

COOPERATIVE AGREEMENT MODIFICATION

Agreement/Appendix Title and Number: W912PQ-14-2-1003

Project Name/Description and Location: ARNG Security Cooperative Agreement

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

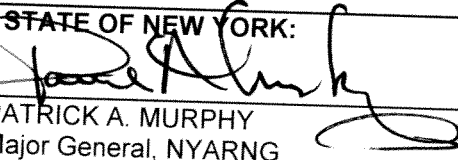
DESCRIPTION OF MODIFICATION:

1. JUSTIFICATION: Request that a Modification be issued to open Appendix 1003, ARNG Security Cooperative Agreement, of the Master Cooperative Agreement for Fiscal Year 2014.
2. This Appendix, W912PQ-14-2-1003, 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-13-2-1003 is changed to read W912PQ-14-2-1003 for FY 2014.
4. The Initial Maximum Funding Limitation (MFL-Federal) for this Appendix W912PQ-14-2-1003 for FY-14 is \$0.00.
5. The Initial Estimated Cost (AFP-Federal) for this Appendix W912PQ-14-2-1003 for FY-14 is \$1,614,000.00.
6. In-Kind Assistance is established at \$0.00.
7. Add the attached updated page 6 to this Appendix for FY-14.
8. See attached memo from MNFE dated 01 October 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

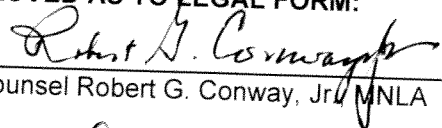
Date: 30 Oct 13

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: 28 Oct 13

MEMORANDUM FOR MNPF, CW2 Davin

SUBJECT: Modification of Master Cooperative Funding Agreement (CFA), W912PQ-14-2-1003, Appendix #3 (Security Guards)

1. Request that a modification be issued to open Appendix #3 of the Master CFA for FY14 as follows:

Section 306. Funding Limitation is changed as follows:

a. Funding.

	Allotment Max. Funding Limitation	AFP Estimated Cost
<u>Federal Share (100%)</u>	\$0 .00	\$1,614,000.00

b. In-Kind Assistance.

Within the federal share indicated above \$0.00 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 as approved by the USP&FO. ARNG-ARI approval is not necessary.

2. This appendix is subject to the availability of funds.
3. This modification is submitted to open Appendix #3 for FY-14.
4. The point of contact for this matter is Mike Good, who may be reached at extension 4555.



PAUL R. CONTE
LTC, FA, NYARNG
Program Director (CFMO)

CF:
MNBF, Tom Halabuda



NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE
ARLINGTON VA 22204-1382

ARNG-ODP

25 September 2013

MEMORANDUM THRU LTC Paul Conte, NYARNG Element JFHQ, 330 Old Niskayuna Road, Latham, NY 12110-3514

FOR G3, New York Army National Guard

SUBJECT: Force Protection Annual Funding Program (AFP)/Annual Budget

1. References.

- a. Defense Finance & Accounting Service Manual 37-100
- b. National Guard Regulation 5-1, Grants and Cooperative Agreements
 - (1) Appendix 3 ARNG Security Cooperative Agreement.
 - (2) Appendix 4 ARNG Electronic Security Systems (ESS) Installation, Operation & Maintenance (IO&M).
 - (3) Appendix 10 ARNG Antiterrorism Program Coordinator (ATPC) Activities

2. Purpose. Provide the command with the Force Protection fiscal year 2014 AFP budgetary support for Physical Security (QPSM), Law Enforcement (QLPR), Emergency Management (VIPP), and Antiterrorism (VTER) programs, as applicable, at the AMSCO level.

a. Fiscal year 14 AFP represents the maximum amount of federal funding available for reimbursement of the identified Protection Program.

b. AFP may not achieve full program critical levels based on funding available. Commands should make internal risk management decisions to protect the most critical assets.

c. Unfunded requirements (UFR) will be submitted in writing through the United States Property and Fiscal Office (USPFO) to the Operations Division Protection (ODP) Program Manager. UFRs received without USPFO concurrence will be returned to the submitting command without action.

