The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2023 Shelter and Services Program

Release Date: Jun 12, 2023

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

UEI registration information is available on GSA.gov at Unique Entity Identifier Update | GSA.

Visit Grants.gov for registration information. Detailed information regarding UEI and SAM is also provided in Section D of this funding notice.

Additional Information can be found on 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

2. Assistance Listings Number

97.141

3. Assistance Listings Title

Shelter and Services Program

4. Funding Opportunity Title

Fiscal Year 2023 Shelter and Services Program

5. Funding Opportunity Number

DHS-23-GPD-141-00-99

6. Authorizing Authority for Program

Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, Division F – Department of Homeland Security Appropriations Act, 2023, Title II Security, Enforcement, and Investigations, U.S. Customs and Border Protection, Operations and Support

Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, Division F – Department of Homeland Security Appropriations Act, 2023, Title III Protection, Preparedness, Response, and Recovery, Federal Emergency Management Agency, Federal Assistance

7. Appropriation Authority for Program

Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, Division F – Department of Homeland Security Appropriations Act, 2023, Title II Security, Enforcement, and Investigations, U.S. Customs and Border Protection, Operations and Support

Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, Division F – Department of Homeland Security Appropriations Act, 2023, Title III Protection, Preparedness, Response, and Recovery, Federal Emergency Management Agency, Federal Assistance

8. Announcement Type

Initial

9. Program Category

CBP Human Services

10. Program Overview, Objectives and Priorities

a. Overview

In fiscal year (FY) 2022, the U.S. Customs and Border Protection (CBP) encountered nationwide 2,766,582 noncitizen migrants seeking entry into the United States. This represented approximately a 41% increase when compared to the previous fiscal year. As of May 1, 2023, nationwide encounters exceeded 1 million for the calendar year to date. Monthly encounters between U.S. Border Patrol agents and noncitizens attempting to cross into the United States at the southwest land border (SWB) (California, Arizona, New Mexico, and Texas) were at historically high levels. Since the beginning of FY 2020, 85% of all nationwide encounters of noncitizens encountered by CBP have occurred at the SWB of the United States.

The present-day irregular migration of noncitizens is unprecedented. The unprecedented number of migrants in local communities, particularly those communities of the SWB, are drawing down the capacity of non-federal entities to make available humanitarian services.

The Department of Homeland Security (DHS) has committed to bolstering the capacity of non-federal entities to receive noncitizens for a temporary period not to exceed 45 days after they have been processed by CBP. DHS has also committed to ensuring appropriate coordination with and support for state, local, and community leaders to help mitigate increased impacts to their communities as outlined in the DHS Plan for Southwest Border Security and Preparedness, issued on April 26, 2022, and updated on Dec. 13, 2022.

This Shelter and Services Program (SSP) makes available federal funds to eligible recipients and subrecipients for costs associated with providing shelter and other eligible services to noncitizen migrants who have been encountered and released by DHS.[1] Recipients of SSP may also seek grant funds for renovations or costs associated with modifications to existing facilities in support of individuals who have recently been released from the custody of CBP. Refer to Appendix A of the NOFO for allowable activities.

SSP makes federal funds available to enable non-federal entities to off-set allowable costs incurred for services associated with noncitizen migrant arrivals in their communities. The SSP supports the FY 2020–2024 DHS Strategic Plan, Goal 5: Strengthen Preparedness and Resilience, Objective 5.1: Build a National Culture of Preparedness, and the 2022-2026 FEMA Strategic Plan Goal 3: Promote and Sustain a Ready FEMA and Prepared Nation.

b. Objective

- To provide funding to non-federal entities that serve noncitizen migrants recently released from DHS custody to temporarily provide shelter, food, transportation, acute medical care, personal hygiene supplies, and labor necessary to manage cases to provide these services; and,
- To provide funding to non-federal entities to increase their capacity to temporarily shelter noncitizen migrants recently released from DHS custody, including renovations and modifications to existing facilities.

c. Priorities

The safe, orderly, and humane release of noncitizen migrants from DHS short-term holding facilities.

11. Performance Measures

Performance measures for SSP recipients are:

- Number of meals provided;
- Number of nights of lodging provided;
- Number of noncitizen migrants transported;
- Number of acute medical care items provided, by type;
- Number of personal hygiene supplies provided, by type; and
- Number of hours of labor paid to manage cases to provide these services.

FEMA will calculate and analyze the above metrics through a review of programmatic performance reports and award monitoring to ensure that the funds are expended for their intended purpose and achieve the stated outcomes in the grant application.

B. Federal Award Information

1. Available Funding for the NOFO:

$ 363,800,000

During this first tranche of funding, $291,040,000 is available. $72,760,000 will be made available later in a second tranche of funding, which allows for flexibilities in additional eligible candidates and allocations with the same overarching purpose and allowable activities.

Funding in the initial NOFO is allocated to eligible applicants listed in the below table. In the event eligible applicants request more than their allocation, or in future amendments to the NOFO, funding will be prioritized for primary services and then for secondary services (see Appendix A).

Eligible applicants for the FY 2023 SSP are identified in the table below. The allocations were based on release and destination data received from CBP (over the time period of October 1, 2022 to May 21, 2023) and Emergency Food and Shelter Program – Humanitarian (EFSP-H) requests made in FY 2023. SSP replaces EFSP-H humanitarian relief funding provided to non-federal entities. If eligible applicants do not accept their allocation for this first tranche of funding,

that amount will be rolled into the second tranche of funding and re-allocated.

Eligible Applicant	Jurisdiction	FY 2023 SSP Allocation (first tranche)
World Hunger Ecumenical Task Force, Inc	Cochise County, AZ	$150,000
World Hunger Ecumenical Task Force, Inc	Maricopa County, AZ	$4,150,153
World Hunger Ecumenical Task Force, Inc	Mesa, AZ	$132,000
Pima County Grants Management	Pima County, AZ	$8,364,948
World Hunger Ecumenical Task Force, Inc	Yuma County, AZ	$11,093,294
Catholic Charities, Diocese of San Diego	Imperial County, CA	$5,790,150
County of Riverside	Riverside County, CA	$10,769,659
San Diego County	County of San Diego, CA	$15,126,396
Colorado Division of Homeland Security and Emergency Management	Arapahoe County, CO	$1,243,567
City/County of Denver	Denver County, CO	$8,617,637
District of Columbia Department of Human Services	District of Columbia	$3,754,111
United Way National Capital Region	District of Columbia	$1,437,413

