The Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)
FY 2020 National Incident Management System (NIMS)

NOTE: If you are going to apply for this funding opportunity and have not obtained a Data Universal Numbering System (DUNS) number and/or are not currently registered in the System for Award Management (SAM), please take immediate action to obtain a DUNS Number, if applicable, and then to register immediately in SAM. It may take 4 weeks or more after you submit your SAM registration before your registration is active in SAM, then an additional 24 hours for Grants.gov to recognize your information. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at: http://www.grants.gov/web/grants/register.html. Detailed information regarding DUNS and SAM is also provided in Section D of this NOFO, subsection, Content and Form of Application Submission.

A. Program Description

1. **Issued By**
   U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Preparedness Directorate (NPD), National Integration Center (NIC)

2. **Assistance Listings (formerly Catalog of Federal Domestic Assistance (CFDA) Number)**
   97.107

3. **Assistance Listings Title (formerly CFDA Title)**
   National Incident Management System

4. **Funding Opportunity Title**
   FY 2020 National Incident Management System

5. **Funding Opportunity Number**
   DHS-20-NPD-107-00-01

6. **Authorizing Authority for Program**
   Section 661 of the Post-Katrina Emergency Management Reform Act of 2006, as amended (Pub. L. No. 109-295) (6 U.S.C. § 761)
   https://www.govinfo.gov/content/pkg/USCODE-2018-title6/html/USCODE-2018-title6-chap2-subchapII-partB-sec761.htm

7. **Appropriation Authority for Program**
   Department of Homeland Security Appropriations Act, 2020 (Pub. L. 116-93), Division D, Title III – Protection, Preparedness, Response, and Recovery, Federal Emergency

Management Agency, Operations and Support. https://www.congress.gov/bill/116th-congress/house-bill/3931

8. **Announcement Type**
   New

9. **Program Overview, Objectives, and Priorities**
   Our nation faces a wide range of threats and hazards. As FEMA's 2018-2022 Strategic Plan states (under Strategic Objective 2.3: Posture FEMA and the Whole Community to Provide Life-Saving and Life-Sustaining Commodities, Equipment, and Personnel from all Available Sources), "No one agency or organization is able to store enough equipment, supplies, and commodities, or marshal enough internal teams to quickly and fully meet all the needs of a catastrophic incident. These devastating incidents necessitate the collective assets and contributions of many supporting organizations aligned through a coordinated structure."

   Communities can address these challenges by using a systematic approach that builds on proven preparedness activities. The National Incident Management System (NIMS) provides stakeholders across the whole community with the shared vocabulary, systems, and processes to deliver the capabilities described in the National Preparedness System (NPS). The implementation of NIMS directly supports Quadrennial Homeland Security Review (QHSR) Mission 5: Strengthen National Preparedness and Resilience and Goal 5.3: Ensure Effective Emergency Response. To this end, the Emergency Management Assistance Compact (EMAC) provides at the national level a consistent and reliable approach to emergency resource allocation.

   The purpose of the Fiscal Year (FY) 2020 NIMS cooperative agreement is to support EMAC, which is a congressionally ratified mutual aid compact that defines a non-federal, state-to-state system for sharing resources across state lines during an emergency or disaster. Signatories include all 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. EMAC's unique relationships with states, regions, territories, and Federal organizations, such as FEMA and the National Guard Bureau, enable it to move a wide variety of resources to stabilize community lifelines immediately after an incident. EMAC, established in 1996, is a national mutual aid compact that offers assistance during governor-declared states of emergency. It assists states in sending personnel, equipment, and commodities to support disaster relief efforts in other states. This NOFO aids EMAC's development and maintenance of a consistent system for the request, dispatch, use, and return of resources necessary to support local capabilities during incident response and recovery operations. The development of a multi-jurisdictional, interstate regional mechanism for coordinating incident management and obtaining assistance to stabilize community lifelines immediately during large-scale, complex, or catastrophic incidents will help to build, sustain, and deliver the core capabilities essential to achieving the National Preparedness Goal of a secure and resilient nation.

The FY 2020 NIMS cooperative agreement supports the priority to enhance mutual aid capabilities through EMAC to advance implementation and support the whole community to provide lifesaving and life-sustaining commodities, equipment, and personnel. The NIC's two strategic priorities listed below illustrate the NIC's efforts to enhance the emergency management partnership between FEMA and the EMAC administrator:

1. Integrate stakeholder feedback in the development, implementation, and updating of national doctrine, guidance, and technical assistance to ensure their relevance and value to whole community emergency management.
2. Provide high-quality, customer-oriented tools and resources to enhance nationwide understanding and implementation of NIMS and NPS.

EMAC will support these strategic priorities by supporting the development and implementation of National Qualification System (NQS) work items, Resource Typing (RT) definitions, and mutual aid tools. The EMAC-generated after-action reports, quarterly reports, and reports on demand will provide data that will enhance current and future emergency management initiatives.

This cooperative agreement also advances the NPS—the instrument the nation uses to build, sustain, and deliver core capabilities to achieve a secure and resilient nation. Complex and far-reaching threats and hazards require a collaborative, whole-community approach to national preparedness that engages individuals, families, communities, the private and nonprofit sectors, faith-based organizations, and all levels of government. The guidance, programs, processes, and systems that support each component of the NPS promote integrated preparedness efforts that build, sustain, and deliver core capabilities and achieve the National Preparedness Goal's desired outcomes.

DHS and FEMA focus on building stronger capabilities across jurisdictions at all levels and with the whole community. All types of mutual aid are integral to efforts that enhance our nation's resilience, ensure an effective response to disasters, and stabilize community lifelines regardless of size, scope, or complexity. The FY 2020 NIMS cooperative agreement objectives outlined below supplement the ongoing collaborative efforts of the NIC and EMAC.

10. Performance Metrics

The recipient of this cooperative agreement will work to achieve the program's goals and objectives listed below by September 2021.

