

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

Release Date: Feb 27, 2023

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All entities wishing to do business with the federal government must have a unique entity identifier (UEI). The UEI number is issued by the SAM system. Requesting a UEI using SAM.gov can be found at <https://sam.gov/content/entity-registration>.

Grants.gov registration information can be found at <https://www.grants.gov/web/grants/register.html>.

Planned UEI Updates in Grant Application Forms:

On April 4, 2022, the Data Universal Numbering System (DUNS) Number was replaced by a new, non-proprietary identifier requested in, and assigned by, the System for Award Management (SAM.gov). This new identifier is the Unique Entity Identifier (UEI).

Additional Information can be found on [Grants.gov](https://www.grants.gov).

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A. Program Description

1. Issued By

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



2. Assistance Listings Number

97.075

3. Assistance Listings Title

Rail and Transit Security Grant Program

4. Funding Opportunity Title

Fiscal Year 2023 Transit Security Grant Program (TSGP)

5. Funding Opportunity Number

DHS-23-GPD-075-000-02

6. Authorizing Authority for Program

Section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. No. 110-53) (6 U.S.C. § 1135)

7. Appropriation Authority for Program

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

8. Announcement Type

Initial

9. Program Category

Preparedness: Infrastructure Security

10. Program Overview, Objectives and Priorities

a. Overview

The Fiscal Year (FY) 2023 Transit Security Grant Program (TSGP) is one of four grant programs that constitute DHS/FEMA's focus on transportation infrastructure security activities. These grant programs are part of a comprehensive set of



measures authorized by Congress and implemented by DHS to help strengthen the nation's critical infrastructure against risks associated with potential terrorist attacks. The TSGP provides funds to transit agencies to protect critical surface transportation infrastructure and the traveling public from acts of terrorism. Among the five basic homeland security missions noted in the [DHS Strategic Plan for Fiscal Years 2020-2024](#), the TSGP supports the goal to Strengthen Preparedness and Resilience.

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

For FY 2023, DHS is focused on the criticality of information sharing and collaboration to building a national culture of preparedness and protecting against terrorism and other threats to our national security. DHS and its homeland security mission were born from the "failures among federal agencies and between the federal agencies and state and local authorities to share critical information related to the threat of terrorism" prior to the September 11, 2001, attacks. The threat profile has changed in the past two decades – we now face continuous cyber threats by sophisticated actors, threats to soft targets and crowded places, threats to our democratic election process and threats from new and emerging technologies. Information sharing and cooperation among state, local, tribal and territorial authorities, and federal agencies, including all DHS officials, is just as vital, and perhaps even more vital, today. Therefore, for FY 2023, we have identified two priority areas, tied to some of the most serious threats that recipients should address with their TSGP funds. These two priority areas are enhancing cybersecurity and enhancing the protection of soft targets/crowded places. DHS will also continue to forge partnerships to strengthen information sharing and collaboration in each of these priority areas.

b. Objectives



Provide funds to eligible public transportation systems (which include intra-city bus, ferries, and all forms of passenger rail) to protect critical transportation infrastructure and the traveling public from acts of terrorism, and to increase the resilience of the transportation infrastructure itself.

c. Priorities

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

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

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

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

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

FY 2023 TSGP Funding Priorities

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



National Priorities

Priorities	Core Capabilities	Example Project Types
Enhancing Cybersecurity	<ul style="list-style-type: none"> ■ Cybersecurity ■ Intelligence and information sharing ■ Planning ■ Public information and warning ■ Operational coordination ■ Screening, search, and detection ■ Access control and identity verification ■ Supply chain integrity and security ■ Risk management for protection programs and activities ■ Long-term vulnerability reduction ■ Situational assessment ■ Infrastructure systems ■ Operational communications 	<ul style="list-style-type: none"> ■ Cybersecurity risk assessments ■ Projects that address vulnerabilities identified in cybersecurity risk assessments <ul style="list-style-type: none"> ■ Improving cybersecurity of critical infrastructure to meet minimum levels identified by the Cybersecurity and Infrastructure Security Agency and the National Institute of Standards and Technology Cybersecurity Framework ■ Adoption of cybersecurity performance goals (https://www.cisa.gov/cpg) ■ Cybersecurity training and planning



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Priorities	Core Capabilities	Example Project Types
Enhancing the Protection of Soft Targets/ Crowded Places	<ul style="list-style-type: none"> Operational coordination Public information and warning Intelligence and information sharing Interdiction and disruption Screening, search, and detection Access control and identity verification Physical protective measures Risk management for protection programs and activities 	<ul style="list-style-type: none"> Physical security enhancements at rail and bus stations located in historically eligible Urban Area Security Initiative urban areas <ul style="list-style-type: none"> Security cameras (closed circuit television) Security screening equipment and technology for people and baggage Access controls: Fencing, gates, barriers, etc. Use of visible, unpredictable deterrence, to include Operational Packages <ul style="list-style-type: none"> Explosive Detection Canine Teams Mobile Screening Teams Anti-terrorism Teams Directed/Surge Patrols on Overtime Explosive Detection Canine Teams

Enduring Needs

Priorities	Core Capabilities	Example Project Types
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Planning	<ul style="list-style-type: none"> ■ Planning ■ Risk management for protection programs and activities ■ Risk and disaster resilience assessment ■ Threats and hazards identification ■ Operational coordination 	<ul style="list-style-type: none"> ■ Development of: <ul style="list-style-type: none"> ■ System-Wide Security Risk Management Plans ■ Continuity of Operations Plans ■ Response Plans/Station Action Plans ■ System-wide and/or asset-specific vulnerability assessments ■ Efforts to strengthen governance integration between/among regional partners ■ Assessment of capabilities and gaps in planning for the needs of persons with disabilities and others with access and functional needs
Training & Awareness	<ul style="list-style-type: none"> ■ Long-term vulnerability reduction ■ Public information and warning 	<ul style="list-style-type: none"> ■ Active shooter training, including integrating the needs of persons with disabilities ■ Security training for employees, to include: <ul style="list-style-type: none"> ■ Basic security awareness ■ Public awareness/preparedness campaigns



