



U.S. DEPARTMENT OF HOMELAND SECURITY

FISCAL YEAR 2011

EARTHQUAKE TECHNOLOGY TRANSFER

GUIDANCE AND APPLICATION KIT

JULY 2011

Title of Opportunity Earthquake Technology Transfer

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CFDA Number: 97.082

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

Announcement Type: Initial

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CONTENTS

Contents.....	3
Part I. FUNDING OPPORTUNITY DESCRIPTION.....	4
Part II. AWARD INFORMATION	6
Part III. ELIGIBILITY INFORMATION	7
A. Eligible Applicants.....	7
B. Cost Sharing	7
C. Restrictions	7
D. Other	7
Part IV. APPLICATION AND SUBMISSION INFORMATION	8
A. Address to Request Application Package	8
B. Content and Form of Application	8
4. Eligible Activities and Requirements	9
C. Submission Dates and Times	11
D. Intergovernmental Review	11
E. Funding Restrictions	11
Part V. APPLICATION REVIEW INFORMATION	12
A. Review Criteria	12
B. Review and Selection Process	12
C. Anticipated Announcement and Award Dates	12
Part VI. AWARD ADMINISTRATION INFORMATION	13
A. Notice of Award	13
B. Administrative and National Policy Requirements	13
C. Reporting Requirements	23
Part VII. FEMA CONTACTS	27

PART I.

FUNDING OPPORTUNITY DESCRIPTION

The Federal Emergency Management Agency (FEMA) proposes to enter into a Cooperative Agreement for an estimated \$355,000 with one (1) national, non-profit technical earthquake society (architects, engineers, planners, public officials, social scientists) composed of a membership from practicing professionals, educators, government officials, and building code regulators.

Natural hazards exist everywhere. Throughout its history, the United States has experienced floods, wildfires, winter storms, landslides, windstorms, and earthquakes. But of all of these natural disasters, earthquakes pose one of the greatest threats to lives, property, and economy, not only to communities within the western and central US, but indirectly to the Nation as a whole.

Under Public Law 95-124, as amended, Congress established the National Earthquake Hazards Reduction Program (NEHRP). In 2008, NEHRP agencies engaged in the development of a strategic plan to guide NEHRP over the 2009-2013 timeframe. The strategic plan focuses on three overarching goals to develop, disseminate, and promote knowledge, tools, and practices for earthquake risk reduction:

- Improve the understanding of earthquake processes and impacts;
- Develop cost-effective measures to reduce earthquake impacts on individuals, the built environment, and society-at-large; and
- Improve the earthquake resilience of communities nationwide.

This funding will support the following activities:

- Translation of research and technological development into effective earthquake loss reduction tools and policies;
- Dissemination of information about building codes and practices for the professional community;
- Forums (conferences and workshops) that enhances knowledge, prominence and leadership of earthquake hazards reduction science and technology;
- Workshops and training sessions that increase recognition of NEHRP and foster an understanding of NEHRP's purpose and activities;
- Advocacy of earthquake mitigation to the professional community and the public;
- Production and dissemination of publications and other audio/visual materials that support the professional growth of individuals who will contribute to the vitality and strength of NEHRP;
- Multidisciplinary approach of technology transfer supporting earthquake mitigation (i.e. structural, geological, behavioral, and social);

- Promotion of better building practices within the building design and construction industry;
- Access to large audiences of engineers, architects, and social scientists, represent large component of the earthquake risk reduction community; and
- Assist with minimizing the suffering and disruption caused by earthquake disasters through the products produced by and through access to the extensive and diverse expertise of the EERI membership.

Each fiscal year, FEMA will establish a target allocation for the Earthquake Technology Transfer Cooperative Agreement. The specific activities and the distribution of funds will be determined during the negotiations between FEMA and EERI.

Definitions:

Program period is the duration of time over which an earthquake hazards reduction program is implemented.

Program means the complete set of approved earthquake hazards reduction activities (described in the Earthquake Technology Transfer work plan (program narrative)) undertaken by EERI, in partnership with FEMA, in a given Federal fiscal year.

