



U.S. DEPARTMENT OF HOMELAND SECURITY

FISCAL YEAR 2010

PORT SECURITY GRANT PROGRAM

GUIDANCE AND APPLICATION KIT

DECEMBER 2009



U.S. DEPARTMENT OF HOMELAND SECURITY

Title of Opportunity: FY 2010 Port Security Grant Program (PSGP)

Funding Opportunity Number: DHS-10-GPD-056-000-01

Federal Agency Name: U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA)

Announcement Type: Initial

Dates: Completed applications must be submitted **no later than 11:59 p.m. EST, February 12, 2010.**

Additional overview information: The Fiscal Year (FY) 2010 Port Security Grant Program (PSGP) contains significant improvements based on extensive outreach and feedback from our maritime partners, including:

Investment Justifications

Investment Justifications for Group I and II port areas will be due 45 business days from the FY 2010 PSGP application deadline.

Ferry Systems

There is no designated Ferry allocation. Ferry Systems in Group I and II apply through the designated Fiduciary Agent. All other Ferry Systems apply following the guidance with the Group III and All Other Port Areas.

Management and Administration

Management and Administration (M&A) may not exceed five percent (5%) of the total award for grantees, and three percent (3%) for sub-grantees.

Cost Sharing Requirements

There is no required cost sharing, matching, or cost participation for the FY 2010 PSGP.

Unallowable Costs

Not all items that were allowable under FY 2009 PSGP are allowable under FY 2010 PSGP. The following costs are unallowable under FY 2010 PSGP:

- Funding for standard operations vehicles utilized for routine duties, such as patrol cars and fire trucks
- Cost of conducting vulnerability assessments to evaluate and make recommendations with respect to security

Maintenance and Sustainment

The use of FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable under all active and future grant awards, unless otherwise noted. Please refer to "Other Allowable Costs – Maintenance and Sustainment" in this kit for more information.

FY 2011 PSGP Structure

Subject to available funding, for the FY 2011 and future PSGP cycles, DHS intends to require Group I and II port areas to submit Investment Justifications at the time of application. This modification will consolidate the review process and improve the efficiency of the program.

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PART I.

FUNDING OPPORTUNITY DESCRIPTION

The Port Security Grant Program (PSGP) is one of five grant programs that constitute the Department of Homeland Security (DHS) Fiscal Year (FY) 2010 focus on transportation infrastructure security activities. The PSGP is one tool in the comprehensive set of measures authorized by Congress and implemented by the Administration to strengthen the Nation's critical infrastructure against risks associated with potential terrorist attacks. Section 102 of the *Maritime Transportation Security Act of 2002*, as amended (Public Law 107-295), established the PSGP at 46 U.S.C. §70107 to implement Area Maritime Transportation Security Plans and facility security plans among port authorities, facility operators, and State and local government agencies required to provide port security services.

The vast bulk of U.S. critical infrastructure is owned and/or operated by State, local and private sector partners. PSGP funds support increased port-wide risk management; enhanced domain awareness; training and exercises; and further capabilities to prevent, detect, respond to, and recover from attacks involving improvised explosive devices (IEDs) and other non-conventional weapons.

Federal Investment Strategy

The PSGP is an important part of the Administration's larger, coordinated effort to strengthen homeland security preparedness, including the security of the country's critical infrastructure. The PSGP implements objectives addressed in a series of post-9/11 laws, strategy documents, plans, Executive Orders and Homeland Security Presidential Directives (HSPDs). Of particular significance are the National Preparedness Guidelines and its associated work products, including the National Infrastructure Protection Plan (NIPP) and its sector-specific plans. The National Preparedness Guidelines provides an all-hazards vision regarding the Nation's four core preparedness objectives: prevent, protect, respond to, and recover from terrorist attacks and catastrophic natural disasters.

The Guidelines first define a vision of what to accomplish and then provide a set of tools to forge a unified national consensus about what to do and how to work together at the Federal, State, local, and tribal levels. Private sector participation is integral to the Guidelines' success.¹ The Guidelines outline 15 scenarios of terrorist attacks or national disasters that form the basis of much of the Federal exercise and training regime. In addition, they identify 37 critical target capabilities that will be DHS' focus for key investments with State, local, and tribal partners.

¹ The National Preparedness Guidelines and its supporting documents were published in final form and released on September 13, 2007. The Guidelines are available at: <http://www.dhs.gov/xprepresp/publications>.

DHS expects its critical infrastructure partners to be familiar with this national preparedness architecture and to incorporate elements of this architecture into their planning, operations, and investment to the degree practicable. DHS funding priorities outlined in this document reflect the National Preparedness Guidelines' priority investments as appropriate. Programmatic requirements or priority investment categories reflecting the national preparedness architecture are expressly identified below. Additional information may be found at <http://www.dhs.gov/xprepresp/publications>.

Overarching Funding Priorities

The funding priorities for the FY 2010 PSGP reflect the Department's overall investment strategy, in which two priorities have been paramount: risk-based funding and regional security cooperation.

First, DHS will focus the bulk of its available port security grant dollars on the highest-risk port systems. This determination is based on ongoing intelligence analysis, extensive security reviews, and consultations with port industry partners.

At the recommendation of the United States Coast Guard (USCG), some ports are being considered as a single cluster due to geographic proximity, shared risk, and a common waterway. As with other DHS grant programs, applications from these port clusters must be locally coordinated and include integrated security proposals to use PSGP grant dollars.

Eligible port areas, as well as ferry systems, were identified using a comprehensive, empirically-grounded risk analysis model. Risk methodology for PSGP programs is consistent across transportation modes and is linked to the risk methodology used to determine eligibility for the core DHS State and local grant programs.

Within the PSGP, eligibility for all grant awards is first predicated on a systematic risk analysis that reviews and rates eligible ports in a given area for comparative risk. All port areas will be comparably rated.

The PSGP risk formula is based on a 100 point scale comprising "threat" (20 points) and "vulnerability/consequences" (80 points). Risk data for eligible port areas is gathered individually and then aggregated by region. The DHS risk formula incorporates multiple normalized variables, meaning that for a given variable, all eligible port areas are empirically ranked on a relative scale from lowest to highest.

DHS's risk assessment methodology for PSGP considers critical infrastructure system assets and characteristics from four areas that might contribute to their risk: intelligence community assessments of threat; economic consequences of attack; port assets; and area risk (to people and physical infrastructure immediately surrounding the port). The relative weighting of variables reflects DHS' overall risk assessment, as well as the FY 2010 program priorities. Specific variables include multiple data sets regarding military mission variables; adjacent critical asset inventories; USCG Maritime Security Risk Analysis Model (MSRAM) data; and international cargo value and measures of cargo throughput (container, break bulk, international and domestic).

Second, DHS places a very high priority on ensuring that all PSGP applications reflect robust regional coordination and an investment strategy that institutionalizes regional security strategy integration. This priority is a core component in the Department's statewide grant programs and the Urban Areas Security Initiative (UASI) grants.

The program will build on the successes of previous years by continuing to encourage port-wide partnerships, regional management of risk, and business continuity. Group I and II port areas are completing development of Port-Wide Risk Management Plans (PRMP) and Business Continuity/Resumption of Trade Plans (BCRTP). These plans address the gaps in authorities, capabilities, capacities, competencies, and partnerships in these ports and identify their prioritized projects for the next five years and support the Area Maritime Security Plan (AMSP).

In FY 2010, the PSGP will continue to fund those eligible projects identified in the PRMP and BCRTP. Adoption of a deliberate risk management planning process, consistent with that employed in the UASI and State programs, is also a key focus of the Security and Accountability For Every (SAFE) Port Act (Public Law 109-347) amendments to the PSGP.

During 2010, DHS will continue its effort to encourage and help coordinate port security planning efforts through coordination with USCG and the Captain of the Port (COTP), along with the Area Maritime Security Committee (AMSC) and the use of the AMSP. This is part of an important evolution in the focus of the PSGP – from a program that is primarily focused on the security of individual facilities within ports, to a port-wide risk management/mitigation and continuity-of-operations/resumption-of-trade program that is fully integrated into the broader regional planning construct that forms the core of the UASI, as well as applicable statewide initiatives.

PSGP Priorities

In addition to these two overarching priorities, the Department has identified the following four priorities as its selection criteria for all FY 2010 PSGP applicants:

1. Enhancing Maritime Domain Awareness (MDA)

MDA is the critical enabler that allows leaders at all levels to make effective decisions and act early against threats to the security of the Nation's seaports. In support of the National Strategy for Maritime Security, port areas should seek to enhance their MDA through projects that address knowledge capabilities within the maritime domain. This could include access control/standardized credentialing, command and control, communications, and enhanced intelligence sharing and analysis. This may also include construction or infrastructure improvement projects that are identified in the PRMP and/or Facility Security Plans (FSPs) and/or Vessel Security Plans (VSPs).

The first step toward meeting MDA is to ensure stakeholders at all levels know what they can do to help; how they can do it; and why MDA is in their collective best interest. MDA will demand a common purpose and agreed upon procedures.

MDA requires a coordinated unity of effort within and among public and private sector organizations and international partners. The need for security is a mutual interest requiring the greatest cooperation between industry and government. MDA depends upon unparalleled information sharing. MDA must have protocols to protect private sector proprietary information. Bi-lateral or multi-lateral information sharing agreements and international conventions and treaties will greatly assist enabling MDA.

Public safety and economic security are mutually reinforcing. All members must recognize that the safe and efficient flow of commerce is enhanced and harmonized by an effective understanding of the maritime domain. The converse is also true, that MDA is enhanced by responsible participation in an accountable system of commerce. The two concepts are mutually reinforcing.

2. Enhancing Improvised Explosive Device (IED) and Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) prevention, protection, response and recovery capabilities

Port areas will continue to enhance their capabilities to prevent, detect, respond to and recover from terrorist attacks employing IEDs, CBRNE and other non-conventional weapons. Of particular concern in the port environment are attacks that employ IEDs delivered via small craft (similar to the attack on the USS Cole), by underwater swimmers (such as underwater mines) or on ferries (both passenger and vehicle). Please refer to the Domestic Nuclear Detection Office (DNDO) section in Part VIII. The DHS Small Vessel Security Strategy April 2008 document can be found at http://www.dhs.gov/files/publications/gc_1209408805402.shtm.

3. Training and Exercises

Port areas should seek to ensure that appropriate capabilities exist among staff and managers, and then regularly test these capabilities through emergency exercises and drills. Exercises must follow the Area Maritime Security Training Exercise Program or the Transportation Security Administration (TSA) Intermodal Security Training Exercise Program (I-STEP) guidelines that test operational protocols that would be implemented in the event of a terrorist attack. The efforts include live situational exercises involving various threat and disaster scenarios, table-top exercises, and methods for implementing lessons learned.

4. Efforts supporting implementation of the Transportation Worker Identification Credential (TWIC)

TWIC is a congressionally mandated security program through which DHS will conduct appropriate background investigations and issue biometrically enabled and secure identification cards for individuals requiring unescorted access to U.S. port facilities. Regulations outlining the initial phase of this program (card issuance) were issued by TSA in cooperation with the Coast Guard in 72 Federal Register 3492 (January 25, 2007).

PSGP Program Management: Roles and Responsibilities at DHS

Effective management of the PSGP entails a collaborative effort and partnership within DHS, the dynamics of which require continuing outreach, coordination, and interface. For the FY 2010 PSGP, FEMA is responsible for designing and operating the

administrative mechanisms needed to implement and manage the grant program. The USCG provides programmatic subject matter expertise for the maritime industry and assists by coordinating the myriad of intelligence information and risk/vulnerability assessments resulting in ranking and rating critical infrastructure and key resources nationwide against threats associated with potential terrorist attacks and in defining the parameters for identifying, protecting, deterring, responding, and recovering from such incidents. Together, these two agencies with additional assistance and cooperation from TSA, the Department of Transportation's Maritime Administration (MARAD) and the Federal Transit Administration (FTA), as needed for port operations, determine the primary security architecture of the PSGP.

PART II.

AWARD INFORMATION

Authorizing Statutes

The *Department of Homeland Security Appropriations Act, 2010* (Public Law 111-83) and Section 102 of the *Maritime Transportation Security Act of 2002*, as amended (46 U.S.C. §70107).

Period of Performance

The period of performance of this grant is 36 months. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications as to why an extension is required.

Available Funding

In FY 2010, the total amount of funds distributed under this grant will be \$288,000,000. FY 2010 PSGP funds will be allocated based on the following table:

Table 1
FY 2010 PSGP Available Funding

Group	FY 2010 PSGP Funding
Group I	\$172,800,000
Group II	\$86,400,000
Group III	\$14,400,000
All Other Port Areas	\$14,400,000
TOTAL	\$288,000,000

PART III.

ELIGIBILITY INFORMATION

A. Eligible Applicants

A synopsis of 46 U.S.C. §70107 states that a grant program shall be established for the allocation of funds based on risk to implement AMSPs and FSPs among port authorities, facility operators, and State and local government agencies required to provide port security services. In administering the grant program; national, economic, energy, and strategic defense concerns based upon the most current risk assessments available shall be taken into account.

Congress has specifically directed DHS to apply these funds to the highest risk ports. In support of this, the PSGP includes a total of 147 specifically identified critical ports, representing approximately 95 percent of the foreign waterborne commerce of the United States. Based upon USCG recommendations, these ports are aggregated into 91 discrete port funding areas. As described below, “All Other Port Areas” covered by an AMSP are eligible to apply for grant funds from a PSGP funding pool created for that purpose.