FEMA

Equipment & Capital Projects	<ul style="list-style-type: none"> ■ Long-term vulnerability reduction ■ Infrastructure systems ■ Operational communications ■ Interdiction and disruption ■ Screening, search and detection ■ Access control and identity verification ■ Physical protective measures ■ Intelligence and information sharing 	<ul style="list-style-type: none"> ■ Top Transit Asset List risk remediation ■ Protection of other high-risk, high-consequence areas or systems that have been identified through system-wide risk assessments ■ Chemical, Biological, Radiological, Nuclear and Explosive detection, prevention, response and recovery equipment ■ Security screening equipment and technology for people and baggage ■ Unmanned Aircraft Systems detection technologies
Exercise	<ul style="list-style-type: none"> ■ Long-term vulnerability reduction 	<ul style="list-style-type: none"> ■ Response exercises

11. Performance Measures

Performance metrics for this program are as follows:

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

B. Federal Award Information

1. Available Funding

\$93 million

2. Period of Performance

36 or 48 months



The period of performance for capital infrastructure projects is 48 months. The period of performance for all other projects is 36 months.

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

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

3. Projected Period of Performance Start Date(s)

September 1, 2023

4. Projected Period of Performance End Date(s)

August 31, 2026 or August 31, 2027

5. Funding Instrument Type

Grant

C. Eligibility Information

1. Eligible Applicants

Eligible applicants are limited to the passenger rail, intra-city bus and ferry systems identified in the table below. Eligibility does not guarantee grant funding.

2. Applicant Eligibility Criteria

Agencies eligible for the FY 2023 TSGP are determined based upon daily unlinked passenger trips (ridership) and transit systems that serve historically eligible Urban Area Security Initiative (UASI) urban areas as indicated below.

Certain ferry systems are eligible to participate in the FY 2023 TSGP and receive funds under this program. However, any ferry system electing to participate (e.g., submit an application) under the FY 2023 TSGP will not be eligible to participate



(e.g., submit an application) under the FY 2023 Port Security Grant Program (PSGP) and will not be considered for funding under the FY 2023 PSGP. Likewise, any ferry system that participates in the FY 2023 PSGP will not be eligible for funding under the TSGP.

Sections 1405 (6 U.S.C. § 1134) and 1406 (6 U.S.C. § 1135) of the *Implementing Recommendations of the 9/11 Commission Act of 2007* require that high risk public transportation agencies that receive grant funding develop a security plan based on a security assessment. Additionally, the statutes direct that grant funds be used to address items in the security assessment or the security plan. ***To be eligible for the FY 2023 TSGP, transit agencies must have developed or updated their security plan.*** The security plan must be based on a security assessment, such as the Baseline Assessment for Security Enhancement (BASE), which is performed by the Transportation Security Inspectors-Surface of the Transportation Security Administration (TSA). This security assessment must have been conducted within the three years prior to receiving a FY 2023 TSGP award. A copy of the security plan and security assessment must be provided to DHS/FEMA upon request. Please see the [Preparedness Grants Manual](#) for more information on security plan requirements.

Entities providing transit security (e.g., city/county police departments, public transportation agencies' police departments) for a public transportation agency must approve the security plan. The signature of a responsible official from the agency's transit security provider serves as this approval. If there is more than one provider in the core service area, all transit security providers must review and concur with the plan. Associated documentation of this approval must be provided to DHS/FEMA upon request. In addition, agencies' transit security providers are encouraged to review the Investment Justifications (IJs) prior to submission.

Each public transportation agency receiving funds through this program must also participate in a Regional Transit Security Working Group (RTSWG) or develop a RTSWG if one does not already exist. The RTSWG should serve as the forum for regional partners to discuss risk, planning efforts, and mitigation strategies. These discussions should be held regardless of funding to continue enhancing the overall security of the region. Regional working groups are a best practice for enhancing security and are encouraged for all jurisdictions.



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

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

FY 2023 Eligible TSGP Applicants

State	Urban Area	Eligible System
AZ	Phoenix Area	City of Phoenix Public Transit Department
AZ	Phoenix Area	Valley Metro Regional Public Transportation Authority
AZ	Tucson Area	City of Tucson Transit
CA	Fresno Area	Fresno Area Express
CA	Greater Los Angeles Area (Los Angeles/Long Beach and Anaheim/Santa Ana UASI Areas)	City of Los Angeles Department of Transportation
CA	Greater Los Angeles Area (Los Angeles/Long Beach and Anaheim/Santa Ana UASI Areas)	Foothill Transit



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CA	Greater Los Angeles Area (Los Angeles/Long Beach and Anaheim/Santa Ana UASI Areas)	Long Beach Transit
CA	Greater Los Angeles Area (Los Angeles/Long Beach and Anaheim/Santa Ana UASI Areas)	Los Angeles County Metropolitan Transportation Authority
CA	Greater Los Angeles Area (Los Angeles/Long Beach and Anaheim/Santa Ana UASI Areas)	Montebello Bus Lines
CA	Greater Los Angeles Area (Los Angeles/Long Beach and Anaheim/Santa Ana UASI Areas)	Omnitrans (San Bernardino)
CA	Greater Los Angeles Area (Los Angeles/Long Beach and Anaheim/Santa Ana UASI Areas)	Orange County Transportation Authority (OCTA)
CA	Greater Los Angeles Area (Los Angeles/Long Beach and Anaheim/Santa Ana UASI Areas)	Santa Monica's Big Blue Bus
CA	Greater Los Angeles Area (Los Angeles/Long Beach and Anaheim/Santa Ana UASI Areas)	Southern California Regional Rail Authority (Metrolink)
CA	Sacramento Area	Sacramento Regional Transit District
CA	San Diego Area	North San Diego County Transit District (NCTD)
CA	San Diego Area	San Diego Metropolitan Transit System (MTS)
CA	San Francisco Bay Area	Alameda-Contra Costa Transit District (AC Transit)



