

# The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2023 Port Security Grant Program

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Release Date: 2? 27, 2023

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Effective April 4, 2022, the Federal Government transitioned from using the Data Universal Numbering System or DUNS number, to a new, non-proprietary identifier known as a Unique Entity Identifier or UEI. For entities that have an active registration in SAM.gov prior to the April 4 date, the UEI has automatically been assigned and no action is necessary. For all entities filing a new registration in SAM.gov on or after April 4, 2022, the UEI will be assigned to that Entity as part of the SAM.gov registration process.

Unique Entity Identifier registration information is available on GSA.gov at: [Unique Entity Identifier Update | GSA.](#)

Grants.gov registration information can be found at: <https://www.grants.gov/web/grants/register.html>. Detailed information regarding UEI and SAM is also provided in Section D of this NOFO.

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## **A. Program Description**

### **1. Issued By**

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD)

### **2. Assistance Listings Number**



**FEMA**

97.056

### **3. Assistance Listings Title**

Port Security Grant Program

### **4. Funding Opportunity Title**

Fiscal Year 2023 Port Security Grant Program (PSGP)

### **5. Funding Opportunity Number**

DHS-23-GPD-056-00-01

### **6. Authorizing Authority for Program**

Section 102 of the Maritime Transportation Security Act of 2002 (Pub. L. No. 107-295, as amended) (46 U.S.C. § 70107)

### **7. Appropriation Authority for Program**

*Consolidated Appropriations Act, 2023* (Pub. L. No. 117-328)

### **8. Announcement Type**

Initial

### **9. Program Category**

Preparedness: Infrastructure Security

### **10. Program Overview, Objectives and Priorities**

#### **a. Overview**

The Fiscal Year (FY) 2023 Port Security Grant Program (PSGP) is one of four grant programs that constitute DHS/FEMA's focus on transportation infrastructure security activities. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by the Administration to help strengthen the nation's critical infrastructure against risks associated with potential



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terrorist attacks. The PSGP provides funds to state, local, and private sector maritime partners to support increased port-wide risk management and protect critical surface transportation infrastructure from acts of terrorism, major disasters, and other emergencies. Among the five basic homeland security missions noted in the [DHS Strategic Plan for Fiscal Years 2020-2024](#), the PSGP supports the goal to Strengthen Preparedness and Resilience.

The [2022-2026 FEMA Strategic Plan](#) outlines three bold, ambitious goals in order to position FEMA to address the increasing range and complexity of disasters, support the diversity of communities we serve, and complement the nation's growing expectations of the emergency management community. The PSGP supports Goal 3 to Promote and Sustain a Ready FEMA and Prepared Nation. We invite our stakeholders and partners to also adopt these priorities and join us in building a more prepared and resilient nation.

For FY 2023, DHS is focused on the criticality of information sharing and collaboration to building a national culture of preparedness and protecting against terrorism and other threats to our national security. DHS and its homeland security mission were born from the “failures among federal agencies and between the federal agencies and state and local authorities to share critical information related to the threat of terrorism” prior to the September 11, 2001, attacks.<sup>1</sup> The threat profile has changed in the past two decades. We now face continuous cyber threats by sophisticated actors, threats to soft targets and crowded places, and threats from domestic violent extremists who currently pose the greatest terrorism threat to the nation<sup>2</sup>. Therefore, for FY 2023, DHS has identified two priority areas related to some of the most serious threats that recipients should address with their PSGP funds for enhancing maritime security. These two priority areas are enhancing cybersecurity and enhancing the protection of soft targets/crowded places. DHS also will continue to forge partnerships to strengthen information sharing and collaboration in each of these priority areas.

## **b. Objectives**

Provide funding to port authorities, facility operators, and state, local, and territorial agencies for activities associated with implementing Area Maritime Security Plans (AMSP), facility security plans, and other port-wide risk management efforts.



### c. Priorities

Given the evolving threat landscape, it is incumbent upon DHS/FEMA to continuously evaluate the national risk profile and set priorities that help ensure appropriate allocation of scarce security dollars. In assessing the national risk profile for FY 2023, two areas warrant the most concern:

1. Enhancing cybersecurity; and
2. Enhancing the protection of soft targets/crowded places.

Likewise, there are several enduring security needs that crosscut the homeland security enterprise. The following are second-tier priorities that help recipients implement a comprehensive approach to securing critical maritime transportation infrastructure:

1. Effective planning;
2. Training and awareness campaigns;
3. Equipment and capital projects; and
4. Exercises.

The table below provides a breakdown of these priority areas for the FY 2023 PSGP, showing both the core capabilities impacted, as well as examples of eligible maritime security project types for each area. A detailed description of allowable investments for each project type is included in the FY 2023 [Preparedness Grants Manual](#). As discussed in Section E, projects that sufficiently address one or more of the two National Priorities (enhancing cybersecurity or enhancing the protection of soft targets/crowded places) will have their final review scores increased by a multiplier of 20%.

#### FY 2023 PSGP Funding Priorities

*All priorities in this table concern Safety and Security and Transportation Lifelines.*

#### National Priorities

Priority Areas	Core Capabilities	Example Project Types
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<p>Enhancing Cybersecurity</p>	<p>Cybersecurity</p> <p>Intelligence and information sharing</p> <p>Planning</p> <p>Public information and warning</p> <p>Operational coordination</p> <p>Screening, search, and detection</p> <p>Access control and identity verification</p> <p>Supply chain integrity and security</p> <p>Risk management for protection programs and activities</p> <p>Long-term vulnerability reduction</p> <p>Situational assessment</p> <p>Infrastructure systems</p> <p>Operational communications</p>	<p>Cybersecurity risk assessments</p> <p>Projects that address vulnerabilities identified in cybersecurity risk assessments</p> <p>Improving cybersecurity of critical infrastructure to meet minimum levels identified by Cybersecurity and Infrastructure Security Agency, and the <a href="#">National Institute of Standards and Technology Cybersecurity Framework</a> or equivalent</p> <p>Adoption of cybersecurity performance goals (<a href="https://www.cisa.gov/cpg">https://www.cisa.gov/cpg</a>)</p> <p>Cybersecurity training and planning</p>
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<p>Enhancing the Protection of Soft Targets and Crowded Places</p>	<p>Operational coordination</p> <p>Public information and warning</p> <p>Intelligence and Information Sharing</p> <p>Interdiction and disruption</p> <p>Screening, search, and detection</p> <p>Access control and identity verification</p> <p>Physical protective measures</p> <p>Risk management for protection programs and activities</p>	<p>Physical security enhancements at cruise and ferry terminals</p> <p>Explosive detection canine teams</p> <p>Security cameras (closed circuit television [CCTV])</p> <p>Security screening equipment for people and baggage</p> <p>Access controls</p> <p>Landside fencing, gates, barriers, etc.</p> <p>Marine (floating) barriers to prevent access to sensitive berthing areas</p> <p>Enhanced security aboard ferries</p> <p>Explosive detection canine teams</p> <p>Security cameras (CCTV)</p> <p>Rapid response boats for preventing or responding to security incidents on waterways, especially in and around airports, cruise terminals, ferry terminals, etc.</p>
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**Enduring Needs**

Priority Areas	Core Capabilities	Example Project Types
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<p>Planning</p>	<p>Planning</p> <p>Risk management for protection programs and activities</p> <p>Risk and disaster resilience assessment</p> <p>Threats and hazards identification</p> <p>Operational coordination</p> <p>Community resilience</p>	<p>Development of:</p> <p>Port-wide Security Risk Management Plans</p> <p>Continuity of Operations Plans</p> <p>Response Plans</p> <p>Efforts to strengthen governance integration between/among regional partners</p> <p>Assessment of capabilities and gaps in planning for the needs of persons with disabilities and others will access and functional needs</p>
<p>Training and Awareness</p>	<p>Long-term vulnerability reduction</p> <p>Public information and warning</p> <p>Operational coordination</p> <p>Situational assessment</p> <p>Community resilience</p>	<p>Active shooter training, including integrating the needs of persons with disabilities</p> <p>Shipboard firefighting training</p> <p>Public awareness/preparedness campaigns</p> <p>Maritime domain awareness projects</p>



<p>Equipment and Capital Projects</p>	<p>Long-term vulnerability reduction</p> <p>Infrastructure systems</p> <p>Operational communications</p> <p>Interdiction and disruption</p> <p>Screening, search, and detection</p> <p>Access control and identity verification</p> <p>Physical protective measures</p> <p>Supply chain integrity and security</p> <p>Threats and hazards identification</p> <p>Infrastructure systems</p> <p>Intelligence and information sharing</p>	<p>Implementing risk management projects that support port resilience and recovery</p> <p>Implementing physical security enhancement projects</p> <p>Transportation Worker Identification Credential projects</p> <p>Sharing and leveraging intelligence and information</p> <p>Chemical, Biological, Radiological, Nuclear, and Explosive prevention, detection, response and recovery equipment</p> <p>Unmanned Aircraft Systems detection technologies</p>
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Exercises	Long-term vulnerability reduction  Operational coordination  Operational Communications  Community resilience	Response exercises
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## 11. Performance Measures

Performance metrics for this program are as follows:

- Percentage of funding allocated by the recipient to core capabilities to build or sustain the national priorities identified in the section above

## B. Federal Award Information

**1. Available Funding for the NOFO: \$100 million**

**2. Period of Performance: 36 months**

Extensions to the period of performance are allowed. For additional information on period of performance extensions, please refer to Section H of this NOFO or the [Preparedness Grants Manual](#).