Within the PSGP, the following entities are specifically encouraged to apply:

- Owners or operators of federally regulated terminals, facilities, U.S. inspected passenger vessels or ferries as defined in the Maritime Transportation Security Act (MTSA) and Title 33 of the Code of Federal Regulations (CFR) Parts 101, 104, 105, and 106
- Port authorities or other State and local agencies that are required to provide security services to eligible Ferry System applicants (MTSA regulated facilities) pursuant to an AMSP, a FSP or VSP
- Consortia composed of local river organizations, ports and terminal associations, and other local stakeholder groups representing federally regulated ports, terminals, U.S. inspected passenger vessels or ferries that are required to provide security services to federally regulated facilities or federally regulated vessels in accordance with an AMSP, a FSP or VSP; and recognized as AMSC members by the Captain of the Port (COTP)
- Group I and II Fiduciary Agents (FA) (including newly identified Group II port areas who choose to begin the FA process)

As a condition of eligibility, all PSGP applicants are required to be fully compliant with relevant Maritime Security Regulations (33 CFR Parts 101-106). Any open or outstanding Notice of Violation (NOV), as of the grant application submission deadline date, which has been issued to an applicant, and the applicant has (1) failed to pay within 45 days of receipt; (2) failed to decline the NOV within 45 days of receipt (in which case a finding of default will be entered by the Coast Guard in accordance with 33 CFR § 1.07-11(f)(2)); or (3) the applicant has appealed the

NOV as provided for in 33 CFR § 1.07-70 and is in receipt of a final appeal decision from Commandant, U.S. Coast Guard, as described in 33 CFR § 1.07-75, and has failed to come into compliance with the final adjudication within the timelines noted therein, will not be allowed to make application for a Port Security Grant. COTP will verify security compliance eligibility during the field review process.

Table 2 lists the specific port areas by Group that are eligible for funding through the FY 2010 PSGP.

Group I and II

Seven port areas have been selected as Group I (highest risk) and forty-eight port areas have been selected as Group II. Each Group I and Group II port area has been designated a specific amount of money based upon the FY 2010 risk analysis.

Group I and II port areas identified in the FY 2007 Supplemental PSGP and the FY 2008 or FY 2009 PSGP that remain in Group I for FY 2010 are required to continue with the FA process and have the option of retaining their current FA or selecting a new FA to deal specifically with the FY 2010 PSGP award. Those port areas newly identified as Group I or II will have the option of selecting an FA and beginning the FA process, or opting out of the FA process. If opting out of the FA process, individual eligible entities will apply directly to FEMA for funding within the Group they originally resided, and applicants must comply with all requirements of Group III and All Other Port Areas, with the identified port's allocation of money incorporated within the respective Group III or "All Other Port Areas" funding pool.

For Group I and II port areas (excluding newly identified port areas that opt out) the FY 2010 PSGP will only accept applications from the FA for that port area. All individual entities (including ferry systems) within one of these port areas will apply for PSGP funds through their port area's designated FA.

Group III

Ports not identified in Group I or II are eligible to apply as a Group III and will compete for the funding identified in their corresponding Group. Eligible Group III port entities will submit their application and associated documentation directly to FEMA.

All Other Port Areas

Ports not identified in Group I, II, or III will compete for the funding identified for the "All Other Port Areas" Group. "All Other Port Areas" included within Group I, II or III's AMSP are allowed to receive grant funds from their geographically proximate higher Group if the project has regional impact across the entire port area, but not from both funding groups for the same project. "All Other Port Areas" eligible entities will submit their application and associated documentation directly to FEMA.

**Table 2
FY 2010 PSGP Port Area Groupings**

Group	State/Territory	Port Area	FY 2010 Target Allocation
I	California	Los Angeles-Long Beach Long Beach Los Angeles	\$31,390,136
		San Francisco Bay Carquinez Strait Martinez Oakland Richmond San Francisco Stockton	\$19,874,162
	Louisiana	New Orleans Baton Rouge Gramercy New Orleans Plaquemines, Port of South Louisiana, Port of St. Rose	\$22,777,670
	New Jersey / Pennsylvania / Delaware	Delaware Bay Camden-Gloucester, NJ Chester, PA Marcus Hook, PA New Castle, DE Paulsboro, NJ Philadelphia, PA Trenton, NJ Wilmington, DE	\$15,949,462
	New York / New Jersey	New York, NY and NJ	\$33,774,108
	Texas	Houston-Galveston Galveston Houston	\$28,867,900
	Washington	Puget Sound Anacortes Bellingham Everett Olympia Port Angeles Seattle Tacoma	\$20,166,562

Group	State/Territory	Port Area	FY 2010 Target Allocation
II	Alabama	Mobile	\$1,569,644
	California	San Diego	\$2,748,751
		Port Hueneme	\$1,156,116
	Connecticut	Long Island Sound Bridgeport New Haven New London	\$2,250,077
	Florida	Jacksonville	\$3,137,877
		Port Everglades	\$2,221,586
		Miami	\$1,718,156
		Tampa Bay Port Manatee Tampa	\$1,692,578
		Port Canaveral	\$1,510,215
		Panama City	\$1,000,761
		Pensacola	\$1,000,732
	Georgia	Savannah	\$2,744,559
	Guam	Apra Harbor	\$1,000,466
	Hawaii	Honolulu Barbers Point, Oahu Honolulu, Oahu	\$3,082,600
	Indiana/ Illinois	Southern Tip Lake Michigan Burns Waterway Harbor, IN Chicago, IL Gary, IN Indiana Harbor, IN	\$3,731,955
	Kentucky	Louisville	\$1,000,666
	Louisiana	Lake Charles	\$2,083,130
		Port Fourchon/The LOOP	\$1,479,538
		Morgan City	\$1,121,325
		Boston	\$2,358,154
	Massachusetts	Boston	\$2,358,154
	Maryland	Baltimore	\$3,214,934
	Maine	Portland	\$1,022,818
	Michigan	Detroit	\$1,000,679
	Minnesota	Minneapolis-St. Paul Minneapolis St. Paul	\$1,010,690
	Minnesota/ Wisconsin	Duluth-Superior, MN and WI	\$1,052,913
	Missouri	Kansas City	\$1,002,615
Missouri/ Illinois	St. Louis, MO and IL	\$1,557,434	
Mississippi	Pascagoula	\$1,000,000	
North Carolina	Wilmington	\$2,824,581	
	Morehead City	\$1,108,247	

Group	State/Territory	Port Area	FY 2010 Target Allocation
II	New York	Albany	\$1,041,494
		Buffalo	\$1,033,563
	Ohio	Cincinnati	\$1,000,889
		Cleveland	\$1,000,674
		Toledo	\$1,000,411
	Pennsylvania	Pittsburgh	\$1,301,431
	Puerto Rico	San Juan	\$2,199,761
		Ponce	\$1,014,027
	South Carolina	Charleston	\$2,779,565
	Tennessee	Memphis	\$1,402,102
		Nashville	\$1,000,683
	Texas	Sabine-Neches River Beaumont Port Arthur	\$4,425,350
		Corpus Christi	\$3,825,437
		Freeport	\$1,707,107
	Virginia	Hampton Roads Newport News Norfolk Harbor	\$4,253,186
	Washington/ Oregon/ Idaho	Columbia-Snake River System Kalama, WA Longview, WA Portland, OR Vancouver, WA Benton, WA Clarkston, WA Ilwaco, WA Kennewick, WA Pasco, WA Walla Walla, WA Whitman County, WA Astoria, OR Boardman, OR The Dalles, OR Hood River, OR St. Helens, OR Umatilla, OR Lewiston, ID	\$1,620,750
West Virginia	Huntington - Tristate	\$1,180,905	

Group	State/Territory	Port Area	FY 2010 Allocation
III	Alaska	Valdez	\$14,400,000
	Alabama	Guntersville	
	Arkansas	Helena	
	California	El Segundo	
		Sacramento	
	Florida	Fort Pierce	
		West Palm Beach	
	Georgia	Brunswick	
	Indiana	Mount Vernon	
	Massachusetts / Rhode Island	Narragansett/Mt. Hope Bays Fall River, MA Newport, RI Providence, RI	
	Michigan	Port Huron	
		Sault Ste Marie	
		Marine City	
		Muskegon	
		Monroe	
	Minnesota	Two Harbors	
	Mississippi	Vicksburg	
		Gulfport,	
		Greenville	
	New Hampshire	Portsmouth	
	New Jersey	Perth Amboy	
	Ohio	Lorain	
	Oklahoma	Tulsa, Port of Catoosa	
	Oregon	Coos Bay	
	Pennsylvania	Erie	
	Puerto Rico	Guayanilla	
		Humacao	
		Jobos	
	Tennessee	Chattanooga	
	Texas	Matagorda Bay Matagorda Port Port Lavaca Victoria Port O'Connor	
Brownsville			
Virginia	Richmond		
Wisconsin	Green Bay		
	Milwaukee		
All Other Port Areas	Eligible entities not located within one of the port areas identified above, but operating under an AMSP, are eligible to compete for funding within "All Other Port Areas" Group	\$14,400,000	
Total:			\$288,000,000

Presence on this list does not guarantee grant funding

National Incident Management System (NIMS) Implementation Compliance

In accordance with Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the adoption of the NIMS is a requirement to receive Federal preparedness assistance, through grants, contracts, and other activities. The NIMS provides a consistent nationwide template to enable all levels of government, tribal nations, nongovernmental organizations, and private sector partners to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity.

Federal FY 2009 NIMS implementation must be considered prior to allocation of any Federal preparedness awards in FY 2010. In April 2009, the National Integration Center Incident Management Systems Integration (IMSI) Division advised State, tribal nation, and local governments to respond to metric assessments in the NIMS Compliance Assistance Support Tool (NIMSCAST) to assess on-going progress and achievement.² The list of objectives against which progress and achievement are assessed and reported can be found at <http://www.fema.gov/emergency/nims/ImplementationGuidanceStakeholders.shtm#item2>.

All State, tribal nation, and local government grantees were required to update their respective NIMSCAST assessments by September 30, 2009. State, tribal, and local grantees unable to meet implementation objectives were required to submit a Corrective Action Plan via NIMSCAST no later than October 31, 2009. Comprehensive information concerning NIMS implementation for States, tribal nations, local governments, nongovernmental organizations, and the private sector is available through IMSI via its NIMS Resource Center at www.fema.gov/nims.

States, tribal nations, and local governments should continue to implement the training guidance contained in the *Five-Year NIMS Training Plan*, released in February 2008.

The primary grantee/administrator of FY 2010 PSGP award funds is responsible for determining if sub-awardees have demonstrated sufficient progress to disburse awards.

B. Restrictions

Please see Part IV.E. for Management & Administration (M&A) limits and allowable/unallowable costs guidance.

C. Other

Fiduciary Agent Requirement

For the past three rounds of funding, each Group I and Group II port area was required to select a single entity to act as the Fiduciary Agent (FA) for that port area. Those port areas remaining in Group I and Group II have been designated a specific amount of money for which eligible entities within that port area may apply through the FA.

² As defined in the *Homeland Security Act of 2002* (Public Law 107-296), the term "State" means "any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States" 6 U.S.C. 101 (14).

The FA will serve as the principal point of contact with FEMA for application and management and administration of the FY 2010 PSGP award. The FA is responsible for ensuring that all sub-recipients are compliant with the terms and conditions of the award, including the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and Federal Acquisition Regulation. The FA, however, is not the decision maker as to the use of these funds. The awards are conditioned so that a regional consensus, in conjunction with the COTP and AMSC, must be reached.

Fiduciary Agent Selection

1. Group I and Group II Port Areas

For FY 2010, Group I and Group II port areas will have the option of continuing with their current FA or selecting a new FA. If a port area elects to change their FA, the designated COTP must certify in writing to the FEMA Program Office via USCG Headquarters (CG-5142) as to their new selection. This certification will be via a USCG memorandum format. Certifications to FEMA and USCG Headquarters (CG-5142) must be submitted 30 days prior to the application due date. In those cases where the FEMA Program Office has not received a certification from the COTP within 30 days prior to the application due date about a FA change, the same FA which was responsible for those port areas in FY 2009 will continue to be used in FY 2010. The FA, whether current or new, must submit an application SF-424 for the FY 2010 PSGP. Those ports selecting a new FA are to ensure that their new selectee is capable of professionally performing the duties of an FA as outlined above.

2. New Group II Port Areas

Those port areas, which, as a result of the FY 2010 PSGP risk methodology are new to Group II, have the option of selecting an FA and beginning the FA process, or opting out of the FA process. If opting out of the FA process, individual eligible entities will apply directly to FEMA for funding and applicants must comply with all requirements of Group III and All Other Port Areas. Working through its AMSC process, each new Group II port area must certify in writing to the FEMA programmatic office via USCG Headquarters (CG-5142) which option their respective port area will pursue for FY 2010. This certification will be via a USCG memorandum format from the COTP. Certifications to FEMA and USCG Headquarters must be done 30 days prior to the application due date. As the FA represents the interests of the entire AMSC, it is highly recommended that, if choosing to follow the FA process, AMSCs select a FA with the capacity to manage federal grants and be responsible for complying with the full breadth and scope of FA responsibilities. The FA must be able to meet and comply with the administrative, National policy, and reporting requirements outlined in this guidance. In particular, the FA must be able to comply with requirements set forth in applicable regulations and OMB Circulars, <http://www.whitehouse.gov/omb/circulars/index.html>.

Port-Wide Risk Management Planning

In order to receive FY 2010 PSGP funds, Group I and II port areas are required to have in place an approved PRMP. They are also encouraged, but not required, to develop a BC RTP. For purposes of strategic planning, Group I and II port areas must take into

consideration all other port areas covered by their AMSP in their plans and Investment Justifications.