Eligible Applicant	Jurisdiction	FY 2023 SSP Allocation (first tranche)
United Way Miami	Miami-Dade County, FL	$3,234,554
City of Atlanta	Fulton County, GA	$3,637,132
City of Chicago	Cook County, IL	$10,575,801
Illinois Department of Human Service	Sangamon County, IL	$19,363,557
St. John Parish	St. John Parish, LA	$750,000
United Way Worldwide of Southern Maine	Cumberland, ME	$497,229
City of Boston	Suffolk, MA	$1,984,463
Hennepin County	Hennepin County, MN	$1,289,593
United Way of Southwest New Mexico	Dona Ana County, NM	$10,418,082
Colores United/Mariposa Ranch	Luna County, NM	$1,502,640
NYC Office of Management and Budget	Manhattan, NY	$104,678,007
Catholic Charities Archdiocese of San Antonio, Inc.	Bexar County, TX	$5,688,925
City of San Antonio	Bexar County, TX	$13,051,737
United Way San Antonio	Bexar County, TX	$5,795,360

Eligible Applicant	Jurisdiction	FY 2023 SSP Allocation (first tranche)
City of Brownsville	Cameron County, TX	$4,406,622
Catholic Charities Dallas	Dallas County, TX	$1,472,076
Catholic Charities of the Rio Grande Valley	Hidalgo County, TX	$4,818,032
City of McAllen	Hidalgo County, TX	$5,229,994
City of El Paso Office of Emergency Management (OEM)	El Paso City, TX	$7,168,856
El Paso County	El Paso County, TX	$2,447,252
Laredo Fire Department	Webb County, TX	$5,961,992
Laredo - Texas Catholic Social Service	Webb County, TX	$6,438,769
Total		**$291,040,000**

2. Period of Performance

31 months

Extensions to the period of performance (POP) are allowed. For additional information on period of performance extensions, please refer to Section H of this NOFO.

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)

March 1, 2023

4. Projected Period of Performance End Date(s)

September 30, 2025

5. Funding Instrument Type

Grant

C. Eligibility Information

1. Eligible Applicants

The applicants identified in the table in Section B.1 Available Funding for the NOFO are the only entities eligible to submit SSP applications to DHS/FEMA, including those applications submitted on behalf of eligible subapplicants. Eligible applicants may change with the second tranche of funding.

2. Applicant Eligibility Criteria

Each eligible applicant may submit only one SSP grant application to FEMA.

An eligible applicant through their application must demonstrate their capacity, either internally or through a partnership, to carry out each SSP allowable activity for which they propose funding.

Funding will **not** be provided to any applicant that charges any noncitizen migrant for services.

3. Subapplicant Eligibility Criteria

Under the FY 2023 SSP, eligible subapplicants may apply to and receive subawards from a non-federal entity that is applying for and receiving an SSP award directly from FEMA. Subapplicants must meet the following criteria to be eligible:

1. Are one of the following entities:
    1. Local governments as defined by 2 C.F.R. § 200.1;

    2. Indian Tribes as defined by 2 C.F.R. § 200.1;
    3. Nonprofit organizations as defined by 2 C.F.R. § 200; and,
    4. The 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any agency or instrumentality thereof exclusive of local governments (the term “state” or “state government” where used in this NOFO refers to these entities).
2. Must have the capacity to perform each SSP allowable activity proposed by the applicant to be performed by the subapplicant.

Subapplicants must work directly with non-federal entities applying for SSP funding to be included in an application. An eligible subapplicant may not receive more than one subaward from a non-federal entity that received an SSP award directly from FEMA.

4. Other Eligibility Criteria/Restrictions

Not applicable

5. Maintenance of Effort (MOE)

Maintenance of Effort is not required.

6. Cost Share or Match

Cost share or match is not required or allowed.

D. Application and Submission Information

1. Key Dates and Times

a. Application Start Date:

June 12, 2023

b. Application Submission Deadline:

No later than 5:00 p.m. ET on July 12, 2023

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

FEMA's Grants Outcomes System (FEMA GO) automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely 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.9 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 the following: 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 technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at femago@fema.dhs.gov or (877) 585-3242, Monday through Friday, 9:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Program Analyst or Grants Management Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the Centralized Scheduling and Information Desk (CSID) by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9:00 AM–5:00 PM ET.

C. Other Key Dates

Event	Suggested Deadline for Completion
Obtaining Unique Entity Identifier (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 Organization in FEMA GO	Prior to beginning application
Submitting complete application in FEMA GO	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

Applications are processed through the FEMA GO system. To access the system, go to FEMA GO.

Hard copies of the NOFO can be downloaded at Grants.gov or obtained via email from the Awarding Office points of contact listed in Section G of this NOFO, “DHS Awarding Agency Contact Information” or by TTY (800) 462-7585.

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

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

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

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

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

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

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

a. Apply for, update, or verify their Unique Entity Identifier (UEI) number 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. Register in FEMA GO, add the organization to the system, and establish the Authorized Organizational Representative (AOR). The organization's electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see the FEMA GO Startup Guide;

f. Submit the complete application in FEMA GO; and

g. 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.

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 askcsid@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 applications through FEMA GO.

7. How to Register to Apply

a. General Instructions:

Registering and applying for an award under this program is a multi-step process and requires time to complete. Read the instructions below about registering to apply for FEMA funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to four weeks to complete. To ensure an application meets the deadline, applicants are advised to start the required steps well in advance of their submission.

Organizations must have an UEI number, an EIN, an active System for Award Management (SAM) registration and Grants.gov account to apply for grants.

b. Obtain an UEI Number:

All entities applying for funding, including renewal funding, prior to April 4, 2022, must have a UEI number. Applicants must enter the UEI number in the applicable data entry field on the SF-424 form.

For more detailed instructions for obtaining a UEI number, refer to SAM.gov.

c. Obtain Employer Identification Number

All entities applying for funding must provide an Employer Identification Number (EIN). The EIN can be obtained from the IRS by visiting Apply for an Employer Identification Number (EIN) Online.

d. Create a login.gov account:

Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account by visiting login.gov.

Applicants only have to create a login.gov account once. For applicants that are existing SAM users, use the same email address for the login.gov account as with

SAM.gov so that the two accounts can be linked.

For more information on the login.gov requirements for SAM registration, refer to SAM.gov.

e. Register with SAM:

All organizations applying online through Grants.gov must register with SAM. Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually. Organizations will be issued a UEI number with the completed SAM registration.For more detailed instructions for registering with SAM, refer to Step 2: Register with SAM.

