           | \$ 2,142,880.11             |
| Federal Share (RR)(100%)           | \$ 6,872.77               | \$ 6,872.77                 |
| <br>Federal Total                  | <br>\$ 2,543,131.79       | <br>\$ 2,543,131.79         |
| Accomplished as In-Kind Assistance | \$393,378.91              |                             |
| Grantee Share ( 10%)               | \$ 238,097.41             | \$ 238,097.41               |
| Grantee Total                      | \$ 238,097.41             | \$ 238,097.41               |
| <br>Grand Total                    | <br>\$ 2,781,229.20       | <br>\$ 2,781,229.20         |
| <br>(2) Fiscal Year 2011:          | <br>Approved Budget/(AFP) | <br>Total Dollars Obligated |
| Federal Share ( 100%)              | \$ 244,250.00             | \$ 243,130.00               |
| Federal Share ( 90%)               | \$ 2,198,250.00           | \$ 2,188,170.00             |
| Federal Share(RR)(100%)            | \$ 6,872.77               | \$ 6,872.77                 |
| <br>Federal Total                  | <br>\$ 2,449,372.77       | <br>\$ 2,438,172.77         |
| Accomplished as In-Kind Assistance | \$780,532.00              |                             |
| Grantee Share ( 10%)               | \$ 244,250.00             | \$ 243,130.00               |
| Grantee Share ( %)                 | \$ _____                  | \$ _____                    |
| <br>Grantee Total                  | <br>\$ 244,250.00         | <br>\$ 243,130.00           |
| <br>Grand Total                    | <br>\$ 2,693,622.77       | <br>\$ 2,681,302.77         |

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| (3) Fiscal Year 2012 : | Approved Budget/(AFP) | Total Dollars Obligated |
|------------------------|-----------------------|-------------------------|
| Federal Share ( 100 %) | \$ 152,866.00         | \$ 95,000.00            |
| Federal Share ( 90%)   | \$ 1,987,834.00       | \$ 1,449,074.09         |
| Federal Total          | \$ 2,140,700.00       | \$ 1,544,074.09         |
| <br>Federal R&R (100%) | <br>\$ 14,992.78      | <br>\$ 14,992.78        |

|                                    |                 |                 |
|------------------------------------|-----------------|-----------------|
| Accomplished as In-Kind Assistance | \$ 911,562.32   |                 |
| Grantee Share ( 10%)               | \$ 220,870.00   | \$ 161,007.23   |
| Grantee Share ( %)                 | \$ 0.00         | \$ 0.00         |
| Grantee Total                      | \$ 220,870.00   | \$ 161,007.23   |
| Grand Total                        | \$ 2,367,562.78 | \$ 1,720,074.10 |

|                                    |                       |                         |
|------------------------------------|-----------------------|-------------------------|
| (4) Fiscal Year 2013:              | Approved Budget/(AFP) | Total Dollars Obligated |
| Federal Share (100%)               | \$ 781,842.79         | \$ 781,842.79           |
| Federal Share (90%)                | \$ 721,837.33         | \$ 721,837.33           |
| Federal Share RR(100%)             | \$ .00                | \$ .00                  |
| Federal Total                      | \$ 1,503,680.12       | \$ 1,503,680.12         |
| Accomplished as In-Kind Assistance | \$868,714.00          |                         |
| Grantee Share (10%)                | \$ 80,204.15          | \$ 80,204.15            |
| Grantee Share IKA(10%)             | \$ 86,871.42          | \$ 86,871.42            |
| Grantee Total                      | \$ 167,075.57         | \$ 167,075.57           |
| Grand Total                        | \$ 1,670,755.69       | \$ 1,837,831.26         |

|                                    |                       |                         |
|------------------------------------|-----------------------|-------------------------|
| (5) Fiscal Year 2014:              | Approved Budget/(AFP) | Total Dollars Obligated |
| Federal Share ( 100%)              | \$ 914,000.00         | \$ _____                |
| Federal Share ( 90%)               | \$ 206,496.00         | \$ _____                |
| Federal Share RR(100%)             | \$ 20,000.00          | \$ _____                |
| Federal Total                      | \$ 1,140,496.00       | \$ _____                |
| Accomplished as In-Kind Assistance | \$914,000.00          |                         |
| Grantee Share (10%)                | \$ 22,944.00          | \$ _____                |
| Grantee Share IKA(10%)             | \$ 91,400.00          | \$ _____                |
| Program Income                     | \$ 0.00               | \$ _____                |
| Grantee Total                      | \$ 114,344.00         | \$ _____                |
| Grand Total                        | \$ 1,254,840.00       | \$ _____                |

