

**COOPERATIVE AGREEMENT MODIFICATION**Agreement/Appendix Title and Number: **W912PQ-17-2-1023**Project Name/Description and Location: **ANG Security Cooperative Agreement**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 1023

FED	Allotment		\$0.00	
FED	AFP		\$4,992,208.00	\$4,992,208.00

**DESCRIPTION OF MODIFICATION:**

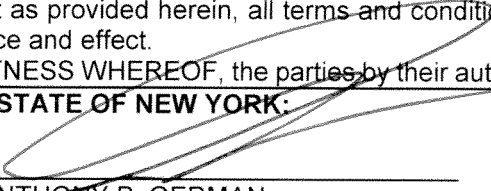
1. JUSTIFICATION: OPEN W912PQ-17-2-1023, Appendix 1023, ANG Security Cooperative Agreement for Fiscal Year 2017.
2. SUMMARY: Appendix, W912PQ-16-2-1023 is hereby extended for Fiscal Year 2017. The effective date is 01 October 2016 and the termination date is 30 September 2017. Appendix W912PQ-16-2-1023 is changed to read W912PQ-17-2-1023 for FY2017.
3. ACTION: TAG signature and review of the ANG Security Cooperative Agreement Appendix 1023, 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 pages 5 of Appendix 1023, 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**

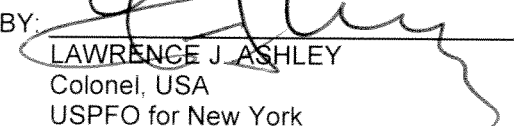
Except as provided herein, all terms and conditions of the Cooperative Agreement and/or Appendix remain unchanged in full force and effect.

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

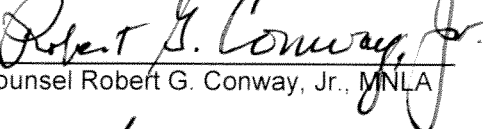
**THE STATE OF NEW YORK:**

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

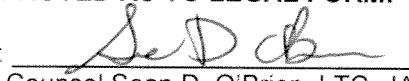
Date: 9/29/16**NATIONAL GUARD BUREAU:**

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 23 ANG SECURITY COOPERATIVE AGREEMENT

### Section 2301. General.

a. This Appendix to the Master Cooperative Agreement (MCA) prescribes the terms, conditions policies and administrative procedures related to the National Guard Bureau's (NGB's) federal contribution for the Air National Guard (ANG) Security Forces Division's (NGB/A7S) 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 100 percent of federal funds to the State for certain expenses incurred in rendering security services. NGB/A7S shall provide 100 percent federal support within funding limitations for authorized SCA personnel.

(3) The Grantee may contract for security services, **which is what NGB/A7S prefers**, provided appropriate paragraphs and clauses are included as prescribed by Article VIII of the Master Cooperative Agreement (MCA) and that the minimum performance specifications listed in this Appendix are met.

### Section 2302. Additional Definitions. (Reserved).

### Section 2303. Office of Primary Responsibility.

a. The Office of Primary Responsibility for this Appendix is the Air National Guard Security Forces Division (NGB/A7S), National Guard Bureau, Air National Guard Readiness Center, 3500 Fetchet Avenue, **Joint Base Andrews**, MD 20762-5157.

b. Director, NGB/A7S, 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/A7S. Within NGB/A7S, the Programs and Resources branch (NGB/A7SX), specifically, the SCA Program Manager, acts on behalf of the Director in the daily administration of this Appendix. The Chief of Security Forces (CSF) at each SCA location serves as the CA PM for this Appendix.

### Section 2304. Scope of Agreement.

a. Scope of Agreement. The Grantee shall provide security services to include:

(1) Control entry to and egress from the location via designated entry/exit points.

(2) Monitor alarm equipment and Intrusion Detection Systems (IDS) when applicable and initiate appropriate response forces.

(3) Patrol/protect location perimeters and equipment storage areas to detect or deter unauthorized entry.

(4) Provide administrative support to unit Security Force Operations.

(5) Provide other service necessary to secure location resources and personnel as approved by the Installation Defense Council (IDC).

b. Performance Specifications.

(1) Security Program activities will be performed in accordance with Air Force Instruction (AFI) 31-101, Integrated Defense and the ANG Supplement 1.

(2) Standards of employment, physical qualifications, physical agility test, training and certification requirements and weapons qualification will be in accordance with Section 2308 of the Appendix.

(3) SCA personnel utilizing a DoD Civilian Police or Security Guard position description (GS-0083, 0085, or equivalent) will meet the standards of Department of Defense (DoD) 5210.90.

**Section 2305. Authorized Activities/Charges.**

a. Personnel.

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

(3) 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.

b. Costs for travel expenses and per diem, at a rate consistent with state travel regulations for performing Administrative Services activities away from their home office.