FEMA awards under most programs, including this program, only include one budget period, so it will be same as the period of performance. See 2 C.F.R. § 200.1 for definitions of “budget period” and “period of performance.”

**3. Projected Period of Performance Start Date(s): September 1, 2023**

**4. Projected Period of Performance End Date(s): August 31, 2026**



## **C. Eligibility Information**

### **1. Eligible Applicants**

All entities subject to an AMSP, as defined by 46 U.S.C. § 70103(b), may apply for PSGP funding. Eligible applicants include but are not limited to port authorities, facility operators, and state, local, and territorial government agencies. A facility operator owns, leases, or operates any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States. Examples of facility operators include, but are not limited to terminal operators, ferry systems, bar/harbor pilots, and merchant's exchanges. See the "Applications Submitted by Eligible Entities" section below for further detail.

### **2. Applicant Eligibility Criteria**

Pursuant to the Maritime Transportation Security Act of 2002 (MTSA), Pub. L. No. 107-295, as amended, DHS established a risk-based grant program to support maritime security risk management. Funding is directed towards the implementation of AMSPs, Facility Security Plans (FSP), and Vessel Security Plans (VSP) among port authorities, facility operators, and state and local government agencies that are 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 will be considered.

#### **Port Area Definition**

A Port Area is a location on a coast, shore, or inland waterway containing one or more harbors where vessels can dock and transfer people or cargo to or from land. For the purpose of PSGP, eligible ports included those identified by the U.S. Army Corps of Engineers (USACE) Principal Port List (PPL) as well as unlisted ports which have the presence of MTSA-regulated facilities.

#### **Applications Submitted by Eligible Entities**



Subject to the information and exceptions in this section, ***an eligible entity may submit only one application within each Port Area. An application may contain up to five Investment Justifications (IJs).*** See Section D, below, for further instructions regarding IJs.

- A single eligible entity may have multiple facilities, departments, subcomponents, or agencies operating within a Port Area. ***FEMA will generally view multiple agencies within a local government (e.g., police department, fire department, emergency management office) operating within one Port Area as a single eligible entity.*** An applicant's Employer Identification Number (EIN) will help inform FEMA's determination of which applicants may constitute a single eligible entity.
  - An eligible entity operating multiple facilities, departments, subcomponents, or agencies within a single Port Area may choose to submit separate applications for facilities, departments, subcomponents, or agencies within it, but any such separate applications will be considered part of the same eligible entity for purposes of the cost-share requirements, as discussed later in this NOFO.
  - If a single eligible entity chooses to have its components submit separate applications, each individual facility, department, subcomponent, or agency of that single eligible entity should submit no more than one application. For example, a police department should submit no more than one collective application. If an individual facility, department, subcomponent, or agency of an eligible entity submits more than one application for a single Port Area, FEMA reserves the discretion to consolidate the projects or determine which application(s) to approve or deny.
- Funding allocation decisions are based partially on Port Area risk. Therefore, ***no single application should include IJs for projects intended to be implemented in multiple Port Areas.*** For example, a state agency or facility operator that operates in multiple Port Areas must submit separate applications to fund projects in each Port Area.
  - Exception: "Hub and spoke" cybersecurity projects may affect a parent organization's multiple eligible entities in multiple Port Areas. Such projects may be submitted within a primary Port Area for the project implementation. Proportionally, costs associated with *entities or subcomponents that are not covered under an AMSP and are not instrumental to enhancing maritime security* must not be included in the detailed budget worksheet or IJ and



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thereby prorating the cost of the project only to those facilities that are covered by the AMSP.

An application submitted by an otherwise eligible non-federal entity (i.e., the applicant) may be deemed ineligible when the person that submitted the application is not: 1) a **current employee, personnel, official, staff, or leadership** of the non-federal entity; and 2) **duly authorized to apply** for an award on behalf of the non-federal entity at the time of application.

Further, the Authorized Organization Representative (AOR) and Signatory Authority (SA) must be a duly authorized current employee, personnel, official, staff, or leadership of the recipient and **provide an email address unique to the recipient at the time of application and upon any change in assignment during the period of performance. Consultants or contractors of the recipient are not permitted to be the AOR or SA of the recipient. It is the sole responsibility of the recipient to keep their points of contact for the organization up-to-date and accurate in all federal systems.**

### **Compliance with Maritime Security Regulations**

As a condition of eligibility, all PSGP applicants must be fully compliant with relevant Maritime Security Regulations (33 C.F.R. Parts 101-106). Any applicant who, as of the grant application deadline, has an open or outstanding Notice of Violation (NOV) will not be considered for PSGP funding if:

1. The applicant has failed to pay the NOV within 45 days of receipt of the NOV and the applicant has failed to decline the NOV within 45 days of receipt of the NOV, resulting in the U.S. Coast Guard (USCG) entering a finding of default in accordance with 33 C.F.R. § 1.07- 11(f)(2); or
2. The applicant appealed the NOV pursuant to 33 C.F.R § 1.07-70 and received a final appeal decision from the Commandant, USCG, as described in 33 C.F.R. § 1.07-75, and failed to come into compliance with the terms of the final appeal decision within the timelines noted herein.

The local USCG Captain of the Port (COTP) will verify security compliance eligibility during the field review process. Eligibility does not guarantee grant funding.



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## Ferry Systems

Ferry systems are eligible to apply for FY 2023 PSGP funds. However, any ferry system electing to participate (e.g., submit an application) under the FY 2023 PSGP will not be eligible to participate (e.g., submit an application) under the FY 2023 Transit Security Grant Program (TSGP) and will not be considered for funding under the FY 2023 TSGP. Likewise, any ferry system that participates in the FY 2023 TSGP will not be eligible for funding under the FY 2023 PSGP.

## Subawards

***Subawards are prohibited under PSGP.*** Applicants are also prohibited from applying on behalf of other, separate entities. Notwithstanding this prohibition, however, community-based projects, to include planning, training, exercises, and port-wide cyber vulnerability assessments and cyber interoperability projects that may include multiple beneficiaries (e.g., a port authority hosts a large training session or exercise) in which the applicant applies for and administers the grant award are allowable. Only the eligible applicant is permitted to take ownership of PSGP-funded equipment and other non-consumables until disposition actions are required.

### 3. Other Eligibility Criteria

#### a. National Incident Management System (NIMS) Implementation

Prior to allocation of any federal preparedness awards, recipients must ensure and maintain adoption and implementation of NIMS. The list of objectives used for progress and achievement reporting is on FEMA's website at [NIMS Implementation and Training](#).

Please see the [Preparedness Grants Manual](#) for more information on NIMS.

### 4. Cost Share or Match

The FY 2023 PSGP has a cost-share requirement. The non-federal entity contribution can be cash (hard match) or third-party in-kind (soft match), with the exception of construction activities, which must be a cash (hard) match. In-kind contributions are defined as third-party contributions per 2 C.F.R. § 200.306.



All applicants will be required to commit to the cost-share requirement of each project at the time of application. **The required cost share is based on and calculated against the total of all PSGP funds awarded to an eligible entity as described in the “Applications Submitted by Eligible Entities” section above during this fiscal year within a single Port Area.** For example, if an entity operates multiple facilities under the same UEI within the same Port Area and each facility requests projects exempt of cost share due to being \$25,000 or less, FEMA will view these projects collectively for purposes of determining the appropriate cost share and a cost share will be required if the total exceeds \$25,000. As a result, multiple components within a single eligible entity (i.e., port authority, facility operator, local government, or state government) are strongly encouraged to coordinate their applications if they apply separately (even if addressing multiple, disparate projects within the Port Area) for these cost share purposes.

### **Public-Sector Cost Share**

***All public sector and non-governmental, nonprofit PSGP award recipients—meaning recipients other than private, for-profit entities—must provide a non-federal entity contribution supporting 25% of the total of all project costs as submitted in the application and approved in the award.*** The non-federal contribution should be specifically identified for each proposed project. The non-federal contribution, whether cash or third-party in-kind match, has the same eligibility requirements as the federal share (e.g., operational costs for routine patrols are ineligible, and operational costs for overtime to conduct an approved exercise may be eligible as part of the IJ) and must be justified as part of the project within the investment justification. For example, if the federal award for a public sector recipient requires a 25% cost share and the total project cost is \$100,000, then:

- Federal share is 75% of \$100,000 = \$75,000
- Recipient cost share is 25% of \$100,000 = \$25,000

Because the statute at 46 U.S.C. § 70107(c)(1) states that the federal share shall not exceed 75% of the total cost, any application of the percentages that would result in a decimal will be rounded down in favor of the federal share not exceeding 75%, even if normal rounding standards would indicate rounding up in certain instances.