A *Cooperative Agreement* is the mechanism for FEMA to provide funding through the National Earthquake Hazards Reduction Program (NEHRP) to a national, non-profit technical earthquake society to further FEMA goals of earthquake hazards reduction.

Target Allocation is the maximum amount of FEMA earthquake program funds presumably available to an eligible national, non-profit technical earthquake society in a fiscal year. The target allocation is not necessarily the amount of funding that a national, non-profit technical earthquake society will actually receive from FEMA. Rather, it represents a planning basis of negotiations between EERI and the FEMA Program Office, which will ultimately determine the actual amount of the Earthquake Technology Transfer cooperative agreement funding provided by FEMA.

PART II. AWARD INFORMATION

Type of Award

DHS/FEMA anticipates awarding a award under this Cooperative Agreement. Funding is limited to the Earthquake Engineering Research Institute (EERI).

Authorizing Statutes

Earthquake Hazards Reduction Act of 1977, as amended by the National Earthquake Hazards Reduction Act of 2004 (P.L. 108-360), 42 U.S.C. 7701 *et seq.*; The Homeland Security Act of 2002, as amended, 6 U.S.C. 101 *et seq.*; Department of Defense and Full Year Continuing Appropriations Act, 2011 (Public Law 112-10, Section 2, Division B, Title VI Homeland Security).

Period of Performance

The period of performance of this cooperative agreement is 12 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 Fiscal Year (FY) 2011, the total amount of funds distributed under this Cooperative Agreement will be \$355,000. The following target allocations constitute the distribution of funds:

- EERI—\$355,000

Substantial Involvement

FEMA will provide Earthquake Technology Transfer program overarching oversight to ensure collaboration and sharing amongst all FEMA seismic partners of crosscutting efforts to include projects, best practices, and success stories. FEMA will coordinate and host periodic conference calls as well as participate in quarterly meetings/working groups designed to monitor and report on Earthquake Technology Transfer activities and progress. FEMA will provide consultation and programmatic expertise in support of work plan development which contribute to FEMA NEHRP goals and FEMA's mission of fostering disaster resilience. FEMA will collect and report on Consortia mitigation sponsored/facilitated training activities, workshops, and seminars.

PART III.

ELIGIBILITY INFORMATION

A. Eligible Applicants

This funding opportunity is restricted to EERI. The Earthquake Engineering Research Institute (EERI) is a leading technical society in dissemination of earthquake risk and earthquake engineering research both in the U.S. and globally.

B. Cost Sharing

Cost sharing is not required.

C. Restrictions

This program is non-competitive and restricted to one specialized/qualified organization designated by FEMA. Project grants (cooperative agreements) enable EERI to engage in earthquake mitigation activities.

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 2011 NIMS implementation must be considered prior to allocation of any Federal awards in FY 2011. The primary grantee/administrator of FY 2011 Earthquake Technology Transfer 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 page 2 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

The application must be started 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

The application must be completed and submitted through the ND Grants system located at <https://portal.fema.gov>. If you need assistance registering for the ND Grants system, please contact FEMA's Enterprise Service Desk at 1-888-457-3362. The ND Grants system includes the following required forms and submissions:

- 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

- Work Plan
- Cooperative Agreement Budget
- Master Schedule/Work Breakdown Structure (proposed)
- Deliverable Table (see table section VI, C 2)

The program title listed in the CFDA is “*Earthquake Consortia and State Assistance.*” The CFDA number is **97.082**.