1. Support of the Emergency Management Assistance Compact (EMAC) through training, education, exercises, preparedness activities, and operational activities support for intrastate mutual aid, interstate mutual aid (EMAC), and international mutual aid.

2. Support State Emergency Management implementation of EMAC within each member state to the extent that the individual member state determines or deemed appropriate.
3. Increase the interoperability and collaboration of the EMAC Operations System to full functionality with other existing, updated, and newly developed national emergency management operational and mutual aid systems.
4. Continual improvement of the EMAC system based on activations, exercises, and preplanned events' after-action reviews, hot washes, peer reviewed best practices and audits.
5. Support EMAC operational activities during federal, state activations, and pre-planned events.
6. Information sharing of EMAC operational activities.
7. Engagement with FEMA in accordance with statutes on the development and sustainment of national mutual aid
doctrine, policies, and programs.
8. Alignment of EMAC and mutual aid with the National Preparedness Goal and NIMS.
9. Alignment of EMAC and mutual aid with Threat Hazard Identification and Risk Assessment (THIRA).
10. Alignment of EMAC and mutual aid with National Disaster Response Framework.
11. Participation of EMAC in National Level Exercises.
12. Participation in catastrophic planning and related exercises at the state, regional, federal, and national levels to determine and ensure EMAC Operations system is fully integrated into each respective jurisdiction's plans.
13. Delivery of EMAC lessons learned for integration into national planning efforts.
14. Engagement and alignment with national resource typing, job positions/qualifications, Mission Ready Packaging, and National Qualification initiatives.
15. Engagement with the whole community on mutual aid.
16. Transfer of information and knowledge on EMAC and mutual aid to federal partners.
17. Coordination with FEMA, National Guard Bureau, and U.S. Northern Command on operational activities in support of large-scale disaster response.
18. EMAC data analysis for the improvement of the core capabilities that stabilizes community lifelines.
19. Increase the national mutual aid inventory of Mission Ready Packages in the Mutual Aid Support System (MASS) for use in mutual aid (intrastate, interstate, and international).

B. Federal Award Information

1. **Available Funding for the NOFO:** $2,000,000.00

2. **Projected number of Awards:** 1

3. **Period of Performance:** 12 months

   Extensions to the period of performance are not allowable.

4. **Projected Period of Performance Start Date(s):** 09/11/2020

5. **Projected Period of Performance End Date(s):** 09/10/2021

6. **Funding Instrument Type: Cooperative Agreement**
   Program authority and responsibility under this cooperative agreement resides with FEMA. FEMA retains the right to terminate all or part of the cooperative agreement in a manner consistent with 2 C.F.R. § 200.339, and may conduct site visits and monitoring throughout the period of performance.

   FEMA will work with the recipient to develop and refine the details of executing this award, including work plans, goals, objectives, performance metrics, timelines, objectives, effectiveness measures, selection of key players, development of outreach or educational materials, and coordination of multistate efforts, and will define eligible and ineligible tasks to ensure that the program is effectively implemented. The recipient shall not develop or begin developing tasks not approved in the recipient's application without FEMA's prior approval and issuance of an award amendment.

   Throughout the performance period of this cooperative agreement, FEMA's NIC will be substantially involved in the program implementation. Such involvement includes, but is not limited to, the following roles and responsibilities:

   1. Providing consultation to the EMAC administrator on EMAC to ensure all efforts are aligned.
   2. Maintaining clear communications with the EMAC administrator to ensure intended outcomes are achieved.
   3. Jointly developing the program management plan and program spending plan.
   4. Providing frequent consultation with the EMAC administrator to ensure NIMS implementation remains aligned with FEMA's latest guidance.
   5. Providing insight to EMAC on data points that are of interest to FEMA in assessing and reporting on national preparedness.
   6. Aligning processes with intended outcomes.

   FEMA also participates in the EMAC advisory group to ensure alignment of related efforts in support of a national mutual aid system. FEMA coordinates meetings between EMAC leadership and various FEMA internal components when mission areas intersect.

C. Eligibility Information

1. Eligible Applicants

The administrator of EMAC is the only eligible recipient of the NIMS cooperative agreement, as specified in 6 U.S.C. §§ 761(a), (b), (c). https://www.govinfo.gov/content/pkg/USCODE-2018-title6/html/USCODE-2018-title6-chap2-subchapII-partB-sec761.htm

2. Applicant Eligibility Criteria

This Notice of Funding Opportunity is open only to the administrator of EMAC.

3. Maintenance of Effort (MOE)

Maintenance of effort is NOT required under this program.

4. Cost Share or Match

There is no Cost Share or Cost Match requirement for this program.

D. Application and Submission Information

1. Key Dates and Times

a. Application Start Date: 07/17/2020

b. Application Submission Deadline: 08/17/2020 at 11:59 PM ET

All applications **must** be received by the established deadline. The Non-Disaster (ND) Grants System has a date stamp that indicates when an application is submitted. Applicants will receive an electronic message confirming receipt of the full application. ***DHS/FEMA will not review applications that are received after the deadline or consider these late applications for funding.*** DHS/FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of an applicant's control that prevent submission of the application by the deadline or other exigent or emergency circumstances.

Applicants experiencing technical issues must notify the FEMA Headquarters (HQ) Program Analyst prior to the application deadline. If applicants do not know their FEMA HQ Program Analyst or if there are programmatic questions or concerns, please contact the Centralized Scheduling and Information Desk (CSID) by phone at (800) 368-6498 or by e-mail at askcsid@fema.gov, Monday through Friday, 9 a.m. – 5 p.m. ET.

c. Anticipated Funding Selection Date: 08/24/2020

d. Anticipated Award Date: 09/11/2020

e. Other Key Dates:

Event	Suggested Deadline for Completion
Obtaining DUNS Number	Four weeks before actual submission deadline
Obtaining a valid EIN	Four weeks before actual submission deadline
Updating SAM registration	Four weeks before actual submission deadline
Starting application in Grants.gov	One week before actual submission deadline
Submit final application in ND Grants	One week before actual submission deadline

2. Agreeing to Terms and Conditions of the Award

By applying, applicants agree to comply with the requirements of this NOFO and the terms and conditions of the award, should they receive an award.