## Private-Sector Cost Share

**Private, for-profit PSGP award recipients must provide a non-federal entity contribution supporting 50% of the total of all project costs as submitted in the application and approved in the award.** The non-federal entity contribution should be specifically identified for each proposed project. The non-federal contribution, whether cash (hard) or third-party in-kind (soft), has the same eligibility requirements as the federal share (e.g., operational costs for routine patrols are ineligible, and operational costs for overtime to conduct an approved exercise may be eligible as part of the IJ) and must be justified as part of the project within the IJ. For example, if the federal award for a private sector recipient requires a 50% cost share and the total project cost is \$100,000, then:

- Federal share is 50% of \$100,000 = \$50,000
- Recipient cost share is 50% of \$100,000 = \$50,000

Ultimately, the recipient is responsible for ensuring that it contributes the proper cost share to its actual project costs. **If actual total project costs exceed the projected total project costs stated in the Federal Award, the recipient will not receive any additional federal funding and will be responsible for contributing additional funds above the required cost match.** If actual total project costs are less than the projected total project costs stated in the federal award, the recipient will be responsible for contributing a cost match calculated as a percentage of those actual project costs.

Cash and third-party in-kind matches must consist of eligible costs (i.e., same allowability as the federal share) and must be identified as part of the submitted detailed budget worksheet. A cash-match includes cash spent for project-related costs, while a third-party in-kind match includes the valuation of in-kind services. The cost match requirement for the PSGP award may not be met by funds from another federal grant or assistance program, or by funds used to meet matching requirements for another federal grant program, unless otherwise permitted by federal statute. Likewise, third-party in-kind matches used to meet the matching requirement for the PSGP award may not be used to meet matching requirements for any other federal grant program. Additionally, normal routine operational costs cannot be used as a cost match unless a completely new capability is being awarded and must be justified as “reasonable and necessary” to complete the project. Please see 2 C.F.R. § 200.306, as applicable, for further guidance



regarding cost matching.

## Exceptions to the Cost Match Requirements

The following exceptions to the cost match requirement may apply:

- **Port-Wide Benefit:** The cost match requirements for projects that have a port-wide benefit need only to be funded at the public-sector matching fund level of 25% (with a federal share not to exceed 75% per 46 U.S.C. § 70107(c)(1)). These projects must be certified by the COTP as having a port-wide benefit. Examples of projects with a port-wide benefit include, but are not limited to:
  - Port-wide planning, training, and exercises;
  - Security camera systems with shared access;
  - Response vessels; and
  - Other maritime domain awareness systems.
- **\$25,000 or Less:** There is no matching requirement for grant awards where the total project cost for all projects under the award is \$25,000 or less in accordance with 46 U.S.C. § 70107(c)(2)(A). If multiple small projects for the same Port Area by the same entity (i.e., same UEI) are submitted totaling more than \$25,000 under this exemption, a cost match is required to be demonstrated at the time of application.
- **Public Safety Personnel Security Zone Training:** There is no matching requirement for grants to train public safety personnel in the enforcement of security zones as defined by 46 U.S.C. § 70132 or in assisting in the enforcement of such security zones. Per 46 U.S.C. § 70132(d), the term “public safety personnel” includes any federal, state (or political subdivision thereof), territorial, or tribal law enforcement officer, firefighter, or emergency response provider.
- **Waiver Requests:** Requests for cost match waivers as outlined in 46 U.S.C. § 70107(c) may be considered for successful applicants only after awards have been made. Applicants must have demonstrated the ability to comply with the cost match requirement at the time of application and since being awarded the grant, have experienced significant financial constraints as outlined in [DHS/FEMA Information Bulletin \(IB\) 376](#), (i.e., specific economic issues preclude provision of the cost share identified in the original grant application). Cost share waiver requests that do not demonstrate new, post-award difficulties and cost share waivers submitted at the time of application will not be



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considered. Cost share waiver requests must comply with the process identified in IB 376.

## D. Application and Submission Information

### 1. Key Dates and Times

- a. **Application Start Date:** **February 27, 2023**
- b. **Application Submission Deadline:** **May 18, 2023 at 5 p.m. ET**

All applications **must** be received by the established deadline.

The Non-Disaster (ND) Grants System has a date stamp that indicates when an application is submitted. Applicants will receive an electronic message confirming receipt of their submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled “Timely Receipt Requirements and Proof of Timely Submission” in Section D of this NOFO.

**FEMA will not review applications that are received after the deadline or consider these late applications for funding.** FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant’s control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

**Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline.** Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. “Timely notification” of FEMA means before the application deadline and within 48 hours after the applicant became aware of the issue.

**FEMA will not notify applicants of the application status or deficiencies prior to final award announcement.** Applicants with incomplete or ineligible



applications may receive system automated denial notices prior to award announcements, however, due to the competitive nature of PSGP, FEMA and USCG may not provide application feedback, advice, or specific language for applicants to use on the IJ template other than what is publicly provided during FEMA hosted outreach calls or requested technical assistance. This is to avoid real or perceived preferential treatment prior to award. Applicants who are not awarded funds may receive feedback upon request after the award obligation deadline (September 30, 2023).

A list of FEMA contacts can be found in Section G of this NOFO, “DHS Awarding Agency Contact Information.” For additional assistance using the ND Grants System, please contact the ND Grants Service Desk at (800) 865-4076 or [NDGrants@fema.dhs.gov](mailto:NDGrants@fema.dhs.gov). The ND Grants Service Desk is available Monday through Friday, 9:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Preparedness Officer or Grants Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the FEMA Grants Information Desk by e-mail at [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov) OR by phone at (800) 368-6498, Monday through Friday, 9 a.m. – 5 p.m. ET.

**c. Anticipated Funding Selection Date: No later than July 21, 2023**

**d. Anticipated Award Date: No later than September 30, 2023**

**e. Other Key Dates:**

Event	Suggested Deadline for Completion
Initial registration in SAM.gov includes UEI issuance	Four weeks before actual submission deadline



Event	Suggested Deadline for Completion
Obtaining a valid Employer Identification Number (EIN)	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or updating SAM registration	Four weeks before actual submission deadline
Registering in Grants.gov	Four weeks before actual submission deadline
Registering in ND Grants	Four weeks before actual submission deadline
Starting application in Grants.gov	One week before actual submission deadline
Submitting application in Grants.gov	Three days before actual submission deadline
Submitting the final application in ND Grants	By the submission deadline

## 2. Agreeing to Terms and Conditions of the Award

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

## 3. Address to Request Application Package

See the [Preparedness Grants Manual](#) for requesting and submitting an application.

Initial applications are processed through the [Grants.gov](#) portal. Final applications are completed and submitted through FEMA’s Non-Disaster Grants (ND Grants) System. Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>.



#### 4. Requirements: Obtain a Unique Entity Identifier (UEI) and Register in the System for Award Management (SAM)

Each applicant, unless they have a valid exception under 2 CFR 25.110, must:

1. Be registered in SAM.gov before application submission.
2. Provide a valid Unique Entity Identifier (UEI) in its application.
3. Continue to always maintain an active System for Award Management (SAM) registration with current information during the Federal Award process.

#### 5. Steps Required to Obtain a Unique Entity Identifier, Register in the System for Award Management (SAM), and Submit an Application

Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

Please review the table above for estimated deadlines to complete each of the steps listed. Failure of an applicant to comply with any of the required steps before the deadline for submitting an application may disqualify that application from funding.

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

- Apply for, update, or verify their Unique Entity Identifier (UEI) number from SAM.gov and Employer Identification Number (EIN) [from the Internal Revenue Service](#);
- In the application, provide an UEI number;
- Have an account with [login.gov](#);
- Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
- Create a Grants.gov account;
- Add a profile to a Grants.gov account;
- Establish an Authorized Organizational Representative (AOR) in Grants.gov;
- [Register in ND Grants](#).



- Submit an initial application in Grants.gov;
- Submit the final application in ND Grants, including electronically signing applicable forms; and
- Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

Specific instructions on how to apply for, update, or verify an UEI number or SAM registration or establish an AOR are included below in the steps for applying through Grants.gov.

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

Per 2 C.F.R. § 25.110(c)(2)(iii), if an applicant is experiencing exigent circumstances that prevents it from obtaining an UEI number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible by contacting [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov) and providing the details of the circumstances that prevent completion of these requirements. If FEMA determines that there are exigent circumstances and FEMA has decided to make an award, the applicant will be required to obtain an UEI number, if applicable, and complete SAM registration within 30 days of the federal award date.

## 6. Electronic Delivery



**FEMA**

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

For this funding opportunity, FEMA requires applicants to submit initial applications through Grants.gov and a final application through ND Grants.

## **7. How to Register to Apply through Grants.gov**

For information on how to register to apply through Grants.gov, please see the [Preparedness Grants Manual](#).

## **8. How to Submit an Initial Application to FEMA via Grants.gov**

Standard Form 424 (SF-424) is the initial application for this NOFO.

Grants.gov applicants can apply online using a workspace. A workspace is a shared, online environment where members of a grant team may simultaneously access and edit different web forms within an application. For each Notice of Funding Opportunity, you can create individual instances of a workspace. Applicants are encouraged to submit their initial applications in Grants.gov at least seven days before the application deadline.

In Grants.gov, applicants need to submit the following forms:

- SF-424, Application for Federal Assistance; and
- Grants.gov Lobbying Form, Certification Regarding Lobbying.