- 1. Application via www.grants.gov.** All applicants must file their applications using the Administration’s common electronic “storefront” - www.grants.gov. Eligible grantees must apply for funding through this portal, accessible on the Internet at www.grants.gov.
- 2. Dun and Bradstreet Data Universal Numbering System (DUNS) number.** The applicant must provide a DUNS number with their application. This number is a required field within www.grants.gov and for CCR. 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. Eligible Activities and Requirements

EERI technology transfer activities shall:

1. Act as lead non-profit agency for the planning and implementation of the National Earthquake Conference in 2012.
2. Conduct technically oriented seminars on earthquake hazards, effects, and mitigation techniques. Seminars will be of varying lengths, and the locations and audiences will be mutually agreed upon by EERI and the FEMA Project Manager.
3. Establish and maintain an Earthquake Mitigation Center. This Center will develop a variety of advocacy tools and sponsor activities by members who will advocate seismic risk mitigation within California, throughout the Nation, and around the world.
4. Facilitate the development of regional chapters in various seismic regions within the United States that will be organized by EERI members in the region with the specific purpose to advocate seismic risk reduction through education, planning, the development of regional scenarios, and other mitigation activities. Regional Chapters will provide professional level assistance to other hazard mitigation

programs sponsored by FEMA, state offices of emergency management, and local governments in their region.

4. Provide support for student participation in EERI Annual meetings; support for the development of national earthquake conferences, and underwrite the preparation and dissemination of conference proceedings of importance to NEHRP policy and direction, and Oral Histories to capture the history and development of the earthquake engineering field.
5. Support graduate studies, professional development, and undergraduate activities in the earthquake hazard reduction field. The period of study will last one year and recipients will give presentations at the EERI Annual meeting.
 - Graduate and undergraduate activities will be encouraged through EERI student chapters and the Undergraduate Seismic Design Competition, and will focus on earthquake science and engineering, social and policy sciences and earthquake hazard reduction.
 - EERI will endeavor to encourage participation of minority college students in EERI activities and student chapters.
6. Provide program management of the Earthquake Technology Transfer cooperative agreement; financial administration; program reporting, and representation of EERI technology transfer initiatives at earthquake community events including conferences, working groups, workshops, forums, etc.

Application submissions require a summary (narrative) of an applicant's work plan for cooperative agreement funding by identifying the strategies, goals, and proposed Earthquake Technology Transfer activities and elements demonstrating enhanced seismic safety. Work plans shall include expected products and measurable improvements associated with proposed activities and an indication of an expected timeline and schedule for completion.

The grantee must use Earned Value Management methodology to report the Budgeted Cost of Work Scheduled (BCWS), Actual Cost of Work Performed (ACWP), and the Budgeted Cost of Work Performed (BCWP) for all applicable cooperative agreement reporting used to prepare the Cooperative Agreement Budget (CAB). Reporting is also required on subcontracts which based on risk, schedule, or dollar value criticality may potentially impact successful fulfillment of this cooperative agreement.

The CAB shall be prepared with Work Breakdown Structure (WBS) cost categories. Tasks and sub-tasks will be categorized in terms of discrete effort and shall correlate directly with the work plan master schedule and deliverables identified in the work plan delivery table. All reports are due by the 30th of each month (or the first working day following, if the 30th falls on a weekend) following the completion of the quarter. The

reporting period shall always cover the previous quarter. All data shall be submitted, maintained, and archived in electronic format.

Cooperative agreement deliverables will be identified in the applicants submitted work plan and deliverable table. The following minimum program management deliverables shall be provided according to the schedule and format specified in the table found in Part VI, C.2 of this document.

C. Submission Dates and Times

Application submissions must be received no later than **11:59 PM, Eastern, September 8, 2011**. Only applications made through www.grants.gov will be accepted.

D. Intergovernmental Review

This funding opportunity is not subject to Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs."

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.

PART V.

APPLICATION REVIEW INFORMATION

A. Review Criteria

The application (narrative/work plan) will be reviewed by FEMA for consistency with the goals and objectives stated in Part I. All financial and progress reports for prior awards must be current at the time of application.

B. Review and Selection Process

The application will be reviewed and recommended for funding by FEMA based on the submitted work plan, CAB, master schedule/WBS, and deliverable table.

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

Upon review and recommendation by DHS/FEMA/MT/RR/BS Project Officer, DHS/FEMA Grants Program Directorate will make the award.

FEMA will evaluate and act on applications within 30 days following close of the application period. Awards will be made on or before September 30, 2011.