Note: As a new requirement per 2 C.F.R. § 25.200, applicants must also provide the applicant's immediate and highest-level owner, subsidiaries, and predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

i. Additional SAM Reminders

Existing SAM.gov account holders should check their account to make sure it is "ACTIVE." SAM registration should be completed at the very beginning of the application period and should be renewed annually to avoid being "INACTIVE." **Please allow plenty of time before the grant application submission deadline to obtain an UEI number and then to register in SAM. It may be four weeks or more after an applicant submits the SAM registration before the registration is active in SAM, and then it may be an additional 24 hours before FEMA's system recognizes the information.**

It is imperative that the information applicants provide is correct and current. Please ensure that your organization's name, address, and EIN are up to date in SAM and that the UEI number used in SAM is the same one used to apply for all other FEMA awards. Payment under any FEMA award is contingent on the recipient's having a current SAM registration.

ii. Help with SAM

The SAM quick start guide for new recipient registration and SAM video tutorial for new applicants are tools created by the General Services Administration (GSA) to assist those registering with SAM. If applicants have questions or concerns about a SAM registration, please contact the Federal Support Desk at the https://www.fsd.gov/gdit_tss/?id=gdit_tss_landing or call toll free (866) 606-8220.

f. Register in FEMA GO, Add the Organization to the System, and Establish the AOR:

Applicants must register in FEMA GO and add their organization to the system. The organization's electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see the FEMA GO Startup Guide.

Note: FEMA GO will support only the most recent major release of the following browsers:

- Google Chrome;
- Internet Explorer;
- Mozilla Firefox;
- Apple Safari; and
- Microsoft Edge,

Users who attempt to use tablet type devices or other browsers may encounter issues with using FEMA GO.

8. Submitting the Final Application

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) may be accessed in 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.

After submitting the final application, FEMA GO will provide either an error message or a successfully received transmission in the form of an email sent to the AOR that submitted the application. Applicants using slow internet connections, such as dial-up connections, should be aware that transmission can

take some time before FEMA GO receives your application.

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.

9. Timely Receipt Requirements and Proof of Timely Submission

All applications must be completed in FEMA GO by the application deadline. FEMA GO automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative (AOR) role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission on the date and time that FEMA GO received the application.

Applicants who experience system-related issues will be addressed until 3:00 PM ET on the date applications are due. No new system-related issues will be addressed after this deadline. Applications not received by the application submission deadline will not be accepted.

10. Content and Form of Application Submission

The following forms or information are required to be submitted via FEMA GO. The Standard Forms (SF) are also available at SF-424 family on Grants.gov.

- **SF-424, Application for Federal Assistance**
- **Grants.gov Lobbying Form, Certification Regarding Lobbying**
- **SF-424A, Budget Information (Non-Construction)**
  - **For construction under an award, submit SF-424C, Budget Information (Construction)**, in addition to or instead of SF-424A
- **SF-424B, Standard Assurances (Non-Construction)**
  - **For construction under an award, submit SF-424D, Standard Assurances (Construction)**, in addition to or instead of SF-424B
- **SF-LLL, Disclosure of Lobbying Activities**
- **Indirect Cost Agreement or Proposal**

If the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal, the applicant must submit their indirect

cost agreement or proposal in FEMA GO. 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.

a. Program-Specific Required Forms and Information

The following program-specific forms or information are required to be submitted in FEMA GO:

- **Application Worksheet:** Additional certifications for the funds requested, budget instructions, and any subapplicant information known at the time of application submission. Applicants must upload their completed worksheet to the Project Worksheet section in FEMA GO as an Excel file with the naming convention SSP_Application_Worksheet.
- **For applicants with known nonprofit organization subapplicants only:** Submit evidence entity(ies) meet definition of nonprofit organization in 2 CFR 200.1; for example, submit an IRS Form 990 for all entities included in your application if they (the subapplicant(s)) have previously filed one. Applicants must upload subapplicant IRS Form 990s to the Additional Attachment (General Attachment) section in FEMA GO as a PDF with the naming convention SSP_IRS_990_Form. If there is more than one subapplicant, please combine all IRS Form 990s into one document.
- **For renovations or modifications to rented real property only:** If an applicant or subapplicant is requesting funding for renovations or modifications to rented real property, submit rental agreement addressing space, any

limitations of use, and rental period. Applicants must upload documents to the Additional Attachment (General Attachment) section in FEMA GO as a PDF with the naming convention SSP_Rental_Property. Upload one document for each individual rental agreement.

- **For Reimbursement Funding Requests only:**
  - **Alien Registration Number (A-Number) or evidence of DHS processing (e.g., I-94, I-385, I-860, I-862):** A summary list reporting A-Numbers (where available), names, corresponding DHS release dates of the served population, and corresponding service dates of the served population. Please do not send copies of the forms themselves. Applicants must use the provided A Number Submission Template to populate the information, then upload to the Project Worksheet Section in FEMA as an Excel file with the naming convention SSP_ANumber_Worksheet. Note: This information will be required when recipients draw down funds.
  - **Proof of Purchase Documentation**:
    - For each requested allowable activity service category (See Appendix A), provide one example of proof of payment (e.g. cancelled check, credit card statement, etc.) and a receipt reflecting the purchase. Applicants must upload proofs of payment and receipts to the Additional Attachment (General Attachment) section in FEMA GO as a PDF with the naming convention SSP_Costs_Under_5000. Upload one document inclusive of all proofs of payment and receipts less than $5,000. In the document, identify which proofs of payment and receipts are for which allowable activity service category.
    - For each purchase or allowable cost of $5,000 or more, provide proof of payment and a receipt reflecting the purchase or other documentation demonstrating calculation and allocation of cost in accordance with 2 CFR Part 200, Subpart E. Applicants must upload proofs of payment and receipts to the Additional Attachment (General Attachment) section in FEMA GO as a PDF with the naming convention SSP_Costs_Over_5000. Upload one document inclusive of all proofs of payment and receipts $5,000 or more. In the document, identify which proofs of payment and receipts are for which allowable activity service category (See Appendix A).
    - Note: This information will be required when recipients draw down funds.

11. Other Submission Requirements

Notice to applicants applying with known nonprofit organizations with 501(c) (3) IRS status subapplicants:

For nonprofit organizations that have been approved as exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, FEMA may request a copy of IRS's approval of the applicant's or subapplicant's tax exempt status (e.g., a determination letter or affirmation letter).

Applicants requesting pre-award costs must follow the instructions outlined in Section D.13.b. Pre-Award Costs.

12. Intergovernmental Review

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

(See Intergovernmental Review (SPOC List)).

13. Funding Restrictions and Allowable Costs

All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200, unless otherwise indicated in the NOFO, or the terms and conditions of the award. 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 is the same as the period of performance).

In general, the Cost Principles establish standards for the allowability of costs, provide detailed guidance on the cost accounting treatment of costs as direct or administrative costs, and set forth allowability principles for selected items of cost. More specifically, except as otherwise stated in this NOFO, the terms and condition of an award, or other program materials, costs charged to awards covered by this NOFO must be consistent with the Cost Principles for Federal Awards located at 2 C.F.R. Part 200, Subpart E. In order to be allowable, all costs charged to a FEMA award or applied to the cost share must be reasonable in nature and amount and allocable to the particular FEMA award.

