

# COOPERATIVE AGREEMENT MODIFICATION

Agreement/Appendix Title and Number: W912PQ-13-2-1007  
Project Name/Description and Location: ARNG Sustainable Range Program  
Modification Number: P00001

ISSUED BY: NATIONAL GUARD BUREAU	ISSUED TO: THE STATE OF NEW YORK
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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

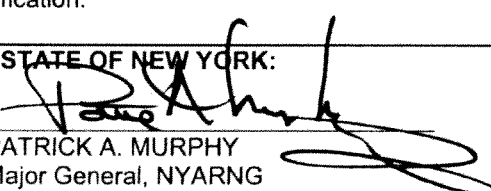
### DESCRIPTION OF MODIFICATION:

1. This Appendix, W912PQ-12-2-1007, is hereby extended for Fiscal Year 2013. The effective date is 01 October 2012 and the termination date is 30 September 2013.
2. The Appendix number W912PQ-11-2-1007 is **changed to read W912PQ-13-2-1007 for FY 2013.**
3. The Initial Maximum Funding Limitation (MFL-Federal) for this Appendix W912PQ-13-2-1007 for FY 13 is subject to the availability of funds.
4. The initial Estimated Cost (AFP-Federal) for this Appendix W912PQ-13-2-1007 for FY 13 is \$784,000.00.
5. In-Kind Assistance is established at 200,000.00.
6. As FY2013 budgets are approved by NGB, program managers will add funding to the Appendix by separate modification, and are subject to the availability of funds.

### EXECUTION

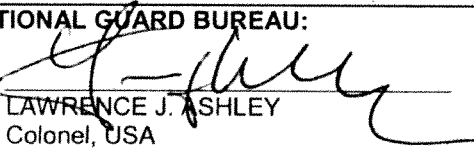
Except as provided herein, all terms and conditions of the Cooperative Agreement and/or Appendix remain unchanged in full force and effect.  
IN WITNESS WHEREOF, the parties by their authorized representatives execute this Cooperative Agreement Modification.

#### THE STATE OF NEW YORK:

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

Date: 5 Oct 12

#### NATIONAL GUARD BUREAU:

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

Date: 9 Oct 12

#### APPROVED AS TO LEGAL FORM:

BY:   
Counsel Robert G. Conway, Jr. (MMLA)

Date: 26 Sep 2012

#### APPROVED AS TO LEGAL FORM:

BY:   
Counsel Paul Sausville, COL, JA, NYARNG

Date: 28 Sep 2012

MEMORANDUM FOR MNPF-PC (CW1 Davin)

SUBJECT: Modification of Master Cooperative Funding Agreement (CFA), W912PQ-13-2-1007, Appendix #7 Range Training Land Program (RTLTP), OCO Funds (VFRE) and ITAM funds (TATM)

1. Request that a modification be issued to open Appendix #7 of the Master CFA for Fiscal Year 2013 as follows:

A. Funding Limitations is changed as follows:

Section 706. Funding Limitation is changed as follows:

Federal Share (100%)	(Allotment) Maximum Funding Limitation	(AFP) Estimated Cost
	\$00.00	\$00.00
OCO Funding	\$ 00.00	\$ 326,000.00
RTLTP funding	\$ 00.00	\$ 442,000.00
ITAM - Funding	<u>\$ 00.00</u>	<u>\$ 16,000.00</u>
TOTAL	\$ 00.00	\$784,000.00


B. In-Kind –Assistance

Within the Federal Share indicated above \$200,000.00 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 approval is not necessary.

2. This modification initially opens Appendix 7 of the agreement for fiscal year 2013.

3. The point of contact for this matter is SGM Mike Good who may be reached at extension 4555.

CF:  
MNPF-CO

  
ANDREW M. STEWART  
LTC, LG, NYARNG  
CFMO-NY (Program Director)

## **APPENDIX 7 – ARNG Sustainable Range Programs (SRP)**

### **Section 701. General.**

a. This Appendix to the Master Cooperative Agreement prescribes the terms, conditions and administrative requirements related to the National Guard Bureau's (NGB's) Federal contribution for operations, management and maintenance of the Army National Guard Sustainable Range Program (SRP) cooperative agreement. The Sustainable Range Program includes the Range and Training Land Program (RTLTP) and the Integrated Training Area Management (ITAM) program.