The PRMP and BC RTP will align with and support the port areas' AMSP and the National Preparedness Guidelines, considering the entire port system strategically as a whole, and will identify and execute a series of actions designed to effectively mitigate risks to the system's maritime critical infrastructure. Building on the successes of previous years, during FY 2010, Group I and Group II ports are to seek PSGP funding which will ensure alignment with the programs and projects identified within the Plan(s) aimed at the following priorities:

- Expand the emphasis on port-wide partnerships, regional management of risk, and business continuity/resumption of trade
- Prioritize port-wide security strategies and actions that address surface, underwater, and land-based threats
- Target best risk-mitigation strategies achieving sustainable port-wide security and business continuity/resumption of trade planning
- Provide the basis for aligning specific grant-funded security projects under this and future year PSGP awards within the requirements of the AMSP

Deliverables for Existing Group I and II Port Areas

Existing Group I and II port areas are required to submit Investment Justifications by April 19, 2010 through the Homeland Security Information Network (HSIN). The designated Fiduciary Agent for each port area will submit this package, which must contain the following documents:

- Complete Investment Justifications
- Individual Budgets for each Investment Justification
- Total Budget for entire award
- COTP Comments
- COTP Project Ranking/Final List

Group I and II port areas that have an approved PRMP as of December 8, 2009 must submit Investment Justifications that align with their PRMP.

Group I and II port areas that do not have an approved PRMP as of December 8, 2009 must submit Investment Justifications that align with their AMSP. If the sub-grantee is an MTSA regulated facility, the Investment Justifications will align with the FSP. If the sub-grantee is an MTSA regulated vessel, the Investment Justifications will align with the VSP.

Deliverables for New Group II Port Areas

In order to provide a strong level of fiscal and programmatic oversight, timelines for the development of the plans will be imposed upon those ports new to Group II (see Table 2), who do not opt out of Group II, detailing specific deliverables that must be reviewed and approved at the Federal and local level. The first deliverables will be a Concept of Operations (CONOPS) for developing the PRMP and Investment Justifications based on previously approved AMSP, FSP, and VSP. Any projects eligible for grant funding must be certified by the COTP as having a port-wide benefit.

The second deliverable will be a PRMP and an optional BCRTTP, that will be provided to the local COTP and their AMSC for review and comment, and then to the Executive Steering Committee (ESC) for review and comment. The port areas will then be given a set amount of time to respond to the comments, and resubmit the Plan(s) for approval by FEMA. The Federal partners will provide comments and feedback on each deliverable. The deadlines for the deliverables are as follows:

**Table 3
Timetable for Developing and Implementing
New Group II Port-Wide Plans**

Deliverable	Due Date	Federal Comments
Concept of Operations	At the time of application	Provided within 30 days
Investment Justifications	April 19, 2010	Provided within 30 days
Draft Plan	180 calendar days after CONOPS approval	Provided within 21 days
Final Plan	90 calendar days after review and comments are received on the Draft Plan	Provided within 21 days

No more than 20% of the total award amount may be used in the development of the PRMP and optional BCRTTP. Remaining funds will then be used to implement prioritized projects that provide the greatest risk reduction benefit for the port area as a whole, and which support the developed plan.

Allocated funding will be awarded through a Cooperative Agreement (CA) to allow a higher level of Federal involvement in assisting port areas in plan development and implementation.

Part IV.
**APPLICATION AND SUBMISSION
INFORMATION**

A. Address to Request Application Package

All applications for DHS grants will be filed using the common electronic “storefront” – www.grants.gov. To access application forms and instructions, select “Apply for Grants,” and then select “Download Application Package.” Enter the Catalog of Federal Domestic Assistance (CFDA) and/or the funding opportunity number located on the cover of this announcement. Select “Download Application Package,” and then follow the prompts to download the application package. To download the instructions, go to “Download Application Package” and select “Instructions.” If you experience difficulties or have any questions, please call the www.grants.gov customer support hotline at (800) 518-4726.

DHS may request original signatures on forms at a later date.

B. Content and Form of Application

The on-line application must be completed and submitted using www.grants.gov after Central Contractor Registry (CCR) registration is confirmed. The on-line application includes the following required forms and submissions:

- Investment Justification (for Group I and Group II port areas, submitted through HSIN by April 19, 2010)
- Detailed Budget Worksheet (for Group I and Group II port areas, submitted through HSIN by April 19, 2010)
- MOUs/MOAs, if applicable
- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information
- Standard Form 424B, Assurances
- Standard Form 424C, Budget Information – Construction Form
- Standard Form 424D, Assurances – Construction Programs
- Lobbying Form – Certification Regarding Lobbying (this form must be completed by all grant applicants)
- Standard Form LLL, Disclosure of Lobbying Activities (if the grantee has engaged or intends to engage in lobbying activities)
- Certification Regarding Debarment, Suspension, and Other Responsibility Matters
- Certification Regarding Drug-Free Workplace Requirements

The program title listed in the CFDA is “*Port Security Grant Program.*” The CFDA number is **97.056**.

1. **Application via www.grants.gov.** All applicants must file their applications using the Administration’s common electronic “storefront” - www.grants.gov. Eligible grantees must apply for funding through this portal, accessible on the Internet at www.grants.gov.
2. **Dun and Bradstreet Data Universal Numbering System (DUNS) number.** The applicant must provide a DUNS number with their application. This number is a required field within www.grants.gov and for CCR Registration. Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one, as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705-5711.
3. **Valid CCR Registration.** The application process also involves an updated and current registration by the applicant. Eligible applicants must confirm CCR registration at <http://www.ccr.gov>, as well as apply for funding through www.grants.gov.
4. **Investment Justification.** As part of the FY 2010 PSGP application process, applicants must develop a formal Investment Justification that addresses each initiative being proposed for funding. A separate Investment Justification should be submitted for each proposed project. Each entity within a Group III or All Other Port Area may apply for up to three projects. Due to the nature of the FA process, FA’s are not limited to three projects. Investment Justifications must demonstrate how proposed projects address gaps and deficiencies in current programs and capabilities. The Investment Justification must demonstrate the ability to provide enhancements consistent with the purpose of the program and guidance provided by FEMA. Applicants must ensure that the Investment Justification is consistent with all applicable requirements outlined in this application kit.

The Investment Justification must address or answer the following questions:

- Is your organization a member of the AMSC?
- Is your facility a MTSA regulated facility?
- If you are a MTSA regulated facility, what is your facility’s operation?
- If you are not a regulated facility under MTSA, do you have a facility security plan, and if you have a plan what authority approved your security plan?
- Have you applied for any other security related grants, and if you have what grant program and when?
- If you are a recognized Law Enforcement Agency, how many MTSA regulated facilities or vessels are in your immediate area of responsibility?
- How many members of your company or agency have taken an Incident Command System course: ICS 100, ICS 200, ICS 300, ICS 700, and ICS 800?
- If you are a Fire Department, how many MTSA regulated facilities and MTSA regulated vessels are in your immediate area of responsibility?
- Is your organization listed in a risk mitigation plan, and if so, which ones?

- Is there an MOU/MOA in place for this investment, to share this investment with other agencies?

Group I and II Port Areas

Group I and II port areas will submit Investment Justifications by April 19, 2010 through the Homeland Security Information Network (HSIN).

Group III

Group III Investment Justifications must be submitted with the grant application as a file attachment within <http://www.grants.gov>. The individual investments comprising a single application must take place within the same port area. Private MTSA regulated companies that operate in more than one eligible port area must submit separate applications for investments in each port area.

All Other Port Areas

All Other Port Areas Investment Justifications must be submitted with the grant application as a file attachment within <http://www.grants.gov>. The project must take place within the same port area. Private companies that operate in more than one eligible port area must submit separate applications for investment in each port area.

Applicants will find an Investment Justification Template in Part VIII. This worksheet may be used as a guide to assist applicants in the preparation of the Investment Justification.

Applicants must provide information in the following categories for each proposed Investment:

1. Background
2. Strategic and program priorities
3. Impact
4. Funding and Implementation Plan

Applicants must use the following file naming convention when submitting required documents as part of the FY 2010 PSGP:

COTP Zone Abbreviation_Port Area_Name of Applicant_ IJ Number
(Example: Hous_Galveston_XYZ Oil_IJ#1)

- 5. Detailed Budget.** Applicants must provide detailed budgets for the funds requested. The budget must be complete, reasonable, and cost-effective in relation to the proposed project. The budget should provide the basis of computation of all project-related costs (including M&A) and any appropriate narrative.

The National Review Panel must be able to thoroughly evaluate the projects being submitted based on the information provided here. Applicants must ensure they provide an appropriate level of detail within the Detailed Budget to clarify intent.

Group I and II Port Areas

Detailed Budgets must be submitted by April 19, 2010 through the Homeland Security Information Network (HSIN).

Group III and All Other Port Areas

Detailed Budgets must be submitted with the grant application as a file attachment within <http://www.grants.gov>.

Applicants will find a sample Budget Detail Worksheet in Part VIII. This worksheet may be used as a guide to assist applicants in the preparation of the budget and budget narrative.

6. Memorandum of Understanding/Memorandum of Agreement (MOU/MOA)

Requirement. State and local agencies, as well as consortia or associations that are required to provide security services to MTSA regulated facilities pursuant to an AMSP, are eligible applicants. However, the security services provided must be addressed in the regulated entities' security plans. A copy of an MOU/MOA with the identified regulated entities will be required prior to funding, and must include an acknowledgement of the security services and roles and responsibilities of all entities involved. This information may be provided using one of the attachment fields within <http://www.grants.gov>.

The security services provided must be addressed in the regulated entities' security plan. A copy of a Memorandum of Understanding (MOU) or a Memorandum of Agreement (MOA) between those identified entities will be required prior to funding, and must include an acknowledgement of the security services and roles and responsibilities of all entities involved. The MOU/MOA must address the following points:

- The nature of the security that the applicant agrees to supply to the regulated facility (waterside surveillance, increased screening, etc.)
- The roles and responsibilities of the facility and the applicant during different MARSEC levels
- An acknowledgement by the facility that the applicant is part of their facility security plan

If the applicant is mentioned as a provider of security services under the port's AMSP, in lieu of an MOA/MOU, written acknowledgement from the AMSC members, or a letter from the Federal Maritime Security Coordinator validating this status, will be acceptable. *In addition, MOA/MOUs submitted in previous PSGP award rounds will be acceptable, provided the activity covered also addresses the capability being requested through the FY 2010 PSGP.*

If applicable, the signed MOU/MOA for state or local law enforcement agencies and/or consortia providing layered protection to regulated entities must be submitted with the grant application as a file attachment within <http://www.grants.gov>. A sample MOU/MOA can be found in Part VIII.

COTP Zone Abbreviation_Port Area_Name of Applicant_MOU
(Example: Hous_Galveston_Harris County_MOU)

C. Submission Dates and Times

Application submissions will be received by **11:59 p.m. EST, on February 12, 2010**. Only applications made through www.grants.gov will be accepted.

D. Intergovernmental Review

Executive Order 12372 requires applicants from State and local units of government or other organizations providing services within a State to submit a copy of the application to the State Single Point of Contact (SPOC), if one exists, and if this program has been selected for review by the State. Applicants must contact their State SPOC to determine if the program has been selected for State review. Executive Order 12372 can be referenced at <http://www.archives.gov/federal-register/codification/executive-order/12372.html>. The names and addresses of the SPOCs are listed on OMB's home page available at <http://www.whitehouse.gov/omb/grants/spoc.html>.

E. Funding Restrictions

DHS grant funds may only be used for the purpose set forth in the grant, and must be consistent with the statutory authority for the award. Grant funds may not be used for matching funds for 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.

Pre-award costs are allowable only with the written consent of DHS and if they are included in the award agreement.

1. Management and Administration Limits

A maximum of five percent (5%) of the total award may be retained by the applicant. Any funds retained are to be used solely for management and administrative purposes associated with the PSGP award. Sub-recipients receiving pass-through funds from the FA may use up to three percent (3%) of their sub-award for M&A purposes. FY 2010 PSGP M&A funds may be used for the following M&A costs:

- Hiring of full-time or part-time staff, contractors or consultants and M&A expenses related to meeting compliance with grant reporting or data collection requirements, including data calls
- Development of operating plans for information collection and processing necessary to respond to DHS data calls
- Travel expenses

2. Allowable Costs

This section provides guidance on allowable costs for the FY 2010 PSGP.

Maritime Domain Awareness (MDA)

Funds may be used for the following types of MDA projects:

- Deployment of access control/standardized credentialing systems
- Deployment of detection and security surveillance equipment

- Development/enhancement of information sharing systems for risk mitigation purposes, including equipment (and software) required to receive, transmit, handle, and store classified information
- Enhancements of command and control facilities
- Enhancement of interoperable communications/asset tracking for sharing terrorism threat information (including ensuring that mechanisms are interoperable with Federal, State, and local agencies)

Applicants interested in addressing MDA are encouraged to familiarize themselves with the National Strategy for Maritime Security, National Plan to Achieve Maritime Domain Awareness that can be found at:

http://www.dhs.gov/files/programs/editorial_0753.shtm

IED and CBRNE Prevention, Protection, Response, Recovery Capabilities

Funds may be used for the following types of IED and CBRNE prevention, protection, response and recovery capabilities:

Port Facilities, Including Public Cruise Line and Terminals under 33 CFR Part 105

- Chemical, biological, radiological, nuclear and explosive (CBRNE) agent detection sensors
- Canines
- Intrusion detection
- Small boats for State and local law enforcement marine patrol or port security incident response
- Video surveillance systems that specifically address and enhance security Access control/standardized credentialing
- Improved lighting
- Hardened security gates and vehicle barriers
- Floating protective barriers
- Underwater intrusion detection systems
- Communications equipment for risk mitigation (including interoperable communications)
- Reconfiguring of docks to prevent small boat access

Vessels under 33 CFR Part 104

- Chemical, biological, radiological, nuclear and explosive agent detection sensors
- Restricted area protection (cipher locks, hardened doors, closed circuit television (CCTV) for bridges and engineering spaces)
- Communications equipment for risk mitigation (including interoperable communications)
- Canines for explosives detection
- Access control and standardized credentialing
- Floating protective barriers

Transportation Worker Identification Credential (TWIC)

The TWIC is designed to be an open architecture, standards-based system. Port projects that involve new installations or upgrades to access control and credentialing systems, should exhibit compliance with TWIC standards and program specifications.