(1) Costs for job-related professional training authorized by NGB/A7S, to include training fees associated with certification, examinations or licenses required by state or federal agencies for operations in support of the Security Agreement.

(2) Costs for travel expenses and per diem, at a rate consistent with state travel regulations for performing ANG security service activities away from their home office.

(3) Costs for regular overtime that are 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, the CSF can authorize overtime to satisfy minimum staffing requirements.

c. Equipment/Supplies/Uniforms.

(1) Costs for operational supplies. (i.e. radios, batteries, flashlights etc.).

(2) Government equipment may be provided for Grantee use as Government Furnished Equipment (GFE) and/or Vehicles IAW NGR 5-1, Chapter 7. The absence of GFE and/or Vehicles does not relieve the Grantee 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 for SCA personnel to perform their duties.

**Section 2306. Unauthorized Activities/Charges.**

a. All charges/activities not authorized in Section 2305 or otherwise approved by NGB/A7S by exception prior to execution of funds are unauthorized.

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

**Section 2307. Financial Plan (FINPLAN)/Budget Requirements.**

a. Annual Financial Plan Submission.

(1) The state CA PM shall submit a FINPLAN each fiscal year for the SCA program as directed by NGB to NGB/A7SX for approval. The FINPLAN shall list by line item the Security Guard Services to be funded under this Appendix and the amount of that line item for which it expects reimbursement from NGB/A7S.

(2) The FINPLAN shall be approved before the execution of this Appendix. It will include the number of authorized personnel, number on board at the time the FINPLAN is submitted, and the projected date of all authorized positions.

(3) The total amount of the budget shall be the maximum amount for which NGB is obligated to reimburse the State for the costs of performance of this Appendix. The CA PM must submit a request to NGB/A7S when it wishes to decrease the budget amount.

(4) Any increase to the budget must be approved by NGB/A7S, even if such increase will not cause the maximum obligation amount stated in the Appendix to be exceeded. If such approval increases the amount of the maximum obligation NGB/A7S stated, NGB/A7S shall, if additional funds are available, cause the maximum obligation amount to be increased. The request shall include an updated FINPLAN reconciliation report as an enclosure. The request shall not be binding until it receives the approval of NGB/A7S. The request and approval shall not be binding, nor can any expenditure of funds so implied therein take place, unless a CA modification to this Appendix has been executed.

(5) Though the SCA is intended to be 100% federally funded, federal resources for reimbursement of state salaries and benefits are limited. NGB/A7S maintains a salary and benefit standard and federal funding for salaries and benefits will be limited to this amount. The CA PM should coordinate with NGB/A7S 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. Local FM or state additives to the SCA program are authorized and do not require approval from NGB/A7S. Additional information and current updates on SCA funding will be provided on the ANG Security Forces Community of Practice (CoP).

(6) NGB/A7S may unilaterally increase or decrease the FINPLAN total, or the total for any line item.

b. Element of Expense/Investment Codes (EEICs). Unless otherwise authorized by NGB/A7S directive, EEICs in the NGB/A7S approved FINPLAN are the only authorized EEICs for use.

c. The state CA PM must provide NGB/A7S with a mid-year report (NLT 1 March) showing the number of SCA personnel employed and funds expended. The CA PM shall provide a report of the total salary and benefits expended for each SCA employee upon the request of NGB/A7S.

### **Section 2308. Appendix Administration.**

a. Standards for Employment. The Grantee will establish qualification standards for employment as a security guard in accordance with this Appendix, as well as 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 guards. Integrity, dependability, and good mental and physical fitness also are required of such personnel.

(1) All ANG SCA employees must meet the medical screening requirements of like/similar state security positions as identified in state personnel regulation directives. In the absence of state regulation standards refer to Office of Management Personnel Management (OPM) General Schedule (GS) 0085, Security Guard Series requirements.

1. All ANG SCA personnel must obtain a favorable National Agency Check **with Inquiries (NACI)**. Personnel may be hired prior to a completed **check**. Failure to obtain or retain a **favorable NACI for a position of trust** is basis for removal. Individuals convicted of domestic violence are not eligible for hire or retention as ANG SCA employees. Upon notification of conviction, individual will be disarmed. Other convictions will be addressed on an individual basis.

2. State and Military Driver's License. All ANG SCA personnel performing security guard duties are required to possess and maintain a current state driver's license, and will obtain and maintain a military driver's license to operate assigned military security vehicles.

3. Physical Agility Standards. The TAG or installation Commander 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 requirements will include minimum performance-based standards that are based on occupational tasks. Accepted standards will include anaerobic/aerobic endurance, agility, and strength. These standards should be based on current law enforcement community accepted tests of physical fitness. Tests will be conducted on a regular recurring basis (at least annually).