#### **b. Statements of Fact.**

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

(2) Federal funding under the ARNG SRP will be on a requirements basis within Federal budget limitations. The ARNG SRP Appendix will fund only facilities coded TSC for support in the Facilities Inventory and Support Plan (FISP). Ranges and training lands used in excess of those authorized must be supported with other than Federal funds.

(3) NGB is authorized to contribute 100% Federal funding for the ARNG SRP.

(4) Federal funding under the ARNG Sustainable Range Program is not for State Military Department services covered under the SRM Appendix.

### **Section 702. Additional Definitions.**

a. VSCW: Funds day-to-day range operations expenses to include Operations & Maintenance (O&M) Range Mod projects, consumable supplies on ranges (e.g. target materials), local range ops and target/instrumentation maintenance contracts, operational UXO clearance, UXO clearance for MCA range projects, NEPA for range projects and land acquisition, misc services and personnel training and travel. Funds support to Army range programs provided by the executive agent and agencies managing Army-wide range program projects and initiatives, including range program support manpower functions for USACE, PEO-STRI, ATSC.

b. TATM: Includes O&M funds to maintain the outdoor classroom to improve training efficiency, soldier and unit readiness and survivability by sustaining realistic training and testing lands through integration of land use requirements with land capability.

### **Section 703. Office of Primary Responsibility.**

a. The Office of Primary Responsibility for this Appendix is the Army National Guard Training Division, Training Support Branch (NGB-ART-S).

b. Director, NGB-ART, for the purposes of this Appendix, is a designee of the Chief, National Guard Bureau. This individual or his designee (NGB-ART-S) is authorized to make final approval of all Operations and Maintenance budgets and modifications to them, and to the language of this Appendix. Also, to authorize distribution and recall of SRP Operations and Maintenance funds to the USPFO, to receive specified accounting reconciliation reports, to approve minor construction projects exceeding local USPFO authority, and to take any other action on behalf of NGB or the Chief, NGB, as specifically reserved under this Appendix for NGB-ART.

### **Section 704. Scope of Agreement.**

#### **a. Scope of Services.**

(1) The Grantee shall provide SRP services for the operation, maintenance and repair of ARNG authorized ranges listed on FISP.

(2) The Grantee may subcontract for the services herein described, if the required and appropriate paragraphs and clauses are included as prescribed in Articles VIII and IX of the MCA.

b. Performance Specifications. Operations and Maintenance of the SRP shall include, but not be limited to actions by the Grantee, through employment by the Grantee, by contract or hire, of sufficient personnel, acquisition by contract of supplies or services, or other necessary actions, to accomplish the following tasks.

(1) Maintenance, operations and repair of ranges and training areas will be accomplished up to sound commercial practice or as specified. U.S. Army Standard Range and Targetry requirements are contained in Training Circular (TC) 25-8, Training Ranges.

(2) Alteration or rehabilitation of ranges and training lands authorized by applicable law and regulation.

#### **Section 705. Authorized Charges/Activities.**

a. Personnel.

(3) Costs for salaries, to include approved overtime, and benefits for SRP approved positions.

(a) Payments for salaries, to include approved overtime and allowable benefits, in accordance with state personnel policy for the payment and benefits of like state government positions within the same geographic area. When there is no like state government position available, salaries and benefits will be equivalent to a comparable grade and series Federal Technician position in the geographic area. If a state has a pay raise, pay freeze, pay cap, a hiring freeze or employee furloughs for like positions throughout the state then SRP employees will have corresponding limitations.

(b) Benefit costs include Social Security contributions, workers compensation, medical and unemployment insurance (FICA) premiums and state retirement system.