Recipients of grant funding for the implementation of TWIC systems may be requested by the Federal government to apply these systems in a field test of TWIC readers in accordance with the SAFE Port Act. Systems implemented with grant funding may be used by recipients to comply with the TWIC rulemaking requirements. However, the fees associated with the application for and issuance of the TWIC cards themselves are ineligible for award consideration.

Allowable costs under this section include those projects that will ensure the safe and secure transit of foreign seafarers and shore staff/support [who are not eligible for TWIC] to and from the vessel while at MTSA regulated facilities.

PSGP TWIC funding recipients may be required to provide data and lessons learned from the application of card readers and associated systems. Systems implemented with grant funding may be used by recipients to comply with all TWIC rulemaking requirements once established.

Training

Funding used for training will be limited to those courses that have been approved by DHS or MARAD (including MTSA 109 courses). More information may be obtained at:

- http://www.marad.dot.gov/documents/MTSA_Updated_list_of_M TSA_certified_courses_SB.pdf
- http://www.uscg.mil/nmc/approved_courses.asp
- <http://www.fema.gov/prepared/train.shtm>

Funds may be used for the following training activities:

- **Training workshops and conferences.** Grant funds may be used to plan and conduct training workshops or conferences to include costs related to planning, meeting space and other meeting costs, facilitation costs, materials and supplies, travel, and training plan development.
- **Hiring of Full or Part-Time Staff or Contractors/Consultants** to support training-related activities. Payment of salaries and fringe benefits must be in accordance with the policies of the State or unit(s) of local government and have the approval of the State or awarding agency, whichever is applicable. Such costs must be included within the funding allowed for program management personnel expenses, which must not exceed 15 percent (15%) of the total allocation. In no case is dual compensation allowable (see above).
- **Overtime and Backfill.** The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of attendance at FEMA and/or approved training courses and programs are allowable. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the State or unit(s) of local government and has the approval of the State or the awarding agency, whichever is applicable. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.

- **Travel.** Travel costs (e.g., airfare, mileage, per diem, hotel) are allowable as expenses by employees who are on travel status for official business related to approved training.
- **Supplies.** Supplies are items that are expended or consumed during the course of the planning and conduct of the training project(s) (e.g., copying paper, gloves, tape, and non-sterile masks). These costs will contribute to the five percent (5%) M&A cap.
- **Other items.** These costs may include the rental of space/locations for planning and conducting training.
- **Funds used to develop, deliver, and evaluate training,** including costs related to administering the training, planning, scheduling, facilities, materials and supplies, reproduction of materials, and equipment.
- **Certification/Recertification of Instructors** is an allowable cost. States are encouraged to follow the FEMA Instructor Quality Assurance Program to ensure a minimum level of competency and corresponding levels of evaluation of student learning. This is particularly important for those courses that involve training of trainers. This information is contained in an Information Bulletin #193, issued October 20, 2005.

Exercises

Funding used for exercises will only be permitted for those exercises that are in direct support of a facility or port area's MTSA required exercises. These exercises must be coordinated with the COTP and AMSC and adhere to the guidelines outlined in DHS Homeland Security Exercise and Evaluation Program (HSEEP). More information on HSEEP may be found at: <https://hseep.dhs.gov>. Funds may be used for the following exercise activities:

- **Funds Used to Design, Develop, Conduct and Evaluate an Exercise.** Includes costs related to planning, meeting space and other meeting costs, facilitation costs, materials and supplies, travel, and documentation.
- **Hiring of Full or Part-Time Staff or Contractors/Consultants.** Full or part-time staff may be hired to support exercise-related activities. Such costs must be included within the funding allowed for program management personnel expenses, which must not exceed 15 percent of the total allocation. The applicant's formal written procurement policy or the Federal Acquisition Regulations (FAR) – whichever is more stringent – must be followed. In no case is dual compensation allowable.
- **Overtime and Backfill.** The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of time spent on the design, development and conduct of exercises are allowable expenses. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the State or unit(s) of local government and has the approval of the State or the awarding agency, whichever is applicable. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.

- **Travel.** Travel costs are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of exercise project(s).
- **Supplies.** Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise project(s) (e.g., copying paper, gloves, tape, non-sterile masks, and disposable protective equipment).
- **Other Items.** These costs include the rental of space/locations for exercise planning and conduct, rental of equipment (e.g., portable toilets, tents), food, gasoline, exercise signs, badges, etc.

Unauthorized exercise-related costs include:

- Reimbursement for the maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles) and emergency response apparatus (e.g., fire trucks, ambulances).
- Equipment that is purchased for permanent installation and/or use, beyond the scope of exercise conduct (e.g., electronic messaging signs).

Examples of security exercise programs include:

- *Area Maritime Security Training and Exercise Program (AMSTEP):* AMSTEP is the USCG developed mechanism by which AMSCs and Federal Maritime Security Coordinators will continuously improve security preparedness in the port community. It is an integral part and a strategic implementation of the DHS HSEEP for the maritime sector. Rooted in long-standing USCG exercise policy and procedures, AMSTEP aligns to support the National Preparedness Guidelines and the National Strategy for Maritime Security. Through a structured approach, AMSTEP focuses all exercise efforts, both public and private, on improving the AMSPs and individual vessel and facility security plans of the nation's seaports.
- *Intermodal Security Training Exercise Program:* I-STEP was established by TSA to enhance the preparedness of our nation's surface-transportation sector network with meaningful evaluations of prevention, preparedness, and ability to respond to terrorist-related incidents. I-STEP improves the intermodal transportation industry's ability to prepare for and respond to a transportation security incident (TSI) by increasing awareness, improving processes, creating partnerships, and delivering transportation-sector network security training exercises. I-STEP provides security-exercise tools and services to modal operators through TSA general managers. The tools include software for exercise design, evaluation and tracking for a mix of tabletop, advanced tabletop and functional exercises. More information on I-STEP is available at: http://www.tsa.gov/what_we_do/layers/istep/index.shtm.
- *National Preparedness for Response Exercise Program:* The USCG National Preparedness for Response Exercise Program (NPREP) focuses on exercise and evaluation of government area contingency plans and industry spill response plans (oil and hazardous substance). NPREP is a coordinated effort of the four Federal agencies with responsibility for oversight of private-sector oil and hazardous substance pollution response preparedness: USCG, the U.S. Environmental Protection Agency, the U.S. Department of Transportation's Research and Special Programs Administration, and the

U.S. Department of the Interior's Minerals Management Service. These agencies worked with Federal, State, and local governments, the oil and marine transportation industry, cleanup contractors, and the general public to develop the program. NPREP meets the OPA mandate for exercises and represents minimum guidelines for ensuring overall preparedness within the response community. The guidelines, which are reviewed periodically through a public workshop process, outline an exercise program that satisfies the exercise requirements of the four Federal regulatory agencies. More information on PREP is available at:
http://www.uscg.mil/top/missions/Protect_NR.asp.

Planning

FY 2010 PSGP funds may be used for the following types of planning activities:

- Public education and outreach (such as the America's Waterways Watch or Transit Watch), and where possible, such activities should be coordinated with local Citizen Corps Council(s)
- Public Alert and warning systems and security education efforts in conjunction with America's Waterways Watch Program
- Development and implementation of homeland security support programs and adoption of ongoing DHS national initiatives (including building or enhancing preventive radiological and nuclear detection programs)
- Development and enhancement of security plans and protocols within the AMSP and/or PRMP
- Hiring of part-time staff and contractors or consultants to assist with planning activities (not for the purpose of hiring public safety personnel)
- Materials required to conduct planning activities
- Travel and per diem related to professional planning activities
- Other project planning activities with prior approval from DHS

Equipment Acquisition

FY 2010 PSGP funds may be used for the following types of equipment:

- Personal protection equipment
- Explosive device mitigation and remediation equipment
- CBRNE, operational search and rescue equipment, logistical support equipment for risk mitigation, reference materials or incident response vehicles, including response watercraft
- Information technology
- Cyber security enhancement equipment
- Interoperable communications equipment
- Detection equipment
- Decontamination equipment
- Power equipment, such as electrical generators for emergency security use and not operational use
- Terrorism incident prevention equipment
- Physical security enhancement equipment

Ports that are using FY 2010 PSGP funds to purchase Interoperable Communications Equipment (Category 6) must consult SAFECOM's coordinated

grant guidance which outlines standards and equipment information to enhance interoperable communications. This guidance can be found at <http://www.safecomprogram.gov>. Additionally, grantees are required to coordinate with other State and local partners in integrating their interoperable communications plans and projects as outlined in each State's Statewide Communication Interoperability Plan.

Unless otherwise noted, equipment requested by any applicant must be certified that it meets required regulatory and/or DHS-adopted standards to be eligible for purchase using these funds; e.g., equipment must comply with the OSHA requirement for certification of electrical equipment by a nationally recognized testing laboratory (NRTL), and demonstrate compliance with relevant DHS-adopted standards through a supplier's declaration of conformity (SDOC) with appropriate supporting data and documentation per ISO/IEC 17050, parts 1 and 2. In addition, agencies must have all necessary certifications and licenses for the requested equipment, as appropriate, prior to the request and so certify within the Investment Justification. A comprehensive listing of allowable equipment categories and types is on the web-based Authorized Equipment List (AEL) on the Responder Knowledge Base at <https://www.rkb.us/lists.cfm>.

Specific Guidance on Sonar Devices

The four types of allowable sonar devices are: imaging sonar, scanning sonar, side scan sonar, and 3-dimensional sonar. These types of sonar devices are intended to support the detection of underwater improvised explosive devices and enhance MDA. The eligible types of sonar, and short descriptions of their capabilities, are provided below:

- *Imaging sonar*: A high-frequency sonar that produces "video-like" imagery using a narrow field of view. The sonar system can be pole-mounted over the side of a craft or hand carried by a diver.
- *Scanning sonar*: Consists of smaller sonar systems that can be mounted on tripods and lowered to the bottom of the waterway. Scanning sonar produces a panoramic view of the surrounding area and can cover up to 360 degrees.
- *Side scan sonar*: Placed inside of a shell and towed behind a vessel. Side scan sonar produces strip-like images from both sides of the device.
- *3-dimensional sonar*: Produces 3-dimensional imagery of objects using an array receiver.

Other Allowable Costs – Maintenance and Sustainment

The use of FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable under all active and future grant awards, unless otherwise noted. Grantees are reminded to be sensitive to supplanting issues. Maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees previously purchased with State and/or local funds cannot be replaced with Federal grant funding. Routine upkeep (i.e. gasoline, tire replacement, routine oil changes, monthly inspections, grounds and facility maintenance, etc.) is the responsibility of the grantee and may not be funded with preparedness grant funding.

- **Maintenance Contracts and Warranties.** To increase the useful life of the equipment, maintenance contracts and warranties may be purchased using

grant funding from one fiscal year to cover equipment purchased with funding from a different fiscal year. The use of grant funding for the purchase of maintenance contracts and warranties must meet the following conditions:

- Maintenance contracts and warranties may only be purchased for equipment that has been purchased using FEMA preparedness grant funding
- To avoid supplementing Congressional appropriations for specific programs, maintenance contracts and warranties must be purchased using funds from the same grant program used to purchase the original equipment
- The term of the maintenance contract or warranty shall not exceed the period of performance of the grant to which the contract is being charged
- **Repair and Replacement Costs.** The cost of repair and replacement parts for equipment purchased using FEMA preparedness grant funding is an allowable expense, except for those included in Information Bulletin # 293 Repair and replacement parts may only be purchased for equipment that has been purchased using FEMA preparedness grant funding.
 - To avoid supplementing Congressional appropriations for specific programs, repair and replacement parts must be purchased using the same grant program used to purchase the original equipment.
- **Upgrades.** FEMA preparedness grant funding may be used to upgrade previously purchased allowable equipment. For example, if the grantee purchased risk management software with Homeland Security Grant Programs (HSGP) funds in FY 2005 and would like to use FY 2010 grant funding to upgrade the software, this is allowable.
 - Upgrades may only be purchased for equipment that has been purchased using FEMA preparedness grant funding
 - To avoid supplementing Congressional appropriations for specific programs, upgrades must be purchased using the same grant program used to purchase the original equipment
- **User fees.** User fees are viewed as costs for specific services required to maintain and provide continued operation of equipment or systems. An example would be the recurring service fees associated with handheld radios or mobile data computers.
 - User fees may only be paid for equipment that has been purchased using FEMA preparedness grant funding
 - To avoid supplementing Congressional appropriations for specific programs, user fees must be paid for using the same grant program used to purchase the original equipment. The service time purchased shall not exceed the period of performance of the grant to which the user fee is being charged.

Grantees must comply with all the requirements in 44 CFR Part 13 and 2 CFR Part 215.

Specific Guidance on Construction and Renovation

The following types of construction and renovation projects are allowable under the FY 2010 PSGP:

- MDA Fusion Centers

- Maritime Security Operations Centers
- Port Security Operations Centers
- Port Security Emergency Communications Centers
- Buildings to house generators that support risk mitigation
- Hardened Security fences at access points
- Any other building or physical facility that enhances access control to the port/facility area

The above facilities would allow access only to public safety personnel and others on an as needed/need to know basis in accordance with the National Response Framework.

Eligible costs for construction may not exceed the greater of \$1,000,000 per project or such greater amount as may be approved by the Secretary, which may not exceed ten percent (10%) of the total amount of the grant, as stated in 46 U.S.C. § 70107(b)(2).

Grant recipients are not permitted to use FY 2010 PSGP funds for construction projects that are eligible for funding under other Federal grant programs. PSGP funds may only be used for construction activities directly related to port security enhancements.

All proposed construction and renovation activities must undergo an Environmental Planning and Historic Preservation (EHP) review, including approval of the review from FEMA, prior to undertaking any action related to the project. These types of projects have the potential to affect environmental resources and historic properties through ground disturbance, impact to wetlands, floodplains, coastal zones, and other water resources, alteration of historically-significant properties, and impact to threatened and endangered species, and migratory birds. While all projects receiving Federal funding require an EHP review, any applicant that is proposing a construction project under the FY 2010 PSGP should pay special attention to the EHP requirements contained in Part VI (B, 5.7) of the Guidance. Failure of a grant recipient to meet these requirements may jeopardize Federal funding.

