Indiana Department of Homeland Security
Information Bulletin

Date: October 8, 2013

To: All District Administrative Coordinators
     All District Coordinators
     All District Fiscal Agents
     All District Planning Council Members
     All District Planning Oversight Committee Members
     All Emergency Management Directors

From: Rachel Woodall
      Grants Management Section Chief
      Planning Division, Indiana Department of Homeland Security

Subject: District Mobile Command Center Vehicles

Purpose
The purpose of this Information Bulletin is to offer guidance to the Indiana Homeland Security Districts regarding the District Mobile Command Center Vehicles which were purchased using federal funds provided by the Indiana Department of Homeland Security (IDHS).

Background
In 2007, IDHS offered 2006 State Homeland Security Program (SHSP) grant funds to all ten (10) Indiana Homeland Security Districts to purchase new or upgrade existing Mobile Command Center (MCC) Vehicles to be used throughout the district. Nine (9) of the districts used the funds for this purpose.

The Districts have raised some questions regarding their authority and responsibilities regarding these MCCs. Specifically, with respect a county that purchased an MCC using IDHS-provided grant funds, a District has asked if they have the authority to control the placement and/or use of the MCC; additionally, the question has been raised as to who has the authority to require the current owner of that MCC to transfer ownership to another jurisdiction within the District.

Applicability
The requirements outlined in this Information Bulletin (IB) are applicable specifically to the Mobile Command Centers/Vehicles which were purchased or upgraded using 2006 State Homeland Security Program funds.
IDHS awards grant funds to a political subdivision, most commonly a county, using sub-grant agreements. These sub-grant agreements contain and reference a variety of terms and conditions that are applicable to the funds provided under the sub-grant agreement and to the purchases made with those funds. The requirements are not always exactly the same from year-to-year, so it is necessary to identify and evaluate the particular grant agreement providing the funds to determine the requirements applicable to equipment purchased using those funds.

If the agreement allowed the sub-grantee to purchase or upgrade a Mobile Command Center vehicle, pursuant to paragraph 6.G. of the agreement, the sub-grantee was (and still is) required to:

1) Share the use of the Mobile Command Center vehicle with the other counties in the sub-grantee’s Homeland Security District without charging the requesting county for any costs related to the activation and deployment of the mobile command vehicle; and

2) Enter into a written “Mobile Command Vehicle Use Agreement” with each of the counties in the sub-grantee’s Homeland Security District. This “Mobile Command Vehicle Use Agreement” shall include provisions establishing the process for sharing the mobile command vehicle with the other counties in the sub-grantee’s Homeland Security District, shall provide for the distribution of costs among the counties in the Homeland Security District for the maintenance and re-supply of the mobile command vehicle, and shall state that requesting counties will not be charged for any costs related to the activation and deployment of the mobile command vehicle.

In addition, the sub-grantee was (and is) required to comply with the federal regulations governing equipment purchased with federal grant funds, 28 CFR 66.32 (Compliance required by Paragraph 7 of the agreement). Under these regulations, the equipment shall be used by the sub-grantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by federal funds (28 CFR 66.32(c)(1)). Also, the equipment must be managed, inventoried and maintained (Paragraph 7 of the agreement and 28 CFR 66.32(d)).

The sub-grantee which signs the agreement is responsible for complying with all of the terms and conditions contained within that agreement and the Indiana Department of Homeland Security (IDHS) (and in some cases the federal government) is the only entity with the ability to enforce the requirements of that agreement. If the sub-grantee fails to comply with any of these requirements, then IDHS can enforce the agreement; additionally such a failure to comply could jeopardize the sub-grantee’s ability to obtain future grants from the Indiana Department of Homeland Security.

However, a District or DPC would not have the authority to control the location or use of the MCC and also would not have the authority to require the transfer of ownership of that MCC.

It is important to note, in the case of any ambiguity, conflict or inconsistency between this Information Bulletin and the grant agreement between IDHS and the recipient, the provisions of the grant agreement take precedence.

**Questions**

Please direct questions regarding this program to your District Emergency Management Coordinator or a member of the IDHS Grants Management staff.