



FISCAL YEAR 2010

NATIONAL DAM SAFETY PROGRAM

GUIDANCE AND APPLICATION KIT

JUNE - 2010



U.S. DEPARTMENT OF HOMELAND SECURITY

Title of Opportunity: National Dam Safety Program

Funding Opportunity Number: DHS-10-MT-041-000-01

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

Announcement Type: Initial

Dates: Completed applications must be submitted **no later than 11:59 PM Eastern, June 30, 2010.**

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PART I.

FUNDING OPPORTUNITY DESCRIPTION

The Federal Emergency Management Agency proposes to award fifty-one (51) Grants for an estimated \$7,399,100 with 50 States and the Commonwealth of Puerto Rico for the development and maintenance of their dam safety programs. By supporting State governments, FEMA hopes to protect the citizens of the United States and Puerto Rico from dam failure. The funds will enable the States and Puerto Rico to take precautions that ensure dam safety, such as, the development of regulatory authority for the design, construction, operation and maintenance of dams, the undertaking of dam inspections and development of Emergency Action Plans (EAPs) for dams.

A primary goal is to encourage the establishment and maintenance of effective State dam safety programs and to provide financial assistance incentives to States that are moving toward improved safety of nonfederal dams in their States. For a State to be eligible for assistance under the National Dam Safety Program (NDSP), the State's dam safety program must meet the following criteria and budgeting requirements:

- Authority to approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;
- Authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;
- Requirements that, on completion of dam construction, State approval be given before operation of the dam;
- Authority to require or perform periodic evaluations of dams and reservoirs to determine the extent of the threat to human life and property in case of failure;
- Performance of inspections, at least once every 5 years, of all dams and reservoirs to determine the continued safety;
- Procedures for more detailed and frequent safety inspections:
 - a. Requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction; and
 - b. Authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, install and monitor instrumentation, improve security, revise operating procedures, or take other actions, including breaching dams, when necessary;
- Regulations for carrying out the legislation of the State described in this subparagraph;
- Provisions for necessary funds:
 - a. Ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and
 - b. If the owner of the dam does not take the action described in sub

- clause, appropriate action must be taken as expeditiously as practicable;
- System of emergency procedures to be used if dam fails or if the failure of a dam is imminent; and
 - Identification of:
 - a) Dams that could fail and be reasonably expected to endanger human life;
 - b) Maximum area that could flood if dam fails; and
 - c) Necessary public facilities that would be affected by the flooding.

PART II.

AWARD INFORMATION

DHS/FEMA anticipates awarding fifty-one (51) awards to fifty (50) States and the Commonwealth of Puerto Rico.

Authorizing Statutes

Dam Safety Act of 2006 (Public Law 109-460), signed into law December 22, 2006.

Award Period of Performance

The period of performance of this grant is 24 months from date of award. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications as to why an extension is required.

Available Funding

In FY 2010, the total amount of funds distributed under this grant will be \$7,399,100.

PART III.

ELIGIBILITY INFORMATION

A. Eligible Applicants

This funding opportunity is restricted to the State dam safety program in fifty (50) States and the Commonwealth of Puerto Rico. For a State to qualify for assistance, State appropriations must be budgeted to carry out the legislation of the State as described in Part I.

B. Cost Sharing

There is no cost sharing or match funding requirement associated with this opportunity.

C. Restrictions

None.

D. Other

National Incident Management System Implementation Compliance

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

Federal FY 2009 NIMS implementation must be considered prior to allocation of any Federal awards in FY 2010. The primary grantee/administrator of FY 2010 National Dam Safety Program award funds is responsible for determining if sub-awardees have demonstrated sufficient progress in NIMS implementation to disburse awards.

PART IV.

APPLICATION AND SUBMISSION INFORMATION

A. Address to Request Application Package

FEMA makes all funding opportunities available through the common electronic “storefront” [grants.gov](http://www.grants.gov), accessible on the Internet at <http://www.grants.gov>. If you experience difficulties accessing information or have any questions please call the [grants.gov](http://www.grants.gov) customer support hotline at (800) 518-4726.

Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>, select “Apply for Grants,” and then select “Download Application Package.” Enter the CFDA and/or the funding opportunity number located on the cover of this announcement. Select “Download Application Package,” and then follow the prompts to download the application package. To download the instructions, go to “Download Application Package” and select “Instructions.”