Furthermore, FY 2010 PSGP recipients using funds for construction projects must comply with the *Davis-Bacon Act*. Grant recipients must ensure that their contractors or subcontractors for construction projects pay workers employed directly at the work-site no less than the prevailing wages and fringe benefits paid on projects of a similar character. Additional information, including Department of Labor wage determinations, is available from the following website:

<http://www.dol.gov/esa/programs/dbra/>. See also, Part VI.5.7, EHP Compliance and Part VI, B 1.4 for requirements related to Duplication of Benefits.

Specific Guidance on Canines Not Part of an Operational Package

The USCG has identified canine explosive detection as the most effective solution for the detection of vehicle borne IEDs. Eligibility for funding of canine explosive detection programs is restricted to U.S. Ferry Systems regulated under 33 CFR Parts 101, 103, 104 & 105, specifically U.S. Ferry Vessels carrying more than 500 passengers with vehicles, U.S. Ferry Vessels carrying more than 2,000 passengers,

and the passenger terminals these specific ferries service. Additionally, only owners and operators of these specific ferries and terminals and port authorities or State, local authorities that provide layered protection for these operations and are defined in the vessel's/terminal's security plans as doing so are eligible.

- **Eligible costs.** Eligible costs include: purchase, contract canine services, training and certification of canines; all medical costs associated with initial procurement of canines; kennel cages used for transportation of the canines and other incidentals associated with outfitting and set-up of canines (such as leashes, collars, initial health costs and shots, etc.). Eligible costs also include initial training and certification of handlers.
- **Ineligible costs.** Ineligible costs include but are not limited to: hiring, costs associated with handler annual salary (unless otherwise specifically applicable per the OPack requirements outlined on the following pages), travel and lodging associated with training and certification; meals and incidentals associated with travel for initial certification; vehicles used solely to transport canines; and maintenance or recurring expenses (such as annual medical exams, canine food costs, etc).
- **Certification.** Canines used to detect explosives must be certified by an appropriate, qualified organization. Such canines should receive an initial basic training course and weekly maintenance training sessions thereafter to maintain the certification. The basic training averages ten weeks for the canine team (handler and canine together) with weekly training and daily exercising. Comparable training and certification standards, such as those promulgated by the TSA Explosive detection canine program, the National Police Canine Association (NPCA), the U.S. Police Canine Association, (USPCA) or the International Explosive Detection Dog Association (IEDDA) may be used to meet this requirement.³
- **Submission requirements.** Successful applicants will be required to submit an amendment to their approved VSP as per 33 CFR Part §104.415 detailing the inclusion of a canine explosive detection program into their security measures. Applicants are encouraged to thoroughly review the fiscal obligations of maintaining a long-term canine explosive detection program. If applicable, successful applicants will be required to submit an amendment to their approved VSP or FSP per 33 CFR Parts 104 and/or 105. detailing the inclusion of a canine explosive detection program into their security measures.
- **Additional resources available for canine costs.** DHS is aware that the financial obligations of a Explosive Detection Canine Program can be burdensome. The PSGP, while providing the ability to defray some start up costs, does not cover any recurring costs associated with such programs. However, the Transit Security Grant Program (TSGP) and HSGP are two additional DHS grant programs that can provide funding for certain operational costs associated with heightened states of alert within the port area and nationally. DHS strongly encourages applicants to investigate their

³ Training and certification information can be found at: <http://www.tsa.gov/public/display?theme=32>, <http://www.npca.net>, <http://www.uspcak9.com/html/home.shtml>, and <http://www.bombdog.org/>.

eligibility, and potential exclusions, for these resources when developing their canine programs.

Explosive Detection Canine Team Operational Packages (OPacks)

OPacks will not be used to supplant existing canine explosive detection capabilities. Explosive Detection Canine Team Operational Packages (OPacks) are available for funding to Group I, Group II, Group III, and All Other Port Areas with MTSA regulated facilities and ferry systems with MTSA regulated facilities and vessels. As previously noted, DHS considers OPacks to be effective tactics for supporting security priorities. When combined with the existing capability of a port or ferry security/police force, the added value provided through the addition of a canine team is significant. OPacks are a proven, reliable resource to detect explosives and are a key component in a balanced counter-sabotage program. Canine teams also provide the added psychological deterrent achieved solely through their presence. Such operational efficiency cannot be obtained through borrowed use of local police force-operated canine teams, as the needs of the local jurisdiction will always be their first priority. Therefore, the PSGP will provide funds to establish dedicated port or ferry system security/police force canine teams.

DHS encourages port and ferry systems to develop innovative layered approaches to enhance both human, facility, and vessel(s) security. Helping port and ferry systems increase randomness, unpredictability, and ultimate effectiveness of monitoring and patrol in their security and terrorism prevention programs is critical to National port and ferry security. The use of OPacks supports these efforts.

The funding for OPacks will be a one-time allowance. The period of performance for OPacks is 36 months. Applicants may apply for up to \$450,000 (\$150,000/year for three years) to support this endeavor. At the end of the grant period (36 months) grantees will be responsible for maintaining the heightened level of capability provided by the OPack.

Funds for these canine teams may **not** be used to fund drug detection and apprehension technique training. Only explosives detection training for these canine teams will be funded. The PSGP OPack funds may only be used for **new** capabilities/programs and cannot be used to pay for existing capabilities/programs (e.g. canine teams) already supported by the port area or system. Non-supplanting restrictions apply.

OPacks must meet the following requirements:

- Each canine team, composed of one dog and one handler, must be certified by an appropriate, qualified organization
- Canines should receive an initial basic training course and also weekly maintenance training sessions thereafter to maintain the certification
- The basic training averages ten weeks for the team, with weekly training and daily exercising (comparable training and certification standards, such as those promulgated by the TSA Explosive Detection Canine Program, the

NPCA, the USPCA, or the IEDDA may be used to meet this requirement⁴). Certifications will be kept on file with the grantee and made available to DHS upon request

- 33 CFR 104 and 105 requirements
- OPack contracted services

Allowable expenses **for OPacks** include:

- Salary and fringe benefits
- Training and certifications (travel costs associated with training for personnel, handlers, and canines are allowable)
- Equipment costs
- Purchase and train a canine (training specific to the detection of common explosives odors is allowable)
- Canine costs (canine costs include but are not limited to: veterinary, housing, and feeding costs)

3. Unallowable Costs

The following projects and costs are considered ineligible for award consideration:

- The development of risk/vulnerability assessment models and methodologies
- Cost of conducting vulnerability assessments to evaluate and make recommendations with respect to security
- Projects in which Federal agencies are the primary beneficiary or that enhance Federal property
- Projects that study technology development for security of national or international cargo supply chains (e.g., e-seals, smart containers, container tracking or container intrusion detection devices)
- Proof-of-concept projects
- Projects that do not provide a compelling security benefit (e.g., primarily economic or safety vs. security)
- Projects that duplicate capabilities being provided by the Federal government (e.g., vessel traffic systems)
- Proposals in which there are real or apparent conflicts of interest
- Personnel costs (except for those specifically identified in this guidance)
- Business operating expenses (certain security-related operational and maintenance costs are allowable—see “Maintenance and Sustainment” for further guidance)
- TWIC card fees
- Signage, projects for placarding and billboards, or hard fixed structure signage
- Reimbursement of pre-award security expenses
- Outfitting facilities, vessels, or other structures with equipment or items providing a hospitality benefit rather than a direct security benefit. Examples of such equipment or items include, but are not limited to: office furniture, CD players, DVD players, AM/FM radios and the like
- Weapons and associated equipment (i.e. holsters, optical sights, and scopes), including, but not limited to: non-lethal or less than lethal weaponry

⁴ Training and certification information can be found at: <http://www.tsa.gov/lawenforcement/programs>, <http://www.npca.net>, <http://www.uspcak9.com>, and <http://www.bombdog.org>.

- including firearms, ammunition, and weapons affixed to facilities, vessels, or other structures
- Expenditures for items such as general-use software (word processing, spreadsheet, graphics, etc), general-use computers, and related equipment (other than for allowable M&A activities, or otherwise associated) preparedness or response functions), general-use vehicles and licensing fees
 - Other items not in accordance with the AEL or previously listed as allowable costs
 - Land acquisitions and right of way purchases
 - Funding for standard operations vehicles utilized for routine duties, such as patrol cars and fire trucks
 - Fuel costs

F. Other Submission Requirements

Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this program. Federal employees may not receive funds under this award.

PART V.

APPLICATION REVIEW INFORMATION

A. Review Criteria

The four core PSGP application review criteria are as follows:

- **Criteria #1.** Projects that support PSGP funding priorities identified in the PSGP *Guidance and Application Kit* package:
 - Enhancement of the port area's MDA (e.g., access control/standardized credentialing, command and control, communications, and enhanced intelligence sharing and analysis)
 - Enhancement of the port area's prevention, protection, response and recovery capabilities (e.g., capabilities that would help mitigate potential IED, CBRNE attacks via small craft, underwater swimmers, or onboard passenger and vehicle ferries)
 - Training and exercises
 - TWIC implementation projects (minus application and card purchase costs)
- **Criteria #2.** Projects that address priorities outlined in the applicable AMSP, as mandated under the MTSA and/or the FEMA PRMP
- **Criteria #3.** Projects that address additional security priorities based on the COTP's expertise and experience with the specific port area
- **Criteria #4.** Projects that offer the highest potential for risk reduction for the least cost

B. Review and Selection Process

1. **Initial Screening.** FEMA will conduct an initial review of all FY 2010 PSGP applications for completion. Applications passing this review will be grouped by port area and provided to the applicable COTP for further review.
2. **Field Review.** Field-level reviews will be managed by the applicable COTP in coordination with the Director of the U.S. Department of Transportation's Maritime Administration's Gateway Office and appropriate personnel from the AMSC, as identified by the COTP. To support coordination of and regionalization of security grant application projects with State and Urban Area homeland security strategies, as well as other State and local security plans, the COTP is asked to coordinate the results with the applicable State administrative agency or agencies and State homeland security advisor(s).

The COTP will submit field review evaluations that include the following:

- Field reviews for all Groups occur immediately following the initial screening. Each specific project is scored for compliance with criteria enumerated in the previous section;

- A total score is computed with all proposals received from each port being ranked from highest to lowest in terms of their contributions to regional risk reduction and cost effectiveness; and
- Specific notation if other entities within the port region have similar capabilities and the need for or lack thereof for redundancy

After completing field reviews, COTPs will submit the field review project scores and prioritized lists to FEMA who will begin coordination of the national review process.

- 3. National Review.** Following the field review, a National Review Panel (NRP) will convene with subject matter experts drawn from DHS and the Department of Transportation (DOT). The purpose of the National Review is to identify a final, prioritized list of eligible projects for funding. The NRP will conduct an initial review of the prioritized project listings for each port area submitted by the USCG's COTP to ensure that the proposed projects will accomplish intended risk mitigation goals. The NRP will validate and normalize the Field Review COTP Project Priority List and provide a master list of prioritized projects by port area.⁵

A risk-based algorithm will then be applied to the National Review Panel's validated, prioritized list for each port area in all groups. The algorithm considers the following factors to produce a comprehensive national priority ranking of port security proposals:

- Relationship of the project to one or more of the national port security priorities
- Relationship of the project to the local port security priorities
- COTP ranking (based on each COTP's prioritized list of projects)
- Risk level of the port area in which the project would be located (based on a comprehensive risk analysis performed by DHS)

The NRP will be asked to evaluate and validate the consolidated and ranked project list resulting from application of the algorithm and submit their determinations to FEMA.

C. Anticipated Announcement and Award Dates

FEMA will evaluate and act on applications within 60 days following close of the application period, consistent with the *Department of Homeland Security Appropriations Act, 2010* (Public Law 111-83). Awards will be made on or before September 30, 2010.

⁵ The NRP will have the ability to recommend partial funding for individual projects and eliminate others that are determined to be duplicative or require a sustained Federal commitment to fully realize the intended risk mitigation. The NRP will also validate proposed project costs. Decisions to reduce requested funding amounts or eliminate requested items deemed inappropriate under the scope of the FY 2010 PSGP will take into consideration the ability of the revised project to address the intended national port security priorities and achieve the intended risk mitigation goal. Historically, the PSGP has placed a high priority on providing full project funding rather than partial funding.

PART VI.

AWARD ADMINISTRATION INFORMATION

A. Notice of Award

Upon approval of an application, the grant will be awarded to the grant recipient. The date that this is done is the “award date.” Notification of award approval is made through the Grants Management System (GMS). Once an award has been approved, a notice is sent to the authorized grantee official. Follow the directions in the notification to accept your award documents. The authorized grantee official should carefully read the award and special condition documents. If you do not receive a notification, please contact your FEMA Program Analyst for your award number. Once you have the award number, contact the GMS Help Desk at (888) 549-9901, option three, to obtain the username and password associated with the new award.

The period of performance is 36 months and begins on the Project Period/Budget Period start date listed in the award package. Any unobligated funds will be de-obligated at the end of the close-out period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. All extension requests must be submitted to FEMA at least 60 days prior to the expiration of the grant period of performance. The justification must address:

- Reason for delay;
- Current status of the activity/activities;
- Approved period of performance termination date and new project completion date;
- Remaining available funds, both Federal and non-Federal;
- Budget outlining how remaining Federal and non-Federal funds will be expended;
- Plan for completion including milestones and timeframe for achieving each milestone and the position/person responsible for implementing the plan for completion; and
- Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA.

B. Administrative and National Policy Requirements

The recipient and any sub-recipient(s) must, in addition to the assurances made as part of the application, comply and require each of its subcontractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders, OMB circulars, terms and conditions of the award, and the approved application.