(c) Costs for merit and incentive awards based on performance providing the awards are part of a program available and consistent with those offered to similar state government positions.

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

(5) Costs for training fees associated with certification, examinations, or licenses required by State or Federal agencies for operations in support of the SRP Agreement.

b. Facilities.

(1) Costs to provide operations, maintenance and repair of components, equipment, or simulation devices for supported range facilities.

(2) Costs to fund design and modernization of facilities required for operations.

c. Special Machines, Tools, and Construction Equipment.

(1) Costs for the purchase of special machines, tools or equipment not exceeding \$2500. Costs exceeding \$2500 require USPFO verification that all conditions of the SRP Appendix are met. Federal reimbursement for the purchase of equipment authorized in the Table of Distribution and Allowances (TDA) with a list price in excess of \$2,500 is authorized only if:

(a) The item is required for the State to perform its responsibilities under the FP Appendix.

(b) The item is not for the principal use of someone or some function covered under 10 USC Chapter 39, 32 USC Chapter 3, 32 USC 502, or 32 USC 709;

(c) It is not more economical to rent or lease the item; and it is more efficient for the State Military Department to procure the item.

(2) Costs for the rental of special machines, tools, or construction equipment may be supported when an economic analysis shows rental is more beneficial than procurement. Reimbursement for rental or lease of items for a period in excess of 240 days requires USPFO approval of an economic analysis showing that this is the most cost effective alternative to ensure the State Military Department meets its responsibilities under the FP Appendix.

(3) Costs for repairs to Grantee owned machines, tools, or equipment used solely in performance of the SRP by replacement of State-owned equipment is authorized.

d. Commercial communications costs, including toll charges, are authorized, provided that they are directly in support of the SRP.

e. Costs of Architectural and Engineering (A-E) Services consistent with the rates in NGR (AR) 415-5.

f. Costs of supplies for maintenance of supported range and training lands equipment, and subcontracts for those items necessary to provide essential maintenance and repair services to authorized ranges.

g. Costs of operational supplies, services and subcontracts for those items necessary to provide essential RTLP support for ranges and facilities and ITAM for training lands. Operational supplies are those items used or consumed in support of the execution of the SRP or the preparation of plans and/or specifications for construction, maintenance and repair projects completed by the FMO and supported by the SRP.

h. Costs for Maintenance and Repair (M&R) Projects for ranges and facilities may be accomplished under the RTLP. Projects for training lands may be accomplished under ITAM. Repair by replacement of existing components, materials, and installed equipment that has become unserviceable or has deteriorated beyond economic repair is considered to be repair. Replacement items will be similar in character, nature, and capacity to the replaced item. Replacement items that are more durable and provide longer life may be used if they are economically justified. Maintenance or repairs will not exceed criteria that bring facilities to a state of utility in excess of that which is authorized by construction standards contained in NGB (AR) 415-10. If the estimated cost to repair an automated range exceeds 50 percent of the cost to construct a new automated range, a new range should be constructed. Construction projects which exceed the authority limits in this regulation should be programmed for MCARNG execution.

i. Costs for Petroleum, Oil, and Lubricants (POL) used in the performance of this Appendix for State owned vehicles, tractors, lawn movers, etc.

j. Costs of Contracts/Subcontracts with Commercial Agencies.

k. Costs of work or contracts associated with meeting National Environmental Policy Act (NEPA) requirements.

l. Costs to complete Unexploded Ordinance survey documents.

m. Other services as approved by NGB-ART-S, prior to execution.

#### **Section 706. Unauthorized Charges/Activities.**

All charges/activities not authorized in Section 705 or that have not been approved by exception by NGB-ART-S are unauthorized.