3. Address to Request Application Package

Application forms and instructions are available at Grants.gov on the Workspace application platform. To access the application package, select "Applicants" then "Apply for Grants" followed by "Get Application Package." Enter the Funding Opportunity Number or Opportunity Package ID located in this NOFO. Select "Apply" and then "Create Workspace." Follow the prompts to download the instructions and begin the application.

Hardcopies of the NOFO and associated application materials are not available.

In addition, the following Telephone Device for the Deaf (TDD) and/or Federal Information Relay Service (FIRS) number available for this Notice is (800) 462-7585.

Initial applications are submitted through the Grants.gov portal and complete applications are submitted through ND Grants.

4. Steps Required to Submit an Application, Unique Entity Identifier, and System for Award Management (SAM)

To apply for an award under this program, all applicants must:

a. Apply for, update, or verify their Data Universal Numbering System (DUNS) Number from Dun & Bradstreet (D&B) and Employer ID Number (EIN)
b. In the application, provide a valid Data Universal Numbering System DUNS number, which is currently the unique entity identifier;
c. Have an account with login.gov;

d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
e. Create a Grants.gov account;
f. Add a profile to a Grants.gov account;
a. Establish an Authorized Organizational Representative (AOR) in Grants.gov;
b. Submit application in Grants.gov; and
g. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency.

Applicants are advised that DHS may not make a federal award until the applicant has complied with all applicable DUNS and SAM requirements. Therefore, an applicant's SAM registration must be active not only at the time of application, but also during the application review period and when DHS is ready to make a federal award. Further, as noted above, an applicant's or recipient's SAM registration must remain active for the duration of an active federal award. If an applicant's SAM registration is expired at the time of application, expires during application review, or expires any other time before award, DHS may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

5. Electronic Delivery

DHS is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. DHS encourages or requires applicants to submit their applications online through Grants.gov, depending on the funding opportunity.

6. How to Register to Apply through Grants.gov

Registering in Grants.gov is a multi-step process. Read the instructions below about registering to apply for DHS funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to four weeks to complete. Therefore, registration should be done in enough time to ensure it does not impact your ability to meet required application submission deadlines.

Organizations must have a Data Universal Numbering System (DUNS) Number, active System for Award Management (SAM) registration, and Grants.gov account to apply for grants. If individual applicants are eligible to apply for this grant funding opportunity, then you may begin with step 3, Create a Grants.gov account, listed below.

Creating a Grants.gov account can be completed online in minutes, but DUNS and SAM registrations may take several weeks. Therefore, an organization's registration should be done in enough time to ensure it does not impact the entity's ability to meet required application submission deadlines. Complete organization instructions can be found on Grants.gov here:
https://www.grants.gov/web/grants/applicants/organization-registration.html

1) All entities applying for funding, including renewal funding, must have a DUNS number from Dun & Bradstreet (D&B). Applicants must enter the DUNS number in the data entry field labeled "Organizational DUNS" on the SF-424 form.

   For more detailed instructions for obtaining a DUNS number, refer to:
   https://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html

2) All organizations applying online through Grants.gov must register with the System for Award Management (SAM). Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually.

   For more detailed instructions for registering with SAM, refer to:
   https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html

3) The next step is to register an account with Grants.gov. Follow the on-screen instructions or refer to the detailed instructions here:
   https://www.grants.gov/web/grants/applicants/registration.html

4) A profile in Grants.gov corresponds to a single applicant organization the user represents (i.e., an applicant) or an individual applicant. If you work for or consult with multiple organizations and have a profile for each, you may log in to one Grants.gov account to access all your grant applications. To add an organizational profile to your Grants.gov account, enter the DUNS Number for the organization in the DUNS field while adding a profile.

   For more detailed instructions about creating a profile on Grants.gov, refer to:
   https://www.grants.gov/web/grants/applicants/registration/add-profile.html

5) After you register with Grants.gov and create an Organization Applicant Profile, the organization applicant's request for Grants.gov roles and access is sent to the EBiz POC. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been assigned the AOR role.

For more detailed instructions about creating a profile on Grants.gov, refer to: https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html

6) To track your role request, refer to: https://www.grants.gov/web/grants/applicants/registration/track-role-status.html

7) When applications are submitted through Grants.gov, the name of the organization applicant with the AOR role that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC **must** authorize people who are able to make legally binding commitments on behalf of the organization as a user with the AOR role; **this step is often missed, and it is crucial for valid and timely submissions.**

7. How to Submit an Application to DHS via Grants.gov

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For each NOFO, you can create individual instances of a workspace.

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities using Workspace, refer to: https://www.grants.gov/web/grants/applicants/workspace-overview.html

a. Creating a workspace allows you to complete it online and route it through your organization for review before submitting.

b. Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the state of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon near the upper-right corner of each page to access context-sensitive help.

c. If you decide not to apply by filling out webforms you can download individual PDF forms in Workspace. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at: https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html

d. In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

e. The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and DUNS number. To trigger this feature, an applicant must complete the SF-424 information first. Once it is completed, the information will transfer to the other forms.

f. An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package **at least 24-48 hours prior to the close date** to provide you with time to correct any potential technical issues that may disrupt the application submission.

g. After successfully submitting a workspace application, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

For additional training resources, including video tutorials, refer to:
https://www.grants.gov/web/grants/applicants/applicant-training.html

Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and email at support@grants.gov. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist DHS with tracking your issue and understanding background information on the issue.