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 is done is the “award date.” Notification of award approval is made through the ND Grants system. 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 package.

The period of performance is 12 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. The administrative requirements that apply to most Department of Homeland Security (DHS) award recipients through a grant or cooperative agreement arise from two sources:

- Office of Management and Budget (OMB) Circular A-102, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* (also known as the “A-102 Common Rule”), found under DHS regulations at Title 44, Code of Federal Regulations (CFR) Part §13, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.”
- OMB Circular A-110, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*, relocated to 2 CFR Part §215.

1.2 – Cost Principles. The requirements for allowable costs/cost principles are contained in the A-102 Common Rule, OMB Circular A-110 (2 CFR §215.27), DHS program legislation, Federal awarding agency regulations, and the terms and conditions of the award. The four costs principles circulars are as follows:

- OMB Circular A-21, *Cost Principles for Educational Institutions*, relocated to 2 CFR Part §220.
- OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments*, relocated to 2 CFR Part §225.
- OMB Circular A-122, *Cost Principles for Non-Profit Organizations*, relocated to 2 CFR Part §230.
- OMB Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*.
- 48 CFR Part §31.2, Federal Acquisitions Regulations (FAR), *Contracts with Commercial Organizations*.

1.3 – Audit Requirements and other Assessments

- ***Improper Payments Information Act (IPIA) of 2002, (Public Law 107-300).*** Enacted to ensure the correct use of Federal funds and to avoid improper or erroneous payments.

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.

To allow follow-up on A-133 audit findings or to test operational procedures safeguarding Federal funds, the grantee or sub-grantee must give FEMA or any authorized Federal representative access to all books, records, and related documents supporting the management and use of these grant funds.

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). Information submitted in the course of applying for funding under this program or provided in the course of an entity's grant management activities which is under Federal control is subject to the *Freedom of Information Act* (FOIA), 5 U.S.C. §552. The applicant is also 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. Note that some information, though not considered classified, may be protected from release or in how it is released. It is important to understand those laws and regulations that fall into an alternate category of Sensitive But Unclassified (SBU) 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:

- ***Civil Rights Act of 1964.*** All recipients of financial assistance will comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- ***Civil Rights Act of 1968.*** All recipients of financial assistance will comply with Title VIII of the *Civil Rights Act of 1968*, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. §3601 *et seq.*), as implemented by the Department of Housing and Urban Development at 24 CFR Part §100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—*i.e.*, the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 CFR Part §100.201).
- ***Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act).*** All recipients of financial assistance will comply with the requirements of Title IX of the *Education Amendments of 1972* (20 U.S.C. §1681 *et seq.*), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or

activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part §19.

- **Age Discrimination Act of 1975.** All recipients of financial assistance will comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.
- **Americans with Disabilities Act of 1990.** All recipients of financial assistance will comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12101–12213).

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. If you have any additional questions or concerns regarding civil rights compliance, please feel free to contact the Office for Civil Rights and Civil Liberties by telephone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov.

4.3 – Services to Limited English Proficient (LEP) Persons

- **Limited English Proficiency (*Civil Rights Act of 1964, Title VI*).** All recipients of financial assistance will comply with the requirements of Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding LEP obligations, go to <http://www.lep.gov>.

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

- **Lobbying Prohibitions.** None of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a member of Congress,

an officer or employee of Congress, or an employee of a member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement. These lobbying prohibitions can be found at 31 U.S.C. §1352.

