

COOPERATIVE AGREEMENT MODIFICATION

Page 1 of 5

Agreement/Appendix Title and Number: W912PQ-14-2-1014

Project Name/Description and Location: ARNG Administrative Services Activities

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:

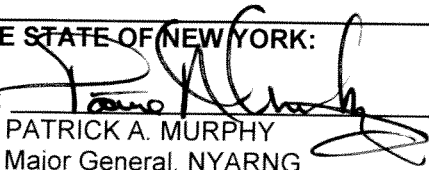
1. JUSTIFICATION: Request that a Modification be issued to open Appendix 1014, ARNG Administrative Services Activities, of the Master Cooperative Agreement for Fiscal Year 2014.
2. This Appendix, W912PQ-14-2-1014, is hereby extended for Fiscal Year 2014. The effective date is 01 October 2013 and the termination date is 30 September 2014.
3. The Appendix number W912PQ-13-2-1014 is changed to read **W912PQ-14-2-1014 for FY 2014**.
4. The Initial Maximum Funding Limitation (MFL-Federal) for this Appendix W912PQ-14-2-1014 for FY-14 is \$0.00.
5. The Initial Estimated Cost (AFP-Federal) for this Appendix W912PQ-14-2-1014 for FY-14 is \$48,000.00.
6. In-Kind Assistance is established at \$0.00.
7. Add the attached updated page 3 to this Appendix for FY-14.
8. See attached memo from MNAS dated 23 September 2013.
9. 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.
10. 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.

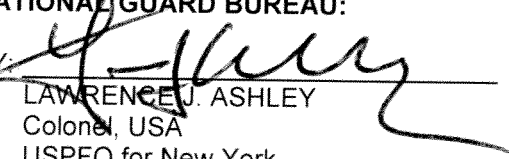
IN WITNESS WHEREOF, the parties by their authorized representatives execute this Cooperative Agreement Modification.

THE STATE OF NEW YORK:

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

Date: 30 Oct 13

NATIONAL GUARD BUREAU:

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

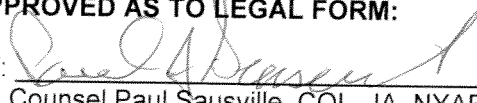
Date: 4 NOV 13

APPROVED AS TO LEGAL FORM:

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

Date: 28 Oct 2013

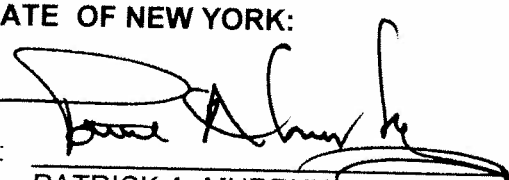
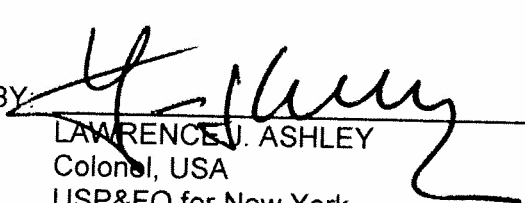
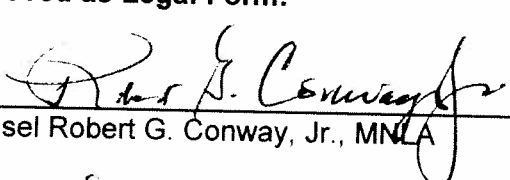
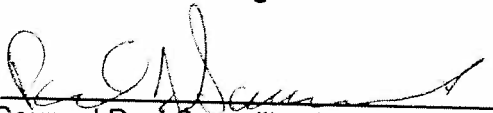
APPROVED AS TO LEGAL FORM:

BY: 
Counsel Paul Sausville, COL, JA, NYARNG

Date: 24 OCT 2013

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: </p> <p>PATRICK A. MURPHY Major General, NYARNG The Adjutant General</p> <p><u>30 Oct 13</u> (Date)</p>	<p>NATIONAL GUARD BUREAU:</p> <p>BY: </p> <p>LAWRENCE J. ASHLEY Colonel, USA USP&FO for New York</p> <p><u>4 Nov 13</u> (Date)</p>
<p>Approved as Legal Form:</p> <p></p> <p>Counsel Robert G. Conway, Jr., MNLA</p> <p><u>25 Oct 2013</u> (Date)</p>	<p>Approved as to Legal Form:</p> <p></p> <p>Counsel Paul Sausville, COL, JA, NYARNG</p> <p><u>28 Oct 2013</u> (Date)</p>

MEMORANDUM FOR MNPF-PC (CW2 Davin)

SUBJECT: Opening of Admin Services Master Cooperative Funding Agreement (CFA),
W912PQ-14-2-1014 Appendix 14

1. The following figures represent initial AFP/Allotment for Appendix 14 (MDEP: QNMG) for Federal Fiscal Year 2014. Section 1409.

a. Funding.