8. Submitting the Final Application in Non-Disaster Grants System (ND Grants)

After submitting the initial application in Grants.gov, eligible applicants will be notified by DHS/FEMA and asked to proceed with submitting their complete application package in ND Grants. Applicants can register early with ND Grants and are encouraged to begin their ND Grants registration at the time of this announcement. Early registration will allow applicants to have adequate time to start and complete their application.
In ND Grants applicants will be prompted to submit all the information contained in the following forms:

1. Standard Form 424A, Budget Information (Non-construction)

2. Standard Form LLL, Disclosure of Lobbying Activities
   a. (If the recipient has engaged or intends to engage in lobbying activities), as well as;
3. Assure compliance with all Standard and Special Terms and Conditions

Before being eligible to receive an award under this program
Applicants will also be required to submit copies of the following in ND Grants:
1. Program and Budget Narrative
2. Program Work Plan
3. Project Objectives
4. Detailed budget
5. Indirect Cost Agreement or Proposal, submitted as an attachment in ND Grants if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. See further information below regarding allowability of indirect costs and documentation requirements, including if the applicant does not have or is not required to have an indirect cost rate agreement or proposal, or contact the relevant Program Analyst or Grants Management Specialist for further instructions.

If you need assistance registering for the ND Grants system, please contact ndgrants@fema.gov or (800) 865-4076.

9. Timely Receipt Requirements and Proof of Timely Submission

a. *Online Submission.* All applications must be received by 08/28/2020 at 11:59 PM ET. Proof of timely submission is automatically recorded by Grants.gov. An electronic date/time stamp is generated within the system when the application is successfully received by Grants.gov. The applicant with the AOR role who submitted the application will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of their application. This applicant with the AOR role will also receive the official date/time stamp and Grants.gov Tracking number in an email serving as proof of their timely submission.

When DHS successfully retrieves the application from Grants.gov, and acknowledges the download of submissions, Grants.gov will provide an electronic acknowledgment of receipt of the application to the email address of the applicant with the AOR role who submitted the application. Again, proof of timely submission shall be the official date and time that Grants.gov receives your application. Applications received by Grants.gov after the established due date for the program will be considered late and will not be considered for funding by DHS.

Applicants using slow internet, such as dial-up connections, should be aware that transmission can take some time before Grants.gov receives your application. Again, Grants.gov will provide either an error or a successfully received transmission in the form of an email sent to the applicant with the AOR role attempting to submit the

application. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application.

10. Content and Form of Application Submission

Applying for an award under this program is a multi-step process and requires time to complete. To ensure timely application submission, the applicant should start the required steps well in advance of its submission. Please review the table above under "Submission Dates and Other Key Dates and Times" for estimated deadlines to complete the five steps of applying listed below. Failure of an applicant to comply with any of the required steps before the deadline for submitting its application will automatically disqualify its application from funding.

The steps involved in applying for an award under this program are:

1. Applying for, updating, or verifying its DUNS Number
2. Applying for, updating, or verifying its EIN Number
3. Updating or verifying its SAM Number
4. Submitting an initial application in Grants.gov, and
5. Submitting the complete application in ND Grants

For additional information regarding the DUNS Number, EIN Number, SAM Number, and AOR requirements, please see the sections below entitled Data Universal Numbering System (DUNS) Number, System for Award Management (SAM), and Authorized Organizational Representative (AOR).

11. Other Submission Requirements

Environmental Planning and Historic Preservation (EHP) Compliance

As a Federal agency, FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by the agency, including grants-funded projects, comply with Federal EHP regulations, laws, and Executive Orders as applicable. Recipient and subrecipient proposing projects that have the potential to affect the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures, and facilities, or new construction, including replacement of facilities, must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, FEMA is also required to consult with other regulatory agencies and the public to complete the review process. The EHP review process must be completed before funds are released to carry out the proposed project. FEMA will not fund projects that are initiated without the required EHP review.

Additionally, recipient is required to comply with FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in FEMA Policy (FP) 108-023-1. The EHP screening form is located here, and further EHP guidance can be found at https://www.fema.gov/media-library/assets/documents/85376.

National Incident Management System Implementation
Prior to allocation of any Federal preparedness awards in FY 2020, state and local government recipient must ensure and maintain adoption and implementation of NIMS. The list of objectives used for progress and achievement reporting is at https://www.fema.gov/implementation-guidance-and-reporting.

The primary recipient/administrator of this FY 2020 NIMS cooperative agreement award is responsible to contact the Program Office (NIC) to determine if subrecipients (such as a state) have demonstrated sufficient progress in NIMS implementation to receive awards, and if the state has submitted their annual State Preparedness Report (SPR) for the year preceding their baseline assessment.

Program Management Documentation
In addition to furthering the program objectives stated above, the recipient must complete the following as part of the award application. Award funds are placed on hold until the recipient completes these documents:

1. Program Management Plan developed jointly with FEMA, that includes:
    a. Goals, objectives, and outcomes of the proposal and the discrete activities to be conducted to accomplish the goals, objectives, and outcomes of the proposal;
    b. A complete description of the program management structure addressing how the program will be structured, organized, and managed;
    c. An organizational chart and description of how the proposal supports program execution;
    d. A list of specific quality assurance activities, initiatives, and measures that will ensure the attainment of the goals, objectives, and outcomes of the proposal; and
    e. A high-level, detailed, program schedule to reflect the program life cycle, phases, and outcomes. This will include quality assurance measures incorporated throughout the program life cycle.
2. Risk management plan, describing the approach for identifying and managing risks, and identifying known or anticipated events, or factors that could prevent the recipient from meeting program objectives (i.e., cost, schedule, scope, performance, or quality);
3. Performance-based evaluation plan, including program performance measures that will assess the attainment of goals, objectives, outcomes, and which details a data collection plan including how the recipient will analyze data;
4. A Work Breakdown Structure (WBS), which is a task-oriented schematic of activities that organizes, defines, and graphically displays the total work needed to achieve the final objectives of a project. Each descending level represents an increasingly detailed

definition of the project objective. The WBS is a system for subdividing a project into manageable work packages, components, or elements to provide a common framework for scope/cost/schedule communications, allocation of responsibility, monitoring, and management.