B. Content and Form of Application

1. **Application via www.grants.gov.** All applicants must file their applications using the Administration’s common electronic “storefront” - www.grants.gov. Eligible grantees must apply for funding through this portal, accessible on the Internet at www.grants.gov.

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

- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information (Non-construction)
- Standard Form 424B, Standard Assurances (Non-construction)
- Standard Form LLL, Disclosure of Lobbying Activities (if the grantee has engaged or intends to engage in lobbying activities)
- Grants.gov (GG) Lobbying Form, Certification Regarding Lobbying
- FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- Review Board FY2010 State Evaluation Criteria Form (reference Part IV. F)

The program title listed in the CFDA is “*National Dam Safety Program.*” The CFDA number is **97.041**.

2. **Dun and Bradstreet Data Universal Numbering System (DUNS) number.** The applicant must provide a DUNS number with their application. This number is a required field within www.grants.gov and for CCR. Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one, as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at (866) 705-5711.
3. **Central Contractor Registration (CCR).** The application process also involves an updated and current CCR by the applicant, which must be confirmed at <http://www.ccr.gov>.
4. **Program Specific Narrative or Workplan**
Each State must fill out the National Dam Safety Review Board FY 2010 State Evaluation Criteria as required by the Program Office (reference Part IV. F).

The Administrator shall enter into an agreement with States receiving assistance to develop a work plan necessary for the State dam safety program to reach a level of performance specified in the agreement as stated in the National Dam Safety Act of 2006.

If the Administrator determines that a State dam safety program does not meet the requirements for approval, the Administrator shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

Emphasis and Requirements

Emergency Action Plans (EAPs) are critical to protecting the public living downstream of high-hazard potential dams in the United States. Increasing the number of EAPs for these dams remains a top priority of the National Dam Safety Program in FY 2010.

On January 8, 2008, the National Dam Safety Review Board voted unanimously to require that:

States with less than 75 percent EAP compliance on state-regulated high-hazard potential dams must devote at least 25 percent of their grant funds to increase the number of EAPs for these dams by approximately 10 percent each year. This requirement shall continue in FY 2010. The bullets below must be addressed in your proposal. Activities may include, but are not limited to:

- Hiring a part-time EAP coordinator to assist with the creation of EAPs;
- Hosting regional EAP awareness workshops for the public, local emergency managers, and owners of critical facilities potentially in harm's way;

- Hosting functional and tabletop exercises;
- Implementing an outreach plan and marketing strategy for dam owners and local emergency management officials without EAPs.
- Providing dam owners and emergency managers with inundation maps that may result in the development of an EAP
- Hosting statewide and local workshops on the development of EAPs for dam owners and local emergency managers.
- Sending correspondence to dam owners on the need for EAPs and on the value of the process itself. To help in this effort, the Association of State Dam Safety Officials will provide example letters with guidance on the preparation of EAPs, which have been developed by the National Dam Safety Review Board EAP Work Group.

States must address the EAP initiative in detail in their Financial Assistance Submittal. Failure to address the initiative may result in a forfeiture of grant funds.

For States to which this requirement applies, your FY2010 grant application must include an “interim report” on the progress made on this initiative with your FY 2009 grant. Again, failure to do so may result in a forfeiture of grant funds.

Several States may be informed that their progress toward meeting the expected target for the numbers of high-hazard potential dams with EAPs and/or inspection rates for that category of dams is not satisfactory. Those States will be required to use this year’s funds to develop a process to address this deficiency.

These States will be required to provide a “Mid-Year Report” (due 6 months from the execution of the grant) to FEMA as to how they plan to significantly increase their efforts to make significant progress. FY 2010 Emphasis and Requirements highlight opportunities for a State to use unique methods to create interest by dam owners to move forward in this area. This report should identify and elaborate on the process and indicate movement in the first six months of the grant.

FEMA will review all “Final Reports” submitted by the States for their FY 2010 Program to ensure that adequate progress is being made to meet the Program emphasis and requirements leading toward an increased number of EAPs and inspections of high-hazard potential dams. FEMA will report the results of this review to the National Dam Safety Review Board to ensure that the Program Emphasis for FY 2011 reflects the results of FY 2010 activities.