Additionally, all costs charged to awards must comply with the grant program's applicable statutes, policies, requirements in this NOFO as well as with the terms and conditions of the award. If FEMA staff identify costs that are inconsistent with any of these requirements, these costs may be disallowed, and FEMA may recover funds as appropriate, consistent with applicable laws, regulations, and policies.

As part of those requirements, grant recipients and subrecipients may only use federal funds or funds applied to a cost share for the purposes set forth in this NOFO and the terms and conditions of the award, and those costs must be consistent with the statutory authority for the award.

Grant funds may not be used for matching funds for other federal grants/cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the federal government or any other government entity.

SSP funds may not be used for costs associated with new construction or to purchase real estate.

Costs associated with renovations or modifications to existing facilities may not exceed $250,000 for the entire application budget. All activities and programs funded by FEMA, including grant-funded projects, must comply with federal Environmental and Historic Preservation laws, Executive Orders, regulations, and policies, as applicable. See Section F.3.c. Environmental Planning and Historic Preservation Compliance.

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

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

security reasons.

Guidance is available at FEMA Policy #405-143-1 - Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services.

Additional guidance is available at Contract Provisions Guide: Navigating Appendix II to Park 200 – Contract Provisions for Non-federal Entity Contracts under Federal Awards (fema.gov).

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

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

i. Replacement Equipment and Services

FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of the NOFO.

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);

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

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

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

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

b. Pre-Award Costs

Pre-award costs are costs incurred prior to the effective date of the federal award or subaward. Pre-award costs are allowable only with the prior written approval of DHS/FEMA and if they are included in the award agreement. To request pre-award costs, applicants must include the costs with their application. The application must outline what the pre-award costs are for and include a detailed budget break-out of all costs included in the funding request.

The pre-award cost must meet the requirements of 2 C.F.R Part 200.458, which provides that the cost must be necessary for efficient and timely performance of the grant's scope of work. FEMA reserves the right to re-evaluate and disallow pre-award costs at time of award monitoring if it is later determined that the services were not properly procured or do not satisfy the requirements of 2 C.F.R Part 200.458.

c. Management and Administration (M&A) Costs

Recipients may expend up to 5% of an SSP award for allowable M&A costs. Subrecipients may also expend up to 5% of their SSP subaward for allowable M&A costs.

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 Program Analyst, Grants Management Specialist, or other relevant FEMA position] 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 Program Analyst, Grants Management Specialist, or other relevant FEMA position 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

Refer to Appendix A for a description of eligible activities.

E. Application Review Information

1. Application Evaluation Criteria

a. Programmatic Criteria

FEMA will review applications to ensure eligibility and compliance with all application requirements provided in this NOFO as well as apply the following programmatic criteria:

- Activities proposed are only those identified as allowable in this NOFO.
- The applicant demonstrates their capacity, either organically or through a partnership, to provide each SSP allowable activity proposed for funding.
- Proposed deliverables are consistent with the objectives and priorities of the SSP.
- Project timelines are realistic, attainable, and conform to the performance period of the SSP.
- Proposed costs are allowable, reasonable, and cost-effective in relation to proposed activities.
- The applicant possesses the organic capacity to manage a federal award consistent with Federal statutes, regulations, and the terms and conditions of the federal award.

b. Financial Integrity Criteria>

a. Subrecipient Process

For application packages that have subapplicants, the applicant must evaluate subapplicants based on the eligibility criteria (Section C.1). As part of the review for SSP, the applicant must:

- Conduct an eligibility review; and,
- Review and include only **complete** subapplicant application packages (include all application submission requirements).

b. Review and Selection Process

All proposed funding applications will undergo a federal review by DHS/FEMA to verify compliance with all administrative and eligibility criteria defined in the NOFO. The federal review will be conducted by FEMA HQ staff, who will use a checklist to verify compliance with all administrative and eligibility criteria identified in the NOFO.

F. Federal Award Administration Information

1. Notice of Award

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 as well as any specific terms and conditions in the Notice of Award to receive an award under this program.**

FEMA will provide the federal award package to the applicant electronically via FEMA GO. Award packages include an Award Letter, Summary Award Memo, Agreement Articles, and Obligating Document. An email notification of the award package will be sent through FEMA's grant application system to the Authorized Organization Representative (AOR) that submitted the application.

Recipients must accept their awards no later than 45 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award through the FEMA GO system.

Funds will remain on hold until the recipient accepts the award through the FEMA GO 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 specified timeframe may result in a loss of funds.

2. Pass-Through Requirements

FEMA strongly encourages recipients to pass through funds to eligible subrecipients. See Section C.3. Subapplicant Eligibility Criteria.

3. 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.

a. DHS Standard Terms and Conditions

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

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

b. Ensuring the Protection of Civil Rights

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

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

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

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 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) (fema.gov).

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 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 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, must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not incompliance 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 on this FEMA Form. Additionally, all recipients under this funding opportunity are required to comply with FEMA GPD EHP Policy Guidance, FEMA Policy #108-023-1.

4. 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.

a. Financial Reporting Requirements

i. Federal Financial Report (FFR)

Recipients must report obligations and expenditures through the FFR form (SF-425) to FEMA.

Recipients may review the Federal Financial Reporting Form (FFR) (SF-425) at the Grants.gov Post-Award Reporting Forms webpage.

Recipients must file the FFR electronically using FEMA GO.

ii. FFR Reporting Periods and Due Dates

Recipients are required to submit a Federal Financial Report (FFR or SF-425) on a quarterly basis throughout the POP, including partial calendar quarters, as well as in periods where no grant award activity occurs. The FFR must be submitted through FEMA GO based on the calendar year beginning with the period after the award is made. The final FFR is due within 120 calendar days after the end of the POP. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate lack of progress, or are insufficient in detail.

Except for the final FFR due at 120 days after the end of the POP for purposes of closeout, the following reporting periods and due dates apply for the FFR:

Reporting Period	Report Due Date
October 1–December 31	January 30
January 1–March 31	April 30
April 1–June 30	July 30

Reporting Period	Report Due Date
July 1–September 30	October 30

Future awards and fund draw downs may be withheld if these reports are delinquent, demonstrate lack of progress, or are insufficient in detail.

b. Programmatic Performance Reporting Requirements

i. Performance Progress Report (PPR)

Recipients are required to submit a programmatic performance report on a quarterly basis throughout the POP through FEMA GO. The reports shall include:

- Narrative description of activities during the reporting period;
- Any documentation needed for grant compliance (such as proof of purchases and receipts as well as A-numbers or evidence of DHS processing, names, corresponding release dates of the served population, corresponding service dates of the served population, and the associated activity(ies));
- Identify issues or challenges that may delay progress; and,
- General assessment if the project plan is on track as proposed.

ii. PPR Periods and Due Dates (PPR)

The following reporting periods and due dates apply for the PPR:

Reporting Period	Report Due Date

October 1–December 31	January 30
January 1–March 31	April 30
April 1–June 30	July 30
July 1–September 30	October 30

iii. Additional Programmatic Reporting Requirements [If applicable]

c. Closeout Reporting Requirements

i. Closeout Reporting

Within 120 calendar days after the end of the period of performance for the prime award or after an amendment has been issued to close out an award before the original POP ends, recipients must liquidate all financial obligations and must submit the following:

i. The final request for payment, if applicable.

ii. The final FFR (SF-425).

iii. The final progress report detailing all accomplishments, including a narrative summary of the impact of those accomplishments throughout the period of performance.

iv. Other documents required by this NOFO, terms and conditions of the award, or other FEMA guidance.