Appn 3

1,614,000.

ARNG-ODP

SUBJECT: Force Protection Approved Budget/Annual Funding Program (AFP)

3. The Physical Security Program (MDEP QPSM) supports installations requirements to procure, install, maintain and/or lease physical security equipment to include, but not limited to, barriers; blast mitigation devices; communication systems; explosive detection devices; intrusion detection systems and devices; personnel protection (excluding hard cars); sensors; site improvements; management/planning; and security forces and technicians.
 - a. The Security Guard Program, Appendix 3 (131G39.40/.41) to support salary and benefits of security guard personnel; funding authorization of **\$1529000**.
 - b. The Electronic Security Systems to support the Program Management position and the maintenance and monitoring of intrusion detection systems (IDS).
 - (1) ESS Program Manager (131G39.30) **\$102000**.
 - (2) Appendix 4 (131G39.1F) **\$188000**.
 - c. Management and planning (131G39.30) to support salary and benefits of visitor control administrative personnel; funding authorization of **\$0**.
 - d. FY14 budget does not support other physical security equipment, management and planning requirements.
4. The Law Enforcement Program (MDEP QLPR) (131G38.00) supports resources for the Army National Guard military working dog program; funding authorization of **\$0**.
5. The Antiterrorism Program (MDEP VTER) supports defensive measures used to reduce the vulnerabilities of individuals and property; includes the conduct of vulnerability assessments, Higher Headquarters Antiterrorism Program reviews and any cross-discipline security functions which do not easily fit into other security categories, such as (but not limited to): antiterrorism management; executive antiterrorism training; protective service details (CID) including advance work; and antiterrorism awareness programs and training.
 - a. The Antiterrorism Program Coordinator (ATPC), Appendix 10 (131G39.50) support under OMNG (2065) funding authorization of **\$135000**.
 - b. The Antiterrorism Program training support (1L180000 and 1L3180000) under NGPA (2060) funding authorization of **\$19800**(Officer), **\$13700**(Enlisted).

ARNG-ODP

SUBJECT: Force Protection Approved Budget/Annual Funding Program (AFP)

c. Additional VTER funds under AMSCO 131G39.50 funding authorization of **\$0**, is intended to support the physical security program. Obligate these funds to the Security Guard Program, Appendix 3 (131G39.40/.41) to support salary and benefits of security guard personnel.

6. The Emergency Management Program (MDEP VIPP) (131G39.60) funding authorization of **\$85000**, is intended to support the physical security program. Obligate these funds to the Security Guard Program, Appendix 3 (131G39.40/.41) to support salary and benefits of security guard personnel.

7. The points of contact are the appropriate program manager.

a. Physical Security, Mr. Dennis Brousseau, 703-607-9691, dennis.l.brousseau.civ@mail.mil.

b. Law Enforcement, Mr. Brad James, 703-607-9263, brad.a.james2.civ@mail.mil.

c. Antiterrorism, Mr. Dean Connors, 703-607-9198, dean.s.connors.civ@mail.mil.

d. Emergency Management, MAJ Michael Watkins, 703-607-7886, michael.a.watkins30.mil@mail.mil


KELLY SEYAL
Chief, Protection Branch

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.

APPENDIX 3 ARNG SECURITY COOPERATIVE AGREEMENT

Section 301. 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's) federal contribution for the Army National Guard (ARNG) Army Operations Division, Force Protection Branch (NGB-ARO-FP) Security Cooperative Agreement program within the State. This Appendix is also referred to as the Security Cooperative Agreement (SCA).

b. Statement of Facts.

(1) The authorities and provisions set forth in NGR 5-1 are incorporated into this Appendix by reference.