Public Awareness Initiative

Public Awareness and education is one of the objectives of the Dam Safety Act of 2006. To achieve this objective, it is important for each State to effectively communicate the potential flood risk to State and local emergency management officials, local decision makers, and communities living and working downstream of the Nation’s high-hazard potential dams. To assess the performance of the States in this area, each State as part of its FY 2010 grant application must describe its

strategy for coordinating with State and local emergency management officials and local decision makers (e.g. mayors, city council, etc) of communities potentially impacted by high-hazard potential dams that have been identified to be in either POOR or UNSATISFACTORY condition based on State dam safety inspector's condition assessment. Where the dam failure flood inundation areas have not been identified and assessed as part of the EAPs or evacuation plans, such activities should be pursued and provided to the communities.

If a State is deficient in this area, it shall provide a plan for improvement in its 2010 proposal, and consider use of its FY 2010 grant funds for this purpose.

New Priority – Condition Assessments

The Dam Safety Act of 2006 requires the National Inventory of Dams to “include any available information assessing each dam based on inspections completed by a State dam safety agency.” To facilitate this condition assessment, the National Dam Safety Review Board established the following categories:

- **SATISFACTORY**
No existing or potential dam safety deficiencies are recognized. Acceptable performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the applicable regulatory criteria or tolerable risk guidelines.
- **FAIR**
No existing dam safety deficiencies are recognized for normal loading conditions. Rare or extreme hydrologic and /or seismic events may result in a dam safety deficiency. Risk may be in the range to take further action.
- **POOR**
Dam safety deficiency is recognized for loading conditions which may realistically occur. Remedial action is necessary. POOR may also be used when uncertainties exist as to critical analysis parameters which identify a potential dam safety deficiency: further investigations and studies are necessary.
- **UNSATISFACTORY**
Dam safety deficiency is recognized that requires immediate or emergency remedial action for problem resolution. Reservoir restrictions may be necessary until problem resolution.
- **NOT RATED**
Dam has not been inspected, is not under State jurisdiction or sufficient information is not available to determine the adequacy of the dam to operate as designed under all required pool and loading conditions.

To promote public safety and risk communication, States with less than 85 percent of their high hazard potential dams that have an assigned condition category must devote an appropriate amount of their grant funds, beginning in FY 2010 to completing condition assessments, and describe in their FY 2010 application how this will be accomplished. The condition assessments are based on the last inspection conducted. For example, if a high hazard potential dam was last inspected in 1998, then the condition assessment category would be based on that assessment. The condition assessments must be included in the annual submittal to the Nation Inventory of Dams (NID).

C. Submission Dates and Times

Application submissions must be received no later than 11:59, EST on June 30, 2010. Only applications made through www.grants.gov will be accepted.

D. Intergovernmental Review

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

E. Funding Restrictions

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

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

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

F. Other Submission Requirements

National Dam Safety Review Board FY 2010 State Evaluation Criteria

I. Existing State Dam Safety Program

- (i) List the number of Full Time Employees (FTEs) including engineers, geologists, hydrologists, technicians, inspectors, and administrative support.

Engineers	_____
Geologists	_____
Hydrologists	_____
Planners	_____
Technicians	_____
Inspectors	_____
Administrative/Clerical	_____
Others	_____
 Total FTEs	 _____

- a. Did any of the above numbers change from last year's reporting? If so, please update.

- (ii) Indicate below your State's current dam safety program budget. (If your State does not separate dam safety expenditures from departmental budget, please provide the estimated dam safety costs as an attachment.) Please provide further information below on how your budgets are broken out.

\$_____ Estimated Dam Safety Costs \$_____

Training Travel \$_____ Inspection Travel \$_____ Personnel \$_____

Personnel w/Fringe Benefits \$_____ Contracts \$_____ Indirect Costs \$_____

Supplies \$_____ Conference Travel \$_____ Equipment \$_____

COMMENTS _____

I. Number of Dams

- (i) List both the number of dams (National Dam Safety Program Act definition) included in the National Inventory of Dams that exist in your State and are regulated by your State. Regulated means dams for which your State executes all of the following responsibilities:

- (a) Inspections;
- (b) Enforcement; and
- (c) Permitting authority/responsibility.

	<u>National Inventory</u>	<u>State Regulated</u>
High Hazard Potential Dams	_____	_____
Significant Hazard Potential Dams	_____	_____
Low Hazard Potential Dams	_____	_____

- (ii) If the total number of State regulated dams is not the same as the number of dams in the inventory, provide a brief outline on the type of exempt dams.