5. A program narrative to address the following elements:
    a. Activities that will build sustainable preparedness at the state and local level using EMAC;
    b. A capacity-building component for state and local jurisdictions to employ themselves (e.g., job aids, planning tools, performance support tools);
    c. A process for identifying lessons learned and best practices for inclusion in ongoing Department of Homeland Security efforts; and
    d. Congruence with the National Preparedness Goal and System, NIMS, and National Planning Frameworks.
6. A detailed program budget by task and a summary budget aggregating task costs into the categories described below. The program budget will be developed in coordination with FEMA to ensure consistency with the jointly developed Program Management Plan.
    a. Personnel: indicate the total projected salary and wages for all project personnel. Compensation paid for employees engaged in activities must be consistent with that paid for similar work within the applicant's organization.
    b. Fringe benefits: fringe benefits should be based on actual known costs or an established formula.
    c. Travel: provide the total projected cost for travel. Applicant should determine costs by the projected number of trips multiplied by the number of people traveling multiplied by an average cost for travel and per diem (airfare, lodging, meals).
    d. Equipment: provide the total projected cost of non-expendable items that need to be purchased. Non-expendable equipment is tangible property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. The organization's own capitalization policy and threshold amount for equipment classification may be used. Expendable items should be included either in the "supplies" category or in the "other" category. The applicant should analyze the costs and benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Large equipment purchases require identification and explanation. For more information regarding property management standards for equipment, please reference 2 C.F.R. §§ 200.310 – 200.316.
    e. Supplies: provide the total projected cost of supplies (e.g., office supplies, postage, training materials, copying paper, and other expendable items such as books and handheld tape recorders). The organization's own capitalization policy and threshold amount for classification of supplies may be used. Supplies include any materials that are expendable or consumed during the project.
    f. Subaward: provide the total projected amount allocated for subawards.

g. Other costs: provide a total projected cost of miscellaneous items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds).
h. Total budget: provide the total dollar value by category for all activities.

12. Intergovernmental Review

An intergovernmental review may be required. Applicants must contact their state's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372.

(See https://www.archives.gov/federal-register/codification/executive-order/12372.html; https://www.whitehouse.gov/wp-content/uploads/2020/02/SPOC-February-2020.pdf).

13. Funding Restrictions

Federal funds made available through this award are only used for the purpose set forth in this award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the federal government or any other government entity.

14. Allowable Costs

a. Pre-Award Costs

Pre-award costs are allowable only with the written consent of FEMA and if they are included in the award agreement. The applicant must notify the Program Officer in the FEMA/National Integration Center to request authorization for pre-award costs.

b. Management and Administration (M&A) Costs

Management and Administration costs are allowable by FEMA under this program. Management and Administration costs are activities directly related to administering the award, such as financial management and monitoring. The recipient may use up to 3 percent of the amount of the award for their M&A.

c. Indirect Facilities & Administrative (F&A) Costs

Indirect costs are allowable under this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above.

E. Application Review Information

1. Application Evaluation Criteria

a. Programmatic Criteria

Application reviews will help ensure conformance with the Eligibility Criteria of this NOFO and Content and Form of Application Submission. An applicant that does not meet eligibility requirements will be removed from consideration.

b. Financial Integrity Criteria

Prior to making a federal award, DHS/FEMA is required by 31 U.S.C. § 3321 note, 41 U.S.C. § 2313, and 2 C.F.R. § 200.205 to review information available through any OMB-designated repositories of government wide eligibility qualification or financial integrity information. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

1) Financial stability.
2) Quality of management systems and ability to meet management standards.
3) History of performance in managing federal award.
4) Reports and findings from audits.
5) Ability to effectively implement statutory, regulatory, or other requirements.

c. Supplemental Financial Integrity Criteria and Review

Prior to making a federal award where the anticipated total federal share will be greater than the simplified acquisition threshold, currently $250,000 (see Section 805 of the National Defense Authorization Act for Fiscal Year 2018, Pub. L. No. 115-91, OMB Memorandum M-18-18 at https://www.whitehouse.gov/wp-content/uploads/2018/06/M-18-18.pdf):

1) DHS is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM, which is currently the Federal Awardee Performance and Integrity Information System (FAPIIS) and is accessible through the SAM website.
2) An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
3) DHS will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.205.

2. Review and Selection Process

FEMA/NIC will review the submitted application for completeness and compliance with all application requirements.
The application will be evaluated and selected for funding based on:

1. The applicant's proposed projects are compatible with NIMS priorities and requirements.
2. The applicant's proposed projects demonstrate a role in administering EMAC as required by 6 U.S.C. § 761(a).
3. The applicant's proposed costs are complete, reasonable, and cost-effective in relation to proposed projects and tasks.

F. Federal Award Administration Information

1. Notice of Award

Before accepting the award, the AOR and recipient should carefully read the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. **Recipient must accept all conditions in this NOFO as well as any special terms and conditions in the Notice of Award to receive an award under this program.**

Notification of award approval comes through the ND Grants system through an automatic e-mail to the awardee point of contact (the "authorized official") listed in the initial application. The award date is the approval date. The awardee should follow the directions in the notification to accept the award.

Funds will remain on hold until the recipient accepts the award through ND Grants system. Failure to accept the cooperative agreement award within the 90-day timeframe may result in a loss of funds.

Recipient must accept their awards no later than 90 days from the award date. The recipient shall notify the awarding agency of its intent to accept and proceed with work under the award through the ND Grants system. For instructions on how to accept or decline and award in the ND Grants system, please see pages 40-43 in the ND Grants Grantee Training Manual.