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CA	San Francisco Bay Area	Altamont Commuter Express (ACE)
CA	San Francisco Bay Area	Central Contra Costa Transit Authority
CA	San Francisco Bay Area	Golden Gate Bridge, Highway and Transportation District
CA	San Francisco Bay Area	Peninsula Corridor Joint Powers Board (Caltrain)
CA	San Francisco Bay Area	San Francisco Bay Area Rapid Transit District (BART)
CA	San Francisco Bay Area	San Francisco Municipal Railway (MUNI)
CA	San Francisco Bay Area	San Mateo County Transit Authority (SamTrans)
CA	San Francisco Bay Area	Santa Clara Valley Transportation Authority (VTA)
CA	San Francisco Bay Area	Sonoma Marin Area Rail Transit
CA	San Francisco Bay Area	Transbay Joint Powers Authority
CA	San Francisco Bay Area	Water Emergency Transit Authority
CO	Denver Area	Regional Transportation District
DC/ MD/ VA	Greater National Capital Region (National Capital Region and Baltimore UASI Areas)	Arlington Transit (ART)
DC/ MD/ VA	Greater National Capital Region (National Capital Region and Baltimore UASI Areas)	City of Alexandria (Alexandria Transit Company)



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DC/ MD/ VA	Greater National Capital Region (National Capital Region and Baltimore UASI Areas)	Fairfax County Department of Transportation
DC/ MD/ VA	Greater National Capital Region (National Capital Region and Baltimore UASI Areas)	Maryland Transit Administration (MTA)
DC/ MD/ VA	Greater National Capital Region (National Capital Region and Baltimore UASI Areas)	Montgomery County Department of Transportation
DC/ MD/ VA	Greater National Capital Region (National Capital Region and Baltimore UASI Areas)	Potomac and Rappahannock Transportation Commission
DC/ MD/ VA	Greater National Capital Region (National Capital Region and Baltimore UASI Areas)	Prince George's County Department of Public Works and Transportation
DC/ MD/ VA	Greater National Capital Region (National Capital Region and Baltimore UASI Areas)	Virginia Railway Express (VRE)
DC/ MD/ VA	Greater National Capital Region (National Capital Region and Baltimore UASI Areas)	Washington Metropolitan Area Transit Authority
FL	Jacksonville Area	Jacksonville Transportation Authority
FL	Jacksonville Area	Broward County Division of Mass Transit
FL	Miami/Fort Lauderdale Area (Miami and Fort Lauderdale UASI)	Miami-Dade Transit
FL	Miami/Fort Lauderdale Area (Miami and Fort Lauderdale UASI)	South Florida Regional Transportation Authority (Tri-Rail)



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FL	Orlando Area	Central Florida Regional Transportation Authority
FL	Orlando Area	Central Florida Commuter Rail Transit (SunRail)
FL	Tampa Area	Hillsborough Area Regional Transit Authority (HART)
FL	Tampa Area	Pinellas Suncoast Transit Authority
GA	Atlanta Area	Georgia Regional Transportation Authority
GA	Atlanta Area	Metropolitan Atlanta Rapid Transit Authority (MARTA)
HI	Honolulu Area	City and County of Honolulu Department of Transportation Services
IL	Champaign-Urbana Area	Champaign-Urbana Mass Transit District
IL/IN	Chicago Area	Chicago Transit Authority (CTA)
IL/IN	Chicago Area	Northeast Illinois Commuter Railroad Corporation (METRA)
IL/IN	Chicago Area	Northern Indiana Commuter Transportation District (NICTD)
IL/IN	Chicago Area	PACE Suburban Bus
IN	Indianapolis Area	Indianapolis Public Transportation Corporation
KY	Louisville Area	Transit Authority of River City
LA	New Orleans Area	Jefferson Parish Department of Transportation



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LA	New Orleans Area	New Orleans Regional Transit Authority (NORTA)
MA	Boston Area	Massachusetts Bay Transportation Authority (MBTA)
MA	Springfield Area	Pioneer Valley Transit Authority
MI	Detroit Area	City of Detroit Department of Transportation
MI	Detroit Area	Detroit Transportation Corporation
MI	Detroit Area	Suburban Mobility Authority for Regional Transportation
MI	Lansing Area	Capital Area Transportation Authority
MN	Twin Cities	Metro Transit
MO	Kansas City Area	Kansas City Area Transportation Authority
MO	Kansas City Area	Kansas City Streetcar
MO-IL	St. Louis Area	Bi-State Development Agency (Metro)
MO-IL	St. Louis Area	Madison County Transit District
NC	Charlotte Area	Charlotte Area Transit System (CATS)
NM	Albuquerque Area	Sun Tran of Albuquerque
NV	Las Vegas Area	Regional Transportation Commission of Southern Nevada
NV	Reno Area	Regional Transportation Commission of Washoe County