II. Dam Inspections

- (i) Provide the number of dam safety inspections of State regulated dams during this past calendar year.

High Hazard Potential Dams _____
 Significant Hazard Potential Dams _____
 Low Hazard Potential Dams _____

- (ii) Provide who is responsible for performing inspections (State personnel or Consultant).

III. Remediation Needs and Accomplishments

- (i) Number of State regulated dams inspected that have been identified to be in need of remediation because of hydraulic/structural deficiencies this past calendar year.

High Hazard Potential Dams _____
 Significant Hazard Potential Dams _____
 Low Hazard Potential Dams _____

- (ii) Number of State regulated dams that have been remediated (that is construction has been completed) this past calendar year because of hydraulic/structural deficiencies.

High Hazard Potential Dams _____
 Significant Hazard Potential Dams _____
 Low Hazard Potential Dams _____

- (iii) Number of State regulated dams where construction of remediation is ongoing, but not completed at the end of the past calendar year.

High Hazard Potential Dams _____
Significant Hazard Potential Dams _____
Low Hazard Potential Dams _____

IV. Emergency Action Plans (EAP)

- (i) How many State regulated High Hazard Potential dams have EAPs?

- (ii) How many State regulated Significant Hazard Potential dams have EAPs?

- (iii) Have the EAPs submitted meet or exceed the Federal Guidelines for dam safety? Emergency Action Planning for Dam Owners (October 1998).
YES _____ NO _____

If not, how many comply? _____

V. Compliance with Basic Criteria found in Public Law 104-303 Section 215 Subsection 8(f) 2A

Please indicate whether your State dam safety program meets the following criteria authorized by State legislation:

- (i) The authority to review and approve plans and specifications to construct, enlarge, remove, and abandon dams; YES _____ NO _____
- (ii) The authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications; YES _____ NO _____
- (iii) A requirement that, on completion of dam construction, State approval must be given before operation of the dam; YES _____ NO _____
- a. The authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; YES _____ NO _____
- b. A procedure for more detailed and frequent safety inspections; YES _____ NO _____

- (iv) A requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction; YES _____ NO _____
- (v) The authority to issue notices, when applicable, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary; YES _____ NO _____
- (vi) Regulations for carrying out the legislation of the State described in this section; YES _____ NO _____
- (vii) Provisions for necessary funds:
 - a. To ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; YES _____ NO _____
 - b. If the owner of the dam does not take action described in sub-clause (a), to take action as expeditiously as practicable; YES _____ NO _____
- (viii) A system of emergency procedures to be used if a dam or the failure of the dam is imminent; YES _____ NO _____
- (ix) An identification of:
 - a. Each dam the failure of which could be reasonably expected to endanger human life; YES _____ NO _____
 - b. The maximum area that could be flooded if the dam failed; YES _____ NO _____
 - c. Necessary public facilities that would be affected by the flooding; YES _____ NO _____

VI. FY 2009 Grant Report

- A. Please describe below the progress made by your State in meeting the outcomes described in its FY 2009 proposal. Indicate what performance measure(s), as listed in Part I.: Basic Criteria, best describe improvement made by your State's dam safety program by its participation in the NDSP State Assistance Program.

Dam Safety Official Name-Typed or Printed

Title

Signature

Date

PART V.

APPLICATION REVIEW INFORMATION

A. Review Criteria

The application will be reviewed by FEMA and the National Dam Safety Review Board for consistency with the goals and objectives stated in Part I.

B. Review and Selection Process

The application will be reviewed and recommended for funding by the FEMA and the National Dam Safety Review Board.

Funds will not be made available for obligation, expenditure, or drawdown until Funds will not be made available for obligation, expenditure, or drawdown until the applicant's budget and budget narrative have been approved by FEMA.

The applicant must provide a detailed budget for the funds requested. The detailed budget must be submitted with the grant application as a file attachment within www.grants.gov. The budget must be complete, reasonable, and cost-effective in relation to the proposed project. The budget should provide the basis of computation of all project-related costs, any appropriate narrative, and a detailed justification of management and administrative (M&A) costs.

C. Anticipated Announcement and Award Dates

FEMA will evaluate and act on applications within 30 days following close of the application period. Awards will be made on or before August 30, 2010.

PART VI.