(2) NGB is authorized to contribute federal funds to the State for certain expenses incurred in rendering security guard services. NGB-ARO-FP shall provide 100 percent federal support within funding limitations for authorized SCA personnel. SCA support is authorized for facilities described as joint use of the state and the federal government, and coded for federal support in the Facilities Inventory and Support Plan (FISP). Security Guard services rendered beyond the scope of services authorized in this Appendix will not be supported by federal funds.

(3) At the Adjutant General's (Grantee) discretion and in accordance with State law, the Grantee may require SCA personnel to be armed. The Grantee will bear the full burden to purchase and maintain the weapons and ammunition for state employees; including all training, qualification and licensing cost. If the Grantee contracts for guard services, the contractor, in accordance with state law may be required to furnish weapons, ammunition, training, qualification and licensing. Federal funding provided by NGB will not be used to support the direct or indirect purchase of weapons and ammunition. Additional requirements regarding armed security personnel are addressed in Section 308 of this Appendix.

(4) This Appendix outlines the uses and limitations on, and identifies the maximum amount of, federal funding available for reimbursement of security services incurred by a SMD for compliance with SCA requirements validated by NGB-ARO-FP.

Section 302. Additional Definitions. (Reserved)

Section 303. Office of Primary Responsibility.

a. The Office of Primary Responsibility for this Appendix is the Army National Guard Army Operations Division, Force Protection Branch (NGB-ARO-FP), National Guard Bureau, Army National Guard Readiness Center, 111 S. George Mason Drive, Arlington, Virginia 22204-1382.

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

Section 304. Scope of Agreement.

a. Scope of Services.

(1) The Grantee shall provide security guard services to ARNG authorized locations.

(2) Control entry to and egress from the location via designated installation/facility access control points (ACP).

(3) Conduct vehicle inspections in support of the installation security program.

(4) Patrol/protect location perimeters and Mission Essential or Vulnerable Areas (MEVA) to detect or deter unauthorized entry.

(5) Monitor Electronic Security Systems (ESS) and devices including Automated Access Control Systems (AACS), Closed Circuit Television (CCTV), Intrusion Detection Systems (IDS) and Security Control Center (SCC) when applicable and initiate appropriate response forces.

(6) Provide other service necessary to secure ARNG resources, and personnel as approved by NGB-ARO-FP.

b. Performance Specifications.

(1) Security Program activities will be performed in accordance with state laws and statutes, Army Regulation 190-56, and the Army National Guard Security Guard Program.

(2) Standards of employment, physical qualifications, physical agility test, training and certification requirements and weapons qualification will be in accordance with Section 308 of the Appendix.

Section 305. Authorized Activities/Charges.

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 job-related training required by this Appendix, except weapons training, for operations in support of the SCA if authorized by NGB-ARO-FP.

(3) 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, NGB-ARO-FP may authorize scheduled overtime to satisfy minimum staffing requirements.

b. Equipment/Supplies/Uniforms.

(1) Operational supplies used exclusively in direct support of the SCA.

(2) Government equipment may be provided for SMD use as Government Furnished Equipment (GFE) and/or Vehicles IAW Chapter 7, NGR 5-1. The absence of GFE and/or Vehicles does not relieve the SMD from its primary responsibility for performance of the terms and conditions outlined in this Appendix.

(3) Costs for standard security guard uniforms and for Personal Protective Equipment (PPE), duty gear, and other job related equipment that will assist or is required by the State for SCA personnel to perform their duties.

(4) In-Kind Assistance using federal contracts to hire security guards for state owned, state licensed or state leased property may be authorized.

