

COOPERATIVE AGREEMENT MODIFICATIONAgreement/Appendix Title and Number: **W912PQ-17-2-1040**Project Name/Description and Location: **ARNG Distributed Learning Program**Modification Number: **P0001**

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 OPEN FY 17 APP 1040

Action	Funding Source	From	Change	To
FED	Allotment 100%		\$ -	
FED	AFP 100%		\$ 450,359.00	\$ 450,359.00
FED	In-Kind Assistance	\$ -	\$ -	\$ -
REVENUE	NYS Program Revenue		\$ -	

1. JUSTIFICATION: OPEN W912PQ-17-2-1040, Appendix 1040, ARNG Distributed Learning Program for Fiscal Year 2017.

2. SUMMARY: Appendix, W912PQ-16-2-1040 is hereby extended for Fiscal Year 2017. The effective date is 01 October 2016 and the termination date is 30 September 2017. Appendix W912PQ-16-2-1040 is changed to read W912PQ-17-2-1040 for FY2017.

3. ACTION: TAG signature and review of the ARNG Distributed Learning Program Appendix 1040 MOD 1. Return signed modification to MNPF-EA, Room 207, Cooperative Agreements, x4775.4709.

4. This Appendix is subject to the availability of funds.

5. Replace page 9 of Appendix 1040, FY 17 with updated attachment.

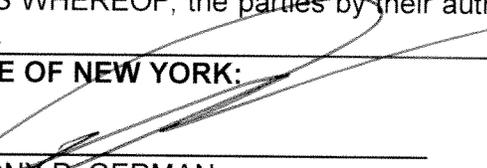
6. As FY2017 budgets are approved by NGB, program managers will add funding to the Appendix by separate modification.

EXECUTION

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

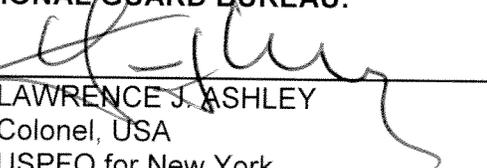
IN WITNESS WHEREOF, the parties by their authorized representatives execute this Cooperative Agreement Modification.

THE STATE OF NEW YORK:

BY: 
 ANTHONY P. GERMAN
 Major General, NYANG
 The Adjutant General

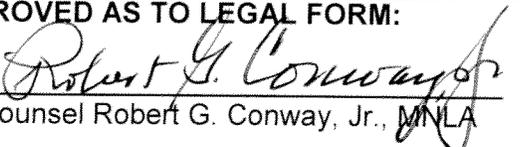
Date: 9/24/16

NATIONAL GUARD BUREAU:

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

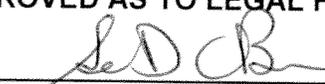
Date: 29 Sep 16

APPROVED AS TO LEGAL FORM:

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

Date: 23 Sep 2016

APPROVED AS TO LEGAL FORM:

BY: 
 Counsel Sean D. O'Brien, LTC, JA, NYARNG

Date: 26 Sep 2016

APPENDIX 40 ARMY NATIONAL GUARD DISTRIBUTED LEARNING (DL) PROGRAM

Section 4001. 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 funds for the Army National Guard (ARNG) Distributed Learning Program (DLP) for the ARNG within the 50 States, Territories of Guam and the U.S. Virgin Islands, Commonwealth of Puerto Rico, and the District of Columbia (hereafter referred to as the States).

b. Statement of Facts.

(1) The authorities and provisions set forth in NGR 5-1 (National Guard Grants and Cooperative Agreements), as amended or republished, are incorporated into this Appendix by reference.

(2) The Training Division (office symbol ARNG-TR), ARNG G-3, is the Office of Primary Responsibility (OPR) for the ARNG DLP, and the Training Systems Integration Branch (office symbol ARNG-TRN) manages the ARNG DLP.

(3) Shared Use. PUBLIC LAW 113–235—DEC. 16, 2014 (Consolidated and Further Continuing Appropriations Act, 2015) states the Chief, National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis.

Section 4002. Definitions.

a. ARNG DLP: The ARNG DLP use information technology to create content, provide access, and enable delivery of DL content to enhance the readiness of Soldiers and units throughout the Army National Guard. The ARNG DLP has a Federally-managed nationwide network of ARNG DLCs, with State-level DL Programs in every State and Territory to operate and administer the ARNG DLCs.

Section 4003. Office of Primary Responsibility.

a. The Training Division (office symbol ARNG-TR), ARNG G-3, ARNG Directorate, National Guard Bureau is the OPR for the ARNG DLP and the Program Manager (PM) for this Appendix.

b. For the purpose of this Appendix, the Chief, ARNG-TR is a designee of the Chief, National Guard Bureau, and is authorized to:

- (1) Manage and monitor implementation of the ARNG DLP Cooperative Agreements (CAs).
- (2) Develop plans, policies, and guidance to implement the ARNG DLP nationwide.
- (3) Perform oversight of ARNG DLC asset and configuration management.
- (4) Plan, coordinate, and synchronize activities to operate and maintain ARNG DLCs through the State DLPs.
- (5) Manage Federal-level Cybersecurity activities for ARNG DLCs and their network infrastructure.
- (6) Provide dedicated connectivity between the ARNG DLCs and their State Joint Force Headquarters (JFHQs), and connectivity between the State JFHQs and GuardNet.