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NY	Albany Area	Capital District Transportation Authority
NY	Buffalo Area	Niagara Frontier Transportation Authority
NY	Rochester Area	Rochester Genesee Regional Transportation Authority
NY/ NJ/ CT	New York City/Northern New Jersey Area (New York City and Jersey City/Newark UASI Areas)	Connecticut Department of Transportation
NY/ NJ/ CT	New York City/Northern New Jersey Area (New York City and Jersey City/Newark UASI Areas)	Connecticut Transit
NY/ NJ/ CT	New York City/Northern New Jersey Area (New York City and Jersey City/Newark UASI Areas)	Metropolitan Transportation Authority (MTA) (all components)
NY/ NJ/ CT	New York City/Northern New Jersey Area (New York City and Jersey City/Newark UASI Areas)	New Jersey Transit Corporation (NJT)
NY/ NJ/ CT	New York City/Northern New Jersey Area (New York City and Jersey City/Newark UASI Areas)	New York City Department of Transportation
NY/ NJ/ CT	New York City/Northern New Jersey Area (New York City and Jersey City/Newark UASI Areas)	Port Authority of New York and New Jersey (PANYNJ)
NY/ NJ/ CT	New York City/Northern New Jersey Area (New York City and Jersey City/Newark UASI Areas)	Westchester County Department of Transportation
OH	Cincinnati Area	Southwest Ohio Regional Transit Authority



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OH	Cincinnati Area	Transit Authority of Northern Kentucky
OH	Cleveland Area	The Greater Cleveland Regional Transit Authority
OH	Columbus Area	Central Ohio Transit Authority
OH	Dayton Area	Greater Dayton Regional Transit Authority
OR	Eugene Area	Lane Transit District
OR	Portland Area	Clark County Public Transportation Benefit Area (C-TRAN)
OR	Portland Area	Portland Streetcar
OR	Portland Area	Tri-County Metropolitan Transportation District (Tri-Met)
PA	Pittsburgh Area	Port Authority of Allegheny County
PA/ DE/ NJ	Philadelphia Area	Delaware River Port Authority (DRPA)
PA/ DE/ NJ	Philadelphia Area	Delaware Transit Corporation
PA/ DE/ NJ	Philadelphia Area	New Jersey Transit
PA/ DE/ NJ	Philadelphia Area	Pennsylvania Department of Transportation
PA/ DE/ NJ	Philadelphia Area	Southeastern Pennsylvania Transportation Authority
PR	San Juan Area	Metropolitan Bus Authority



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PR	San Juan Area	Puerto Rico Highway and Transportation Authority (heavy rail)
RI	Providence Area	Rhode Island Public Transit Authority
TN	Memphis Area	Memphis Area Transit Authority
TN	Nashville Area	Nashville Metropolitan Transit Authority
TX	Austin Area	Capital Metropolitan Transportation Authority
TX	Dallas/Fort Worth/Arlington Area	Dallas Area Rapid Transit (DART)
TX	Dallas/Fort Worth/Arlington Area	Fort Worth Transportation Authority (The T)
TX	Dallas/Fort Worth/Arlington Area	Trinity Railway Express (TRE)
TX	El Paso Area	Mass Transit Department City of El Paso
TX	Houston Area	Metropolitan Transit Authority of Harris County
TX	San Antonio Area	VIA Metropolitan Transit
UT	Salt Lake City Area	Utah Transit Authority
VA	Norfolk Area	Hampton Roads Transit
VA	Richmond Area	Greater Richmond Transit Company
WA	Seattle Area	Central Puget Sound Regional Transit Authority (Sound Transit)



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WA	Seattle Area	King County Department of Transportation
WA	Seattle Area	Pierce County Public Transportation Benefit Area Corporation (Pierce Transit)
WA	Seattle Area	Snohomish County Transportation Benefit Area Corporation (Community Transit)
WA	Seattle Area	Washington State Ferries (WSF)
WA	Spokane Area	Spokane Transit Authority
WA	Madison Area	Madison Metro Transit
WI	Milwaukee Area	Milwaukee County Transit System

3. Other Eligibility Criteria/Restrictions

a. National Incident Management System (NIMS) Implementation

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

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

4. Cost Share or Match

There is no cost share requirement for the FY 2023 TSGP. Additionally, any voluntary cost share or match will not impact an application's potential for funding.

D. Application and Submission Information

1. Key Dates and Times



a. Application Start Date:

February 27, 2023

b. Application Submission Deadline:

May 18, 2023 at 5 p.m. ET

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

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

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

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



programmatic questions or concerns, please contact the FEMA Grants Information Desk by e-mail at fema-grants-news@fema.dhs.gov OR by phone at (800) 368-6498, Monday through Friday, 9 a.m. – 5 p.m. ET.

c. Anticipated Funding Selection Date:

No later than July 21, 2023

D. Anticipated Award Date:

No later than September 30, 2023

E. Other Key Dates

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



Event	Suggested Deadline for Completion
Submitting application in Grants.gov	Three days before actual submission deadline
Submitting the final application in ND Grants	By the submission deadline

2. Agreeing to Terms and Conditions of the Award

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

3. Address to Request Application Package

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

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

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

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

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

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

Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration



process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

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

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

- a. Apply for, update, or verify their Unique Entity Identifier (UEI) number from SAM.gov and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide an UEI number;
- c. Have an account with login.gov;
- d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
- e. Create a Grants.gov account;
- f. Add a profile to a Grants.gov account;
- g. Establish an Authorized Organizational Representative (AOR) in Grants.gov;
- h. Register in ND Grants;
- i. Submit an initial application in Grants.gov;
- j. Submit the final application in ND Grants, including electronically signing applicable forms; and**
- k. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

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

Applicants are advised that FEMA may not make a federal award until the applicant has complied with all applicable SAM requirements. Therefore, an



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

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

6. Electronic Delivery

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

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

7. How to Register to Apply through Grants.gov

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

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

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



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

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

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

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

9. Submitting the Final Application in ND Grants

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

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

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

For additional application submission requirements, including program-specific requirements, please refer to the subsection titled “Content and Form of



Application Submission” under Section D of this NOFO.