	(Allotment) <u>Maximum Funding Limitation</u>	(AFP) <u>Estimated Cost</u>
Federal Share (100%)		\$48,000.00

b. In-Kind Assistance. Within the Federal Share indicated above \$00.00 is reserved and designated specifically for in-kind assistance through Federal procurement procedures. The use of in-kind assistance shall be at the request of the Adjutant General as approved by the USPFO. NGB-AEN approval is not necessary.

2. The point of contact for this matter is the fund manager, William B. Watson who may be reached at extension 4817.



DENNIS D. KAVANAGH
Assistant Director of Operations
MNAS (Program Director)

CF:
MNPF-CO

COOPERATIVE AGREEMENT INFORMATION SERVICES FY14

State and Federal statistics from period 1 Oct 12 – 30 Sep 13 were utilized to support this agreement. Numbers are rounded to the nearest dollar.

TOTAL OUTGOING VOLUMES

	<u>FEDERAL</u>	<u>STATE</u>
Postage Meter Piece Count	26,482	15,329
United Parcel Piece Count	1,083	75
Overnight Mail Piece Count	823	983
Sub-totals	28,388	16,387
Total Piece Count: 44,775		
Percentage of Volumes	63%	37%

STATE GRADE 6 SALARY WITHIN MAIL OPERATION

State Employee SG6 base pay, step and raise	\$30,782
Fringe Benefits SG6 @ 58.75%	\$17,610
Total Salary and Benefits	\$48,392
Less 37% for use of Federal mail equipment	\$5,501
Total required to support agreement	\$42,891

GOVERNMENT FUNDED MAILING EQUIPMENT

Support Federal Mail Equipment	\$14,868
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COOPERATIVE AGREEMENT INFORMATION SERVICES FY14

State and Federal statistics from period 1 Oct 12 – 30 Sep 13 were utilized to support this agreement

TOTAL OUTGOING VOLUMES

FEDERAL PIECE COUNT

Postage Meter	United Parcel	Overnight Mail	Month
1,557	110	75	Oct
1,927	81	76	Nov
2,918	71	59	Dec
3,852	112	89	Jan
3,511	97	48	Feb
2,068	75	43	Mar
1,906	90	58	Apr
1,325	86	69	May
1,936	56	46	Jun
2,144	82	53	Jul
1,766	91	90	Aug
<u>1,572</u>	<u>132</u>	<u>117</u>	<u>Sept</u>
26,482	1,083	823	Totals

STATE PIECE COUNT

Postage Meter	United Parcel	Overnight Mail	Month
441	3	96	Oct
6,712	4	71	Nov
831	5	68	Dec
1,473	13	104	Jan
1,179	13	69	Feb
588	2	77	Mar
567	2	66	Apr
859	6	103	May
1,076	8	85	Jun
715	4	116	Jul
517	13	56	Aug
<u>371</u>	<u>2</u>	<u>72</u>	<u>Sept</u>
15,329	75	983	Totals

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

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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.

APPENDIX 14 ARNG ADMINISTRATIVE SERVICES ACTIVITIES

Section 1401. General.

a. This Appendix to the Master Cooperative Agreement (MCA) prescribes the terms, conditions and administrative procedures related to the National Guard Bureau's (NGB) Federal contribution for Administrative Services Activities for the Army National Guard.

b. Statements of Facts: The authorities and provisions set forth in NGR 5-1 are incorporated into this Appendix by reference.

Section 1402. Additional Definitions:

Commercial Printing: Any procurable printing and reproduction requirements solicited or obtained from any source other than the supporting GPO procurement office or supporting DAPS.

Section 1403. Office of Primary Responsibility.

a. The Office of Primary Responsibility for this appendix is the Army National Guard Facilities Branch (ARNG-CSO-F). National Guard Bureau, Army National Guard Readiness Center 111 S. George Mason Dr. Arlington, Virginia 22204-1382.

b. Chief ARNG Facilities Branch, for the purpose of this Appendix, is the designee of the Chief, National Guard Bureau, and is the individual authorized to make final approval of all program budgets and modifications to them and to the language of this Appendix, to authorize distribution of funds to the USPFO, to receive specified accounting reconciliation reports, and to take any other action on behalf of the NGB, as specifically reserved under this Appendix for ARNG-CSO-F. The Program Manager, Admin Services, acts on behalf of the Chief ARNG Facilities Branch in the daily administration of this Appendix

Section 1404. Scope of Agreement.

a. Scope of Services. The State shall provide assistance in the performance of Document Management Administrative Services.

b. Performance Specifications. Performance specifications are based on the authorized activities of Section 1405 of this Appendix.

Section 1405. Authorized Charges/Activities.

a. Personnel.