For further information on how to submit an initial application via Grants.gov, please see the [Preparedness Grants Manual](#).

## **9. Submitting the Final Application in ND Grants**

After submitting the initial application in Grants.gov, eligible applicants will be notified by FEMA and asked to proceed with submitting their complete application package in ND Grants. Applicants can register early with ND Grants and are encouraged to begin their ND Grants registration at the time of this announcement or, at the latest, seven days before the application deadline. Early registration will



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allow applicants to have adequate time to start and complete their applications.

Applicants needing assistance registering for the ND Grants system should contact [ndgrants@fema.dhs.gov](mailto:ndgrants@fema.dhs.gov) or (800) 865-4076. For step-by-step directions on using the ND Grants system and other guides, please see [Non-Disaster Grants Management System FEMA.gov](#).

In ND Grants, applicants will be prompted to submit the standard application information and any program-specific information required as described in Section D.10 of this NOFO, “Content and Form of Application Submission.” The Standard Forms (SF) are auto generated in ND Grants, but applicants may access these forms in advance through the Forms tab under the [SF-424 family on Grants.gov](#). Applicants should review these forms before applying to ensure they have all the information required.

For additional application submission requirements, including program-specific requirements, please refer to the subsection titled “Content and Form of Application Submission” under Section D of this NOFO.

## 10. Timely Receipt Requirements and Proof of Timely Submission

As application submission is a two-step process, the applicant with the AOR role who submitted the application in Grants.gov will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of its initial application. **This notification does not serve as proof of timely submission, as the application is not complete until it is submitted in ND Grants.** Applicants can also view the ND Grants Agency Tracking Number by accessing the Details tab in the submitted workspace section in Grants.gov, under the Agency Tracking Number column. Should the Agency Tracking Number not appear, the application has not yet migrated from Grants.gov into the ND Grants System. Please allow 24 hours for your ND Grants application tracking number to migrate.

All applications must be received in ND Grants by **5:00 PM ET** on the application deadline. Proof of timely submission is automatically recorded by ND Grants. An electronic date/time stamp is generated within the system when the application is



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successfully received by ND Grants. Additionally, the applicant(s) listed as contacts on the application will receive a system-generated email to confirm receipt.

## 11. Content and Form of Application Submission

### a. Standard Required Application Forms and Information

The following forms or information are required to be submitted in either Grants.gov or ND Grants. The Standard Forms (SF) are submitted either through Grants.gov, through forms generated in ND Grants, or as an attachment in ND Grants. Applicants may also access the SFs at [SF-424 Family | Grants.gov](#).

#### i. Grants.Gov

- **SF-424, Application for Federal Assistance**, initial application submitted through Grants.gov
- **Grants.gov Lobbying Form, Certification Regarding Lobbying**, submitted through Grants.gov

#### ii. ND Grants

- **SF-424A, Budget Information (Non-Construction)**, submitted via the forms generated by ND Grants
  - **For construction under an award, submit SF-424C, Budget Information (Construction)**, submitted via the forms generated by ND Grants, in addition to or instead of SF-424A
- **SF-424B, Standard Assurances (Non-Construction)**, submitted via the forms generated by ND Grants
  - **For construction under an award, submit SF-424D, Standard Assurances (Construction)**, submitted via the forms generated by ND Grants, in addition to or instead of SF-424B



- **SF-LLL, Disclosure of Lobbying Activities**, submitted via the forms generated by ND Grants
- **Indirect Cost Agreement or Proposal**, submitted as an attachment in ND Grants if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see Section D.13 of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

Generally, applicants have to submit either the non-construction forms (i.e., SF-424A and SF-424B) or construction forms (i.e., SF-424C and SF-424D), meaning that applicants that only have construction work and do not have any non-construction work need only submit the construction forms (i.e., SF-424C and SF-424D) and not the non-construction forms (i.e., SF-424A and SF-424B), and vice versa. However, applicants who have both construction and non-construction work under this program need to submit both the construction and non-construction forms.

## b. Program-Specific Required Forms and Information

The following program-specific forms or information are required to be submitted in ND Grants as file attachments:

- Associated Investment **Justifications (IJs)** template with detailed budget(s); and
- Associated Memoranda of Understanding (MOU)/Memoranda of Agreement (MOA).

### I. Priority Investments

- **Cybersecurity**



Cybersecurity investments must support the security and functioning of critical infrastructure and core capabilities as they relate to achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism at maritime infrastructure facilities. Additional resources and information regarding cybersecurity and cybersecurity performance goals are available through the [Cybersecurity and Infrastructure Security Agency, Cross-Sector Cybersecurity Performance Goals](#), and the [National Institute of Standards and Technology](#).

### ■ **Soft Targets and Crowded Places**

Soft targets and crowded places are increasingly appealing to terrorists and other violent extremist actors because of their relative accessibility and the large number of potential targets. This challenge is complicated by the prevalent use of simple tactics and less sophisticated attacks. Segments of our society are inherently open to the general public, and by nature of their purpose do not incorporate strict security measures. Given the increased emphasis by terrorists and other violent extremist actors to leverage less sophisticated methods to inflict harm in public areas, it is vital that the public and private sectors collaborate to enhance security of locations such as transportation centers, cruise terminals, ferry systems/terminals, and similar facilities. Additional resources and information regarding securing soft targets and crowded places are available through the [Cybersecurity and Infrastructure Security Agency](#).

## **II. Investment Justification**

As part of the FY 2023 PSGP application process, applicants must use the current Office of Management and Budget (OMB) approved IJ template to address each initiative being proposed for funding, including a project's management and administration (M&A) costs. Applications submitted that do not use the OMB approved IJ template as provided will not be considered for funding. Applications with modified data fields, incomplete data fields, or are segmented into multiple attachments will not be considered for funding. A separate tab within the IJ template should be used for each proposed project. The detailed budget worksheet noted below is included in the IJ template. ***Please refer to the "Applications Submitted by Eligible Entities" language in Section C above regarding the limitations on the number of applications per eligible entity or facilities, departments, subcomponents, or agencies within a single eligible***



**entity. No single application or IJ may include projects intended to be implemented in different Port Areas, subject to the provisions of this section, below.** Applicants may submit up to five IJs within a single application. Due to limited available funds, applicants are encouraged to include a statement within the IJ project description identifying a minimum funding level for a project to be feasible in the event that a project can only be partially funded based on available funds.

IJs must demonstrate how proposed projects address gaps and deficiencies in one or more of the core capabilities outlined in the National Preparedness Goal (the Goal). In the IJ, the applicant must demonstrate the ability to provide enhancements consistent with the purpose of the program and guidance provided by DHS/FEMA. PSGP projects must be both 1) feasible and effective at reducing the risks for which the project was designed; and 2) able to be fully completed within the 36-month period of performance. For information on the feasibility and effectiveness determination, please see the Review and Selection Process as outlined in this funding notice.

**For the purposes of a PSGP application, a Port Area is selected for funding based on the project location. Eligible entities that have facilities in multiple Port Areas should apply for projects based on the Port Area where the project/asset will be implemented, housed, or maintained, not the entity's headquarters location.** For entities submitting applications for a single project that spans multiple Port Areas, such as one patrol vessel that may be deployed outside of the primary Port Area, the project location is considered to be the Port Area that will see the most benefit from the project. Large projects that implement multiple components in multiple Port Areas, such as state agency purchases of multiple patrol vessels for multiple Port Areas, must be submitted as separate applications (e.g., State Police vessel project in Port Area #1 is one application; State Police vessel project in Port Area #2 is a separate application). All eligible and complete applications will be provided to the applicable COTP for further review.

Applicants seeking to participate in large-scale regional projects requiring the purchase of services or equipment should directly reference this need in their applications. Applicants should specify their portion of the requested project funding and role in the project. Applicants should also note if their portion of a project can be completed independently of the large-scale regional project.



**Applicants are prohibited from applying for equipment or other non-consumables intended to be solely used by another agency.**

Applicants will find the IJ template on Grants.gov in the “Related Documents” tab of the PSGP posting. This IJ template must be used for each project submitted. Applicants must provide information in the following categories for each proposed investment:

1. Background;
2. Strategic and Program Priorities;
3. Impact; and
4. Funding/Implementation Plan.

Applicants must use the following file naming convention when submitting an IJ as part of the FY 2023 PSGP:

***Name of Applicant\_IJ Numbers (Example: XYZ Oil\_IJ 1-3)***

### **III. Detailed Budget**

Detailed budget worksheets are incorporated within the PSGP IJ template. Applicants must use the IJ template provided. All applicants must complete the detailed budget worksheets for each corresponding project requested at the time of application. The detailed budget must be complete, reasonable, and cost-effective in relation to the proposed project and should provide the basis of computation of all project-related costs (including M&A costs) and any appropriate narrative. Review panels must be able to thoroughly evaluate the projects being submitted based on the information provided. Consequently, applicants must provide an appropriate level of detail within the budget detail worksheets to clarify what will be purchased and spent. ***Applications that do not include a detailed budget narrative will not be considered for funding.*** Detailed budgets often assist reviewers in determining what type of equipment or service is being purchased, which may assist in determining the effectiveness of a project. Additionally, a detailed budget must demonstrate the required cost share, either cash (hard) or third-party in-kind (soft), of the recipient based on the projected project cost. ***Applications failing to demonstrate the required cost share within the detailed budget will not be considered for funding.***



Cash and third-party in-kind matches must consist of eligible costs (i.e., same allowability as the federal share), reasonable and necessary to complete the project, and must be identified as part of the submitted budget detail worksheet. A cash (hard) match includes cash spent for project-related costs while a third-party in-kind (soft) match includes the valuation of in-kind services. The cost match requirement for a PSGP award may not be met by funds from another federal grant or assistance program or funds used to meet matching requirements for another federal grant program. Likewise, third-party in-kind matches used to meet the matching requirement for the PSGP award may not be used to meet matching requirements for any other federal grant program. Please see “Cost Share” in section C of this funding notice, also reference 2 C.F.R. § 200.306, as applicable, for further guidance regarding cost matching.