AWARD ADMINISTRATION INFORMATION

A. Notice of Award

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

The period of performance is 24 months and begins on the Project Period/Budget Period start date listed in the award package. Any unobligated funds will be de-obligated at the end of the close-out period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. All extension requests must be submitted to FEMA at least 60 days prior to the end of the period of performance and must address:

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

B. Administrative and National Policy Requirements

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

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

1.1 – Administrative Requirements.

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

1.2 – Cost Principles.

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

1.3 – Audit Requirements.

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

1.4 – Duplication of Benefits. There may not be a duplication of any Federal assistance by governmental entities, per 2 CFR Part 225, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and 48 CFR 31.2.

2. Payment. DHS/FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to Recipients. To enroll in the DD/EFT, the Recipient must complete a Standard Form 1199A, Direct Deposit Form, found at <http://www.fms.treas.gov/eft/1199a.pdf>.

The Recipient may be paid in advance, or reimbursed by completing the Standard Form (SF) 270, Request for Advance/Reimbursement. In order to download the Standard Form 270, the Recipient may use the following link: <http://www.whitehouse.gov/omb/grants/sf270.pdf>

2.1 – Advance Payment. In accordance with Treasury regulations at 31 CFR Part 205, the Recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds (See 44 CFR Part 13.21(i)) regarding payment of interest earned on advances. In order to request an advance, the Recipient must maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds from DHS and expenditure and disbursement by the Recipient. When these requirements are not met, the Recipient will be required to be on a reimbursement for costs incurred method.

NOTE: FUNDS WILL NOT BE AUTOMATICALLY TRANSFERRED UPON ISSUANCE OF THE GRANT. GRANTEES MUST SUBMIT A REQUEST FOR ADVANCE/REIMBURSEMENT (SF-270) IN ORDER FOR THE FUNDS TO BE TRANSFERRED TO THE GRANTEE’S ACCOUNT.

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

4. Administrative Requirements.

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

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

- *Title VI of the Civil Rights Act of 1964*, as amended, 42 U.S.C. §2000 et seq. – Provides that no person on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with Limited English Proficiency (LEP). (42 U.S.C. §2000d et seq.)
- *Title IX of the Education Amendments of 1972*, as amended, 20 U.S.C. §1681 et seq. – Provides that no person, *on the basis of sex*, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.
- *Section 504 of the Rehabilitation Act of 1973*, as amended, 29 U.S.C. §794 – Provides that no otherwise qualified individual with a disability in the United States, shall, *solely* by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or subject to discrimination in any program or activity receiving Federal financial assistance.
- *The Age Discrimination Act of 1975*, as amended, 20 U.S.C. §6101 et seq. – Provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

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

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

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

- *Lobbying.* 31 U.S.C. §1352, *Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions.* – Prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. FEMA and DHS have codified restrictions upon lobbying at 44 CFR Part 18 and 6 CFR Part 9. (Refer to form included in application package.)
- *Drug-free Workplace Act,* as amended, 41 U.S.C. §701 et seq. – Requires the recipient to publish a statement about its drug-free workplace program and give a copy of the statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. Also, place(s) where work is being performed under the award (i.e., street address, city, state and zip code) must be maintained on file. The recipient must notify the Grants Officer of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. For additional information, see 44 CFR Part 17.
- *Debarment and Suspension.* – Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarring or suspending those persons that deal in an irresponsible manner with the Federal government. The recipient must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see 2 CFR Part 3000.
- *Federal Debt Status.* – The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129) (Refer to SF-424, item number 17.)
- *Hotel and Motel Fire Safety Act of 1990.* – In accordance with section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, 15 U.S.C. §2225.

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

4.5 – Integrating individuals with disabilities into emergency planning.

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

4.6 – Environmental Planning and Historic Preservation Compliance. FEMA

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

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

- Project location (i.e., exact street address or map coordinates)
- Total extent of ground disturbance and vegetation clearing
- Extent of modification of existing structures
- Construction equipment to be used, staging areas, etc.
- Year that any affected buildings or structures were built
- Natural, biological, and/or cultural resources present within the project area and vicinity, including wetlands, floodplains, geologic resources, threatened or endangered species, or National Register of Historic Places listed or eligible properties, etc.
- Visual documentation such as good quality, color and labeled site and facility photographs, project plans, aerial photos, maps, etc.