**Section 510. Agreement Particulars.**

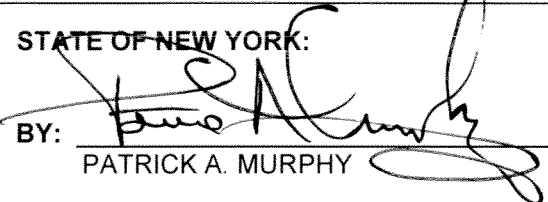
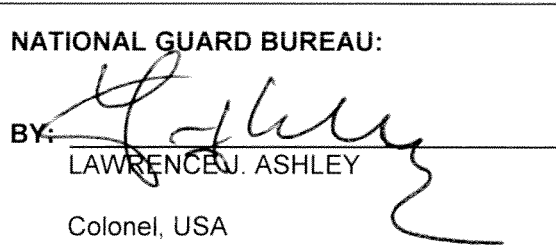
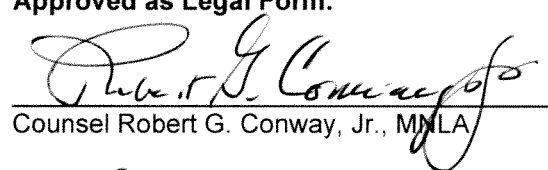
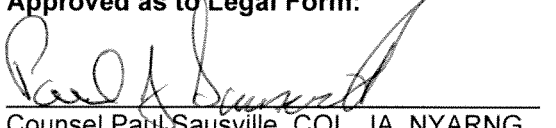
The information below shall be recorded by the Grants Officer's Representative (GOR) for compliance with the reporting requirements of the DoD Assistance Award Action Report System (DAADS) and the Federal Funding Accountability and Transparency Act of 2006.

- 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): New York, 12110-3514  
  
(To include Zip + 4)
- e. Grantee/Recipient County (Primary Place of Performance): 36
- f. Grantee/Recipient Congressional District (Primary Place of Performance): Albany
- 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: 01 Oct 2013
- q. Starting Date: 01 Oct 2013
- r. Ending Date: 30 Sep 2014
- s. Record Type: Individual Action
- t. Fiscal Year/Quarter: 2014/1st Qtr

**EXECUTION**

By executing this Appendix, the parties agree to its terms and conditions.

IN WITNESS WHEREOF, the parties by their authorized representatives, execute this Appendix.

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| <p><b>STATE OF NEW YORK:</b></p> <p>BY: <br/>PATRICK A. MURPHY</p> <p>Major General, NYARNG<br/>The Adjutant General</p> <p><u>14 Nov 13</u><br/>(Date)</p> | <p><b>NATIONAL GUARD BUREAU:</b></p> <p>BY: <br/>LAWRENCE J. ASHLEY</p> <p>Colonel, USA<br/>USP&amp;FO for New York</p> <p><u>14 Nov 13</u><br/>(Date)</p> |
| <p><b>Approved as Legal Form:</b></p> <p><br/>Counsel Robert G. Conway, Jr., NYLA</p> <p><u>31 Oct 2013</u><br/>(Date)</p>                                 | <p><b>Approved as to Legal Form:</b></p> <p><br/>Counsel Paul Sausville, COL, JA, NYARNG</p> <p><u>31 Oct 2013</u><br/>(Date)</p>                         |

Emergency Deficit Control Act of 1985, as amended, and \$469,639,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act.

(c) Section 5 of Public Law 113-6 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. (a) Employees furloughed as a result of any lapse in appropriations which begins on or about October 1, 2013, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.

(b) For purposes of this section, "employee" means:

- (1) a federal employee;
- (2) an employee of the District of Columbia Courts;
- (3) an employee of the Public Defender Service for the District of Columbia; or
- (4) a District of Columbia Government employee.

(c) All obligations incurred in anticipation of the appropriations made and authority granted by this joint resolution for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government functions, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this joint resolution.

SEC. 116. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

(b) For purposes of this section, the term "State" and the term "grantee" shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, "to continue carrying out a Federal program" means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

(c) The authority under this section applies with respect to any period in fiscal year 2014 (not limited to periods beginning or ending after the date of the enactment of this joint resolution) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this

section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.

SEC. 117. Expenditures made pursuant to the Pay Our Military Act (Public Law 113-39) shall be charged to the applicable appropriation, fund, or authorization provided in this joint resolution.

SEC. 118. For the purposes of this joint resolution, the time covered by this joint resolution shall be considered to have begun on October 1, 2013.

SEC. 119. Section 3003 of division G of Public Law 113-6 shall be applied to funds appropriated by this joint resolution by substituting "fiscal year 2014" for "fiscal year 2013" each place it appears.

SEC. 120. Section 408 of the Food for Peace Act (7 U.S.C. 1736b) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "December 31, 2012".

SEC. 121. Amounts made available under section 101 for "Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction" may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System and the Geostationary Operational Environmental Satellite system.

SEC. 122. The authority provided by sections 1205 and 1206 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) shall continue in effect, notwithstanding subsection (h) of section 1206, through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2014 for military activities of the Department of Defense.

SEC. 123. Section 3(a)(6) of Public Law 100-676 is amended by striking both occurrences of "\$775,000,000" and inserting in lieu thereof, "\$2,918,000,000".

SEC. 124. Section 14704 of title 40, United States Code, shall be applied to amounts made available by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for "October 1, 2012".

SEC. 125. Notwithstanding section 101, amounts are provided for "The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Salaries and Expenses" at a rate of operations of \$4,820,181,000: *Provided*, That notwithstanding section 302 of Division C, of Public Law 112-74 as continued by Public Law 113-6, not to exceed \$25,000,000 shall be available for transfer between accounts to maintain minimum operating levels.

SEC. 126. Notwithstanding section 101, amounts are provided for "The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Defender Services" at a rate for operations of \$1,012,000,000.

SEC. 127. Notwithstanding any other provision of this joint resolution, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2786 (113th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2014 Budget Request Act of 2013 (D.C. Act 20-127), as modified as of the date of the enactment of this joint resolution.