4. Weapons/ammunition and security. Absent of state and local standards initial hire and annual weapons qualification will be conducted in accordance with [Air Force Instruction \(AFI\) 36-2226](#) and [AFI 31-207](#), for the type of weapon required for armed security. Records of individual qualification results must be documented. A

pre-employment screening per the Lautenberg Amendment to the Gun Control Act of 1968 will be made for all armed security personnel.

- Federally-owned weapons and ammunition, with approval of the Unit Commander, **can** be issued to state **SCA** employees **for use in the performance of their official duties.**
- Federally-owned weapons and ammunition **shall not** be issued to state contracted **SCA** employees. Costs associated with the weapons and ammunition for **contracted SCA employees will be borne by the contractor, the selection of weapons and ammunition is subject to approval of the Unit Commander, and will not affect the level of federal funding available.**
- The use of privately-owned firearms and or ammunition **by SCA personnel** is strictly prohibited.
- Storage and accountability of weapons and ammunition on ANG installations or facilities will be in accordance with prescribed local ANG directives

b. 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 operations based on state and local laws and statues. SCA personnel performing security duties will be armed as deemed appropriate by the Adjutant General for the performance of their duties.

c. All initial and recurring proficiency training requirements must be met. TAG and installation commands 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). All state employees or contract employees shall receive initial training prior to assignment of duties.

- (1) Use of Force IAW AFI 31-207.
- (2) Rules of engagement.
- (3) Legal considerations and jurisdiction.
- (4) Security Forces concepts and operations.
- (5) Communication procedures.
- (6) Searching and handcuffing.
- (7) Personal Protective Equipment and procedures to include blood borne pathogens training.
- (8) Task certification (for specific job for which hired).

d. SCA Authorizations. The IDC will establish the security needs for the location. NGB/A7S provides an intended number of personnel or authorizations for SCA locations. These authorizations establish the federal salary funding limit for a location. A unit may have more employees than authorizations, but federal funding will be limited to the number of authorizations based on NGB/A7S funding limit. A location can employ personnel beyond the authorization level if there is enough funding to support and all employees are performing security or administrative related functions. NGB/A7S and Unit CSF must concur with the additional positions, in writing.

e. The Unit CSF, or designated representative, serves as the day to day technical supervisor for ANG Security at the unit level. The IDC will assess and determine which SCA authorized positions are to be filled. The Unit CSF will be consulted on all personnel actions concerning SCA employees to include hiring, firing, personnel evaluations, disciplinary actions and other performance related issues.

f. Uniforms. SCA personnel are required to wear a uniform while performing security duties. The TAG or installation Commander will determine the appropriate SCA employee uniform. The uniform must identify the SCA employees, present a professional image, and distinguish the civilian chain-of-command structure within the Security Forces unit. SCA personnel will wear the issued uniform at all times while on official duty. SCA personnel will be required to reimburse the actual cost of replacement for any uniform or equipment item lost or damaged through negligence as determined by the CSF.

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

h. All changes to the terms or conditions of this Appendix shall be processed in accordance with IAW NGR 5-1, Chapter 3.

**Section 2309. 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 State 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 State. Funds shall be obligated as received by the CA PM.

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

1. Fiscal Year <b>2017</b> :	Approved Budget/(AFP) \$4,992,208.00	Total Dollars Obligated \$4,992,208.00
2. Fiscal Year _____:	Approved Budget/(AFP) \$ _____	Total Dollars Obligated \$ _____
3. Fiscal Year _____:	Approved Budget/(AFP) \$ _____	Total Dollars Obligated \$ _____
4. Fiscal Year _____:	Approved Budget/(AFP) \$ _____	Total Dollars Obligated \$ _____
5. Fiscal Year _____:	Approved Budget/(AFP) \$ _____	Total Dollars Obligated \$ _____

**Section 2310. 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):  
(To include Zip + 4) New York, 12110-3514
- e. Grantee/Recipient County  
(Primary Place of Performance): Albany
- f. Grantee/Recipient Congressional District  
(Primary Place of Performance): 36
- g. Major Agency: DOD
- h. Agency Code: 5700
- i. Funding Agency: Air
- j. Program Source Agency: 57
- k. Transaction Type: Cooperative Agreement
- l. CFDA: 12.401
- m. CFDA Program Title: Operation and Maintenance,  
Air National Guard
- n. Program Source Account-Funding: 3840
- o. Treasury Appropriation Code: 3840
- 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<sup>st</sup> Qtr

u. Unique Federal Award Identification Number (FAIN)	W912PQ-17-2-1023
v. Approved Budget Amount:	\$4,992,208.00
w. R&D Award (Yes or No)	No
x. Indirect Cost Rate or CPP Rate:	\$ 7,000.00

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