#### **IV. MOU/MOA Requirement for Security Services Providers**

State and local agencies that are identified in the AMSP of their respective COTP/Federal Maritime Security Coordinator as providing security services to one or more MTSA regulated facilities within a Port Area may apply for PSGP funding. However, ***state, local, and territorial agencies that are not specifically identified in their respective AMSP but are otherwise required to provide port security services must have a signed MOU/MOA between the security service agency and the MTSA regulated facilities receiving these services within the applicant Port Area prior to receipt of PSGP funding*** and must include an acknowledgement of the security services, roles, and responsibilities of all entities involved. This includes agencies or entities that are new to the port area or are newly participating in Area Maritime Security Committee activities but are not yet included in the AMSP. These entities must have an MOU/MOA with the respective MTSA regulated facility pending AMSP updates. This information must be maintained by the grant recipient and provided to DHS/FEMA upon request; or verification through the field review process that the agency is identified within the MOU/MOA as an entity that provides maritime security services or is otherwise required to provide port security services. The MOU/MOA must address the following points:

- The nature of the security service that the applicant agrees to supply to the MTSA regulated facility (e.g., waterside surveillance, increased screening);
- The roles and responsibilities of the MTSA regulated facility and the applicant during different Maritime Security levels;



- An acknowledgement by the MTSA regulated facility that the applicant is part of the facility's security plan; and,
- An acknowledgment that the applicant will provide semi-annual progress reports on project status to the local applicable Area Maritime Security Committee and/or COTP.

The signed MOU/MOA for state or local agencies providing security services to regulated entities should be submitted with the grant application as a file attachment within ND Grants ([FEMA eServices Application Suite - Login](#)). A sample MOU/MOA can be found in the [Preparedness Grants Manual](#). Applicants must use the following file naming convention for FY 2023 MOUs and MOAs:

***Name of Applicant\_MOU (Example: Harris County\_MOU)***

## **V. Sensitive Security Information (SSI) Requirements**

A portion of the information that is routinely submitted in the course of applying for funding or reporting under certain programs or that is provided in the course of an entity's grant management activities under those programs that are under federal control is subjected to protection under SSI requirements and must be properly identified and marked. SSI is a control designation used by DHS/FEMA to protect transportation security related information. It is applied to information about security programs, vulnerability and threat assessments, screening processes, technical specifications of certain screening equipment and objects used to test screening equipment, and equipment used for communicating security information relating to air, land, or maritime transportation. Further information can be found in 49 C.F.R. §§ 1520.1-15.20.19.

For the purposes of the PSGP, and due to the high frequency of SSI found in IJs, all IJs shall be considered SSI and treated as such until they have been subject to review for SSI by DHS/FEMA. This means that applicants shall label these documents as SSI in accordance with 49 C.F.R. § 1520.13.

## **12. Intergovernmental Review**

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





(See [Executive Orders | National Archives](#) and [Intergovernmental Review \(SPOC List\) \(whitehouse.gov\)](#)).

### 13. Funding Restrictions and Allowable Costs

All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200, unless otherwise indicated in the NOFO, the terms and conditions of the award, or the Preparedness Grants Manual. This includes, among other requirements, that costs must be incurred, and products and services must be delivered, within the period of performance of the award. See 2 C.F.R. § 200.403(h) (referring to budget periods, which for FEMA awards under this program is the same as the period of performance).

Federal funds made available through this award may be used for the purpose set forth in this NOFO, the [Preparedness Grants Manual](#), and the terms and conditions of the award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other federal awards, 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. See the [Preparedness Grants Manual](#) for more information on funding restrictions and allowable costs.

#### a. Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services

Recipients and subrecipients of FEMA federal financial assistance are subject to the prohibitions described in section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Guidance is available at [FEMA Policy #405-143-1, Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services](#), or



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superseding document.

Additional guidance is available at [Contract Provisions Guide: Navigating Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards \(fema.gov\)](#).

**Effective August 13, 2020**, FEMA recipients and subrecipients **may not** use any FEMA funds under open or new awards to:

- Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or
- Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

#### **i. Replacement Equipment and Services**

FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of the NOFO and the [Preparedness Grants Manual](#).

#### **ii. Definitions**

Per section 889(f)(2)-(3) of the FY 2019 NDAA and 2 C.F.R. § 200.216, covered telecommunications equipment or services means:

- i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
- ii. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company,



or Dahua Technology Company (or any subsidiary or affiliate of such entities);

iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or

iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by the entities listed in the definition of "covered telecommunications equipment or services." See 2 C.F.R. § 200.471.

## **b. Pre-Award Costs**

Pre-award costs are not allowable and will not be approved, with the exception of costs resulting from pre-award grant writing services provided by an independent contractor that shall not exceed \$1,500 per applicant per year.

## **c. Management and Administration (M&A) Costs**

M&A costs are allowed. Recipients may use up to 5% of the amount of the award's federal share for their M&A costs. M&A activities are those defined as directly relating to the management and administration of PSGP funds, such as financial management and monitoring. M&A expenses must be based on actual expenses or known contractual costs. Requests that are simple percentages of the award, without supporting justification, will not be allowed or considered for reimbursement.

M&A costs are not operational costs. They are the necessary costs incurred in direct support of the grant or as a result of the grant and should be allocated across the entire lifecycle of the grant. Examples include preparing and submitting required programmatic and financial reports, establishing and/or maintaining equipment inventory, documenting operational and equipment expenditures for financial accounting purposes; responding to official informational requests from



state and federal oversight authorities, including completing the Civil Rights Evaluation Tool as required by DHS; and grant performance measurement or evaluation activities.

If an applicant uses an outside consultant or contractor to provide pre-award grant writing services or post-award grant management services, the considerations and requirements in subsection 12.e.II of this section apply.

#### **d. Indirect Facilities & Administrative (F&A) Costs**

Indirect costs are allowable under this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to the FEMA Grants Management Specialist for further instructions. Applicants who wish to use a cost allocation plan in lieu of an indirect cost rate must also reach out to the FEMA Grants Management Specialist for further instructions. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above or based upon on the de minimis rate or cost allocation plan, as applicable.

#### **e. Other Direct Costs**

For detailed information about allowable direct costs under this program, please see the [Preparedness Grants Manual](#). In addition, recipients that are using PSGP funds to support emergency communications equipment activities must comply with the [SAFECOM Guidance on Emergency Communications Grants](#), including provisions on technical standards that ensure and enhance interoperable communications.



## I. Construction and Renovation

Construction and renovation costs are allowed under this program. For construction costs to be allowed, they must be specifically approved by DHS/FEMA in writing prior to the use of any program funds for construction or renovation. Additionally, recipients are required to submit a SF-424C Budget and budget detail citing the project costs. 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. Failure of a grant recipient to meet these requirements may jeopardize Federal funding. See the [Preparedness Grants Manual](#) for additional information.

## II. Backfill, Overtime, and Hiring

Backfill, overtime, and hiring costs are allowed under this program only as described in this NOFO and the [Preparedness Grants Manual](#).

## III. Equipment

Equipment costs are allowed under this program. Please see the [Preparedness Grants Manual](#) for more information. Additionally, recipients that are using PSGP funds to support emergency communications equipment activities must comply with the [SAFECOM Guidance on Emergency Communications Grants](#), including provisions on technical standards that ensure and enhance interoperable communications.

### ■ Controlled Equipment

For decades, the federal government has provided equipment to state, local, territorial, and tribal law enforcement agencies (LEAs) through federal grants. Some federal grant programs have assisted LEAs as they carry out their critical missions to keep the American people safe. The equipment acquired by LEAs



through these programs includes administrative equipment, such as office furniture and computers. Some federal grant programs also may include military and military-styled equipment, firearms, and tactical vehicles provided by the federal government, including property covered under 22 C.F.R. Part 121 and 15 C.F.R. Part 774 (collectively, “controlled equipment”).

However, not all equipment that is considered controlled equipment is allowable under the PSGP. As discussed further below, there are certain “prohibited equipment” that are not allowable under the PSGP. And for the procurement of certain controlled equipment that is allowable under the PSGP, there are additional submission requirements and reviews that must be met before DHS/FEMA will permit funding to be used for this purpose, including but not limited to the provision of policies and procedures in place to safeguard individuals’ privacy, civil rights, and civil liberties.