#### **Section 707. Budgets.**

n. The CA PM shall submit a budget each fiscal year as directed by NGB-ART-S for approval. The budget will list by AMSCO the SRP Operations, Maintenance and Repair activities to be funded and the amount for which it expects reimbursement from NGB.

o. The funding limitation on the approved budget constitutes the maximum amount NGB intends to reimburse the State for its SRP Operations Maintenance and Repair activities under this Appendix. This budget shall be incrementally funded.

p. NGB-ART-S, in its discretion, may unilaterally increase or decrease the budget total, the total for any facility, or the total for any line item.

q. The CA PM is granted flexibility to move funding within the AMSCO to adjust actual expenditures where they differ from the Budget.

r. The CA PM shall reconcile budget amounts with NGB-ART periodically, 31 March, 30 June, and 30 September. This report is due 30 days after the "as of" date. If the Appendix funding is not closed out by the time the CA PM submits the last report, the CA PM shall so notate on that report and shall submit a final report when the Appendix is closed out. The CA PM shall submit any other requested financial or budget report that NGB-ART may require.

s. The CA PM must submit a written request to NGB-ART-S when it wishes to decrease the federal funds in the Budget of this Appendix. The CA PM must furnish a copy of the said request to NGB-ART-S. The request will include an updated budget reconciliation report as an enclosure. The request will not take effect, nor can any expenditure of funds so implied therein take place, until it receives the approval of NGB-ART-S. 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.

(1) The written request shall be, on an instrument containing the signatures of both the USPFO and TAG, or authorized designees.

(2) Budget changes not requiring a written amendment will be reflected in the periodic reports it is required to submit to NGB-ART-S.

#### **Section 708. Appendix Administration.**

##### **t. Personnel Authorizations.**

The following positions are authorized under this agreement: ITAM Coordinator, LCTA Coordinator, Geographic Information System (GIS) Technician and Land Rehabilitation and Maintenance (LRAM) Coordinator. NGB-ART-S must approve any exceptions to authorized personnel positions. The CA PM will submit, with the budget, the number and type of employees needed for maintenance and administrative and operation personnel as described in the AMSCO. Justification for each position is required and should address the purpose of the position (position description), the number of ranges or personnel supported, and any constraints that affect the number of employees needed. Costs should include basic salary, FICA contributions, and any allowable benefit packages. NGB-ART-S will notify the Grantee of the positions approved and funded, approved and unfunded, or disapproved. Expenditures for full time personnel should not exceed 60% of the approved Appendix budget.

##### **u. Facilities Inventory Support Plan (FISP).**

(1) Ranges and training lands eligible for Federal funding must be on facilities listed on the FISP. Ranges must be on the FISP with a category code in accordance with Army Training Circular 25-8 to qualify for support.

(2) NGB-ART-S is the approving authority for facilities receiving support. The Department of the Army categorizes ITAM training centers support annually; requests for additions, deletions or changes to that categorization must be submitted in accordance with AR 350-4 in writing to NGB-ART-S not later than 1 February each year.

##### **v. SRP Budgets/Funding.**

(1) All funding and budget information is updated yearly on the ART-S Program Guidance Document that is distributed to the states in July for the next FY.

(2) Funding for RTLP primarily comes from the MDEP VSCW with funding occasionally being provided through the VIRQ MDEP (will be specified on the FAD). Funding for ITAM is provided through the TATM MDEP.

w. Changes to the terms and or conditions of this Appendix will be IAW NGR 5-1, Chapter 3.

#### **Section 709. Funding Limitation.**

x. 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.

y. Total Dollars Obligated: The total amount of funds obligated for NGB's share under this Appendix. Only funds obligated through a modification to this appendix are available for reimbursement to the Grantee. Funds shall be obligated as received by the CA PM.

c. Accomplished as In-Kind Assistance: The total dollars expended through Federal acquisition. This dollar amount may reflect anticipated In-Kind Assistance and be updated as IKA is approved, but as a minimum shall reflect the total dollars accomplished through In-Kind Assistance in support of this Appendix for each fiscal year as it occurs.

d. Program Income: The gross income received by the Grantee from fees for services performed and from the use or rental of real or personal property, the operation and maintenance of which is supported under this Appendix. Program Income shall be added to the budget as a Grantee contribution regardless of the percentage of Federal contribution reflected in this Appendix. This dollar amount may reflect anticipated Program Income and be updated as Program Income is reported, but as a minimum shall reflect the total dollars received as Program Income for each fiscal year as it occurs.

