



**LINA HIDALGO**

June 4, 2021

**SUPPLEMENTAL AGENDA**

Commissioners Court  
1001 Preston, 9<sup>th</sup> Floor  
Houston, Texas 77002

Dear Court Members:

The following items are recommended for the Commissioners Court Agenda of June 8, 2021:

Request Commissioners Court authorization to approve the Award of Funds order from the FY 2020 Port Security Grant Program (PSGP) to the following Harris County department:

<u>Recipient(s):</u>	<u>Amount(s):</u>
HC Universal Services (Project #1)	\$950,000.25
Total Grant Dollars	\$ 950,000.25
Total HS Channel Security District Match Dollars	\$ 316,666.75

Authorization of the Orders will allow the Harris County departments to receive their FY 2020 PSGP awards for the Federal Emergency Management Administration (FEMA), U.S. Department of Homeland Security. The projects were approved by the U.S. Coast Guard, Captain of the Port Sector Houston-Galveston.

Sincerely,

A handwritten signature in black ink, appearing to read "Lina Hidalgo".

Lina Hidalgo  
County Judge

LH/KW  
Attachment

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF HARRIS     §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, with the following members present, to wit:

Lina Hidalgo	County Judge
Rodney Ellis	Commissioner, Precinct No. 1
Adrian Garcia	Commissioner, Precinct No. 2
Tom S. Ramsey	Commissioner, Precinct No. 3
R. Jack Cagle	Commissioner, Precinct No. 4

And the following members absent, to-wit \_\_\_\_\_, constituting a quorum, when among other business, the following was transacted:

**APPROVAL AND AUTHORIZATION OF THE AWARD OF FUNDS  
FROM THE FY2020 PORT SECURITY GRANT PROGRAM TO  
THE HARRIS COUNTY UNIVERSAL SERVICES**

Commissioner \_\_\_\_\_ introduced an order and made a motion that the same be adopted. Commissioner \_\_\_\_\_ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Ramsey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

**RECITALS:**

Harris County, has applied for and received funds from the United States Government for the Fiscal Year 2020 Port Security Grant Program (PSGP), Award Number EMW-2020-PU-00064.

The Harris County Universal Services (HCUS) has been awarded \$1,266,667 (\$950,000.25-PSGP Grant Funds/\$316,666.75- Houston Ship Channel Security District) from the PSGP for maritime security risk mitigation in accordance with Investment Justification No. 1 and its corresponding budget, incorporated herein by reference and made a part hereof for all intents and purposes, subject to its compliance with the terms, conditions, assurances and certifications of this Order.

BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

Section 1: The recitals set forth in this order are true and correct.

Section 2: The Order is approved for the use of FY2020 Port Security Grant Program funds by the Harris County Universal Services for security enhancements in accordance with Investment Justification No. 1 and its corresponding budget.

## **O R D E R**

1. Harris County hereby allocates a total of \$1,266,667 (\$950,000.25-PSGP Grant Funds/\$316,666.75- Houston Ship Channel Security District) in FY2020 Port Security Grant Program funds to the Harris County Universal Services (HCUS) for security enhancements in accordance with Investment Justification No. 1 and its corresponding budget.
2. The County Judge's Office (HCCJO) and the HCUS are ordered to abide by and use PSGP funds provided hereby according to the following:

### **I. Purpose**

- A. **Purpose:** To clearly identify the roles and responsibilities of each party as they relate to the Port Security Grant Program (PSGP), Award Number EMW-2020-PU-00064. Specifically, to establish the terms, conditions, assurances and certifications for a PSGP Award to HCUS in the amount of \$1,266,667 (\$950,000.25-PSGP Grant Funds/\$316,666.75- Houston Ship Channel Security District) available under the PSGP for use by HCUS for security enhancements in accordance with Investment Justification No. 1 and its corresponding Budget which are incorporated by reference herein.