DHS/FEMA will continue to collaborate with federal agency partners to ensure that there is a consistent and reasonable approach to the restrictions placed on controlled equipment expenditures while continuing to support these investments when there is a justifiable need. Further, DHS/FEMA will continue to maintain an awareness of the evolving policy developments related to controlled equipment expenditures and keep grant recipients up to date on future developments.

Grant funds under this program may not be used for the purchase of equipment not approved by DHS/FEMA. The purchase of weapons and weapons accessories, including ammunition, is not allowed with PSGP funds. Grant funds under this program must also comply with [FEMA Policy 207-22-0002, Prohibited or Controlled Equipment Under FEMA Awards](#) and may not be used for the purchase of the following equipment: 1) firearms; 2) ammunition; 3) grenade launchers; 4) bayonets; or 5) weaponized aircraft, vessels, or vehicles of any kind with weapons installed.

#### **IV. Travel**

Domestic travel costs are allowed under this program as described in this NOFO and the [Preparedness Grants Manual](#). International travel is not an allowable cost under this program unless approved in advance by DHS/FEMA.

#### **V. Maintenance and Sustainment**



Maintenance and sustainment related costs are allowed under this program only as described in this NOFO and the [Preparedness Grants Manual](#).

## **Vi. Authorized Use of Contractual Grant Writers and/or Grant Managers**

A grant applicant may procure the services of a contractor to provide support and assistance for pre-award grant development services (grant writing) or post-award grant management and administrative services (grant management). As with all federal grant-funded procurements, grant writer or grant management services must be procured in accordance with the federal procurement standards at 2 C.F.R. §§ 200.317 – 200.327. See the [Preparedness Grants Manual](#) regarding Procurement Integrity, particularly the sections applicable to non-state entities that discuss organizational conflicts of interest under 2 C.F.R. § 200.319(b) and traditional conflicts of interest under 2 C.F.R. § 200.318(c)(1). States must follow the same policies and procedures it uses for procurements of its non-federal funds, pursuant to 2 C.F.R. § 200.317, which also applies 2 C.F.R. §§ 200.321, 200.322, 200.323, and 200.327.

As applicable to non-state entities, DHS/FEMA considers a contracted grant writer to be an agent of the recipient for any subsequent contracts the recipient procures under the same federal award in which the grant-writer provided grant writing services. Federal funds and funds applied to a federal award's cost share generally cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of such specifications unless the original contract was properly procured and included both grant writing and grant management services in the solicitation's scope of work.

As applicable to all non-federal entities, regardless of whether an applicant or recipient uses grant writing and/or grant management services, the recipient is solely responsible for the fiscal and programmatic integrity of the grant and its authorized activities and expenditures. The recipient must ensure adequate internal controls, including separation of duties, to safeguard grant assets, processes, and documentation, in keeping with the terms and conditions of its award, including this NOFO, and 2 C.F.R. Part 200.

***Consultants or contractors are not permitted to be the AOR or SA of the recipient.*** Further, an application must be officially submitted by 1) a ***current employee, personnel, official, staff or leadership*** of the non-federal entity; and



2) **duly authorized to apply** for an award on behalf of the non-federal entity at the time of application.

a. *Grant Writers*

Grant writing contractors may assist the applicant in preparing, writing, and finalizing grant application materials and assisting the applicant with handling online application and submission requirements in [Grants.gov](https://www.grants.gov) and [ND Grants](https://www.ndgrants.gov). Grant writers may assist in a variety of ways. Ultimately, however, the applicant that receives an award is solely responsible for all grant award and administrative responsibilities.

By submitting the application, applicants certify that all of the information contained therein is true and an accurate reflection of the organization and that regardless of the applicant's intent, the submission of information that is false or misleading may result in actions by DHS/FEMA. These actions include but are not limited to the submitted application not being considered for an award, temporary withholding of funding under the existing award pending investigation, or referral to the DHS Office of the Inspector General.

To assist applicants with the cost of grant writing services, DHS/FEMA is permitting a one-time pre-award cost of no more than \$1,500 per applicant per year for contractual grant writing services as part of the recipient's M&A costs. This is only intended to cover costs associated with a grant writer and may not be used to reimburse the applicant for their own time and effort in the development of a grant application. Additionally, the applicant may be required to pay this fee with its own funds during the application preparation and submission period. If the applicant subsequently receives an award, the applicant may then request to be reimbursed once grant funds become available for that cost, not to exceed \$1,500. If the applicant does not receive an award, this cost will not be reimbursed by the federal government. The applicant must understand this risk and be able to cover this cost if an award is not made.

If an applicant intends to request reimbursement for this one-time pre-award cost, it must include this request in its application materials, including in the budget detail worksheet for each IJ. Failure to clearly identify this as a separate cost in the application may result in its disallowance. This is the only pre-award cost eligible for reimbursement. Recipients must maintain grant writer fee





documentation including, but not limited to, a copy of the solicitation, such as a quote request, rate request, invitation to bid, or request for proposals, if applicable; a copy of the grant writer's contract agreement; a copy of the invoice or purchase order; and a copy of the canceled check or proof of payment. These records must be made available to DHS/FEMA upon request.

***Consultants or contractors are not permitted to be the AOR or SA of the recipient.*** Further, an application must be officially submitted by 1) a ***current employee, personnel, official, staff, or leadership*** of the non-federal entity; and 2) ***duly authorized to apply*** for an award on behalf of the non-federal entity at the time of application.

#### *b. Grant Managers*

Grant management contractors provide support in the day-to-day management of an active grant and their services may be incurred as M&A costs of the award. Additionally, recipients may retain grant management contractors at their own expense.

***Consultants or contractors are not permitted to be the AOR or SA of the recipient.*** The AOR is responsible for submitting programmatic and financial performance reports, accepting award packages, signing assurances and certifications, and submitting award amendments.

#### *c. Restrictions Regarding Grant Writers and Grant Managers*

Pursuant to 2 C.F.R. Part 180, recipients may not use federal grant funds to reimburse any entity, including a grant writer or preparer, if that entity is presently suspended or debarred by the Federal Government from receiving funding under federally funded grants or contracts. Recipients must verify that a contractor is not suspended or debarred from participating in specified federal procurement or non-procurement transactions pursuant to 2 C.F.R. § 180.300. FEMA recommends recipients use SAM.gov to conduct this verification. Further, regardless of whether any grant writer fees were requested, as applicable to non-state entities, unless a single contract covering both pre- and post-award services was awarded to the grant writer and procured in compliance with 2 C.F.R. §§ 200.317 – 200.327, federal funds cannot be used to pay the grant writer to provide post-award services.



## *f. Reprogramming Award Funds*

Reprogramming award funds is permitted under this program only as described in the [Preparedness Grants Manual](#). Please also see Section C.4 of this NOFO regarding cost-share requirements, including the implications if the project costs end up being less than what was applied for.

## **E. Application Review Information**

### **1. Application Evaluation Criteria**

#### **a. Programmatic Criteria**

The PSGP uses a risk-based methodology for making funding decisions whereby each Port Area's relative threat, vulnerability, and consequences from acts of terrorism are considered. This approach helps ensure that program funding is directed toward those Port Areas that present the highest risks in support of the Goal a secure and resilient Nation. Please refer to the [Preparedness Grants Manual](#) for further information on the Goal. PSGP will only fund those eligible projects that close or mitigate maritime security risk vulnerabilities gaps as identified in the applicable AMSP, FSP, VSP, and/or Port-wide Risk Management Plan (PRMP). Projects that enhance business continuity and resumption of trade within a Port Area will also be considered for funding.

Projects submitted by a public sector applicant or projects otherwise certified by the USCG COTP as having a port-wide benefit (please see the Preparedness Grants Manual as well as the cost match section of this NOFO for further information regarding what constitutes a port-wide benefit) will have their final scores increased by a multiplier of 10%.

FY 2023 PSGP applications will be evaluated through a three-part review and selection process that encompasses: 1) an Initial Screening; 2) a Field Review; and 3) a National Review. There are four core PSGP scoring criteria applied in



each step of this process:

1. Projects that support development and sustainment of the core capabilities in the Goal.

- Projects are ranked and weighted based on alignment with core capabilities across the five mission areas of the Goal: Prevention, Protection, Mitigation, Response, and Recovery. A composite score is given to each project to determine a Port Area prioritized ranking of all reviewed projects. The following scale shall be used:

0=None; 1=Minimal; 3=Moderate; 9=Significant/Gap Filled

2. Projects that address priorities outlined in the applicable AMSP, FSP, and/or VSP, as mandated under the MTSA and/or in an applicable PRMP.

- AMSP priorities are the top three Transportation Security Incidents (TSIs) (as defined in 46 U.S.C. § 70101(6)) ranked and correspondingly weighted. Each IJ will be given a score (using the same scale as the National Priorities module) based on how well it addresses one or more TSIs within the context of the five mission areas of the Goal. The following scale shall be used:

0=None; 1=Minimal; 3=Moderate; 9=Significant/Gap Filled

- COTPs may require proposed projects to be socialized with the COTP/Area Maritime Security Committee (AMSC) prior to applying. Applicants are encouraged to coordinate with the COTP/AMSC routinely to ensure their projects align with Port Area priorities.