10. Timely Receipt Requirements and Proof of Timely Submission

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

All applications must be received in ND Grants by **5 p.m. ET** on the application deadline. Proof of timely submission is automatically recorded by ND Grants. An electronic date/time stamp is generated within the system when the application is successfully received by ND Grants. Additionally, the applicant(s) listed as contacts on the application will receive a system-generated email to confirm receipt.

11. Content and Form of Application Submission

a. Standard Required Application Forms and Information

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

I. GRANTS.GOV

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



II. ND GRANTS

- **SF-424A, Budget Information (Non-Construction)**, submitted via the forms generated by ND Grants
 - **For construction under an award, submit SF-424C, Budget Information (Construction)**, submitted via the forms generated by ND Grants, in addition to or instead of SF-424A
- **SF-424B, Standard Assurances (Non-Construction)**, submitted via the forms generated by ND Grants
 - **For construction under an award, submit SF-424D, Standard Assurances (Construction)**, submitted via the forms generated by ND Grants, in addition to or instead of SF-424B
- **SF-LLL, Disclosure of Lobbying Activities**, submitted via the forms generated by ND Grants
- **Indirect Cost Agreement or Proposal**, submitted as an attachment in ND Grants if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see Section D.13 of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

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

b. Program-Specific Required Forms and Information

All applicants will submit their TSGP grant application and associated investment justifications, including detailed budgets and associated Memoranda of



Understanding/ Memoranda of Agreement, as a file attachment within [ND Grants](#) prior to the application deadline.

I. Priority Investments

■ Cybersecurity

Cybersecurity investments must support the security and functioning of critical infrastructure and core capabilities as they relate to achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism. Cybersecurity project requests must be in alignment with relevant cybersecurity assessment(s). Additional resources and information regarding cybersecurity are available through the [Cybersecurity and Infrastructure Security Agency](#) and the [National Institute of Standards and Technology](#).

■ Soft Targets and Crowded Places

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

II. Investment Justification (IJ)

As part of the FY 2023 TSGP application process, applicants must develop a formal IJ that addresses each initiative being proposed for funding, including a project's management and administration (M&A) costs. ***An agency may submit up to eight IJs. Agencies may also submit up to five additional IJs for projects related to law enforcement providers that are not part of the public transportation agency.*** Law enforcement providers may only submit projects that support a transit system's operational security capability and capacity. IJs must



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demonstrate how proposed projects address gaps and deficiencies (identified in a current vulnerability assessment) and must link to one or more core capabilities identified in the National Preparedness Goal. Please see [grants.gov](https://www.grants.gov) for the IJ template.

Applicants may attach the vulnerability assessment or cite relevant sections/passages within an IJ to demonstrate the linkage between the project request and the identified vulnerability. IJs should also describe an agency's current security posture to demonstrate why the proposed project is necessary and appropriate. IJs must demonstrate the ability to provide enhancements consistent with the purpose of the program and guidance provided by DHS/FEMA. Applicants shall submit a separate IJ for each proposed project. TSGP projects must be both 1) feasible and effective at reducing the risks for which the project was designed; and 2) able to be fully completed within the three-year period of performance. Applicants must ensure that IJs are consistent with all requirements outlined in this funding notice. Applicants must provide information in the following categories for each proposed investment:

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

Applicants must use the following file naming convention when submitting the IJs as part of the FY 2023 TSGP:

Region_Agency Name_IJ Number (Example: Chicago_CTA_IJ 1)

III. Operational Packages (OPacks)

Applicants that meet basic OPack eligibility requirements may elect to pursue OPack funding for Canine Teams, Mobile Explosives Detection Screening Teams, and Anti-Terrorism Teams, for new capabilities as well as to sustain existing OPacks. Applicants pursuing both new OPacks and sustainment funding for existing OPacks must indicate in their IJs which option is the higher priority for their agency. Additionally, applicants pursuing either new teams or sustainment of existing teams must include the number of OPack teams already in place (either



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funded by the agency or by TSGP). In addition, recipients must commit to minimum training standards for all Federally funded OPack positions. Please refer to the [Preparedness Grants Manual](#) for OPack Team-specific training requirements. For an application for an OPack to be considered eligible, it must include a *Five-Year Security Capital and Operational Sustainment Plan*. Please see grants.gov for the required template.

IV. Detailed Budget

Applicants must provide a detailed budget for the funds requested. The detailed budget must be submitted with the grant application as a file attachment within [ND Grants](#). 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 M&A costs. A recipient may not obligate, expend, or draw down funds until a budget and budget narrative have been approved by DHS/FEMA. The budget detail worksheet may be used as a guide to assist applicants in the preparation of the budget and budget narrative. ***Note: Design and Planning/Engineering costs must be clearly identified in a separate line item in order for partial funding to be released prior to Environmental Planning and Historic Preservation (EHP) review and approval.*** Please see the [Preparedness Grants Manual](#) for information on the EHP review process.

Detailed budgets must be submitted with the grant application as a file attachment within [ND Grants](#). Applicants must use the following file naming convention when submitting detailed budgets as part of the TSGP:

***Region_Agency Name_IJ Number_Budget (Example:
Chicago_CTA_IJ_1_Budget)***

V. Sensitive Security Information (SSI) Requirements

A portion of the information that is routinely submitted in the course of applying for funding or reporting under certain programs or that is provided in the course of an entity's grant management activities under those programs that are under federal control may be subject to protection under an SSI marking and must be properly identified and marked accordingly. SSI is a control designation used by



DHS/FEMA to protect transportation security-related information. It is applied to information about security programs, vulnerability and threat assessments, screening processes, technical specifications of certain screening equipment and objects used to test screening equipment, and equipment used for communicating security information relating to air, land, or maritime transportation. Further information can be found at 49 C.F.R. Part 1520, Protection of Sensitive Security Information. For the purposes of the TSGP, and due to the high-frequency of SSI found in TSGP-related IJs, all TSGP IJs shall be considered SSI and treated as such until they have been subject to review for SSI by DHS/FEMA. Therefore, applicants shall label all application documents as SSI in accordance with 49 C.F.R. § 1520.13.