In addition, pass-through entities are responsible for closing out their subawards as described in 2 C.F.R. § 200.344; subrecipients are still required to submit

closeout materials within 90 calendar days of the period of performance end date. When a subrecipient completes all closeout requirements, pass-through entities must promptly complete all closeout actions for subawards in time for the recipient to submit all necessary documentation and information to FEMA during the closeout of the prime award.

After the prime award closeout reports have been reviewed and approved by FEMA, a closeout notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for at least three years from the date of the final FFR. The record retention period may be longer, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in 2 C.F.R. § 200.334.

The recipient is responsible for refunding to FEMA any balances of unobligated cash that FEMA paid that are not authorized to be retained per 2 C.F.R. § 200.344(d).

ii. Administrative Closeout

Administrative closeout is a mechanism for FEMA to unilaterally move forward with closeout of an award using available award information in lieu of final reports from the recipient per 2 C.F.R. § 200.344(h)-(i). It is a last resort available to FEMA, and if FEMA needs to administratively close an award, this may negatively impact a recipient's ability to obtain future funding. This mechanism can also require FEMA to make cash or cost adjustments and ineligible cost determinations based on the information it has, which may result in identifying a debt owed to FEMA by the recipient.

When a recipient is not responsive to FEMA's reasonable efforts to collect required reports needed to complete the standard closeout process, FEMA is required under 2 C.F.R. § 200.344(h) to start the administrative closeout process within the regulatory timeframe. FEMA will make at least three written attempts to collect required reports before initiating administrative closeout. If the recipient does not submit all required reports in accordance with 2 C.F.R. § 200.344, this NOFO, and the terms and conditions of the award, FEMA must proceed to administratively close the award with the information available within one year of

the period of performance end date. Additionally, if the recipient does not submit all required reports within one year of the period of performance end date, per 2 C.F.R. § 200.344(i), FEMA must report in FAPIIS the recipient's material failure to comply with the terms and conditions of the award.

If FEMA administratively closes an award where no final FFR has been submitted, FEMA uses that administrative closeout date in lieu of the final FFR submission date as the start of the record retention period under 2 C.F.R. § 200.334.

In addition, if an award is administratively closed, FEMA may decide to impose remedies for noncompliance per 2 C.F.R. § 200.339, consider this information in reviewing future award applications, or apply special conditions to existing or future awards.

d. Additional Reporting Requirements

i. Disclosing Information per 2 C.F.R. § 180.335

This reporting requirement pertains to disclosing information related to government-wide suspension and debarment requirements. Before a recipient enters into a grant award with FEMA, the recipient must notify FEMA if it knows if it or any of the recipient's principals under the award fall under one or more of the four criteria listed at 2 C.F.R. § 180.335:

i. Are presently excluded or disqualified;

ii. Have been convicted within the preceding three years of any of the offenses listed in 2 C.F.R. § 180.800(a) or had a civil judgment rendered against it or any of the recipient's principals for one of those offenses within that time period;

iii. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses listed in 2 C.F.R. § 180.800(a); or

iv. Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

At any time after accepting the award, if the recipient learns that it or any of its principals falls under one or more of the criteria listed at 2 C.F.R. § 180.335, the recipient must provide immediate written notice to FEMA in accordance with 2 C.F.R. § 180.350.

ii. Reporting of Matters Related to Recipient Integrity and Performance

Per 2 C.F.R. Part 200, Appendix I § F.3, the additional post-award reporting requirements in 2 C.F.R. Part 200, Appendix XII may apply to applicants who, if upon becoming recipients, have a total value of currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies that exceeds $10,000,000 for any period of time during the period of performance of an award under this funding opportunity.

Recipients that meet these criteria must maintain current information reported in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII at the reporting frequency described in paragraph 4 of Appendix XII.

iii. Single Audit Report

For audits of fiscal years beginning on or after December 26, 2014, recipients that expend $750,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report, also known as the single audit report.

The audit must be performed in accordance with the requirements of U.S. Government Accountability Office's (GAO) Government Auditing Standards, located on the GAO Yellow Book webpage, and the requirements of Subpart F of 2 C.F.R. Part 200.

5. 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.

Effective monitoring and oversight helps FEMA ensure that recipients use grant funds for their intended purpose(s); verify that projects undertaken are consistent with approved plans; and ensure that recipients make adequate progress toward stated goals and objectives. Additionally, monitoring serves as the primary mechanism to ensure that recipients comply with applicable laws, rules, regulations, program guidance, and requirements. FEMA regularly monitors all grant programs both financially and programmatically in accordance with federal laws, regulations (including 2 C.F.R. Part 200), program guidance, and the terms and conditions of the award. All monitoring efforts ultimately serve to evaluate progress towards grant goals and proactively target and address issues that may threaten grant success during the period of performance.

FEMA staff will periodically monitor recipients to ensure that administrative processes, policies and procedures, budgets, and other related award criteria are meeting Federal Government-wide and FEMA regulations. Aside from reviewing quarterly financial and programmatic reports, FEMA may also conduct enhanced monitoring through either desk-based reviews, onsite monitoring visits, or both. Enhanced monitoring will involve the review and analysis of the financial compliance and administrative processes, policies, activities, and other attributes of each federal assistance award, and it will identify areas where the recipient may need technical assistance, corrective actions, or other support.

Financial and programmatic monitoring are complementary processes within FEMA's overarching monitoring strategy that function together to ensure effective grants management, accountability, and transparency; validate progress against grant and program goals; and safeguard federal funds against fraud, waste, and abuse. Financial monitoring primarily focuses on statutory and regulatory compliance with administrative grant requirements, while programmatic monitoring seeks to validate and assist in grant progress, targeting issues that may be hindering achievement of project goals and ensuring compliance with the purpose of the grant and grant program. Both monitoring processes are similar in that they feature initial reviews of all open awards, and additional, in-depth monitoring of

grants requiring additional attention.