- (7) Approve deviation and waiver requests.
- (8) Maintain the published site rate worksheets for JIIC activities.
- (9) Perform all actions required to obtain funds for the ARNG DLP through the U.S. Army's PPBE Process.
- (10) Give final approval for all ARNG DLP Federal and State budgets and modifications.
- (11) Prioritize, develop, and integrate DL solutions for ARNG training requirements.
- (12) Prepare, modify, and implement this Appendix.
- (13) Take any other action on behalf of the CNGB or DARNG as authorized under this Appendix for the OPR.

Section 4004. Scope of Agreement.

a. Scope of Service. The state (Grantee) will provide Distributed Learning Program services to include the development, operation, maintenance, administration and management of DLP authorized classrooms and related IT infrastructure in state approved facilities to enhance military training and overall readiness.

b. Performance Specifications.

(1) The state (Grantee) shall provide a site(s) that meet(s) the minimum standards for a computer-assisted and video teleconferencing facility, as defined in the Distributed Learning Program Site Preparation and Planning Guide.

(2) The Appendix 40 Program Manager shall develop and maintain a Distributed Learning Implementation Plan (DLIP). At a minimum, the DLIP will establish the goals, strategies, and objectives for the implementation of the DLP at the state level to include integration of DL into state training plans and operations. The DLIP shall be updated on an annual basis or as needed to reflect changes in program implementation. A copy of the current DLIP will be furnished to ARNG-TRD.

Section 4005. Authorized Activities.

Authorized activities include, but may not be limited to, the following:

a. Personnel. The State DLP is authorized the following personnel:

(1) State DL Program Administrator (SDLPA). Each State is authorized one SDLPA, assigned to the State G-3 or J-3. The SDLPA plans, coordinates, manages, and oversees the State's DLP operations, developing and implementing the State DLP to achieve the TAG's training and readiness objectives for ARNG State and Federal missions. SDLPAs will administer at least one fixed or mobile ARNG DLC in the State.

(2) State DL Classroom Administrator (SDLCA). States are authorized one SDLCA for each fixed and mobile ARNG DLC in the State, less the one that the SDLPA administers. SDLCAs may be full-time or part-time, and they report to the SDLPA. SDLCAs perform day-to-day operations of one or more ARNG DLCs to achieve the TAG's training and readiness objectives for ARNG State and Federal missions.

b. Operations and Maintenance cost for ARNG DLCs.

(1) Classroom Facility. For example, clean or replace carpet, perform cosmetic maintenance, and replace blinds.

(2) Classroom IT Equipment and Furniture. For example, replace unserviceable cables, monitors, printers, battery backup systems, motherboards, chairs, and desks. States may replace IT equipment and furniture when the cost of repair for such items exceeds 2/3s the cost of replacement. States must submit a deviation request to the OPR for review and approval before replacing IT equipment or furniture.

c. ARNG DLC Long Haul Communications. Circuit costs are authorized one per ARNG DLC within the State. The 132.x.x.x domain is the only approved domain (includes tunneling over the 55.x.x.x to maintain connectivity for an ARNG DLC on the 132.x.x.x domain space). Network circuit costs associated with ARNG DLC connected to the 55.x.x.x domain will not be reimbursed.

Section 4006. Unauthorized Activities.

Training and certification without prior approval of OPR-PM.

Section 4007. Budget Requirements.

a. ARNG-TRD shall provide annual budget guidance, IAW ARNG-RMC State Operating Budget Financial Plan directives. The guidance will include format requirements and timelines for budget submission.

b. ARNG-TRD shall also provide annual approved budget authority. The approved budget authority will be the Maximum Funding Limitation of federal dollars obligated or immediately available for obligation or the federal government's share of the Appendix. A copy of the modification/s shall be submitted to ARNG-TRD within 15 days following execution.

c. Army Management Structure Codes (AMSCOs). The CA PM shall use the following AMSCOs in accounting for charges to this Appendix of the Agreement: 122G.15.00 TADT (DLC Operations and Maintenance) and 122G26.00 TADT (DLC Long Haul Communications) unless the CA PM has received written approval from NGB-ART-DL to use additional AMSCOS in accounting for charges. No charge will be made to this Appendix or to the listed AMSCO unless it specifically falls under the guidelines of AMSCOs defined in the current DFAS Manual 37-100-XX.

d. Budget Reports/Changes.

(1) The CA PM shall submit any other requested operational, financial, or budget reports that NGB-ART-DL may require on an as needed basis.

(2) The CA PM must submit a written request to decrease the federal funds in its budget or otherwise transfer funds between or out of either 122G.15.00 TADT and 122G.26.00 TADT. The state must furnish a copy of the said request to NGB-ART-DL. The request shall include an updated budget reconciliation report as an enclosure. The request shall not take effect, nor can any expenditure of funds take place until it receives the approval of NGB-ART-DL. 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.