### **II. Applicable Rules/Regulations**

- A. **Applicability of Federal Regulations and Conditions:** HCUS shall comply with all federal statutes, regulations and guidance applicable to administration of federal grants and cooperative agreements including but not limited to 2 C.F.R. Part 200, 44 C.F.R. Part 13 and Office of Management and Budget (OMB) Circulars, as applicable: A-21 Cost Principles for Educational Institutions; A-87 Cost Principles for State, Local and Indian

Tribal Governments; A-122 Cost Principles for Non-Profit Organizations; A-102 Uniform Administrative Requirements for Grants and Agreements with State and Local Governments; A-110 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and 48 C.F.R. Part 31 et. seq. Contract Cost Principles and Procedures. HCCJO shall assure that these conditions apply to all recipients of assistance or funds. Copies of these OMB Circulars are available for download on the OMB website at [www.whitehouse.gov/OMB/grants/index.html](http://www.whitehouse.gov/OMB/grants/index.html). All of the terms and conditions of Award No. EMW-2020-PU-00064 are incorporated herein by reference and are made applicable to HCUS and any sub-contracts entered into by HCUS under this Order. A copy of Award No. EMW-2020-PU-00064 is attached.

- B. Title to Property:** Effective control and accountability must be maintained for all personal property. HCUS must adequately safeguard all such property and must assure that it is **used solely for authorized grant purposes**. HCUS **must file** with HCCJO a copy of the Property Control Record Form (Exhibit A) OR an equivalent document, listing all such property acquired with grant funds annually. HCUS should exercise caution in the use, maintenance, protection, and preservation of such property during the period of project use.

### **III. Operational Procedures**

- A. Payment and Utilization of Funds:** Funds awarded are to be expended only for purposes and activities covered by HCUS's FEMA approved Investment Justification and Budget as attached hereto.
- B. Grant Adjustments:** HCUS must receive prior written approval from FEMA for major projects changes. These include, but are not limited to: (a) changes of substance in project activities, designs, or research plans set forth in the approved application, and (b) changes in the approved budget. Some project changes, such as purchase of equipment not included in the approved budget or changes or deviations which might alter the project scope or intent may also require prior approval of FEMA, and nothing in this paragraph shall be deemed to waive, restrict or substitute for approvals required by this or other entities. HCUS may deviate from quantities of equipment items in the approved budget as long as the total dollar amount of the equipment budgeted is not exceeded, provided written notification is submitted to HCCJO. Both HCCJO and HCUS shall maintain this notification in the project file. HCUS may not add to the specified equipment list without prior approval of FEMA unless the total dollar amount of the equipment budgeted is not exceeded.
- D. Monitoring:** HCUS agrees to allow HCCJO reasonable access to the grant project for the purposes of monitoring programmatic progress and the financial and business management aspects of the grant award to ensure that project objectives are met and funds are spent and accounted for properly. Access shall include inspection of financial and program reports, site visits, teleconferences and/or such other means necessary for HCCJO to carry out its monitoring obligations.

#### **IV. Termination of Grant:**

This Order will terminate upon completion of the project or August 31, 2023, whichever is earlier. In addition:

- A. This grant may be terminated or grant funds suspended by HCCJO where there is a failure to comply with the terms and conditions of:
  - 1. the Harris County Commissioners Court Order and attachments;
  - 2. any state or federal law to which compliance is required;
  - 3. an audit report which includes audit exceptions not answered to the satisfaction of the HCCJO, County Grant Coordinator or County Auditor's Office.

**EXHIBIT A**  
**Property Control Record Form**

**PORT SECURITY GRANT PROGRAM**  
**Property Control Record**

<b>Question</b>	<b>Information</b>
1) Grant #	
2) Department Name	
3) Submitted By	
4) Asset Tag #	
5) Asset Description/Name	
6) Vendor Model # (if any)	
7) Physical Location (Address or Description)	
8) Total Cost of Asset*	\$
9) Matching Amount	\$
10) Vendor Name	
11) Vendor Invoice #	
12) Date Acquired	

\* Indicate cost including federal and match portions

## Appendix A

### Contract Provisions

All contracts, awarded under the PSGP including small purchases, shall contain the following provisions as applicable:

1. **Equal Employment Opportunity** - All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
2. **Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c)** - All contracts and subgrants in excess of \$2000 for construction or repair awarded by HCCJO, HCUS and contractors shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled.
3. **Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7)** - All construction contracts awarded by HCCJO, HCUS and contractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. A copy of the current prevailing wage determination issued by the Department of Labor shall be placed in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination.
4. **Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333)** - Where applicable, all contracts awarded in excess of \$2,000 for construction contracts and in excess of \$2,500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1 ½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or

mechanic shall be required to work in surroundings or under working conditions that are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- 5. Rights to Inventions Made Under a Contract or Agreement** - Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and HCCJO in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- 6. Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended** - Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the contractor to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- 7. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)** - Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to HCCJO.
- 8. Debarment and Suspension (E.O.s 12549 and 12689)** - No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.