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

1. Fiscal Year FY 2010:	Approved Budget/(AFP) \$405,000.00	Total Dollars Obligated \$405,000.00
	Accomplished as In-Kind Assistance \$356,609.17	
	Program Income \$ _____	
2. Fiscal Year FY 2011:	Approved Budget/(AFP) \$713,900.00	Total Dollars Obligated \$713,900.00
	Accomplished as In-Kind Assistance \$428,000.00	
	Program Income \$ _____	
3. Fiscal Year FY 2012:	Approved Budget/(AFP) \$ 832,000.00	Total Dollars Obligated \$ 832,000.00
	OCO Funding \$ 462,000.00	\$ 462,000.00
	Program Income \$ 0.00	
	Accomplished as In-Kind Assistance \$ 640,000.00	
4. Fiscal Year 2013:	Approved Budget/(AFP)	Total Dollars Obligated
	ITAM Funding: \$ 16,000.00	\$ _____
	RTLTP Funding: \$442,000.00	
	OCO Funding: \$326,000.00	
	TOTAL: \$784,000.00	
	Accomplished as In-Kind Assistance \$200,000.00	
	Program Income \$0.00	
5. Fiscal Year _____:	Approved Budget/(AFP)	Total Dollars Obligated
	\$ _____	\$ _____
	Accomplished as In-Kind Assistance \$ _____	
	Program Income \$ _____	

**Section 710. Agreement Particulars.**

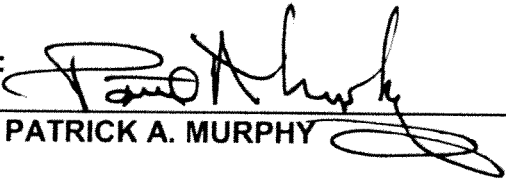
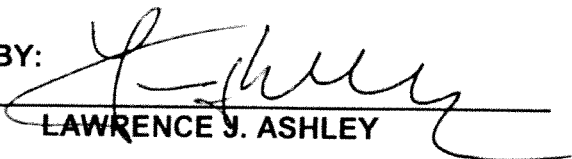
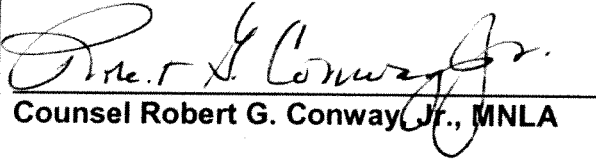
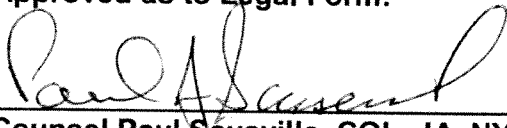
The information below shall be recorded by the Grants Officer's Representative (GOR) for compliance with the reporting requirements of the DoD Assistance Award Action Report System (DAADS) and the Federal Funding Accountability and Transparency Act of 2006.

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 2012
q. Starting Date:	1 Oct 2012
r. Ending Date:	30 Sept 2013
s. Record Type:	Individual Action
t. Fiscal Year/Quarter:	2013/1 <sup>st</sup> Quarter



**EXECUTION**

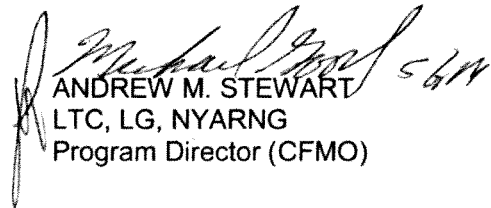
**IN WITNESS WHEREOF:** *The parties, by their signatures, execute this Appendix and agree to its terms and conditions.*