(3) Budget changes, not requiring a written amendment, shall be reflected in the periodic reports and copies of executed modifications it is required to submit to ARNG-TRD.

Section 4008. Appendix Administration.

a. The OPR is responsible for the development, administration, and management of this Appendix.

(1) ARNG DLC Equipment Management. The States submit deviation or waiver requests to the OPR if they need unique ARNG DLC configurations to address their needs. Explanations of deviation and waivers follows:

Deviation. States submit deviation requests to add, remove, move, or alter an existing ARNG DLC, or to add an MDLC, MDLC-L, or MDLC-L2 to the State DL Program.

(a) Waiver. States submit waiver requests to add equipment to an ARNG DLC that departs from the approved baseline.

b. ARNG DLC Utilization and Reporting.

(1) The ARNG DLP uses a secure, web-based application called the Distributed Learning Reporting and Scheduling System (DLRSS) to schedule all activities for the ARNG DLCs and produce utilization reports. As previously mentioned, the utilization of ARNG DLCs is one criterion the OPR uses to determine future funding for State DLPs.

(2) States must submit final utilization entries in DLRSS by the 2nd Friday of every month for the previous month. SDLPAs will update DLRSS entries if changes occur after initial scheduling. SDLPAs will report utilization by other means should DLRSS become unavailable.

Section 4009. Funding Limitation.

a. Approved Budget/Annual Funding Program (AFP): The total amount that ARNG-RMC-BE 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 ARNG-RMC-BE during the fiscal year.

b. Total Dollars Obligated:

c. The following funding limitations are provided for each fiscal year as it occurs.

(1) Fiscal Year 2017 :	\$ _____
(a) Approved Budget/AFP	\$450,359.00
(b) Accomplished as IKA	\$ _____
(c) Program Income	\$ 186.00
(d) Total Amount Obligated	\$ _____
(2) Fiscal Year _____:	\$ _____
(a) Approved Budget/AFP	\$ _____
(b) Accomplished as IKA	\$ _____
(c) Program Income	\$ _____
(d) Total Amount Obligated	\$ _____
(3) Fiscal Year _____:	\$ _____
(a) Approved Budget/AFP	\$ _____
(b) Accomplished as IKA	\$ _____
(c) Program Income	\$ _____
(d) Total Amount Obligated	\$ _____
(4) Fiscal Year _____:	\$ _____
(a) Approved Budget/AFP	\$ _____
(b) Accomplished as IKA	\$ _____
(c) Program Income	\$ _____
(d) Total Amount Obligated	\$ _____
(5) Fiscal Year _____:	\$ _____
(a) Approved Budget/AFP	\$ _____
(b) Accomplished as IKA	\$ _____
(c) Program Income	\$ _____

(d) Total Amount Obligated

\$ _____

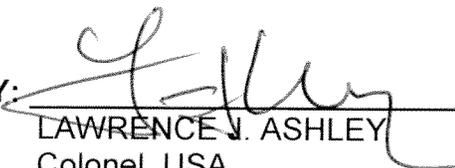
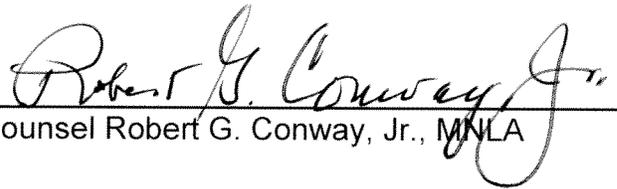
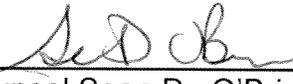
Section 4010. Agreement Particulars

The Grants Officer Representative (GOR) shall record the following information in the Defense Assistance Award Data System (DAADS) to comply with requirements of the Federal Funding Accountability and Transparency Act of 2006.

a. Grantee/Recipient Category:	Government
b. Grantee/Recipient Type:	State Government
c. Grantee/Recipient DUNS:	044776027
d. Primary Place of Performance: (if different from "Issued To" on CA Modification)	New York, 12110-3514
e. Grantee/Recipient County:	Albany
f. Grantee/Recipient Congressional District	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, ARNG
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-17-2-1040
v. Approved Budget Amount	\$450,359.00
w. R&D Award (Yes or No)	No
x. Indirect Cost Rate or CPP Rate	\$ 724.00

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>9/29/16</u> (Date)</p>	<p>NATIONAL GUARD BUREAU:</p> <p>BY:  _____ LAWRENCE J. ASHLEY Colonel, USA USP&FO for New York</p> <p><u>29 SEP 16</u> (Date)</p>
<p>Approved as Legal Form:</p> <p> _____ Counsel Robert G. Conway, Jr., MNLA</p> <p><u>23 Sep 2016</u> (Date)</p>	<p>Approved as to Legal Form:</p> <p> _____ Counsel Sean D., O'Brien, LTC, JA NYARNG</p> <p><u>26 SEP 2016</u> (Date)</p>