1. Standard Financial Requirements. The grantee and any subgrantee(s) shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

1.1 – Administrative Requirements.

- 44 CFR Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*
- 2 CFR Part 215, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* (formerly OMB Circular A-110)

1.2 – Cost Principles.

- 2 CFR Part 225, *Cost Principles for State, Local, and Indian tribal Governments* (formerly OMB Circular A-87)
- 2 CFR Part 220, *Cost Principles for Educational Institutions* (formerly OMB Circular A-21)
- 2 CFR Part 230, *Cost Principles for Non-Profit Organizations* (formerly OMB Circular A-122)
- Federal Acquisition Regulations (FAR), Part 31.2 *Contract Cost Principles and Procedures, Contracts with Commercial Organizations*

1.3 – Audit Requirements.

- OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*

1.4 – Duplication of Benefits. There may not be a duplication of any Federal assistance, per 2 CFR Part 225, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and FAR Part 31.2.

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

FEMA uses the FEMA Payment and Reporting System (PARS) for payments made under this program, <https://isource.fema.gov/sf269/> (Note: link connects to Federal Financial Report [SF-425]).

2.1 – Advance Payment. In accordance with Treasury regulations at 31 CFR Part 205, the Recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds (see 44 CFR Part 13.21(c)) regarding payment of interest earned on advances. In order to

request an advance, the Recipient must maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds from DHS and expenditure and disbursement by the recipient. When these requirements are not met, the recipient will be required to be on a reimbursement for costs incurred method.

2.2 – Forms. In order to download the Standard Form 1199A, the Recipient may use the following Internet site: <http://www.fms.treas.gov/ef/1199a.pdf>.

NOTE: FUNDS WILL NOT BE AUTOMATICALLY TRANSFERRED UPON ISSUANCE OF THE GRANT. GRANTEES MUST SUBMIT A REQUEST FOR ADVANCE/REIMBURSEMENT IN ORDER FOR THE FUNDS TO BE TRANSFERRED TO THE GRANTEE’S ACCOUNT.

3. Non-supplanting Requirement. Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants or grantees may be required to supply documentation certifying that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

4. Technology Requirements.

4.1 – National Information Exchange Model (NIEM). FEMA requires all grantees to use the latest NIEM specifications and guidelines regarding the use of Extensible Markup Language (XML) for all grant awards. Further information about the required use of NIEM specifications and guidelines is available at <http://www.niem.gov>.

4.2 – Geospatial Guidance. Geospatial technologies capture, store, analyze, transmit, and/or display location-based information (i.e., information that can be linked to a latitude and longitude). FEMA encourages grantees to align any geospatial activities with the guidance available on the FEMA website at <http://www.fema.gov/grants>.

4.3 – 28 CFR Part 23 Guidance. FEMA requires that any information technology system funded or supported by these funds comply with 28 CFR Part 23, *Criminal Intelligence Systems Operating Policies*, if this regulation is determined to be applicable.

4.4 – Best Practices for Government Use of CCTV. DHS recommends that grantees seeking funds to purchase and install closed circuit television (CCTV) systems, or funds to provide support for operational CCTV systems, review and utilize the guidance in *Best Practices for Government Use of CCTV: Implementing the Fair Information Practice Principles* available on the DHS Privacy Office website at http://www.dhs.gov/xlibrary/assets/privacy/privacy_rpt_cctv_2007.pdf.

5. Administrative Requirements.

5.1 – Freedom of Information Act (FOIA). FEMA recognizes that much of the information submitted in the course of applying for funding under this program or provided in the course of its grant management activities may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the *Freedom of Information Act (FOIA)*, 5 U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office, and may likely fall within one or more of the available exemptions under the Act. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment, and strategic planning process. The grantee should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information.

5.2 – Protected Critical Infrastructure Information (PCII). The PCII Program, established pursuant to the *Critical Infrastructure Act of 2002* (Public Law 107-296) (CII Act), created a framework which enables members of the private sector, States, local jurisdictions, and tribal nations to voluntarily submit sensitive information regarding critical infrastructure to DHS. The Act provides statutory protection from public disclosure and civil litigation for CII that is validated as PCII. When validated as PCII, the information can only be shared with Government employees who complete the training requirement, who have homeland security duties, and a need to know.

PCII accreditation is a formal recognition that the covered government entity has the capacity and capability to receive and store PCII appropriately. DHS encourages all States, local jurisdictions, and tribal nations to pursue PCII accreditation to cover their government agencies. Accreditation activities include signing a memorandum of agreement (MOA) with DHS, appointing a PCII Officer and developing a standard operating procedure for handling PCII. For additional information about PCII or the accreditation process, please contact the DHS PCII Program Office at pcii-info@dhs.gov.

5.3 – Compliance with Federal civil rights laws and regulations. The grantee is required to comply with Federal civil rights laws and regulations. Specifically, the grantee is required to provide assurances as a condition for receipt of Federal funds that its programs and activities comply with the following:

- *Title VI of the Civil Rights Act of 1964*, as amended, 42 U.S.C. §2000 et. seq. – Provides that no person on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with Limited English Proficiency (LEP). (42 U.S.C. §2000d et seq.)

- *Title IX of the Education Amendments of 1972*, as amended, 20 U.S.C. §1681 et. seq. – Provides that no person, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.
- *Section 504 of the Rehabilitation Act of 1973*, as amended, 29 U.S.C. §794 – Provides that no otherwise qualified individual with a disability in the United States, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or subject to discrimination in any program or activity receiving Federal financial assistance.
- *The Age Discrimination Act of 1975*, as amended, 20 U.S.C. §6101 et. seq. – Provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes. The grantee is also required to submit information, as required, to the DHS Office for Civil Rights and Civil Liberties concerning its compliance with these laws and their implementing regulations.

5.4 – Services to Limited English Proficient (LEP) persons. Recipients of FEMA financial assistance are required to comply with several Federal civil rights laws, including Title VI of the *Civil Rights Act of 1964*, as amended. These laws prohibit discrimination on the basis of race, color, religion, natural origin, and sex in the delivery of services. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The grantee is encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. For additional information, see <http://www.lep.gov>.

5.5 – Certifications and Assurances. Certifications and assurances regarding the following apply:

- *Lobbying.* 31 U.S.C. §1352, *Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions* – Prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement,

contract, or loan. FEMA and DHS have codified restrictions upon lobbying at 44 CFR Part 18 and 6 CFR Part 9. (Refer to form included in application package.)

- *Drug-free Workplace Act*, as amended, 41 U.S.C. §701 et seq. – Requires the recipient to publish a statement about its drug-free workplace program and give a copy of the statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. Also, place(s) where work is being performed under the award (i.e., street address, city, state and zip code) must be maintained on file. The recipient must notify the Grants Officer of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. For additional information, see 44 CFR Part 17.
- *Debarment and Suspension* – Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarring or suspending those persons that deal in an irresponsible manner with the Federal government. The recipient must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see 44 CFR Part 17.
- *Federal Debt Status* – The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (OMB Circular A-129) (Refer to SF 424, item number 17)
- *Hotel and Motel Fire Safety Act of 1990* – In accordance with section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, 15 U.S.C. §2225.

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes.

5.6 – Integrating individuals with disabilities into emergency planning.

Section 504 of the *Rehabilitation Act of 1973*, as amended, prohibits discrimination against people with disabilities in all aspects of emergency mitigation, planning, response, and recovery by entities receiving financial funding from FEMA. In addition, Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness* signed in July 2004, requires the Federal Government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism. Executive Order 13347 requires the Federal government to encourage consideration of the needs of individuals with

disabilities served by State, local, and tribal governments in emergency preparedness planning.

FEMA has several resources available to assist emergency managers in planning and response efforts related to people with disabilities and to ensure compliance with Federal civil rights laws:

- **Comprehensive Preparedness Guide 301 (CPG-301): Interim Emergency Management Planning Guide for Special Needs Populations.** CPG-301 is designed to aid State, tribal, local, and territorial governments in planning for individuals with special needs. CPG-301 outlines special needs considerations for: Developing Informed Plans; Assessments and Registries; Emergency Public Information/Communication; Sheltering and Mass Care; Evacuation; Transportation; Human Services/Medical Management; Congregate Settings; Recovery; and Training and Exercises. CPG-301 is available at <http://www.fema.gov/pdf/media/2008/301.pdf>.
- **Guidelines for Accommodating Individuals with Disabilities in Disaster.** The Guidelines synthesize the array of existing accessibility requirements into a user friendly tool for use by response and recovery personnel in the field. The Guidelines are available at <http://www.fema.gov/oe/reference/>.
- **Disability and Emergency Preparedness Resource Center.** A web-based “Resource Center” that includes dozens of technical assistance materials to assist emergency managers in planning and response efforts related to people with disabilities. The “Resource Center” is available at <http://www.disabilitypreparedness.gov>.
- **Lessons Learned Information Sharing (LLIS) resource page on Emergency Planning for Persons with Disabilities and Special Needs.** A true one-stop resource shop for planners at all levels of government, non-governmental organizations, and private sector entities, the resource page provides more than 250 documents, including lessons learned, plans, procedures, policies, and guidance, on how to include citizens with disabilities and other special needs in all phases of the emergency management cycle.

LLIS.gov is available to emergency response providers and homeland security officials from the Federal, State, and local levels. To access the resource page, log onto <http://www.LLIS.gov> and click on *Emergency Planning for Persons with Disabilities and Special Needs* under *Featured Topics*. If you meet the eligibility requirements for accessing LLIS.gov, you can request membership by registering online.

5.7 – Environmental Planning and Historic Preservation (EHP) Compliance.

FEMA is required to consider the potential impacts to the human and natural environment of projects proposed for FEMA grant funding. FEMA, through its

EHP Program, engages in a review process to ensure that FEMA-funded activities comply with various Federal laws including: *National Environmental Policy Act*, *National Historic Preservation Act*, *Endangered Species Act*, the *Clean Water Act*, and Executive Orders on Floodplains (11988), Wetlands (11990), and Environmental Justice (12898). The goal of these compliance requirements is to protect our Nation's water, air, coastal, wildlife, agricultural, historical, and cultural resources, as well as to minimize potential adverse effects to low-income and minority populations.

The grantee shall provide all relevant information to FEMA's Grant Programs Directorate (GPD) to ensure compliance with applicable Federal EHP requirements. Any project with the potential to impact natural or biological resources or historic properties cannot be initiated until FEMA has completed the required EHP review. In addition to a detailed project description that describes what is to be done with the grant funds, how it will be done, and where it will be done, grantees shall provide detailed information about the project (where applicable), including, but not limited to, the following:

- Project location (i.e., exact street address or map coordinates)
- Total extent of ground disturbance and vegetation clearing
- Extent of modification of existing structures
- Construction equipment to be used, staging areas, etc.
- Year that any affected buildings or structures were built
- Natural, biological, and/or cultural resources present within the project area and vicinity, including wetlands, floodplains, geologic resources, threatened or endangered species, or National Register of Historic Places listed or eligible properties, etc.
- Visual documentation such as good quality, color and labeled site and facility photographs, project plans, aerial photos, maps, etc.
- Alternative ways considered to implement the project (not applicable to procurement of mobile and portable equipment)

For projects that have the potential to impact sensitive resources, FEMA must consult with other Federal, State, and tribal agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Offices, and the U.S. Army Corps of Engineers, as well as other agencies and organizations responsible for the protection and/or management of natural and cultural resources, including Federally-recognized Indian tribes, Tribal Historic Preservation Offices, and the Department of the Interior, Bureau of Indian Affairs. For projects with the potential to have adverse effects on the environment and/or historic properties, FEMA's EHP review process and consultation may result in a substantive agreement between the involved parties outlining how the grantee will avoid the effects, minimize the effects, or, if necessary, compensate for the effects. Grantees who are proposing communication tower projects are encouraged to complete their Federal Communications Commission (FCC) EHP process prior to preparing their EHP review materials for GPD, and to include their FCC EHP materials with their submission to GPD. Completing the FCC process first and

submitting all relevant EHP documentation to GPD will help expedite FEMA's review.

Because of the potential for adverse effects to EHP resources or public controversy, some projects may require an additional assessment or report, such as an Environmental Assessment, Biological Assessment, archaeological survey, cultural resources report, wetlands delineation, or other document, as well as a public comment period. Grantees are responsible for the preparation of such documents, as well as for the implementation of any treatment or mitigation measures identified during the EHP review that are necessary to address potential adverse impacts. Grantees may use grant funds toward the costs of preparing such documents. The use of grant funds for mitigation or treatment measures that are not typically allowable expenses will be considered on a case-by-case basis. Failure of the grantee to meet Federal, State, local, and territorial EHP requirements, obtain required permits, and comply with any conditions that may be placed on the project as the result of FEMA's EHP review may jeopardize Federal funding.

Recipients shall not undertake any project without the prior approval of GPD, and must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project description will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify their GPD Program Analyst, and the appropriate State Historic Preservation Office. Any projects that have been initiated prior to approval will result in a non-compliance finding and will not be eligible for funding.

For more information on FEMA's EHP requirements, grantees should refer to FEMA's Information Bulletin #329, *Environmental Planning and Historic Preservation Requirements for Grants*, available at <http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf>. Additional information and resources can also be found at <http://www.fema.gov/plan/ehp/ehp-applicant-help.shtm>.

5.8 – Royalty-free License. Applicants are advised that FEMA reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (a) the copyright in any work developed under an award or sub-award; and (b) any rights of copyright to which an award recipient or sub-recipient purchases ownership with Federal support. Award recipients must agree to consult with FEMA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

5.9 – FEMA GPD Publications Statement. Applicants are advised that all publications created with funding under any grant award shall prominently contain the following statement: "This document was prepared under a grant from the Federal Emergency Management Agency's Grant Programs Directorate

(FEMA/GPD) within the U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA/GPD or the U.S. Department of Homeland Security."