1. Payments for state employee salaries, to include approved overtime, and allowable benefits in accordance with state personnel policy for the payment of salary and benefits of like state government positions within the same geographic area. 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 employees under this appendix will have corresponding limitations. When there is no like state government position available, salaries and benefits will be equivalent to a comparable grade and series Federal Civil Service position in the geographic area.

2. Costs for regular overtime that is required by Fair Labor Standards Act (FLSA), based on the work schedule authorized by the SMD, will be allowed and funded in each budget cycle. Scheduled overtime should be avoided. When operational requirements or personnel circumstances dictate additional staffing in support of the mission, ARNG-CSO-F may authorize scheduled overtime to satisfy minimum staffing requirements.

b. Costs for travel expenses and per diem, shall be paid at a rate consistent with state travel regulations and not exceeding the Federal Joint Travel Regulation (JTR) Volume II authorizations, for performing Administrative Services activities away from their home office.

c. Authorized Activities are those where the Grantee provides *assistance* in accomplishing the following Document Management Services to include:

1. Assistance in Records Management to include, receiving, storage, Records Holding Area (RHA) operations, cataloging, and retrieval.
2. Assistance in Official Mail and Distribution, and Locator Management, receiving, reporting and distribution.
3. Assistance in Copier Management to include collection of expenditure data, production data, assembling data for reporting consumption.
4. Assistance in Forms and Publications Management.
5. Assistance in Field printing and reproduction facilities, when approved by ARNG-CSO-F, and chartered to support printing and reproduction requirements.

Section 1406. Unauthorized Charges/Activities.

- a. All charges/activities not authorized in Section 1405 above unless approved by ARNG-CSO-F prior to execution.
- b. Reimbursement to the state for any "commercially" procured printing services or products.
- c. Reimbursement to the state for copier services to include rental, lease, purchase, or maintenance.

Section 1407. Budget Requirements.

- a. State Operating Budget.
 1. ARNG-CSO-F shall provide Admin Services Base Operations Annual Funding Guidance (AFG) to the State CA PM. The CA PM shall identify an Approved Budget Amount for the FY to cover projected Base Operations Administrative Services costs by area authorized by this agreement. Base Operations Funding used outside the agreement shall also be identified by program area. ARNG-CSO-F shall review and approve or disapprove the State CA PM Administrative Services budget.
 2. Changes the CA PM makes to the budget during the fiscal year do not require ARNG-CSO-F approval as long as the supported areas do not change.
 3. Funding Priorities. When a cooperative agreement is used available Base Ops funding AFG/AFP must be prioritized as follows:
 - A. First Priority: Charges associated with Official Mail, Distribution and Locator Management.
 - B. Second Priority: Records Management, Forms, and Publications management.
 - C. Third Priority: Authorized High Speed Duplication electronic printing, (excludes commercial procurement).
 - D. All other
 4. Additional federal funds may be provided and directly cited in this agreement provided the MDEP and AMSCO permit the procurement of the service. The CA PM for the Administrative Services Appendix will include these estimates and funds in his budget submission to ARNG-CSO-F.
- b. Budget Reports. The CA PM shall submit requested financial or budget reports that NGB Office of Primary Responsibility may require.

Section 1408. Appendix Administration.

The State must submit a written request, in accordance with Chapter 3 NGR 5-1, to change the instructions, terms, or conditions of this Appendix. The request will not take effect, nor can any expenditure of funds so implied therein take place, until it receives the approval of NGB. The request shall not be binding unless it is so approved and shall be on an instrument containing the signatures of both the USPFO and TAG, or authorized designees.

Section 1409. 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 to this Appendix as received by the CA PM. The following funding limitations are provided for each fiscal year as it occurs:

1. Fiscal Year 2010: Federal Share (100%)	Approved Budget/(AFP) \$37,205.40	Total Dollars Obligated \$37,205.40
2. Fiscal Year 2011: Federal Share (100%)	Approved Budget/(AFP) \$39,033.21	Total Dollars Obligated \$39,033.21
3. Fiscal Year 2012: Federal Share (100%)	Approved Budget/(AFP) \$35,743.95	Total Dollars Obligated \$35,743.95
4. Fiscal Year 2013: Federal Share (100%)	Approved Budget/(AFP) \$22,500.00	Total Dollars Obligated \$22,500.00
5. Fiscal Year 2014: Federal Share (100%)	Approved Budget/(AFP) \$48,000.00	Total Dollars Obligated \$ _____

Section 1410. Agreement Particulars.

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

- a. Grantee/Recipient Category: Government
- b. Grantee/Recipient Type: State Government
- c. Grantee/Recipient DUNS: 044776024
- d. Primary Place of Performance (if different from 'Issued To' on CA Modification Form):
 - (To include Zip + 4) 12110-3514
- 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: 1Oct2013
- q. Starting Date: 1Oct2013
- r. Ending Date: 30Sept2014
- s. Record Type: Individual Action
- t. Fiscal Year/Quarter: 2014/1stQtr