<p><b>STATE OF NEW YORK:</b></p> <p>BY:  PATRICK A. MURPHY</p> <p>Major General, NYARNG The Adjutant General</p> <p><u>5 Oct 12</u> (Date)</p>	<p><b>NATIONAL GUARD BUREAU:</b></p> <p>BY:  LAWRENCE J. ASHLEY</p> <p>Colonel, USA USP&amp;FO for New York</p> <p><u>9 Oct 12</u> (Date)</p>
<p><b>Approved as Legal Form:</b></p> <p> Counsel Robert G. Conway, Jr., MNLA</p> <p><u>26 Sep 2012</u> (Date)</p>	<p><b>Approved as to Legal Form:</b></p> <p> Counsel Paul Sausville, COL, JA, NYARNG</p> <p><u>28 Sep 2012</u> (Date)</p>

MEMORANDUM FOR USP&FO, COL Ashley

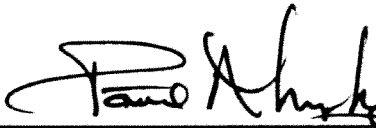
SUBJECT: Appendix 7, Range Training Land Program (RTLTP), TATM, and OCO Funding In-Kind Assistance (IKA) Support for MNFE-CFMO for FY-13

1. Request approval to use IKA for the following MNFE requirements for FY-13. These requirements are subject to change as we move through FY-13:
  - a. Salary contracts. The positions mentioned below are funded under the RTLTP, Appendix 1007. These positions require technical expertise not available through New York State and are critical to the operation and safety of the ranges located at Camp Smith, Guilderland and Youngstown Training Sites. The State cannot provide this service at this time:
    - (1) Camp Smith Range Safety Manager Contract
    - (2) Camp Smith Range Facility Management Support System Specialist
2. Request authorization to move approximately \$200,000.00 from the Master Cooperative Agreement (MCA) Appendix 7 to IKA.
3. Point of contact is SGM Good who can be reached at ext 4555.

  
 ANDREW M. STEWART  
 LTC, LG, NYARNG  
 Program Director (CFMO)


MNAG-TAG

  
 Concur/Non-Concur

5 Oct 12   
 \_\_\_\_\_  
 Date Signature The Adjutant General

USP&FO-NY

  
 Concur/Non-Concur

9 Oct 12   
 \_\_\_\_\_  
 Date Signature USP&FO-NY

MNPF

10 September 2012

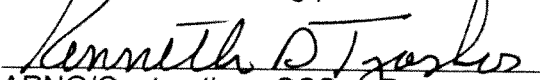
MEMORANDUM FOR MNPF-CO

SUBJECT: Approval of the attached request for In-Kind Assistance Letter Dated: 04 September 2012, from MNFE-CFMO FY 13, Appendix 1007, Range Training Land

1. In accordance with NGR 5-1 Chapter 9, In-Kind Assistance (IKA) is the federal procurement of supplies or services for a State's/Territory's State Military Department through a Cooperative Agreement. In-kind assistance can be federally procured supplies, services, or construction. Services can include real property maintenance and repair.

2. Use of federal procurement system to contract supplies, services, or construction does not relieve the state of its responsibility to meet the match or share requirements specified in the appropriate Agreement. In-Kind Assistance comes from the federal share of an agreement. When an agreement has a State match/share the Grants Officer Representative is responsible for ensuring the State meets its match/share requirements. The State Military Department shall credit the amount of its share of the costs of in-kind assistance against the costs claimed for reimbursement under the cooperative agreement. In-kind assistance is program year sensitive and as such the credit due the federal government may be in the form of a check if in-kind assistance coincides with the end of a fiscal year.

3. ARNG Contracting Division has verified they ~~can~~ cannot support the attached request to utilize Federal contracting procedures.

  
ARNG/Contracting: SCS Deputy

24 SEP 2012  
Date

4. Questions may be directed to MNPF, ATTN: CW2 Renee M. Davin at Commercial, 518-786-4709, DSN: 489-4709, or [renee.davin@us.army.mil](mailto:renee.davin@us.army.mil).



RENEE M. DAVIN  
CW2, NYARNG  
Management & Program Analyst  
Cooperative Agreements