2. Administrative and National Policy Requirements

All successful applicants for DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at: DHS Standard Terms and Conditions. The applicable DHS Standard Terms and Conditions will be those in effect at the time the award was made, unless the application is for a continuation award. In that event, the terms, and conditions in effect at the time the original award was made will generally apply. What terms and conditions will apply for the award will be clearly stated in the award package at the time of award.

3. Reporting

a. **Federal Financial Reporting Requirements**

The Federal Financial Report (FFR) form is available online at: SF-425 *OMB #4040-. 0014*

b. **Financial and Program Reporting Periods and Due Dates**

The following reporting periods and due dates apply:

Reporting Period	Report Due Date
September 11 – December 31, 2020	February 1, 2021
January 1 – March 31, 2020	April 30, 2021
April 1 – June 30, 2021	July 30, 2021
July 1 – September 10, 2021	December 10, 2021

c. **Financial and Compliance Audit Report**

For audits of fiscal years beginning on or after December 26, 2014, recipient that expend $750,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the requirements of Government Accountability Office's Generally Accepted Government Auditing Standards, located at http://www.gao.gov/govaud/ybk01.htm, and the requirements of Subpart F of 2 C.F.R. Part 200, located at https://www.ecfr.gov/cgi-bin/text-idx?SID=976b22c591bc2fc7a7136fbff68977a5&mc=true&node=sp2.1.200.f&rgn=div6

d. **Programmatic Performance Reporting Requirements**

The recipient is responsible for providing updated performance reports in Microsoft Word on a quarterly basis. The report is due within 30 days after the end of the reporting period. Recipient must submit it as an attachment to the ND Grants system.

Reporting requirements must be met throughout the life of the cooperative agreement (refer to the program guidance and the special conditions found in the award package for a full explanation of these requirements).

e. **Closeout Reporting Requirements**

Within 90 days after the end of the period of performance, or after an amendment has been issued to close out a grant, recipient must submit the following:

1) The final request for payment, if applicable;
2) The final FFR (SF-425);
3) The final progress report detailing all accomplishments;
4) A qualitative narrative summary of the impact of those accomplishments throughout the period of performance; and
5) Other documents required by this NOFO, terms and conditions of the award or other FEMA guidance.

After these reports have been reviewed and approved by the NIC, a closeout notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for three years from the date of the final FFR, unless a longer period applies, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in 2 C.F.R. § 200.333.

In addition, any recipient that issues subawards to any subrecipient is responsible for closing out those subawards as described in 2 C.F.R. § 200.343. Recipient acting as pass-through entities must ensure that they complete the closeout of their subawards in time to submit all necessary documentation and information to the NIC during the closeout of their prime grant award.

The recipient is responsible for returning any funds that have been drawn down but remain as unliquidated on recipient financial records no later than 90 calendar days after the end date of the period of performance.

f. **Disclosing Information per 2 C.F.R. § 180.335**

This reporting requirement pertains to disclosing information related to government-wide suspension and debarment requirements. Before a recipient enters into a grant award with FEMA, the recipient must notify FEMA if it knows if it or any of the recipient's principals under the award fall under one or more of the four criteria listed at 2 C.F.R. § 180.335:

1) Are presently excluded or disqualified;
2) Have been convicted within the preceding three years of any of the offenses listed in 2 C.F.R. § 180.800(a) or had a civil judgment rendered against it or any of the recipient's principals for one of those offenses within that time period;
3) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses listed in 2 C.F.R. § 180.800(a); or
4) Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

At any time after accepting the award, if the recipient learns that it or any of its principals falls under one or more of the criteria listed at 2 C.F.R. § 180.335, the recipient must provide immediate written notice to FEMA in accordance with 2 C.F.R. § 180.350.

a. **Reporting of Matters Related to Recipient Integrity and Performance**

Per 2 C.F.R. Part 200, Appendix I § F.3, the additional post-award reporting requirements in 2 C.F.R. Part 200, Appendix XII may apply to applicants who, if

upon becoming recipient, have a total value of currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies that exceeds $10,000,000 for any period of time during the period of performance of an award under this funding opportunity. Recipient that meet these criteria must maintain current information reported in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII at the reporting frequency described in paragraph 4 of Appendix XII.

g. **Monitoring**

Per 2 C.F.R. § 200.336, FEMA through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems to review project accomplishments and to provide any required technical assistance. During site visits, FEMA will review grant recipient' files related to the grant award. As part of any monitoring and program evaluation activities, grant recipient must permit FEMA, upon reasonable notice, to review grant-related records and to interview the organization's staff and contractors regarding the program. Recipient must respond in a timely and accurate manner to FEMA requests for information relating to the grant program**.**

G. DHS Awarding Agency Contact Information

Contact and Resource Information

Program Office – National Integration Center (NIC)

The NIC provides fiscal and program support, including pre-and post-award administration and technical assistance to the cooperative agreement included in this solicitation:

Konstanty M. Kaminski, Program Officer
FEMA/National Integration Center
400 C Street SW
Washington, DC 20024
Phone: (202) 384-5008
Office Hours: 8:00 AM to 5:30 PM ET
Email: Konstanty.Kaminski@fema.dhs.gov

H. Additional Information

1. Other

For Program Questions about Applying for an Award

The Centralized Services Information Desk (CSID) is a non-emergency comprehensive management and information resource developed by DHS for grants and cooperative agreement stakeholders. CSID provides general information on all FEMA grant programs

and maintains a comprehensive database containing key personnel contact information at the Federal, State, and local levels. When necessary, recipient will be directed to a Federal point of contact who can answer specific programmatic questions or concerns. CSID is reachable by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9:00 a.m. – 5:30 p.m. EST.