The following program-specific forms or information are required to be submitted in [ND Grants](#):

- Investment Justifications;
- Detailed Budget(s); and
- Five-Year Security Capital and Operational Sustainment Plan, if applying for OPacks.

12. Public Transit Risk Assessment Methodology (PT-RAM)

The purpose of the PT-RAM is to produce risk values across a range of asset types and threat scenarios, based on inputs from a panel of subject-matter experts from the transit agency. In FY 2023, the objective for the PT-RAM is voluntary completion of the tool, Gap Analysis, and Implementation Plan. PT-RAM completion enables transit agencies to generate effective risk mitigation projects. Transit agencies can either independently complete the Tool and associated documents utilizing the PT-RAM User Guide and Quick Guide, and/or FEMA can provide regional technical assistance sessions to support completion.

Submission of materials or verification of completion is not required in IJ submissions, but transit agencies are encouraged to complete the Tool and associated documents. Voluntary completion of PT-RAM materials in FY 2023 will assist transit agencies in understanding the methodology and garnering subject matter expertise within their agency.



13. Intergovernmental Review

An intergovernmental review may be required. Applicants must contact their state's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372 See [Executive Orders | National Archives](#) and [Intergovernmental Review \(SPOC List\) \(whitehouse.gov\)](#).

14. Funding Restrictions and Allowable Costs

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

Federal funds made available through this award may be used for the purpose set forth in this NOFO, the [Preparedness Grants Manual](#), and the terms and conditions of the award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other federal awards, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the Federal Government or any other government entity. See the [Preparedness Grants Manual](#) for more information on funding restrictions and allowable costs.

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

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



obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

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

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

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

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

I. REPLACEMENT EQUIPMENT AND SERVICES

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

II. DEFINITIONS

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



1. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
2. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
3. Telecommunications or video surveillance services provided by such entities or using such equipment; or
4. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Grant recipients must review the [Industry Alert on Chinese Manufactured Unmanned Aircraft Systems from DHS's Cybersecurity and Infrastructure Agency \(CISA\)](#) and complete a risk assessment that considers the proposed use of foreign-made Small Unmanned Aircraft Systems (sUAS) to ascertain potential risks (e.g., privacy, data breaches, cybersecurity) related to foreign-made versus domestic sUAS.

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

b. Pre-Award Costs

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

C. Management and Administration (M&A) Costs



M&A costs are allowed. Recipients may use *up to* 5 percent of the amount of the award for their M&A and subrecipients may use *up to* 5 percent of the amount of they receive for M&A. M&A activities are those defined as directly relating to the management and administration of TSGP funds, such as financial management and monitoring. M&A expenses must be based on actual expenses or known contractual costs. Requests that are simple percentages of the award, without supporting justification, will not be allowed or considered for reimbursement. M&A costs are not operational costs. They are the necessary costs incurred in direct support of the grant or as a result of the grant and should be allocated across the entire lifecycle of the grant. Examples include preparing and submitting required programmatic and financial reports, establishing and/or maintaining equipment inventory, documenting operational and equipment expenditures for financial accounting purposes, responding to official informational requests from state and federal oversight authorities, including completing the Civil Rights Evaluation Tool as required by DHS, and grant performance measurement or evaluation activities. If an applicant uses an outside consultant or contractor to provide pre-award grant writing services or post-award grant management services, additional considerations and restrictions shall apply as detailed in subsection (e) below.

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

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



or cost allocation plan, as applicable.

E. Other Direct Costs

Costs generally need to fit within one of the categories listed below to be allowable under this program. Please reference the [Preparedness Grants Manual](#) for more information on allowable costs. Applicants who have questions about whether a potential cost is allowable or not under this program should contact their Preparedness Officer.

I. Construction and Renovation

Construction and renovation costs to address items included in a security assessment or a security plan, and are in accordance with 6 U.S.C. § 1135(b)(1), are allowed under this program. For construction costs to be allowed, they must be specifically approved by DHS/FEMA in writing prior to the use of any program funds for construction or renovation. Additionally, recipients are required to submit a SF-424C Budget and budget detail citing the project costs. All proposed construction and renovation activities must undergo an Environmental Planning and Historic Preservation (EHP) review, including approval of the review from FEMA, prior to undertaking any action related to the project. Failure of a grant recipient to meet these requirements may jeopardize Federal funding. See the [Preparedness Grants Manual](#) for additional information.

II. Backfill, Overtime, and Hiring

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

III. Equipment

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



Controlled Equipment

For decades, the federal government has provided equipment to state, local, tribal and territorial law enforcement agencies (LEAs) through federal grants. Some federal grant programs have assisted LEAs as they carry out their critical missions to keep the American people safe. The equipment acquired by LEAs through these programs includes administrative equipment, such as office furniture and computers. Some federal grant programs also may include military and military-styled equipment, firearms and tactical vehicles provided by the federal government, including property covered under 22 C.F.R. Part 121 and 15 C.F.R. Part 774 (collectively, "controlled equipment").

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

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

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

IV. Travel



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

V. Maintenance and Sustainment

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

VI. Authorized Use of Contractual Grant Writers and/or Grant Managers

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

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

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



award, including this NOFO, and 2 C.F.R. Part 200.

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

a. Grant Writers

Grant writing contractors may assist the applicant in a variety of ways, including preparing, writing, and finalizing grant application materials and assisting the applicant with handling online application and submission requirements in Grants.gov and ND Grants. Ultimately, however, the applicant that receives an award is solely responsible for all grant award and administrative responsibilities.

