

ADDENDUM TO FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENT

This Addendum to the Federally-Funded Subaward and Grant Agreement (“Subgrant”) is made and effective on (DATE).

BETWEEN: The State of Florida, Division of Emergency Management (“Division”)

AND: Indian River County (“Subrecipient”)

Procurement Reviews Conducted by the Division

Per the Sub-grant Agreement, Section 18(e), if the Sub-recipient chooses to subcontract any work required under the Sub-grant Agreement, then the Sub-recipient shall forward to the Division a copy of any contemplated contract prior to its execution. The Division will review the unexecuted procurement contracts to identify deficiencies and ensure compliance with procurement requirements.

This requirement is not intended to be retroactive to procurement contracts already in place prior to the execution of the Sub-grant Agreement. This requirement only applies to contemplated contracts pending execution after the Sub-grant Agreement is executed. This does not relieve or diminish the Subrecipient’s responsibility to comply with all applicable federal, state, and local rules regarding procurement. This also does not relieve or diminish the Division’s ability to request and review procurement contracts in place prior to the execution of the Sub-grant Agreement.

Buy American Act

As a non-federal entity, Indian River County is not required to adhere to the Buy American Act as referenced on page 20, paragraph 22(l) of the subgrant agreement. Pursuant to Chapter 4 of the PROCUREMENT GUIDANCE FOR RECIPIENTS AND SUBRECIPIENTS UNDER 2 C.F.R PART 200 (UNIFORM RULES), dated June 21, 2016, the Buy American Act (41 U.S.C. §§ 8301-8305) only applies to direct procurements by the Federal government and does not apply to procurement by non-federal entities even when using FEMA assistance funding.

Copeland Anti-Kickback Clause

As a non-federal entity, Indian River County is not required to include the Copeland Anti-Kickback clause in its contracts for construction work as referenced on page 24, paragraph 27 of the subgrant agreement. The Copeland “Anti-Kickback” Act (40 U.S.C. § 3145) is only required in non-federal entity contracts subject to the Davis-Bacon Act. Pursuant to Chapter 4 of the PROCUREMENT GUIDANCE FOR RECIPIENTS AND SUBRECIPIENTS UNDER 2 C.F.R PART 200 (UNIFORM RULES), dated June 21, 2016, the Davis-Bacon Act does not apply to FEMA’s Public Assistance Grant Program.