For Financial and Administrative Questions about Applying for an Award
FEMA's Grant Programs Directorate's (GPD) Grant Operations Division Business Office provides financial support and technical assistance, such as for password resets and registration requests, questions regarding Form 1199A, payment status, amendments, closeouts, and tracking de-obligation and award amounts. Additional guidance and information are obtainable by contacting the FEMA Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov.

Environmental Planning and Historic Preservation (EHP)
For guidance and information on the EHP process please contact Konstanty.Kaminski@fema.dhs.gov.

Payment
FEMA uses Pay and Reporting System (PARS) for financial reporting, invoice processing, and tracking payments.

DHS/FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to Recipient. To enroll in the DD/EFT, the Recipient must complete a Standard Form 1199A, Direct Deposit Form.

Monitoring
Programmatic and financial monitoring of recipient will occur on an annual and as needed basis, by FEMA staff, to ensure the activities, project goals, objectives, performance requirements, timelines, milestones, budgets, and program criteria are being met.
Monitoring may occur through either a desk-based review or on-site monitoring visits, or both. Monitoring will involve the review and analysis of the financial, programmatic, performance, compliance and administrative processes, policies, activities, and other attributes of each federal assistance award and will identify areas where technical assistance, corrective actions and other support may be needed.

Conflict of Interest
To eliminate and reduce the impact of conflicts of interest in the subaward process, recipient, and pass-through entities must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Recipient and pass-through entities are also required to follow any applicable State, local, or tribal statutes or regulations governing conflicts of interest in the making of subawards.

The recipient or pass-through entity must disclose to FEMA, in writing, any real or potential conflict of interest as defined by the Federal, state, local, or tribal statutes or regulations or their own existing policies, which may arise during the administration of the federal award. Recipient and pass-through entities must disclose any real or potential conflicts to Program Officer within five days of learning of the conflict of interest. Similarly, subrecipient must disclose any real or potential conflict of interest to the pass-through entity as required by the Recipient's conflict of interest policies, or any applicable State, local, or tribal statutes or regulations.

Conflicts of interest may arise during the process of FEMA making a federal award in situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, sub applicant, recipient, subrecipient, or FEMA employee.

2. **Procurement Integrity**

Through audits conducted by DHS Office of Inspector General (OIG) and FEMA grant monitoring, findings have shown that some FEMA recipients have not fully adhered to the proper procurement requirements when spending grant funds. Anything less than full compliance with Federal procurement policies jeopardizes the integrity of the grant as well as the grant program. Noncompliance with the Federal procurement rules may result in FEMA imposing specific conditions as described in 2 C.F.R. § 200.207 or other remedies for noncompliance under 2 C.F.R. § 200.338.

The below highlights the Federal procurement requirements for FEMA recipients when procuring goods and services with Federal grant funds. DHS will include a review of recipients' procurement practices as part of the normal monitoring activities. **All procurement activity must be conducted in accordance with Federal Procurement Standards at** 2 C.F.R. §§ 200.317 – 200.326**.** Select requirements under these standards are listed below. The recipient must comply with all requirements, even if they are not listed below.

Under 2 C.F.R. § 200.317, when procuring property and services under a Federal award, states must follow the same policies and procedures they use for procurements from their non-Federal funds; additionally, states must follow 2 C.F.R. § 200.322 regarding procurement of recovered materials, and 2 C.F.R. § 200.326 regarding required contract provisions.

All other non-Federal entities, such as tribes, must use their own documented procurement procedures which reflect applicable state, local, territorial and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in 2 C.F.R. Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319.

a. Competition and Conflicts of Interest

Among the requirements of 2 C.F.R. § 200.319(a) applicable to all non-Federal entities other than states, to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers this an organizational conflict of interest and interprets this restriction as applying to contractors that help a recipient develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when such former employees worked on such activities while they were employees of the non-Federal entity.

Under this prohibition, unless the non-Federal entity solicits for and awards a contract covering both development and execution of specifications (or similar elements as described above), and this contract was procured in compliance with 2 C.F.R. §§ 200.317 – 200.326, Federal funds cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of such specifications. This rule applies to all contracts funded with Federal grant funds, including pre-award costs, such as grant writer fees, as well as post-award costs, such as grant management fees.

Additionally, some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business.
- Requiring unnecessary experience and excessive bonding.
- Noncompetitive pricing practices between firms or between affiliated companies.
- Noncompetitive contracts to consultants that are on retainer contracts.
- Organizational conflicts of interest.
- Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement.
- Any arbitrary action in the procurement process.

Pursuant to 2 C.F.R. § 200.319(b), non-Federal entities other than states must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, territorial or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an

appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Under 2 C.F.R. § 200.318(c)(1), non-Federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.** Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity

If the recipient or subrecipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. In this context, organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The non-Federal entity must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.

b. Supply Schedules and Purchasing Programs

Generally, a non-Federal entity may seek to procure goods or services from a Federal supply schedule, state supply schedule, or group purchasing agreement.

1) *General Services Administration Schedules:* States, tribes, and local governments, and any instrumentality thereof (such as local education agencies or institutions of higher education) may procure goods and services from a General Services Administration (GSA) schedule. GSA offers multiple efficient and effective procurement programs for state, tribal, and local governments, and instrumentalities thereof, to purchase products and services directly from pre-vetted contractors. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term government-wide

contracts with commercial firms that provide access to millions of commercial products and services at volume discount pricing.

Information about GSA programs for states, tribes, and local governments, and instrumentalities thereof, can be found at https://www.gsa.gov/resources-for/programs-for-State-and-local-governments and https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments.

For tribes, local governments, and their instrumentalities that purchase off of a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, tribes, local governments, and their instrumentalities will still need to follow the other rules under 2 C.F.R. §§ 200.317 – 200.326, such as contract cost and price (§ 200.323) and solicitation of minority, women-owned, or small businesses (§ 200.321).