Section 306. Unauthorized Activities/Charges.

a. All activities/charges not authorized in Section 305 or expressly approved in writing by NGB-ARO-FP as an exception are unauthorized.

b. Costs associated with the purchase of weapons and ammunition for state civil service employees or state contracted employees are unauthorized.

c. Issuing federally-owned weapons and ammunition to State civil service employees or State contracted employees is unauthorized.

d. Carrying of privately-owned firearms and/or ammunition by state civil service employees or state contracted employees is strictly prohibited.

e. Federal reimbursement of firearms purchased by the SCA employee and of firearms purchased with Grantee funds as part of a uniform allowance when the firearm is for the sole use and control of the employee on and off duty is unauthorized.

f. Reimbursement for courses, whether accredited or non-accredited and professional training not specifically required for performance of position duties covered under this agreement.

Section 307. Budget Requirements.

a. Limitations.

(1) The CA PM will submit a budget request each fiscal year for the SCA program as directed by NGB-ARO-FP for approval. The budget request will list the number of Security Guard positions per installation/facility, and cost for each position including uniforms, equipment, salaries and benefits for which the Grantee expects federal reimbursement. A copy of the state contract and/or employee payroll, including administrative, supplies, and equipment expenses must be submitted with the budget request. Also, an annual traffic study is required to justify the total positions authorized for each installation access control point (IACP), and an installation/facility risk assessment and physical security survey is required to justify security patrol positions.

(2) The annual budget shall be approved before the execution of this Appendix. The annual funding guidance (AFG) will include the number of authorized personnel for each installation/facility, the total amount of the budget, and initial annual funding plan.

(3) The total amount of the budget shall be the maximum amount for which NGB is obligated to reimburse the Grantee for the costs of performance of this Appendix. The state CA PM must submit a request to NGB-ARO-FP to increase or decrease the budget amount in accordance with paragraph d, below.

(4) Though the SCA is intended to be 100% federally funded, federal resources for reimbursement of state salaries and benefits are limited. NGB-ARO-FP maintains a salary and benefit standard. Federal funding for salaries and benefits will be limited to this amount. Grantees should coordinate with the CA PM in establishing salary and benefit levels to ensure that funding will be available. Other funding sources can supplement the federal SCA funding, but must be tracked and recorded in the same manner.

(5) NGB-ARO-FP may unilaterally increase or decrease the budget total.

b. AMSCOs: The Grantee shall use the AMSCOs, as provided to the state by the CA PM, in accounting for charges to this Appendix. AMSCOs in the NGB-ARO-FP approved budget are the only authorized AMSCOs for use.

c. The Grantee and the CA PM must reconcile quarterly. Upon the request of NGB-ARO-FP, the Grantee shall provide a report of the total salary and benefits, uniform and equipment cost expended for each security guard.

d. Budget Changes. The state CA PM must submit a written request through the Grants Officer/USPFO, to decrease or increase funds in its Budget. The request shall include an updated budget reconciliation report as an enclosure. The request shall not be binding unless it is so approved by NGB-ARO-FP. The request and approval shall not be binding unless a CA modification to this appendix has been executed.

Section 308. Appendix Administration.

a. Standards for Employment. Each state will establish qualification standards for employment as a security guard in accordance with this Appendix, Army Regulation 190-56, and all state and local laws and statutes. SCA employees must have a high school diploma or equivalent (GED) and must be a minimum of 18 years of age. Basic character traits of honesty, courtesy, tact, cooperation, personal appearance, and bearing are important factors required of security personnel. Personal qualities of good conduct and character, integrity, dependability, and good mental and physical fitness also are required of such personnel.

(1) All SCA personnel must meet the medical screening requirements of like/similar state security positions as identified in state personnel regulation directives. In the absence of state regulatory standards, Army Regulation 190-56 standards will apply.

(2) All SCA personnel must sign a Workforce Drug Testing Act per state laws and statutes. In the absence of state regulatory standards employees must sign a DA Form 5019 (Condition of Employment for Certain Civilian Positions Identified Critical under the Department of the Army Drug-Free Federal Workplace Program) and pass a drug test per AR 600-85. All SCA personnel will participate in periodic drug testing per state laws or AR 600-85 on a random basis to ensure the deterrent value of the testing program.