Recipients and subrecipients who are pass-through entities are responsible for monitoring their subrecipients in a manner consistent with the terms of the federal award at 2 C.F.R. Part 200, including 2 C.F.R. § 200.332. This includes the pass-through entity's responsibility to monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

In terms of overall award management, recipient and subrecipient responsibilities include, but are not limited to: accounting of receipts and expenditures, cash management, maintaining adequate financial records, reporting and refunding expenditures disallowed by audits, monitoring if acting as a pass-through entity, or other assessments and reviews, and ensuring overall compliance with the terms and conditions of the award or subaward, as applicable, including the terms of 2 C.F.R. Part 200. Recipients and subrecipients must timely make all mandatory disclosures required by 2 CFR 200.113.

G. DHS Awarding Agency Contact Information

1. Contact and Resource Information

a. Program Office Contact

FEMA's Grant Programs Directorate is the overall programmatic lead for the SSP. For questions related to project design and other required elements of the program, please contact FEMA-SSP@fema.dhs.gov.

b. Centralized Scheduling and Information Desk (CSID)

CSID is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. When necessary, recipients will be directed to a federal point of contact who can answer

specific programmatic questions or concerns. CSID can be reached by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9:00 AM – 5:00 PM 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. FEMA.GO

For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at femago@fema.dhs.gov or (877) 611-4700, Monday through Friday, 9:00 AM – 6:00 PM ET.

H. Additional Information

1. Termination Provisions

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

a. Noncompliance

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

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 may be permitted only with prior written approval from FEMA. Recipients must request extensions prior to the expiration of the POP. Extensions to the POP identified in the award

will only be considered through formal, written requests to the recipient's FEMA Program Analyst or other relevant FEMA position and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with the FEMA Program Analyst or other relevant FEMA position as needed when preparing an extension request.

All extension requests must address the following:

a. The grant program, fiscal year, and award number;

b. Reason for the delay –including details of the legal, policy, or operational challenges that prevent the final outlay of awarded funds by the deadline;

c. Current status of the activity(ies);

d. Approved POP termination date and new project completion date;

e. Amount of funds drawn down to date;

f. Remaining available funds, both federal and, if applicable, non-federal;

g. Budget outlining how remaining federal and, if applicable, non-federal funds will be expended;

h. Plan for completion, including milestones and timeframes for achieving each milestone and the position or person responsible for implementing the plan for completion; and

i. Certification that the activity(ies) will be completed within the extended POP without any modification to the original statement of work and as approved by FEMA.

Extension requests will be granted only due to compelling legal, policy, or operational challenges. Extension requests will only be considered for the following reasons:

- Contractual commitments by the recipient or subrecipient with vendors prevent completion of the project, including delivery of equipment or services, within the existing POP;

- Projects are long-term by design, and therefore acceleration would compromise core programmatic goals; or,
- Where other special or extenuating circumstances exist.

Recipients should submit all proposed extension requests to FEMA for review and approval at least 120 days prior to the end of the POP to allow sufficient processing time. Extensions may be granted one time for up to 120 days.

4. Disability Integration

Pursuant to Section 504 of the Rehabilitation Act of 1973, recipients of FEMA financial assistance must ensure that their programs and activities do not discriminate against other qualified individuals with disabilities.

Grant recipients should engage with the whole community to advance individual and community preparedness and to work as a nation to build and sustain resilience. In doing so, recipients are encouraged to consider the needs of individuals with disabilities into the activities and projects funded by the grant.

FEMA expects that the integration of the needs of people with disabilities will occur at all levels, including planning; alerting, notification, and public outreach; training; purchasing of equipment and supplies; protective action implementation; and exercises/drills.

The following are examples that demonstrate the integration of the needs of people with disabilities in carrying out FEMA awards:

- Include representatives of organizations that work with/for people with disabilities on planning committees, work groups and other bodies engaged in development and implementation of the grant programs and activities.
- Hold all activities related to the grant in locations that are accessible to persons with physical disabilities to the extent practicable.
- Acquire language translation services, including American Sign Language, that provide public information across the community and in shelters.
- Ensure shelter-specific grant funds are in alignment with FEMA's Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters.

- If making alterations to an existing building to a primary function area utilizing federal funds, complying with the most recent codes and standards and making path of travel to the primary function area accessible to the greatest extent possible.
- Implement specific procedures used by public transportation agencies that include evacuation and passenger communication plans and measures for individuals with disabilities.
- Identify, create, and deliver training to address any training gaps specifically aimed toward whole-community preparedness. Include and interact with individuals with disabilities, aligning with the designated program capability.
- Establish best practices in inclusive planning and preparedness that consider physical access, language access, and information access. Examples of effective communication access include providing auxiliary aids and services such as sign language interpreters, Computer Aided Real-time Translation (CART), and materials in Braille or alternate formats.
- FEMA grant recipients can fund projects towards the resiliency of the whole community, including people with disabilities, such as training, outreach and safety campaigns, provided that the project aligns with this NOFO and the terms and conditions of the award.

5. Conflicts of Interest in the Administration of Federal Awards or Subawards

For conflicts of interest under grant-funded procurements and contracts, refer to the section on Procurement Integrity in this NOFO and 2 C.F.R. §§ 200.317 – 200.327.

To eliminate and reduce the impact of conflicts of interest in the subaward process, recipients and pass-through entities must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Recipients and pass-through entities are also required to follow any applicable federal and state, local, tribal, or territorial (SLTT) statutes or regulations governing conflicts of interest in the making of subawards.

The recipient or pass-through entity must disclose to the respective Program Analyst or Program Manager, in writing, any real or potential conflict of interest that may arise during the administration of the federal award, as defined by the

federal or SLTT statutes or regulations or their own existing policies, within five days of learning of the conflict of interest. Similarly, subrecipients, whether acting as subrecipients or as pass-through entities, must disclose any real or potential conflict of interest to the recipient or next-level pass-through entity as required by the recipient or pass-through entity's conflict of interest policies, or any applicable federal or SLTT statutes or regulations.

Conflicts of interest may arise during the process of FEMA making a federal award in situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, subapplicant, recipient, subrecipient, or FEMA employees.

6. Procurement Integrity

Through audits conducted by the DHS Office of Inspector General (OIG) and FEMA grant monitoring, findings have shown that some FEMA recipients have not fully adhered to the proper procurement requirements at 2 C.F.R. §§ 200.317 – 200.327 when spending grant funds. Anything less than full compliance with federal procurement requirements jeopardizes the integrity of the grant as well as the grant program. To assist with determining whether an action is a procurement or instead a subaward, please consult 2 C.F.R. § 200.331. For detailed guidance on the federal procurement standards, recipients and subrecipients should refer to various materials issued by FEMA's Procurement Disaster Assistance Team (PDAT), such as the PDAT Field Manual and Contract Provisions Guide. Additional resources, including an upcoming trainings schedule can be found on the PDAT Website.