3. Projects that are eligible and feasible, based on the period of performance. In addition, a recipient's past performance demonstrating competent stewardship of Federal funds may influence funding decisions.

- IJs should justify the scope, breadth, and cost of a project, as well as a timeline for completing the project as required within this NOFO. Projects failing to demonstrate these minimum funding considerations may be denied funding. The following scale shall be used:

0=No Funding Recommended; 1=Funding Recommended



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## **b. Financial Integrity Criteria**

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as enacted by the [Payment Integrity Information Act of 2019, Pub. L. No. 116-117 \(2020\)](#); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any OMB-designated repositories of governmentwide eligibility qualification or financial integrity information, [including whether the applicant is suspended or debarred](#). FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

- i. Financial stability;
- ii. Quality of management systems and ability to meet management standards;
- iii. History of performance in managing federal award;
- iv. Reports and findings from audits; and
- v. Ability to effectively implement statutory, regulatory, or other requirements.

## **c. Supplemental Financial Integrity Criteria and Review**

Prior to making a federal award where the anticipated total federal share will be greater than the simplified acquisition threshold, currently \$250,000:

- i. FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance and Integrity Information System \(FAPIIS\)](#).
- ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity,



business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

## 2. Review and Selection Process

Following the USCG COTP-led Field Review, DHS/FEMA will lead a National Review. The National Review encompasses 1) a review by a panel of subject-matter experts (SME) from DHS/FEMA and other federal partners that validates the USCG COTP-led Field Review results; and 2) a detailed administrative/financial review of applications recommended for funding. ***As part of the National Review, the SME panel will increase the score of any proposed project that sufficiently addresses one or more of the two National Priorities (enhancing cybersecurity or enhancing the protection of soft targets/crowded places) by 20%.*** Projects that are not dedicated to specifically enhancing a National Priority will not receive a score increase (e.g., a port area patrol vessel that is not solely dedicated to patrolling the soft target/crowded place or a camera replacement project that includes a cybersecurity software installation will not receive a 20% score increase). To be considered for a 20% score increase, projects must be submitted as distinct and standalone, and dedicated to supporting the national priority.

As part of the National Review, the SME panel may also 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. In addition, the SME panel will validate proposed project costs. ***Decisions to reduce requested funding amounts or eliminate requested items deemed inappropriate under the scope of the FY 2023 PSGP will take into consideration the ability of the revised project to address the National Priorities and whether it will achieve the intended risk mitigation goal.*** Historically, the PSGP has placed a high priority on providing full project funding rather than partial funding.

Elements of the application considered during the National Review include the following as specified within this NOFO:

- Eligibility of an applicant;
- Allowable costs;



- Required cost share; and
- Alignment with program priorities.

Independent of the Field and National Reviews, a risk score will also be calculated for each Port Area in which an eligible entity applies for PSGP funding. A Port Area risk score will be calculated based on the relative threat, vulnerability, and consequences from acts of terrorism. The risk methodology used to calculate this score is focused on three elements:

- *Threat* – likelihood of an attack being attempted by an adversary;
- *Vulnerability* – likelihood that an attack is successful, given that it is attempted; and
- *Consequence* – effect of an event, incident, or occurrence.

The risk methodology determines the relative risk of terrorism faced by a given Port Area, considering the potential risk of terrorism to people, critical infrastructure, economic security, and national security missions. The analysis includes threats from domestic violent extremists, international terrorist groups, and individuals inspired by terrorists abroad. A risk and effectiveness prioritization will then be applied to the SME panel's recommended list of projects for each Port Area. This analysis 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 Priorities;
- Relationship of the project to the local port security priorities;
- Risk level of the Port Area in which the project would be located;
  - Those Port Areas that have a measurable risk of at least 1% of the overall maritime security risk based on the comprehensive DHS/FEMA risk methodology would be prioritized above those with less than 1% of the overall risk;
  - To ensure that the most effective projects are funded, the risk and effectiveness prioritization could be limited by Port Area, based on the Port Area's relative risk score; and
- Effectiveness and feasibility of the project to be completed in support of the priorities highlighted above during the period of performance.



Projects recommended for funding will also receive a detailed administrative/financial review to ensure compliance with all program requirements. As a part of this, applications will be reviewed to ensure there are no ineligible costs, there is an appropriate nexus to maritime security, etc.

***FEMA may place a risk-based funding cap on Port Areas to ensure a broad distribution of program funds among multiple Port Areas. This will ensure that minimally effective projects in the highest risk Port Areas are not funded ahead of highly effective projects in lower risk Port Areas; however, this does not guarantee that Port Areas with minimal risk scores will receive funding.*** All funding recommendations will be provided to the inter-agency partners for concurrence. All final funding determinations will then be made by the Secretary of Homeland Security, who retains the discretion to consider other factors and information in addition to DHS/FEMA's funding recommendations.

## F. Federal Award Administration Information

### 1. Notice of Award

Before accepting the award, the AOR and recipient should carefully read the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. **Recipients must accept all conditions in this NOFO and the [Preparedness Grants Manual](#) as well as any **specific terms and conditions in the Notice of Award** to receive an award under this program.**

See the [Preparedness Grants Manual](#) for information on Notice of Award.

Recipients must accept their awards no later than 60 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award or provide a notice of intent to decline through the ND Grants system. For instructions on how to accept or decline an award in the ND Grants system, please see the ND Grants Grant Recipient User Guide, which is available at [Non-Disaster Grants Management System | FEMA.gov](#) along with other ND Grants materials.

Funds will remain on hold until the recipient accepts the award through the ND Grants system and all other conditions of the award have been satisfied or until



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the award is otherwise rescinded. Failure to accept a grant award within the 60-day timeframe may result in a loss of funds.

## 2. Administrative and National Policy Requirements

In addition to the requirements of in this section and in this NOFO, FEMA may place specific terms and conditions on individual awards in accordance with 2 C.F.R. Part 200.

In addition to the information regarding DHS Standard Terms and Conditions and Ensuring the Protection of Civil Rights, see the [Preparedness Grants Manual](#) for additional information on administrative and national policy requirements, including:

- · [EHP Compliance](#);
- · [FirstNet](#);
- · [NIMS Implementation](#); and
- · [SAFECOM Guidance](#).

### a. DHS Standard Terms and Conditions

All successful applicants for DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at [DHS Standard Terms and Conditions](#).

The applicable DHS Standard Terms and Conditions will be those in effect at the time the award was made. [What terms and conditions will apply for the award will be clearly stated in the award package at the time of award.](#)

### b. Ensuring the Protection of Civil Rights

As the Nation works towards achieving the [National Preparedness Goal](#), it is important to continue to protect the civil rights of individuals. Recipients and subrecipients must carry out their programs and activities, including those related to the building, sustainment, and delivery of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations.





Federal civil rights statutes, such as Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, along with DHS and FEMA regulations, prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, limited English proficiency, or economic status in connection with programs and activities receiving [federal financial assistance](#) from FEMA.

The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. These terms and conditions can be found in the [DHS Standard Terms and Conditions](#). Additional information on civil rights provisions is available at [External Civil Rights Division | FEMA.gov](#).

Monitoring and oversight requirements in connection with recipient compliance with federal civil rights laws are also authorized pursuant to 44 C.F.R. Part 7.

In accordance with civil rights laws and regulations, recipients and subrecipients must ensure the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

### **c. Environmental Planning and Historic Preservation (EHP) Compliance**

As a federal agency, FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by FEMA, including grant-funded projects, comply with federal EHP laws, Executive Orders, regulations, and policies, as applicable.

All non-critical new construction or substantial improvement of structures in a Special Flood Hazard Area must, at a minimum, apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements. All other types of projects may choose to apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach. See [Executive Order \(EO\) 14030, Climate-Related Financial Risk](#) and [FEMA Policy #-206-21-0003, Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs \(Interim\)](#).

All GPD actions, including grant-funded actions, must comply with National Flood Insurance Program criteria or any more restrictive federal, state, or local floodplain



management standards or building code (44 CFR § 9.11(d)(6)). All GPD-funded non-critical actions in 1% annual chance floodplains (also known as 100-year floodplains) that involve new construction or substantial improvement of structures must be elevated, at a minimum, to the lower of:

- Two feet above the 1% annual chance flood elevation (also known as the base flood elevation), in accordance with the Federal Flood Risk Management Standard (FFRMS) “Freeboard Value Approach” (FVA); or
- The 0.2% annual chance flood elevation. Where 0.2% annual chance flood elevations are not available, such actions must be elevated to at least two feet above the 1% annual chance flood elevation.

All GPD-funded critical actions in 0.2% annual chance floodplains (also known as 500-year floodplains) that involve new construction or substantial improvement of structures must be elevated, at a minimum, to the higher of:

- Three feet above the 1% annual chance flood elevation; or
- The 0.2% annual chance flood elevation. Where 0.2% annual chance flood elevations are not available, such actions must be elevated to at least three feet above the 1% annual chance flood elevation.

See [EO 11988, Floodplain Management](#), as amended by [EO 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input](#).