- Alternative ways considered to implement the project (not applicable to procurement of mobile and portable equipment)

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

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

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

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

C. Reporting Requirements

Reporting requirements must be met throughout the life of the grant (refer to the program guidance and the special conditions found in the award package for a full explanation of these requirements). Any reports or documents prepared as a result of this grant shall be in compliance with Federal "plain English" policies, directives, etc.

- 1. Federal Financial Report (FFR) – required quarterly.** Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425), which replaced the SF-269 and SF-272, which is due within 30 days of the end of each calendar quarter (e.g., for the quarter ending March 31, the FFR is due no later than April 30). A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and fund draw downs may be withheld if these reports are delinquent. The final FFR is due 90 days after the end date of the performance period.

FFRs must be filed according to the process and schedule below:

FFRs must be filed manually to the GPD Point of Contact listed in Part VII. below:

Reporting periods and due dates:

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

2. Progress Reports.

The Recipient shall submit quarterly performance reports within 30 days after the end of each period. Reports are due on, October 30, January 30, April 30 and July 30.

The report shall consist of a comparison of actual accomplishments to the approved project objectives. Two error-free color laser copies of Performance Reports must be submitted to the Grants Management Specialist and the Program Officer listed in Part VII.

The final report is due 90 days after the end of the performance period. This report shall document and summarize the results of the entire project.

The final report must be submitted in both Print and Web Publishing as outlined below:

For Print Publishing:

In accordance with Department of Homeland Security (DHS) guidelines and as described in InfoGram #00-08 dated April 17, 2000.

Preferred desktop publishing programs are QuarkXpress or Adobe Pagemaker; for illustrations, Adobe Illustrator or Macromedia Freehand. For image manipulation, use Adobe Photoshop. Files shall be preflighted. The recipient must submit a completed GPO Form 952, for all files.

In addition, a PDF Press Optimized file must be prepared.

Web Publishing:

The recipient must follow the technical standards described in 36 CFR 1194.22 and the Department of Justice guidance document Web-based Intranet and Internet Information and Applications (6/2/01). Deliverables shall be submitted separately in both PDF and Text (*.txt) formats.

36 CFR 1194, Electronic and Information Technology Accessibility Standards, Part 1194.22, Subpart B – Technical Standards, Web-Based Intranet and Internet Information and Applications (Volume 65, No. 246, Page 80525 – December 21, 2000) is attached.

The U.S. Department of Justice guidance document Web-based Intranet and Internet Information and Applications, June 21, 2001 is available for view and download free of charge via the following U.S. Department of Justice webpage: <http://www.access-board.gov/sec508/guide/index.htm>.

PDF (screen optimized). Tagged PDF files must be created with Acrobat 6.0 using the smallest file size or Standard conversion settings. The files must be reviewed using the Acrobat Accessibility Checker and screen reader software such as JAWS to ensure they are properly tagged and fully accessible. PDF files must be considered optimized if they receive zero errors in the Full Accessibility Checker and contain:

- Logical reading order;
- Alternate text descriptions for images;
- Scanned documents with accessible text. Hard copy pages scanned to PDF must be saved as Image+Hidden Text, optically recognized, and tagged;

- Links and navigation aids. Include bookmarks for all items in the table of contents and hypertext links on references to web site addresses, e-mail addresses, tables of content, figures and tables; and
- Specified document language.

The PDF file cannot be larger than 5 MB. If the file is larger than 5 MB, it must be broken up into chapters or sections that will be posted together as separate downloads. For the convenience of broadband users and those who wish to avoid multiple downloads, the document must be supplied in its original single file format.

All files must be placed on a CD-ROM or Iomega Zip Disk formatted for PC.

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

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

- 4. Monitoring.** Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

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

The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance

with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

5. **Grant Close-Out Process.** Within 90 days after the end of the period of performance, grantees must submit a final FFR and final progress report detailing all accomplishments throughout the period of performance. After these reports have been reviewed and approved by FEMA, a close-out notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for three years from the date of the final FFR. The grantee is responsible for returning any funds that have been drawdown but remain as unliquidated on grantee financial records.

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

PART VII. FEMA CONTACTS

1. **Grant Programs Directorate (GPD).** FEMA GPD's Grants Management Division will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation. Additional guidance and information can be obtained by contacting the FEMA Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov.
2. **FEMA Program Officer (PO).** The FEMA PO is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the program narrative statement.

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