5.10 – Equipment Marking. Awardees may consider marking equipment in the following manner, "Purchased with funds provided by the U.S. Department of Homeland Security," in order to facilitate their own audit processes, as well as Federal audits and monitoring visits, which may result from receiving Federal funding. Equipment maintenance requirements are outlined in 44 CFR Part 13.32.

5.11 – Disadvantaged Business Requirement. Applicants are advised that, to the extent that recipients of a grant use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.

5.12 – National Preparedness Reporting Compliance. *The Government Performance and Results Act of 1993* (Public Law 103-62) (GPRA) requires that the Department collect and report performance information on all programs. For grant programs, the prioritized Investment Justifications and their associated milestones provide an important tool for assessing grant performance and complying with these national preparedness reporting requirements. FEMA will work with grantees to develop tools and processes to support this requirement. FEMA anticipates using this information to inform future-year grant program funding decisions. Award recipients must agree to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within their grant agreement. This includes any assessments, audits, or investigations conducted by DHS, the Office of the Inspector General, or the U.S. Government Accountability Office (GAO).

C. Reporting Requirements

Reporting requirements must be met throughout the life of the grant (refer to the program guidance and the special conditions found in the award package for a full explanation of these requirements). Any reports or documents prepared as a result of this grant shall be in compliance with Federal "plain English" policies, directives, etc. Please note that PARS contains edits that will prevent access to funds if reporting requirements are not met on a timely basis.

- 1. Federal Financial Report (FFR) – required quarterly.** Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425), which is due within 30 days of the end of each calendar quarter (e.g., for the quarter ending March 31, the FFR is due no later than April 30). A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and fund draw

downs may be withheld if these reports are delinquent. The final FFR is due 90 days after the end date of the performance period.

OMB has directed that the FFR SF-425 replace the use of the SF-269, SF-269A, SF-272, and SF-272A, which are no longer available as of October 1, 2009. The SF-425 is intended to provide Federal agencies and grant recipients with a standard format and consistent reporting requirements throughout the government.

FFRs **must be filed online** through PARS.

Reporting periods and due dates:

- October 1 – December 31; *Due January 30*
- January 1 – March 31; *Due April 30*
- April 1 – June 30; *Due July 30*
- July 1 – September 30; *Due October 30*

- 2. Semi-Annual Assistance Progress Report (SAPR).** Following an award, the awardees will be responsible for providing updated obligation and expenditure information on a semi-annual basis. The applicant is responsible for completing and submitting the SAPR reports.

The SAPR is due within 30 days after the end of the reporting period (July 30 for the reporting period of January 1 through June 30; and January 30 for the reporting period of July 1 through December 31). Future awards and fund drawdowns may be withheld if these reports are delinquent.

SAPRs must be filed online at <https://grants.ojp.usdoj.gov>. Guidance and instructions can be found at <https://grants.ojp.usdoj.gov/gmsHelp/index.html>.

Required submission: SAPR (due semi-annually).

- 3. Exercise Evaluation and Improvement.** Exercises, implemented with grant funds, should be capabilities and performance-based and should evaluate performance of the targeted capabilities required to respond to the exercise scenario. Guidance related to exercise evaluation and the implementation of improvements is defined in the Homeland Security Exercise and Evaluation Program located at <https://hseep.dhs.gov>. Grant recipients must report on scheduled exercises and ensure that an After Action Report (AAR) and Improvement Plan (IP) are prepared for each exercise conducted with FEMA support (grant funds or direct support) and submitted to the FEMA Grants and Preparedness Community of Interest (COI) on the Homeland Security Information Network (HSIN) within 90 days following completion of the exercise.

The AAR documents the demonstrated performance of targeted capabilities and identifies recommendations for improvements. The IP outlines an exercising jurisdiction(s) plan to address the recommendations contained in the AAR. At a minimum, the IP must identify initial action items and be included in the final AAR. Guidance for the development of AARs and IPs is provided in the HSEEP manual.

Required submissions: AARs and IPs (as applicable).

- 4. Financial and Compliance Audit Report.** Recipients that expend \$500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO's *Government Auditing Standards*, located at <http://www.gao.gov/govaud/ybk01.htm>, and *OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations*, located at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY 2010 PSGP assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

The State shall require that sub-grantees comply with the audit requirements set forth in *OMB Circular A-133*. Recipients are responsible for ensuring that sub-recipient audit reports are received and for resolving any audit findings.

- 5. Monitoring.** Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met. Programmatic monitoring may also include the Regional Federal Preparedness Coordinators, when appropriate, to ensure consistency of project investments with regional and national goals and policies, as well as to help synchronize similar investments ongoing at the Federal, State, and local levels.

Monitoring will be accomplished through a combination of desk-based reviews and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

- 6. Grant Close-Out Process.** Within 90 days after the end of the period of performance, grantees must submit a final FFR and final SAPR detailing all accomplishments throughout the project. After these reports have been reviewed and approved by FEMA, a close-out notice will be completed to close out the grant.

The notice will indicate the project 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. The grantee is responsible for returning any funds that have been drawn down but remain as unliquidated on grantee financial records.

Required submissions: (1) final SF-425, due 90 days from end of grant period; and (2) final SAPR, due 90 days from the end of the grant period.

PART VII.

FEMA CONTACTS

This section describes several resources that may help applicants in completing a FEMA grant application.

- 1. Centralized Scheduling and Information Desk (CSID).** CSID is a non-emergency comprehensive management and information resource developed by DHS for grants 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. CSID can be reached by phone at (800) 368-6498 or by e-mail at ASKCSID@dhs.gov, Monday through Friday, 8:00 a.m. – 6:00 p.m. (EST).
- 2. Grant Programs Directorate (GPD).** FEMA GPD will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation. Additional guidance and information can be obtained by contacting the FEMA Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov.
- 3. National Exercise Division (NED).** The NED within the FEMA National Preparedness Directorate maintains program management for the Homeland Security Exercise and Evaluation Program (HSEEP). All questions pertaining to HSEEP may be addressed to hseep@fema.gov or contact the NED at (202) 786-9873.
- 4. Homeland Security Preparedness Technical Assistance Program (HSPTAP) and Planning Support.** The HSPTAP provides direct support assistance on a first-come, first-served basis (and subject to the availability of funding) to eligible organizations to enhance their capacity and preparedness to prevent, protect against, respond to, and recover from terrorist and all hazard threats. In addition to the risk assessment assistance already being provided, FEMA also offers a variety of other direct support assistance programs.

The HSPTAP also provides access to planning support. The planning support aids jurisdictions by increasing their understanding of the complex issues faced in planning for various hazards and threats. This support includes leveraging subject-matter experts from around the country as well as enabling knowledge transfer from jurisdiction to jurisdiction.

More information can be found at http://www.fema.gov/about/divisions/pppa_ta.shtm or by e-mailing FEMA-TARequest@fema.gov or NPD-planning@dhs.gov.

5. Lessons Learned Information Sharing (LLIS) System. LLIS is a national, online, secure website that houses a collection of peer-validated lessons learned, best practices, and other relevant homeland security documents. LLIS facilitates improved preparedness nationwide by providing response professionals with access to a wealth of validated front-line expertise on effective planning, training, equipping, and operational practices for homeland security.

The LLIS website also includes a national directory of homeland security officials, as well as an updated list of homeland security exercises, events, and conferences. Additionally, LLIS includes online collaboration tools, including secure email and message boards, where users can exchange information. LLIS uses strong encryption and active site monitoring to protect all information housed on the system. The LLIS website can be found at: <http://www.LLIS.gov>.

6. Information Bulletins. Information Bulletins (IBs) provide important updates, clarifications, and policy statements related to FEMA preparedness grant programs. Grantees should familiarize themselves with the relevant publications. Information Bulletins can be found at: <http://www.fema.gov/government/grant/bulletins/index.shtm>.

7. Information Sharing Systems. FEMA encourages all State, regional, local, and tribal entities using FY 2010 funding in support of information sharing and intelligence fusion and analysis centers to leverage available Federal information sharing systems, including Law Enforcement Online (LEO) and the Homeland Security Information Network (HSIN). For additional information on LEO, contact the LEO Program Office at leoprogramoffice@leo.gov or (202) 324-8833. For additional information on HSIN and available technical assistance, contact the HSIN Help Desk at (703) 674-3003.

8. U.S. General Services Administration's (GSA's) State and Local Purchasing Programs. The GSA offers two efficient and effective procurement programs for State and local governments to purchase products and services to fulfill homeland security and other technology needs. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term, indefinite delivery, indefinite quantity, government-wide contracts with commercial firms of all sizes.

- Cooperative Purchasing Program
Cooperative Purchasing, authorized by statute, allows State and local governments to purchase a variety of supplies (products) and services under specific GSA Schedule contracts to save time, money, and meet their everyday needs and missions.

The Cooperative Purchasing program allows State and local governments to purchase alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services off of Schedule 84 and Information Technology products and professional services off of Schedule 70 and the Consolidated Schedule (containing IT Special Item

Numbers) **only**. Cooperative Purchasing for these categories is authorized under Federal law by the *Local Preparedness Acquisition Act* (Public Law 110-248) and Section 211 of the *E-Government Act of 2002* (Public Law 107-347).

Under this program, State and local governments have access to GSA Schedule contractors who have voluntarily modified their contracts to participate in the Cooperative Purchasing program. The GSA provides a definition of State and local governments as well as other vital information under the frequently asked questions section on its website at:

<http://www.gsa.gov/cooperativepurchasing>.

- Disaster Recovery Purchasing Program

GSA plays a critical role in providing disaster recovery products and services to Federal agencies. Now State and local governments can also benefit from the speed and savings of the GSA Federal Supply Schedules. Section 833 of the *John Warner National Defense Authorization Act for Fiscal Year 2007* (Public Law 109-364) amends 40 U.S.C. §502 to authorize GSA to provide State and local governments the use of ALL GSA Federal Supply Schedules for purchase of products and services to be used to facilitate recovery from a major disaster declared by the President under the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack.

Products and services being purchased to facilitate recovery from one of the above listed events, may be purchased both in advance of and in the aftermath of a major disaster, as long as the products and services being purchased, will be used to facilitate recovery.

GSA provides additional information on the Disaster Recovery Purchasing Program website at <http://www.gsa.gov/disasterrecovery>.

State and local governments can find a list of contractors on GSA's website, <http://www.gsa/library.gsa.gov>, denoted with a  or symbol.

Assistance is available from GSA on the Cooperative Purchasing and Disaster Purchasing Program at the local and national levels. For assistance at the local level, visit <http://www.gsa.gov/csd> to find a local customer service director in your area. For assistance at the national level, contact Tricia Reed at tricia.reed@gsa.gov or (571) 259-9921. More information is available on all GSA State and local programs at: www.gsa.gov/stateandlocal.

PART VIII. OTHER INFORMATION

A. Investment Justification Template

Investment Heading	
Port Area	
State	
Applicant Organization	
Investment Name	
Investment Amount	\$

I. Background

Note: This section only needs to be completed once per application, regardless of the number of Investments proposed. The information in this section provides background and context for the Investment(s) requested, but does not represent the evaluation criteria used by DHS for rating individual Investment proposals.

I. Provide an overview of the port area, MTSA regulated facility, or MTSA regulated vessel	
Response Type	Narrative
Page Limit	Not to exceed 1 page
Response Instructions	<ul style="list-style-type: none"> • Area of Operations: <ul style="list-style-type: none"> ○ Identify COTP Zone ○ Identify eligible port area ○ Identify exact location of project site (i.e. physical address of facility being enhanced) ○ Identify who the infrastructure (project site) is owned or operated by, if not by your own organization • Point(s) of contact for organization (include contact information): <ul style="list-style-type: none"> ○ Identify the organization's Authorizing Official for entering into grant agreement, including contact information (include sub-grantee entering agreement within Group 1 and 2 port areas under FA process) ○ Identify the organization's primary point of contact for management of the project(s) • Ownership or Operation: <ul style="list-style-type: none"> ○ Identify whether the applicant is: (1) a private entity; (2) a state or local agency; or (3) a consortium composed of local stakeholder groups (i.e., river groups, ports, or terminal associations) representing federally regulated ports, terminals, US inspected passenger vessels or ferries. • Role in providing layered protection of regulated entities (applicable to State or local agencies, consortia and associations only): <ul style="list-style-type: none"> ○ Describe your organization's specific roles, responsibilities and activities in delivering layered protection • Important features: <ul style="list-style-type: none"> ○ Describe any operational issues you deem important to the consideration of your application (e.g., interrelationship of your operations with other eligible high-risk ports, etc.) • Ferry systems required data: <ul style="list-style-type: none"> • Infrastructure • Ridership data • Number of passenger miles

	<ul style="list-style-type: none"> • Number of vehicles per vessel, if any • Types of service and other important features • System map • Geographical borders of the system and the cities and counties served <p>Other sources of funding being leveraged for security enhancements</p>
Response	

II. Strategic and Program Priorities

II.A. Provide a brief abstract of the Investment list just ONE investment.	
Response Type	Narrative
Page Limit	Not to exceed 1/2 page
Response Instructions	Provide a succinct statement summarizing this Investment
Response	

II.B. Describe how the Investment will address one or more of the PSGP priorities and Area Maritime Security Plan or COTP Priorities (how it corresponds with PRMP for Group I and II)	
Response Type	Narrative
Page Limit	Not to exceed 1/2 page
Response Instructions	<ul style="list-style-type: none"> • Describe how, and the extent to which, the investment addresses: <ul style="list-style-type: none"> ○ Enhancement of Maritime Domain Awareness ○ Enhancement of IED and CBRNE prevention, protection, response and recovery capabilities ○ Training and exercises ○ Efforts supporting the implementation of TWIC • Area Maritime Security Plan and/or Captain of the Port Priorities
Response	

III. Impact

III.A. Describe how the project offers the highest risk reduction potential at the least cost.	
Response Type	Narrative
Page Limit	Not to exceed 1/2 page
Response Instructions	<ul style="list-style-type: none"> • Discuss how the project will reduce risk in a cost effective manner <ul style="list-style-type: none"> ○ Discuss how this investment will reduce risk (e.g., reduce vulnerabilities or mitigate the consequences of an event) by addressing the needs and priorities identified in earlier analysis and review.
Response	

III.B. Describe current capabilities similar to this Investment	
Response Type	Narrative
Page Limit	Not to exceed 1/2 page
Response Instructions	<ul style="list-style-type: none"> • Describe how many agencies within the port have existing equipment that are the same or have similar capacity as the proposed project • Include the number of existing capabilities within the port that are identical or equivalent to the proposed project
Response	

IV. Funding & Implementation Plan

- Complete the IV.A. to identify the amount of funding you are requesting for this investment only
- Funds should be requested by allowable cost categories as identified below
- Applicants must make funding requests that are reasonable and justified by direct linkages to activities outlined in this particular Investment

The following template illustrates how the applicants should indicate the amount of FY 2010 PSGP funding required for the investment and how these funds will be allocated across the cost elements.