- **Drug-Free Workplace Regulations.** All recipients of financial assistance will comply with the requirements of the *Drug-Free Workplace Act of 1988* (412 U.S.C. §701 *et seq.*), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at 44 CFR Part §17.
- **Debarment and Suspension.** Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarment or suspending those persons deemed irresponsible in their dealings 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, also 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

- **Rehabilitation Act of 1973.** All recipients of financial assistance will comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. §794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity

receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

For additional detailed information, please refer to the following:

- **FEMA Office of Disability Integration and Coordination.** There are many useful tools available through this office at <http://www.fema.gov/about/odic>.
- **Guidelines for Accommodating Individuals with Disabilities in Disaster.** These Guidelines are available at <http://www.fema.gov/oeer/reference/>.
- **Disability and Emergency Preparedness Resource Center.** The “Resource Center” is available at <http://www.disabilitypreparedness.gov>.
- **ADA Best Practices.** The Civil Rights Division within the U.S. Department of Justice provides a resource entitled “the Americans with Disabilities Act (“ADA”) Best Practices Toolkit for State and Local Governments.” The ADA Best Practices Toolkit for State and Local Governments is available at <http://www.ada.gov/pcatoolkit/toolkitmain.htm>.

4.6 – Environmental Planning and Historic Preservation (EHP) Compliance

- **National Environmental Policy Act (NEPA) of 1969.** All recipients of financial assistance will comply with the requirements of the *NEPA*, as amended, 42 U.S.C. §4331 *et seq.*, which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for its grant-supported activities, DHS requires the environmental aspects of construction grants (and certain non-construction projects as specified by the component and awarding office) to be reviewed and evaluated before final action on the application.

For more information on FEMA’s EHP requirements, Applicants should refer to:

- **Information Bulletin 329, *Environmental Planning and Historic Preservation Requirements for Grants***, available at <http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf>,
- **Information Bulletin 345, *Programmatic Environmental Assessment***, available at <http://www.fema.gov/pdf/government/grant/bulletins/info345.pdf>,

- **Information Bulletin 356, EHP Screening Form**, available at <http://www.fema.gov/pdf/government/grant/bulletins/info356.pdf>.

4.7 – Animal Welfare Act of 1966. All recipients of financial assistance will comply with the requirements of the *Animal Welfare Act*, as amended (7 U.S.C. §2131 *et seq.*), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the *Guide for the Care and Use of Laboratory Animals* and comply with the *Public Health Service Policy and Government Principles Regarding the Care and Use of Animals*.

4.8 – Clean Air Act of 1970 and Clean Water Act of 1977. All recipients of financial assistance will comply with the requirements of 42 U.S.C. §7401 *et seq.* and Executive Order 11738, which provides for the protection and enhancement of the quality of the Nation’s air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation’s waters is considered research for other purposes.

4.9 – Protection of Human Subjects. All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part §46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, *Protection of Human Subjects*, prior to implementing any work with human subjects. For purposes of 45 CFR Part §46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part §46.

4.10 – National Flood Insurance Act of 1968. All recipients of financial assistance will comply with the requirements of Section 1306(c) of the National Flood Insurance Act, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at 44 CFR Part §63.

4.11 – Flood Disaster Protection Act of 1973. All recipients of financial assistance will comply with the requirements of the *Flood Disaster Protection Act of 1973*, as amended (42 U.S.C. §4001 et seq.), which provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one year of the identification. The flood insurance purchase requirement applies to both public and private applicants for DHS support. Lists of flood-prone areas that are eligible for flood insurance are published in the *Federal Register* by FEMA.

4.12 – Coastal Wetlands Planning, Protection, and Restoration Act of 1990. All recipients of financial assistance will comply with the requirements of Executive Order 11990, which provides that federally funded construction and improvements minimize the destruction, loss, or degradation of wetlands. The Executive Order provides that, in furtherance of Section 101(b)(3) of NEPA (42 U.S.C. § 4331(b)(3)), Federal agencies, to the extent permitted by law, must avoid undertaking or assisting with new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. The public disclosure requirement described above also pertains to early public review of any plans or proposals for new construction in wetlands. This is codified at 44 CFR Part §9.

4.13 – USA Patriot Act of 2001. All recipients of financial assistance will comply with the requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (USA PATRIOT Act), which amends 18 U.S.C. §§175–175c. Among other things, it prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose. The Act also establishes restrictions on access to specified materials. “Restricted persons,” as defined by the Act, may not possess, ship, transport, or receive any biological agent or toxin that is listed as a select agent.