(3) All SCA personnel must obtain a favorable National Agency Check (NAC). Individuals convicted of domestic violence are not eligible for hire or retention as SCA employees. Personnel to be employed as armed guards shall have a specific inquiry into the applicant's suitability as per the Lautenberg Amendment to the Gun Control Act of 1968. The inquiry will be made part of the pre-employment screening for probationary individuals who are tentatively selected. Upon notification of conviction, individual(s) will be disarmed. Other convictions will be addressed on an individual basis.

(4) State Driver's License: All SCA personnel performing security guard duties are required to possess and maintain a current state driver's license to operate assigned security vehicles if applicable.

(5) Physical Agility Standards. The Adjutant General will establish initial hire and annual physical agility certification requirements that measure the individual's ability to accomplish the essential functions of the position for which hired. The Physical Agility Test (PAT) will include performance-based standards that measure the individual's preparedness to successfully accomplish physically demanding tasks. Accepted standards will include anaerobic/aerobic endurance, agility, and strength. These standards should be based on state requirements for similar positions and AR 190-56. Tests will be conducted annually with a minimum of four months separating each PAT. Job descriptions and performance plans/standards will contain the PAT requirement.

b. Weapons and Ammunition and Security. A pre-employment screening per the Lautenberg Amendment to the Gun Control Act of 1968 will be made for all armed security personnel. Weapons training, with qualification, will be conducted semi-annually. Weapons training and qualification will follow recognized federal, state or local law enforcement agency's (for example the International Association of Chiefs of Police or state police academies) qualification/familiarization standards for the type of weapon required for armed security. Records of individual qualification results must be documented.

(1) Federally-owned weapons and ammunition shall not be issued to state civil service employees or state contracted employees.

(2) The use of privately-owned firearms and or ammunition by state civil service employees or state contracted employees is strictly prohibited.

(3) Storage and accountability of weapons and ammunition on ARNG installations or facilities will be in accordance with AR 190-11.

c. Use of Force and Rules of Engagement. The Adjutant General, in conjunction with the Staff Judge Advocate will determine and identify specific Use of Force and Rules of Engagement for security guard operations based on state and local laws and statutes. SCA personnel performing security guard duties will be armed as deemed appropriate by the Adjutant General for the performance of their duties.

d. Initial and Annual in-service training will be conducted at each installation/activity to ensure proficiency in guard skills and remain current in state and federal doctrine. The Adjutant General may establish specific local training programs, in addition to the annual requirements, to identify and address local security issues (such as specific priorities, unique physical security issues, and so forth). All SCA personnel shall receive initial training based on state and local laws and statutes, and Army Regulations prior to assignment of duties, to include as a minimum:

(1) Use of Force/Rules of Engagement in accordance with state and local laws and statutes, and AR 190-14.

(2) Legal authority and jurisdiction including potential conflicts of interest and Posse Comitatus Act issues. SCA personnel while wearing the duty uniform and/or badge, may not be deputized or exercise any additional authority and jurisdiction while on duty under this Appendix.

(3) Vehicle, Area, and Personnel Search Authority and Procedures.

(4) Personnel Identification procedures, including authorized identification cards/badges.

(5) Communication procedures and equipment.

(6) Antiterrorism and Operations Security requirements.

(7) Protective Equipment and procedures to include blood borne pathogens training.