The below highlights the federal procurement requirements for FEMA recipients when procuring goods and services with federal grant funds. FEMA will include a review of recipients' procurement practices as part of the normal monitoring activities. **All procurement activity must be conducted in accordance with federal procurement standards at 2 C.F.R. §§ 200.317 – 200.327.** Select requirements under these standards are listed below. The recipient and any of its subrecipients must comply with all requirements, even if they are not listed below.

Under 2 C.F.R. § 200.317, when procuring property and services under a federal award, states (including territories) must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states must now follow 2 C.F.R. § 200.321 regarding socioeconomic steps, 200.322 regarding domestic preferences for procurements, 200.323 regarding procurement of recovered materials, and 2 C.F.R. § 200.327 regarding required contract provisions.

All other non-federal entities, such as tribes (collectively, non-state entities), must have and use their own documented procurement procedures that reflect applicable SLTT laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319 and the required procurement methods at § 200.320.

a. Important Changes to Procurement Standards in 2 C.F.R. Part 200

OMB recently updated various parts of Title 2 of the Code of Federal Regulations, among them, the procurement standards. States are now required to follow the socioeconomic steps in soliciting small and minority businesses, women's business enterprises, and labor surplus area firms per 2 C.F.R. § 200.321. All non-federal entities should also, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States per 2 C.F.R. § 200.322. More information on OMB's revisions to the federal procurement standards can be found in Purchasing Under a FEMA Award: OMB Revisions Fact Sheet.

The recognized procurement methods in 2 C.F.R. § 200.320 have been reorganized into informal procurement methods, which include micro-purchases and small purchases; formal procurement methods, which include sealed bidding and competitive proposals; and noncompetitive procurements. The federal micro-purchase threshold is currently $10,000, and non-state entities may use a lower threshold when using micro-purchase procedures under a FEMA award. If a non-state entity wants to use a micro-purchase threshold higher than the federal threshold, it must follow the requirements of 2 C.F.R. § 200.320(a)(1)(iii)-(v). The federal simplified acquisition threshold is currently $250,000, and a non-state entity may use a lower threshold but may not exceed the federal threshold when

using small purchase procedures under a FEMA award. *See* 2 C.F.R. § 200.1 (citing the definition of simplified acquisition threshold from 48 C.F.R. Part 2, Subpart 2.1).

See 2 C.F.R. §§ 200.216, 200.471, and Appendix II as well as section D.13.a of the NOFO regarding prohibitions on covered telecommunications equipment or services.

b. Competition and Conflicts of Interest

Among the requirements of 2 C.F.R. § 200.319(b) applicable to all non-federal entities other than states, in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a non-federal entity develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the non-federal entity.

Under this prohibition, unless the non-federal entity solicits for and awards a contract covering both development and execution of specifications (or similar elements as described above), and this contract was procured in compliance with 2 C.F.R. §§ 200.317 – 200.327, federal funds cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of those specifications. This rule applies to all contracts funded with federal grant funds, including pre-award costs, such as grant writer fees, as well as post-award costs, such as grant management fees.

Additionally, some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;

- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

Per 2 C.F.R. § 200.319(c), non-federal entities other than states must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed SLTT geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Under 2 C.F.R. § 200.318(c)(1), non-federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.** Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity.

Under 2 C.F.R. 200.318(c)(2), if the recipient or subrecipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local, tribal, or territorial government, the non-federal entity must also maintain written standards

of conduct covering organizational conflicts of interest. In this context, organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The non-federal entity must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.

c. Supply Schedules and Purchasing Programs

Generally, a non-federal entity may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement.

i. General Services Administration Schedules

States, tribes, and local governments, and any instrumentality thereof (such as local education agencies or institutions of higher education) may procure goods and services from a General Services Administration (GSA) schedule. GSA offers multiple efficient and effective procurement programs for state, tribal, and local governments, and instrumentalities thereof, to purchase products and services directly from pre-vetted contractors. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term government-wide contracts with commercial firms that provide access to millions of commercial products and services at volume discount pricing.

Information about GSA programs for states, tribes, and local governments, and instrumentalities thereof, can be found on the GSA webpages for State and Local Governments Resources and Schedule Buyers.

For tribes, local governments, and their instrumentalities that purchase off of a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, tribes, local governments, and their instrumentalities will still need to follow the other rules under 2 C.F.R. §§ 200.317 – 200.327, such as solicitation of minority businesses, women's business enterprises, small businesses, or labor surplus area firms (§ 200.321), domestic preferences (§ 200.322), contract cost and price (§ 200.324), and required contract provisions (§ 200.327 and Appendix

II).

ii. Other Supply Schedules and Programs

For non-federal entities other than states, such as tribes, local governments, and nonprofits, that want to procure goods or services from a state supply schedule, cooperative purchasing program, or other similar program, in order for such procurements to be permissible under federal requirements, the following must be true:

- The procurement of the original contract or purchasing schedule and its use by the non-federal entity complies with state and local law, regulations, and written procurement procedures.
- The state or other entity that originally procured the original contract or purchasing schedule entered into the contract or schedule with the express purpose of making it available to the non-federal entity and other similar types of entities.
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-federal entity falls within the scope of work under the contract as to type, amount, and geography.
- The procurement of the original contract or purchasing schedule complied with all the procurement standards applicable to a non-federal entity other than states under at 2 C.F.R. §§ 200.317 – 200.327.
- With respect to the use of a purchasing schedule, the non-federal entity must follow ordering procedures that adhere to applicable state, tribal, and local laws and regulations and the minimum requirements of full and open competition under 2 C.F.R. Part 200.

If a non-federal entity other than a state seeks to use a state supply schedule, cooperative purchasing program, or other similar type of arrangement, FEMA recommends the recipient discuss the procurement plans with its FEMA Program Analyst or other relevant FEMA position.

d. Procurement Documentation

Per 2 C.F.R. § 200.318(i), non-federal entities other than states and territories are required to maintain and retain records sufficient to detail the history of procurement covering at least the rationale for the procurement method, selection

of contract type, contractor selection or rejection, and the basis for the contract price. States and territories are encouraged to maintain and retain this information as well and are reminded that in order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g).

Examples of the types of documents that would cover this information include but are not limited to:

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
- Contract documents and amendments, including required contract provisions; and
- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.

Additional information on required procurement records can be found on pages 24-26 of the PDAT Field Manual.

7. Financial Assistance Programs for Infrastructure

1. ***Build America, Buy America Act***

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

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

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

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

2. ***Waivers***

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

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

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

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

3. ***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 percent 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.

8. Record Retention

a. Record Retention Period

Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a Federal award generally must be maintained for *at least* three years from the date the final FFR is submitted. *See* 2 C.F.R. § 200.334. Further, if the recipient does not submit a final FFR and the award is administratively closed, FEMA uses the date of administrative closeout as the start of the general record retention period.