4.14 – Trafficking Victims Protection Act of 2000. All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. §7104), located at 2 CFR Part §175. This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a

condition that authorizes the agency to terminate the award, without penalty, if the recipient or a sub-recipient —

- Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
- Procures a commercial sex act during the period of time that the award is in effect; or
- Uses forced labor in the performance of the award or sub-awards under the award. Full text of the award term is provided at 2 CFR §175.15.

4.15 – Fly America Act of 1974. All recipients of financial assistance will comply with the requirements of the Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds requirement, which states preference for the use of U.S. flag air carriers (air carriers holding certificates under 49 U.S.C. §41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. §40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

4.16 – Activities Conducted Abroad. All recipients of financial assistance will comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained. All recipients of financial assistance will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

4.17 – Copyright. All recipients of financial assistance will comply with requirements that publications or other exercise of copyright for any work first produced under Federal financial assistance awards hereto related unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this award, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the recipient grants the government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for government purposes in all such copyrighted works. The recipient shall affix the applicable copyright notices of 17 U.S.C. §401 or 402 and an acknowledgement of government sponsorship (including award number) to any work first produced under an award.

4.18 – Use of DHS Seal, Logo, and Flags. All recipients of financial assistance must obtain DHS’ approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

4.19 – DHS Specific Acknowledgements and Assurances. All recipients of financial assistance must acknowledge and agree—and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

- Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
- Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations *and* other applicable laws or program guidance.
- Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
- If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
- In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

C. Reporting Requirements

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

1. Federal Financial Report (FFR) – required quarterly. Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425), which 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 Grant Administration and Assistance Division, Grants Management Specialist or the Regional Point of Contact listed in Part VII, FEMA Contacts.

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 Updates and Reports.

All updates and reports are due by the 30th of each month (or the first working day following, if the 30th falls on a weekend) following the completion of the quarter. The reporting period shall always cover the previous quarter. All data shall be submitted, maintained, and archived in electronic format.

The quarterly report shall be in narrative format outlining work completed, expected products, and measurable improvements in accordance with the approved work plan, master schedule/WBS, and CAB. The quarterly report shall capture both training and publication distribution metrics, document/explain missed milestones, and identify project risks accompanied by a risk mitigation strategy.

The grantee shall use Earned Value Management methodology to report the Budgeted Cost of Work Scheduled (BCWS), Actual Cost of Work Performed (ACWP), and the Budgeted Cost of Work Performed (BCWP) for all applicable cooperative agreement reporting used to prepare the Cooperative Agreement Budget (CAB). Reporting is also required on subcontracts which based on risk, schedule, or dollar value criticality may potentially impact successful fulfillment of this cooperative agreement.

The CAB and master schedule shall be prepared with Work Breakdown Structure (WBS) cost categories. Tasks and sub-tasks will be categorized in terms of discrete

effort and shall correlate directly with deliverables identified in the work plan delivery table.

The following schedule updates and reports and shall be provided according to the schedule and format specified in the following table:

	Report	Due	Gov't Comments	Re-submittal Due	Format
1	Master Schedule/WBS	30 th day following the end of a quarter to be reported or as required due to work plan modifications or significant changes to the schedule or deliverable table	5 business days after receipt	3 business days after receipt of gov't comments	MS Project, MS Power Point (if approved in advance)
2	CAB	30 th day following the end of a quarter to be reported or as required due to approved work plan modifications	5 business days after receipt	3 business days after receipt of gov't comments	MS Excel
3	Quarterly Reports (includes overview/summary of work completed, training and publication distribution metrics, missed milestones, and project risks with mitigation strategy)	30 th day following the end of every quarter coinciding with the submitted Master Schedule and CPR or as required due to approved work plan modifications	5 business days after receipt	3 business days after receipt of gov't comments	MS Word, MS Power Point,

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 FY2010 Earthquake Technology Transfer 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 Grant Administration and Assistance 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 Manager:** Designated officials responsible for the technical monitoring of the stages of work and technical performance of the activities described in the project description.

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