IV.A. Investment Funding Plan	FY 2010 PSGP Request Total	Match (Optional)	Grand Total
<i>Maritime Domain Awareness</i>			
<i>IED and CBRNE Prevention, Protection, Response and Recovery Capabilities</i>			
<i>Training</i>			
<i>Exercises</i>			
<i>TWIC Implementation</i>			
<i>Operational Packages (OPacks)</i>			
<i>M&A</i>			
Total			

IV.B. Provide a high-level timeline, milestones and dates, for the implementation of this Investment such as stakeholder engagement, planning, major acquisitions or purchases, training, exercises, and process/policy updates. Up to 10 milestones may be provided.	
Response Type	Narrative
Page Limit	Not to exceed 1 page
Response Instructions	<ul style="list-style-type: none"> • Only include major milestones that are critical to the success of the Investment • Milestones are for this discrete Investment – those that are covered by the requested FY 2010 PSGP funds and will be completed over the 36-month grant period starting from the award date, giving consideration for review and approval process up to 12 months (estimate 24 month project period) • Milestones should be kept to high-level, major tasks that will need to occur (i.e. Design and development, begin procurement process, site preparations, installation, project completion, etc.) • List any relevant information that will be critical to the successful completion of the milestone (such as those examples listed in the question text above) <p><i>Note: Investments will be evaluated on the expected impact on security relative to the amount of the investment (i.e., cost effectiveness). An itemized Budget Detail Worksheet and Budget Narrative must also be completed for this investment. See following section for a sample format</i></p>
Response	

B. Sample Budget Detail Worksheet

Purpose. The Budget Detail Worksheet may be used as a guide to assist applicants in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using this form or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.

A. Personnel. List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computation	Cost
		\$
Total Personnel		\$

B. Fringe Benefits. Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project.

Name/Position	Computation	Cost
		\$
Total Fringe Benefits		\$

C. Travel. Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

Purpose of Travel	Location	Item	Computation	Cost
				\$
Total Travel				\$

D. Equipment. List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than one year. (Note: Organization's own capitalization policy and threshold amount for classification of equipment may be used). Expendable items should be included either in the "Supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Budget Narrative: Provide a narrative budget justification for each of the budget items identified.

Item	Computation	Cost
		\$
Total Equipment		\$

E. Supplies. List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand held tape recorders) and show the basis for computation. (Note: Organization’s own capitalization policy and threshold amount for classification of supplies may be used). Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
		\$
Total Supplies		\$

F. Consultants/Contracts. Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project.

Budget Narrative: Provide a narrative budget justification for each of the budget items identified.

Name of Consultant	Service Provided	Computation	Cost
			\$
Subtotal – Consultant Fees			\$

Consultant Expenses: List all expenses to be paid from the grant to the individual consultant in addition to their fees (i.e., travel, meals, lodging, etc.)

Budget Narrative: Provide a narrative budget justification for each of the budget items identified.

Item	Location	Computation	Cost
			\$
Subtotal – Consultant Expenses			\$

Contracts: Provide a description of the product or services to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Budget Narrative: Provide a narrative budget justification for each of the budget items identified.

Item	Cost
	\$
Subtotal – Contracts	\$

Total Consultants/Contracts \$

G. Other Costs. List items (e.g., reproduction, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, and provide a monthly rental cost and how many months to rent.

Budget Narrative: Provide a narrative budget justification for each of the budget items identified.

Important Note: If applicable to the project, construction costs should be included in this section of the Budget Detail Worksheet.

Description	Computation	Cost
		\$
Total Other		\$

H. Indirect Costs. Indirect costs are allowed only if the applicant has a federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
		\$
Total Indirect Costs		\$

Budget Summary - When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal funds requested and the amount of non-Federal funds that will support the project.

Budget Category	Federal Amount	Non-Federal Amount
A. Personnel	\$	\$
B. Fringe Benefits	\$	\$
C. Travel	\$	\$
D. Equipment	\$	\$
E. Supplies	\$	\$
F. Consultants/Contracts	\$	\$
G. Other	\$	\$
H. Indirect Costs	\$	\$

Total Requested Federal Amount	Total Non-Federal Amount
\$	\$
Combined Total Project Costs	
\$	

C. Sample MOU/MOA Template

Memorandum of Understanding / Agreement Between [provider of layered security] and [recipient of layered security] Regarding [provider of layered security's] use of port security grant program funds

- 1. PARTIES.** The parties to this Agreement are the [Provider of Layered Security] and the [Recipient of security service].
- 2. AUTHORITY.** This Agreement is authorized under the provisions of [applicable Area Maritime Security Committee authorities and/or other authorities].
- 3. PURPOSE.** The purpose of this Agreement is to set forth terms by which [Provider of security service] shall expend Port Security Grant Program project funding in providing security service to [Recipient of security service]. Under requested FY 2010 PSGP grant, the [Provider of security service] must provide layered security to [Recipient of security service] consistent with the approach described in an approved grant application.
- 4. RESPONSIBILITIES:** The security roles and responsibilities of each party are understood as follows:
 - (1). [Recipient of security service]
Roles and responsibilities in providing its own security at each MARSEC level
 - (2) [Provider of security service]
 - An acknowledgement by the facility that the applicant is part of their facility security plan.
 - The nature of the security that the applicant agrees to supply to the regulated facility (waterside surveillance, increased screening, etc).
 - Roles and responsibilities in providing security to [Recipient of security service] at each MARSEC level.
- 5. POINTS OF CONTACT.** [Identify the POCs for all applicable organizations under the Agreement; including addresses and phone numbers (fax number, e-mail, or internet addresses can also be included).]
- 6. OTHER PROVISIONS.** Nothing in this Agreement is intended to conflict with current laws or regulations of [applicable state] or [applicable local Government]. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
- 7. EFFECTIVE DATE.** The terms of this agreement will become effective on (EFFECTIVE DATE).
- 8. MODIFICATION.** This agreement may be modified upon the mutual written consent of the parties.
- 9. TERMINATION.** The terms of this agreement, as modified with the consent of both parties, will remain in effect until the grant end dates for an approved grant. Either party upon [NUMBER] days written notice to the other party may terminate this agreement.

APPROVED BY:

Organization and Title

(Date) (Date)

Signature

D. Other

The Domestic Nuclear Detection Office (DNDO)

The DNDO is responsible for developing the global nuclear detection architecture and acquiring and supporting the deployment of the domestic detection system to detect and report attempts to import or transport a nuclear device or fissile or radiological material, intended for illicit use. The DNDO is conducting both evolutionary (near-term) and transformational (long-term) research, development, test, and evaluation (RDT&E) programs to improve the Nation's capabilities for detection and identification of rad/nuc materials. By integrating RDT&E programs with operational support responsibilities, DNDO will ensure technologies are appropriately deployed, with training materials and well-developed operational response protocols. Working with Federal, State, local, and tribal partners, DNDO has piloted initial training programs and developed detection alarm protocols that can be customized for specific operational missions.

DNDO's activities support a layered defense incorporating a variety of detection capabilities to ensure the greatest probability of detection for radioactive substances entering and transported within the country. This layered detection strategy includes detection equipment and facilities that are specifically chosen based on the local operating environment.

While these technologies are a critical tool to combat terrorism, the nuclear threat is not one that can be effectively countered by technology alone. Accordingly, DNDO supports the development of preventative rad/nuc detection (PRND) capabilities across State, local and tribal entities through training, exercise support, equipment test reports, and information sharing capabilities. These resources include: providing technical reachback support to Federal, State, local and tribal operators; development of standardized training curricula and response protocols; conducting comprehensive assessments of existing technologies to inform application and acquisition; and the development of a national situational awareness and analysis capability through the Joint Analysis Center. Such resources can be used by State, local and tribal entities to build or enhance a comprehensive PRND program, or to develop specific PRND capabilities in areas such as commercial vehicle inspection, special events screening, small maritime craft monitoring, and fixed infrastructure protection.

Requirements Specific to For-Profit Entities

For-profit organizations are eligible to apply for funding under the PSGP. The following requirements apply specifically to for-profit entities receiving Federal funding from FEMA.

1. Recipients of PSGP funds must comply with the contract cost principles as defined in the Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations
2. For purposes of financial and procedural administration of the PSGP, recipients must comply with 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (OMB Circular A-110).

3. Recipient of PSGP funds agree that this award may be terminated in accordance with 2 CFR Part 215.61. If the Federal Government determines that a grant will be terminated, it will be carried out in accordance with the process specified in Part 49 of the FAR.
4. Recipients of PSGP funds may not make a profit as a result of this award or charge a management fee for the performance of this award.
5. Recipients of PSGP funds must have a financial audit and compliance audit performed by qualified individuals who are organizationally, personally, and externally independent from those who authorize the expenditure of federal funds. This audit must be performed in accordance with the United States General Accountability Office Government Auditing Standards. The audit threshold contained in OMB Circular A-133 applies. This audit must be performed on a program-wide basis to ascertain the effectiveness of financial management systems and internal procedures that have been established to meet the terms and conditions of the award. The management letter must be submitted with the audit report. Recipient audit reports must be submitted no later than nine (9) months after the close of each fiscal year during the term of the award. The distribution of audit reports shall be based on requirements in the current edition of 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110). Note: If your audit disclosed findings or recommendations, you must include with your audit report a corrective action plan containing the following: (1) The name and number of the contact person responsible for the corrective action plan; (2) specific steps taken to comply with the recommendations; (3) a timetable for performance or implementation dates for each recommendation; and (4) descriptions of monitoring to be conducted to ensure implementation.

Helpful Hints for Applicants

Are the following components included in the application package?

- Investment Justification(s) for projects
- Detailed Budget(s) containing only allowable costs
- Memorandum of Understanding/Memorandum of Agreement (if applicable)
- Any additional Required Attachments
- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information
- Standard Form 424B Assurances
- Standard Form 424C, Budget Information – Construction Form
- Standard Form 424D, Assurances – Construction Programs
- Lobbying Form – Certification Regarding Lobbying (this form must be completed by all grant applicants)
- Standard Form LLL, Disclosure of Lobbying Activities (if the grantee has engaged or intends to engage in lobbying activities)
- Certification Regarding Debarment, Suspension, and Other Responsibility Matters
- Certification Regarding Drug-Free Workplace Requirements

Are the following items addressed within the Investment Justification (IJ) narratives and detailed budgets?

- Do the IJ and the detailed budget include only allowable costs?
- Are all of the expenses in the detailed budget addressed in the IJ narrative? (for example, a camera equipment budget line item should be addressed in narrative form in the investment justification as it pertains to the overall security program)
- Does the information in the detailed budget align with the budget summary in the IJ narrative?
- Do the IJs clearly explain how the projects address one or more of the funding priorities?
- Do the IJs describe current capabilities similar to the proposed investments?
- Do the IJs detail the value that each investment has in reducing the risk?
- Is the cost effectiveness of each project clearly explained in the IJs? How do the projects provide a high security return on investment?
- Are timelines realistic and detailed?
- Does the M&A total no more than five percent (5%) of the total award?

Acronyms

ACCCP	Authorities, Capabilities, Capacities, Competencies, Partnerships
AMSC	Area Maritime Security Committee
AMSP	Area Maritime Security Plan
AOPs	All Other Ports
BCRTP	Business Continuity Resumption of Trade Plan
CBRNE	Chemical, Biological, Radiological, Nuclear, Explosive
CCP	Citizen Corps Program
CFR	Code of Federal Regulations
COTP	Captain of the Port
DHS	Department of Homeland Security
DNDO	Domestic Nuclear Detection Office
DOT	Department of Transportation
EHP	Environmental Planning and Historical Preservation
E.O	Executive Order
FA	Fiduciary Agent
FAQs	Frequently Asked Questions
FEMA	Federal Emergency Management Agency
FMSC	Federal Maritime Security Coordinator
FTA	Federal Transit Authority
FY	Fiscal Year
GPD	Grants Program Directorate
HP	HOMEPORT
HSIN	Homeland Security Information Network
HSEEP	Homeland Security Exercise and Evaluation Program
HSGP	Homeland Security Grant Program
HSPD	Homeland Security Presidential Directive
ICS	Incident Command System
IED	Improvised Explosive Device
IJ	Investment Justification
MARAD	Maritime Administration
M & A	Management and Administration
MDA	Maritime Domain Awareness
MMRS	Metropolitan Medical Response System
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MTSA	Maritime Transportation Security Act
NIPP	National Infrastructure Protection Plan
NPF	National Preparedness Framework
OPack	Operational Package
PARS	Payment and Reporting System
PrepPort	Preparedness Portal
PSGP	Port Security Grant Program
SAA	State Administrative Agency
SHSP	State Homeland Security Grant
TCL	Target Capabilities List
TSA	Transportation Security Administration
TWIC	Transportation Worker Identification Credential
UASI	Urban Areas Security Initiative
U.S.C	United States Code
USCG	United States Coast Guard
WMD	Weapons of Mass Destruction