- (8) Specialized access control and screening equipment.
- (9) Task certification (for specific job for which hired).

e. SCA Authorizations. The Grantee will provide security needs for each of its installations/facilities/locations based on regulatory requirements and NGB guidance. NGB-ARO-FP provides an intended number of personnel or authorizations for each approved installation/facility/location. These authorizations establish the federal funding limit for each installation/facility/location supported by the SCA program. A state may have more employees than authorizations, but federal funding will be limited to the number of authorizations based on NGB-ARO-FP funding limit. NGB-ARO-FP and the CA PM must concur with the additional positions, and clearly articulate in writing the funding source for those additional positions.

f. The CA PM serves as technical supervisor for the ARNG Security at the state level. The Senior Security Guard will conduct the day to day supervision at each installation/facility/location in coordination with the command Physical Security Officer. The CA PM in coordination with NGB-ARO-FP will assess and determine which SCA authorized positions are to be filled. The CA PM will be consulted on all personnel actions concerning SCA employees to include hiring, firing, personnel evaluations, disciplinary actions and other performance related issues. The CA PM will monitor hiring actions to ensure compliance with qualification standards.

g. Uniforms. All SCA personnel are required to wear a uniform while performing security guard duties to ensure ready identification and as an emblem of authority.

(1) The Adjutant General will approve the design, material and color of the uniform in accordance with state laws and statutes, OSHA guidelines, and Army Regulation 190-56.

(2) SCA employees in State Active Duty status for the State Military Department, employees may wear the military service related uniform in accordance with Army Regulation 670-1, Chapter 30-8, Section c.

h. Unit Exercises, Inspections and Assessments: SCA personnel will support organizational exercises, inspections and assessments, performing duties and services defined within this Appendix.

i. SCA employees hired under a state contract are required to maintain and comply with all standards and requirements of Section 308 of this Appendix. The state contract should contain special provisions of the periodic review of contract SCA employee records and the requirement for the Grantor to monitor the administration of Physical Security Testing.

j. Changes to the terms and condition of this Appendix shall be IAW NGR 5-1, Chapter 3.

Section 309. Funding Limitations.

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 Grantee 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 Grantee. Funds shall be obligated as received by the CA PM.

1. Fiscal Year 2010:	Approved Budget (AFP) \$1,176,252.00	Total Dollars Obligated \$1,176,252.00 IKA: \$645,147.06
2. Fiscal Year 2011:	Approved Budget (AFP) \$1,256,400.00	Total Dollars Obligated \$1,256,400.00 IKA: \$1,023,400.00
3. Fiscal Year 2012:	Approved Budget (AFP) \$ 2,266,700.00	Total Dollars Obligated \$ 2,266,700.00 IKA: \$1,051,865.83
4. Fiscal Year 2013:	Approved Budget (AFP) \$1,621,000.00	Total Dollars Obligated \$1,621,000.00 IKA: 0
5. Fiscal Year 2014:	Approved Budget (AFP) \$ 1,614,000.00	Total Dollars Obligated \$ _____ IKA: 0

August 2009

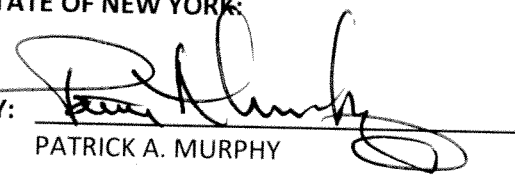
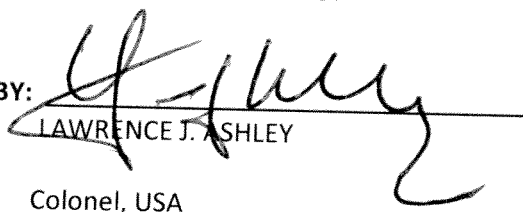
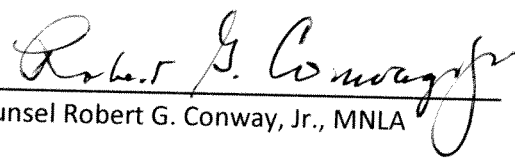

Section 310. Agreement Particulars.

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:	1 Oct 2013
q. Starting Date:	1 Oct 2013
r. Ending Date:	30 Sep 2014
s. Record Type:	Individual Action
t. Fiscal Year/Quarter:	2014/1 st Qtr

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