2) *Other Supply Schedules and Programs:* For non-Federal entities other than states, such as tribes, that want to procure goods or services from a state supply schedule, cooperative purchasing program, or other similar program, for such procurements by to be permissible, the following must be true:

- The procurement of the original contract or purchasing schedule and its use by the recipient complies with state and local law, regulations, and written procurement procedures.
- The state or other entity that originally procured the original contract or purchasing schedule entered into the contract or schedule with the express purpose of making it available to the recipient and other similar types of entities.
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-Federal entity falls within the scope of work under the contract as to type, amount, and geography.
- The procurement of the original contract or purchasing schedule complied with all the procurement standards applicable to a non-Federal entity other than states under at 2 C.F.R. §§ 200.317 – 200.326.
- With respect to the use of a purchasing schedule, the recipient must follow ordering procedures that adhere to state and local laws and regulations and the minimum requirements of full and open competition under 2 C.F.R. Part 200.

If a non-Federal entity other than a state seeks to use such a state supply schedule, cooperative purchasing program, or other similar type of arrangement, it is recommended that recipients discuss their procurement plans with the FEMA Grant Programs Directorate.

c. Procurement Documentation

Per 2 C.F.R. § 200.318(i), non-federal entities other than states and territories are required to maintain and retain records sufficient to detail the history of procurement covering at least the rationale for the procurement method, contract type, contractor selection or rejection, and the basis for the contract price. States and territories are encouraged to maintain this information as well and are reminded that in order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g). Examples of the types of documents that would cover this information include but are not limited to:

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
- Contract documents and amendments, including required contract provisions; and
- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.

3. Actions to Address Noncompliance

Non-federal entities receiving financial assistance from FEMA are required to comply with requirements in the terms and conditions of their awards or subawards, including the terms set forth in applicable federal statutes, regulations, NOFOs, policies, and this Manual. Throughout the award lifecycle or even after an award has been closed, FEMA or the pass-through entity may discover potential or actual noncompliance on the part of a recipient or subrecipient. This potential or actual noncompliance may be discovered through routine monitoring, audits, closeout, or reporting from various sources.

In the case of any potential or actual noncompliance, FEMA may place special conditions on an award per 2 C.F.R. §§ 200.207 and 200.338, FEMA may place a hold on funds until the matter is corrected, or additional information is provided per 2 C.F.R. § 200.338, or it may do both. In the event the noncompliance is not able to be corrected by imposing additional conditions or if the recipient or subrecipient refuses to correct the matter, FEMA may use other remedies allowed under 2 C.F.R. § 200.338. These remedies include actions to disallow costs, recover funds, wholly or partly suspend or terminate the award, initiate suspension and debarment proceedings, withhold further federal awards, or take other actions that may be legally available.

FEMA may discover and take action on noncompliance even after an award has been closed. The closeout of an award does not affect FEMA's right to disallow costs and recover funds as long the action to disallow costs takes place during the record retention period. *See* 2 C.F.R. §§ 200.333, 200.344(a). Closeout also does not affect the obligation of the non-federal entity to return any funds due as a result of later refunds, corrections, or other transactions. 2 C.F.R. § 200.344(a)(2). The types of funds FEMA might attempt

to recover include, but are not limited to, improper payments, cost share reimbursements, program income, interest earned on advance payments, or equipment disposition amounts.

FEMA may seek to recover disallowed costs through a Notice of Potential Debt Letter, Remedy Notification, or other letter. The document will describe the potential amount owed, the reason why FEMA is recovering the funds, the recipient's appeal rights, how the amount can be paid, and the consequences for not appealing or paying the amount by the deadline. If the recipient neither appeals nor pays the amount by the deadline, the amount owed will become final. Potential consequences if the debt is not paid in full or otherwise resolved by the deadline include the assessment of interest, administrative fees, and penalty charges; administratively offsetting the debt against other payable federal funds; and transferring the debt to the U.S. Department of the Treasury for collection.

FEMA notes the following common areas of noncompliance for its grant programs:

- Insufficient documentation and lack of record retention.
- Failure to follow the procurement under grants requirements.
- Failure to submit closeout documents in a timely manner.
- Failure to follow EHP requirements.
- Failure to comply with the POP deadline.

4. Disability and Limited English Proficiency Integration

Recipients should engage with the whole community to advance individual and community preparedness and to work as a nation to build and sustain resilience. In doing so, recipients are encouraged to consider the needs of individuals with disabilities and limited English proficiency in the activities and projects funded by the grant.

FEMA expects that the integration of the needs of people with disabilities and limited English proficiency will occur at all levels, including planning; alerting, notification, and public outreach; training; protective action implementation; and exercises/drills. The following are examples that demonstrate the integration of the needs of people with disabilities and limited English proficiency in carrying out FEMA awards:

- Include representatives of organizations that work with/for people with disabilities on planning committees, work groups and other bodies engaged in development and implementation of the grant programs and activities.
- Hold all activities related to the grant in locations that are accessible to persons with physical disabilities to the extent practicable.
- Acquire language translation services, including American Sign Language, that provide public information across the community and in shelters.
- Ensure shelter-specific grant investments are in alignment with FEMA's Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters.

- Implement specific procedures used by public transportation agencies that include evacuation and passenger communication plans and measures for individuals with disabilities.
- Identify, create, and deliver training to address any training gaps specifically aimed toward whole-community preparedness. Include and interact with individuals with disabilities, aligning with the designated program capability.
- Establish best practices in inclusive planning and preparedness that consider physical access, language access, and information access. Examples of effective communication access include providing auxiliary aids and services such sign language interpreters, Computer Aided Real-time Translation (CART), and materials in braille or alternate formats.

Recipients can fund projects towards the resiliency of the whole community, including people with disabilities and limited English proficiency, such as training and exercises, provided that the project aligns with this NOFO and the terms and conditions of the award.