**Recipients and subrecipients proposing projects that have the potential to impact the environment, including, but not limited to, the construction of communication towers, modification or renovation of existing buildings, structures, and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process.** The EHP review process involves the submission of a detailed project description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. [Federal law requires EHP review to be completed before federal funds are released to carry out proposed](#)



projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies.

DHS and FEMA EHP policy is found in directives and instructions available on the [FEMA.gov EHP page](#), the FEMA website page that includes documents regarding EHP responsibilities and program requirements, including implementation of the National Environmental Policy Act and other EHP regulations and Executive Orders.

The GPD EHP screening form is located at [FEMA Form](#). Additionally, all recipients under this funding opportunity are required to comply with the [FEMA GPD EHP Policy Guidance, FEMA Policy #108-023-1](#).

### 3. Reporting

Recipients are required to submit various financial and programmatic reports as a condition of award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent.

See the [Preparedness Grants Manual](#) for information on reporting requirements.

### 4. Monitoring and Oversight

Per 2 C.F.R. § 200.337, FEMA, through its authorized representatives, has the right, at all reasonable times, to make site visits or conduct desk reviews to review project accomplishments and management control systems to review award progress and to provide any required technical assistance. During site visits or desk reviews, FEMA will review recipients' files related to the award. As part of any monitoring and program evaluation activities, recipients must permit FEMA, upon reasonable notice, to review grant-related records and to interview the organization's staff and contractors regarding the program. Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award.

See the [Preparedness Grants Manual](#) for information on monitoring and oversight.



**FEMA**

## G. DHS Awarding Agency Contact Information

### 1. Contact and Resource Information

#### a. Program Office Contact

FEMA has assigned region-specific Preparedness Officers for the PSGP. If you do not know your Preparedness Officer, contact the FEMA Grants Information Desk by e-mail at [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov) OR by phone at (800) 368-6498, Monday through Friday, 9 a.m. – 5 p.m. ET.

#### b. FEMA Grants News

**FEMA Grants News** is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. **This channel** provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns. FEMA Grants Information Desk can be reached by e-mail at [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov) OR by phone at (800) 368-6498, Monday through Friday, 9 a.m. – 5 p.m. ET.

#### c. Grant Programs Directorate (GPD) Award Administration Division

GPD's Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. Additional guidance and information can be obtained by contacting the AAD's Help Desk via e-mail at [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov).

#### d. Equal Rights

The FEMA Office of Equal Rights (OER) is responsible for compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA and recipients of FEMA financial assistance. All inquiries and communications about federal civil rights compliance for FEMA



grants under this NOFO should be sent to [FEMA-CivilRightsOffice@fema.dhs.gov](mailto:FEMA-CivilRightsOffice@fema.dhs.gov)

### **e. Environmental Planning and Historic Preservation**

GPD's EHP Team provides guidance and information about the EHP review process to recipients and subrecipients. All inquiries and communications about GPD projects under this NOFO or the EHP review process, including the submittal of EHP review materials, should be sent to [gpdehpinfo@fema.dhs.gov](mailto:gpdehpinfo@fema.dhs.gov).

## **2. Systems Information**

### **a. Grants.gov**

For technical assistance with [Grants.gov](https://www.grants.gov), call the customer support hotline 24 hours per day, 7 days per week (except federal holidays) at (800) 518-4726 or e-mail at [support@grants.gov](mailto:support@grants.gov).

### **b. Non-Disaster (ND) Grants**

For technical assistance with the ND Grants system, please contact the ND Grants Helpdesk at [ndgrants@fema.dhs.gov](mailto:ndgrants@fema.dhs.gov) or (800) 865-4076, Monday through Friday, 9:00 AM – 6:00 PM ET. User resources are available at [Non-Disaster Grants Management System | FEMA.gov](#).

### **c. Payment and Reporting System (PARS)**

FEMA uses the [Payment and Reporting System \(PARS\)](#) for financial reporting, invoicing, and tracking payments. FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. To enroll in the DD/EFT, recipients must complete a Standard Form 1199A, Direct Deposit Form. If you have questions about the online system, please call the Customer Service Center at (866) 927-5646 or email [ask-GMD@fema.dhs.gov](mailto:ask-GMD@fema.dhs.gov).

## **H. Additional Information**



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GPD has developed the [Preparedness Grants Manual](#) to guide applicants and recipients of grant funding on how to manage their grants and other resources. Recipients seeking guidance on policies and procedures for managing preparedness grants should reference the Preparedness Grants Manual for further information. Examples of information contained in the [Preparedness Grants Manual](#) include:

- Actions to Address Noncompliance
- Audits
- Case Studies and Use of Grant-Funded Resources During Real-World Incident Operations
- Community Lifelines
- Conflicts of Interest in the Administration of Federal Awards and Subawards
- Disability Integration
- National Incident Management System
- Payment Information
- Period of Performance Extensions
- Procurement Integrity
- Record Retention
- Whole Community Preparedness
- Other Post-Award Requirements

## 1. Termination Provisions

FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2 C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards.

### a. Noncompliance

If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. If the noncompliance can be corrected, FEMA may first attempt to direct the recipient to correct the noncompliance. This may take the form of a Compliance Notification. If the



noncompliance cannot be corrected or the recipient is non-responsive, FEMA may proceed with a Remedy Notification, which could impose a remedy for noncompliance per 2 C.F.R. § 200.339, including termination. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342 as well as the requirement of 2 C.F.R. § 200.340(c) to report in FAPIIS the recipient's material failure to comply with the award terms and conditions. See also the section on Actions to Address Noncompliance in this NOFO or in the [Preparedness Grants Manual](#).

### **b. With the Consent of the Recipient**

FEMA may also terminate an award in whole or in part with the consent of the recipient, in which case the parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

### **c. Notification by the Recipient**

The recipient may terminate the award, in whole or in part, by sending written notification to FEMA setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. In the case of partial termination, FEMA may determine that a partially terminated award will not accomplish the purpose of the federal award, so FEMA may terminate the award in its entirety. If that occurs, FEMA will follow the requirements of 2 C.F.R. §§ 200.341-200.342 in deciding to fully terminate the award.

## **2. Program Evaluation**

Recipients and subrecipients are encouraged to incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 ([Evidence Act](#)), [Pub. L. No. 115-435 \(2019\)](#) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more



programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act § 101 (codified at 5 U.S.C. § 311). Evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation.

In addition, recipients are required to participate in a DHS-led evaluation if selected, which may be carried out by a third-party on behalf of the Program Office or DHS. By accepting grant funds, recipients agree to participate in the evaluation, which may include analysis of individuals who benefit from the grant, and provide access to program operating personnel and participants, as specified by the evaluator(s) during the award.

### **3. Period of Performance Extensions**

Extensions to the period of performance (POP) for this program are allowed. Extensions to the POP identified in the award will only be considered through formal, written requests to the recipient’s FEMA Preparedness Officer must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with the FEMA Preparedness Officer as needed when preparing an extension request. Please refer to the [Preparedness Grants Manual](#) for more detail on the requirements for submitting a POP extension request.

### **4. Financial Assistance Programs for Infrastructure**

#### ***a. Build America, Buy America Act***

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021), and Executive Order 14005, Ensuring the Future is Made in All of America by All of America’s Workers. See also [Office of Management and Budget \(OMB\), Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#).

None of the funds provided under this program may be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States.





The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

To see whether a particular FEMA federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please see [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#) and [Build America, Buy America Act Frequently Asked Questions \(FAQs\) | FEMA.gov](#). Additional information is found in [Buy America Preference in FEMA Financial Assistance Programs for Infrastructure, FEMA Interim Policy #207-22-0001](#).

### ***b. Waivers***

When necessary, recipients (and subrecipients through their pass-through entity) may apply for, and FEMA may grant, a waiver from these requirements.

A waiver of the domestic content procurement preference may be granted by the agency awarding official if FEMA determines that:

- Applying the domestic content procurement preference would be inconsistent with the public interest.
- The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.
- The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%.

For FEMA awards, the process for requesting a waiver from the Buy America preference requirements can be found on FEMA's website at: ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#).



### ***c. Definitions***

Construction materials: an article, material, or supply—other than an item primarily of iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, paint, and drywall.

Domestic content procurement preference: Means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

Federal financial assistance: Generally defined in 2 C.F.R. § 200.1 and includes all expenditures by a federal agency to a non-federal entity for an infrastructure project, except that it does not include expenditures for assistance authorities relating to major disasters or emergencies under sections 402, 403, 404, 406, 408, or 502 of the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#) relating to a major disaster or emergency declared under section 401 or 501, respectively, or pre and post disaster or emergency response expenditures.

Infrastructure: infrastructure projects which serve a public function, including at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy.

Produced in the United States means the following for:

- Iron and steel: All manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.



- **Manufactured products:** The product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55% of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- **Construction Materials:** All manufacturing processes for the construction material occurred in the United States.

**Project:** is any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States.

## Footnotes

1. Homeland Security Act of 2002: Report Together with Minority and Dissenting Views 222, Select Committee on Homeland Security: 107th Congress, U.S. House of Representatives (2002) (H. Rpt. 107-609).
2. Strategic Intelligence Assessment and Data on Domestic Terrorism, Federal Bureau of Investigation and Department of Homeland Security, May 2021.



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