By submitting the application, applicants certify that all of the information contained therein is true and an accurate reflection of the organization and that regardless of the applicant's intent, the submission of information that is false or misleading may result in actions by DHS/FEMA. These actions include, but are not limited to, the submitted application not being considered for award, temporary withholding of funding under the existing award pending investigation, or referral to the DHS Office of Inspector General. To assist applicants with the cost of grant writing services, DHS/FEMA is permitting a one-time pre-award cost of no more than \$1,500 per applicant per year for contractual grant writing services as part of the recipient's M&A costs. This is only intended to cover costs associated with a grant writer and may not be used to reimburse an applicant for its own time and effort in the development of a grant application. Additionally, an applicant may be required to pay this fee with its own funds during the application preparation and submission period; if the applicant subsequently receives an award, it may then request to be reimbursed once grant funds become available for that cost, not to exceed \$1,500. If an applicant does not receive an award, this cost will not be reimbursed by the Federal Government. Applicants must understand this risk and be able to cover this cost if an award is not made.

If an applicant intends to request reimbursement for this one-time pre-award cost, it must include this request in its application materials, including in the Budget Detail Worksheet for each IJ. Failure to clearly identify this as a separate cost in



the application may result in its disallowance. This is the only pre-award cost eligible for reimbursement. Recipients must maintain grant writer fee documentation including, but not limited to: a copy of the solicitation, such as a quote request, rate request, invitation to bid, or request for proposals, if applicable; a copy of the grant writer's contract agreement; a copy of the invoice or purchase order; and a copy of the canceled check or proof of payment. These records must be made available to DHS/FEMA upon request.

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

b. Grant Managers

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

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

c. Restrictions Regarding Grant Writers and Grant Managers

Pursuant to 2 C.F.R. Part 180, recipients may not use federal grant funds to reimburse any entity, including a grant writer or preparer, if that entity is presently suspended or debarred by the Federal Government from receiving funding under federally funded grants or contracts. Recipients must verify that a contractor is not suspended or debarred from participating in specified federal procurement or non-procurement transactions pursuant to 2 C.F.R. § 180.300. FEMA recommends



recipients use SAM.gov to conduct this verification. Further, regardless of whether any grant writer fees were requested, as applicable to non-state entities, unless a single contract covering both pre- and post-award services was awarded to the grant writer and procured in compliance with 2 C.F.R. §§ 200.317 – 200.327, federal funds cannot be used to pay the grant writer to provide post-award services.

f. Excess Funds

After completing the initial project proposed in the recipient's application, some recipients may have unexpended funds remaining in their budgets. These excess funds may result from any combination of under-budget acquisition activities or competitive procurement processes. In such cases, excess funds must be returned to FEMA upon project completion.

E. Application Review Information

1. Application Evaluation Criteria

a. Programmatic Criteria

The FY 2023 TSGP applications will be evaluated through a review process for completeness, adherence to the programmatic guidelines, and anticipated effectiveness of the proposed investments. IJs will be reviewed and selected based on the following criteria:

1. **Funding priorities.** Projects will be evaluated and prioritized based on the extent to which they address the priorities contained in this NOFO.
2. **Cost effectiveness.** Projects will be evaluated based on the expected impact on security relative to the investment.
3. **Ability to reduce risk of catastrophic events.** Projects will be evaluated and prioritized on their ability to reduce risks associated with potential terrorist attacks and all other types of hazards.
4. **Sustainability without additional federal funds and leveraging of other funding.** Projects will be evaluated and prioritized regarding the extent to which they exhibit a likelihood of success or continued success without requiring additional Federal assistance.



5. **Timelines.** Projects will be evaluated and prioritized on the applicant's ability to complete the proposed project within submitted timeframes.
6. **Regional collaboration.** Projects will be evaluated based on the degree of partnership with regional counterparts.

Grant projects must be both (1) feasible and effective at reducing the risks for which the project was designed and (2) able to be fully completed within the three-year period of performance. DHS/FEMA will use the information provided in the application and any supporting documentation to determine the feasibility and effectiveness of proposed grant projects. Information that would assist in this feasibility and effectiveness determination includes the following:

- Scope of work (purpose and objectives of the project, identification of what is being protected);
- Desired outcomes, including expected long-term impact where applicable;
- Summary of status of planning and design accomplished to date (e.g., included in a capital improvement plan); and
- Project schedule.

Recipients are expected to conform, as applicable, with accepted engineering practices, established codes, standards, modeling techniques, and best practices.

b. Financial Integrity Criteria

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as enacted by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 (2020); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any Office of Management and Budget (OMB)-designated repositories of governmentwide eligibility qualification or financial integrity information, including whether the applicant is suspended or debarred.

FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

1. Financial stability;
2. Quality of management systems and ability to meet management standards;
3. History of performance in managing federal award;



4. Reports and findings from audits; and
5. Ability to effectively implement statutory, regulatory, or other requirements.

c. Supplemental Financial Integrity Criteria and Review

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

1. FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance and Integrity Information System](#) (FAPIIS).
2. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
3. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

2. Review and Selection Process

FY 2023 TSGP applications will be evaluated through a review process for completeness, adherence to programmatic guidelines, and anticipated effectiveness of the proposed investments.

Applications requesting funds will be reviewed and selected based on the following criteria:

1. Risk Group Score. The applicant agency's risk group score is a score of 1-10, generated for each transit agency based on assessed risk to the transit system. This score is calculated by a risk process developed and maintained by DHS/FEMA and TSA.



2. Funding Priorities Score. Projects will be awarded up to seven points based on the extent to which they align with the TSGP Funding Priority Areas outlined in this NOFO.

3. Risk Mitigation Score. Projects will be evaluated based on the potential risk mitigation of the project (as determined by the information provided in the IJs). This score has several components and is calculated by the average of the applicable sub-components described below. The highest possible total score for risk mitigation is 28.

- **Cost effectiveness.** Projects will be awarded up to 12 points based on the expected impact on security relative to the investment.
- **Ability to reduce risk of catastrophic events.** Projects will be awarded up to 12 points based on an applicant's ability to reduce risk associated with potential terrorist attacks and all other types of hazards.
- **Sustainability without additional federal funds and leveraging other funding.** Projects will be awarded up to two points based on the extent to which an applicant exhibits a likelihood of success or continued success without requiring additional Federal assistance.
- **Timelines.** Projects will be awarded up to two points based on an evaluation of an applicant's ability to complete the proposed project within submitted timeframes and how quickly the project can be implemented once funding is received due to planning activities, contracting issues, construction requirement(s), or other such factors.

4. Regional Collaboration Component Score. Projects will be given an additional 0-1.5 points based on the degree of collaboration with other regional partners

5. National Priority Areas Score. Projects that ***sufficiently address one or more of the National Priority Areas will receive an additional 20% score increase.***

DHS/FEMA headquarters grants management specialists will also conduct financial risk assessments using the following criteria:

- Allowability, allocability, and financial reasonableness of the proposed budget and investment information; and



- Whether a recipient meets the financial and legal requirements listed in 2 C.F.R. Part 200.

Although these reviews will not affect award recommendations, if any issues are identified for projects selected for award, DHS/FEMA headquarters grants management specialists will work with recipients to ensure final budgets are reasonable and include allowable costs.

F. Federal Award Administration Information

1. Notice of Award

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

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

Notification of award approval is made through the ND Grants system through an automatic electronic mail to the recipient's authorized official listed in the initial application. The recipient should follow the directions in the notification to confirm acceptance of the award.

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

Funds will remain on hold until the recipient accepts the award through the ND Grants system and all other conditions of the award have been satisfied or until the award is otherwise rescinded. Failure to accept a grant award within the 60-day timeframe may result in a loss of funds.



2. Administrative and National Policy Requirements

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

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

- [Environmental Planning and Historic Preservation \(EHP\) Compliance](#)
- [FirstNet](#)
- [National Incident Management System \(NIMS\) Implementation](#)
- [SAFECOM Guidance on Emergency Communications Grants](#)

a. DHS Standard Terms and Conditions

All successful applicants for DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at: [DHS Standard Terms and Conditions](#). Note: FEMA can impose additional terms and conditions to DHS Standard Terms and Conditions as the result of a programmatic or financial review/audit.

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

b. Ensuring the Protection of Civil Rights

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

Federal civil rights statutes, such as Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, along with DHS and FEMA regulations,



prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, limited English proficiency, or economic status in connection with programs and activities receiving [federal financial assistance](#) from FEMA.

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

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

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

c. Environmental Planning and Historic Preservation (EHP) Compliance

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

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

All GPD actions, including grant-funded actions, must comply with National Flood Insurance Program criteria or any more restrictive federal, state, or local floodplain management standards or building code (44 CFR § 9.11(d)(6)). All GPD-funded non-critical actions in 1% annual chance floodplains (also known as 100-year



floodplains) that involve new construction or substantial improvement of structures must be elevated, at a minimum, to the lower of:

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

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

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

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

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

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies.



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

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

3. Reporting

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

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

4. Monitoring and Oversight

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

Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award.

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

G. DHS Awarding Agency Contact Information

1. Contact and Resource Information



a. Program Office Contact

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

b. fema grants news

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

c. Grant Programs Directorate (GPD) Award Administration Division

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

d. Equal Rights

The FEMA Office of Equal Rights (OER) is responsible for compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA and recipients of FEMA financial assistance. All inquiries and communications about federal civil rights compliance for FEMA grants under this NOFO should be sent to FEMA-CivilRightsOffice@fema.dhs.gov.

E. Environmental Planning and Historic Preservation



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

2. Systems Information

a. Grants.gov

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

b. Non-Disaster (ND) Grants

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

c. Payment and Reporting System (PARS)

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

H. Additional Information

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



FEMA

[Grants Manual](#) include:

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

1. Termination Provisions

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

a. Noncompliance

If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. If the noncompliance can be corrected, FEMA may first attempt to direct the recipient to correct the noncompliance. This may take the form of a Compliance Notification. If the noncompliance cannot be corrected or the recipient is non-responsive, FEMA may proceed with a Remedy Notification, which could impose a remedy for noncompliance per 2 C.F.R. § 200.339, including termination. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342 as well as the requirement of 2 C.F.R. § 200.340(c) to report in



FAPIS the recipient's material failure to comply with the award terms and conditions. See also the section on Actions to Address Noncompliance in this NOFO or in the [Preparedness Grants Manual](#).

b. With the Consent of the Recipient

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

c. Notification by the Recipient

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

2. Program Evaluation

Recipients and subrecipients are encouraged to incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 ([Evidence Act](#)), Pub. L. No. 115-435 (2019) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act § 101 (codified at 5 U.S.C. § 311). Evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation.



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

3. Period of Performance Extensions

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

4. Financial Assistance Programs for Infrastructure

a. Build America, Buy America Act

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

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

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the



infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

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

b. Waivers

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

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

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

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

c. Definitions

Construction materials: an article, material, or supply — other than an item primarily of iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents



or additives — that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, paint, and drywall.

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

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

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

Produced in the United States means the following for:

- Iron and steel: All manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- Manufactured products: The product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55% of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.



- Construction Materials: All manufacturing processes for the construction material occurred in the United States.

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



FEMA