The record retention period **may be longer than three years or have a different start date** in certain cases. These include:

· Records for real property and equipment acquired with Federal funds must be retained for **three years after final disposition of the property**. *See* 2 C.F.R. § 200.334(c).

· If any litigation, claim, or audit is started before the expiration of the three-year period, the records **must be retained until** all litigation, claims, or audit findings involving the records **have been resolved and final action taken**. *See* 2 C.F.R. § 200.334(a).

· The **record retention period will be extended if the non-federal entity is notified in writing** of the extension by FEMA, the cognizant or oversight agency for audit, or the cognizant agency for indirect costs, or pass-through entity. *See* 2

C.F.R. § 200.334(b).

· Where FEMA requires recipients to report program income after the period of performance ends, the **program income record retention period begins at the end of the recipient's fiscal year in which program income is earned**. *See* 2 C.F.R. § 200.334(e).

· For indirect cost rate computations and proposals, cost allocation plans, or any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates), the start of the record retention period depends on whether the indirect cost rate documents were submitted for negotiation. If the **indirect cost rate documents were submitted for negotiation, the record retention period begins from the date those documents were submitted** for negotiation. If indirect cost rate documents were **not submitted for negotiation, the record retention period begins at the end of the recipient's fiscal year or other accounting period covered by that indirect cost rate**. *See* 2 C.F.R. § 200.334(f).

b. Types of Records to Retain

FEMA requires that non-federal entities maintain the following documentation for federally funded purchases:

- Specifications;
- Solicitations;
- Competitive quotes or proposals;
- Basis for selection decisions;
- Purchase orders;
- Contracts;
- Invoices; and
- Cancelled checks.

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of any relevant documentation and records, including purchasing documentation along with copies of cancelled checks for verification. (*See e.g.*, 2 C.F.R. §§ 200.318(i), 200.334, 200.337.)

In order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g). Non-federal entities who fail to fully document all purchases may find their expenditures questioned and subsequently disallowed.

9. Actions to Address Noncompliance

Non-federal entities receiving financial assistance funding from FEMA are required to comply with requirements in the terms and conditions of their awards or subawards, including the terms set forth in applicable federal statutes, regulations, NOFOs, and policies. Throughout the award lifecycle or even after an award has been closed, FEMA or the pass-through entity may discover potential or actual noncompliance on the part of a recipient or subrecipient. This potential or actual noncompliance may be discovered through routine monitoring, audits, closeout, or reporting from various sources.

In the case of any potential or actual noncompliance, FEMA may place special conditions on an award per 2 C.F.R. §§ 200.208 and 200.339, FEMA may place a hold on funds until the matter is corrected, or additional information is provided per 2 C.F.R. § 200.339, or it may do both. Similar remedies for noncompliance with certain federal civil rights laws are authorized pursuant to 44 C.F.R. Parts 7 and 19.

In the event the noncompliance is not able to be corrected by imposing additional conditions or the recipient or subrecipient refuses to correct the matter, FEMA might take other remedies allowed under 2 C.F.R. § 200.339. These remedies include actions to disallow costs, recover funds, wholly or partly suspend or terminate the award, initiate suspension and debarment proceedings, withhold further federal awards, or take other remedies that may be legally available. For further information on termination due to noncompliance, see the section on Termination Provisions in the NOFO.

FEMA may discover and take action on noncompliance even after an award has been closed. The closeout of an award does not affect FEMA's right to disallow costs and recover funds as long the action to disallow costs takes place during the record retention period. *See* 2 C.F.R. §§ 200.334, 200.345(a). Closeout also does not affect the obligation of the non-federal entity to return any funds due as a result of later refunds, corrections, or other transactions. 2 C.F.R. § 200.345(a)(2).

The types of funds FEMA might attempt to recover include, but are not limited to, improper payments, cost share reimbursements, program income, interest earned on advance payments, or equipment disposition amounts.

FEMA may seek to recover disallowed costs through a Notice of Potential Debt Letter, a Remedy Notification, or other letter. The document will describe the potential amount owed, the reason why FEMA is recovering the funds, the recipient's appeal rights, how the amount can be paid, and the consequences for not appealing or paying the amount by the deadline.

If the recipient neither appeals nor pays the amount by the deadline, the amount owed will become final. Potential consequences if the debt is not paid in full or otherwise resolved by the deadline include the assessment of interest, administrative fees, and penalty charges; administratively offsetting the debt against other payable federal funds; and transferring the debt to the U.S. Department of the Treasury for collection.

FEMA notes the following common areas of noncompliance for FEMA's grant programs:

- Insufficient documentation and lack of record retention;
- Failure to follow the procurement under grants requirements;
- Failure to submit closeout documents in a timely manner;
- Failure to follow EHP requirements; and
- Failure to comply with the POP deadline.

10. Audits

FEMA grant recipients are subject to audit oversight from multiple entities including the DHS OIG, the GAO, the pass-through entity, or independent auditing firms for single audits, and may cover activities and costs incurred under the award. Auditing agencies such as the DHS OIG, the GAO, and the pass-through entity (if applicable), and FEMA in its oversight capacity, must have access to records pertaining to the FEMA award. Recipients and subrecipients must retain award documents for at least three years from the date the final FFR is submitted, and even longer in many cases subject to the requirements of 2 C.F.R. § 200.334. In the case of administrative closeout, documents must be retained for at least

three years from the date of closeout, or longer subject to the requirements of 2 C.F.R. § 200.334. If documents are retained longer than the required retention period, the DHS OIG, the GAO, and the pass-through entity, as well as FEMA in its oversight capacity, have the right to access these records as well. *See* 2 C.F.R. §§ 200.334, 200.337.

Additionally, non-federal entities must comply with the single audit requirements at 2 C.F.R. Part 200, Subpart F. Specifically, non-federal entities, other than for-profit subrecipients, that expend $750,000 or more in federal awards during their fiscal year must have a single or program-specific audit conducted for that year in accordance with Subpart F. 2 C.F.R. § 200.501. A single audit covers all federal funds expended during a fiscal year, not just FEMA funds. The cost of audit services may be allowable per 2 C.F.R. § 200.425, but non-federal entities must select auditors in accordance with 2 C.F.R. § 200.509, including following the proper procurement procedures. For additional information on single audit reporting requirements, see section F of this NOFO under the header "Single Audit Report" within the subsection "Additional Reporting Requirements" or other applicable document.

The objectives of single audits are to:

- Determine if financial statements conform to generally accepted accounting principles (GAAP);
- Determine whether the schedule of expenditures of federal awards is presented fairly;
- Understand, assess, and test the adequacy of internal controls for compliance with major programs; and
- Determine if the entity complied with applicable laws, regulations, and contracts or grants.

For single audits, the auditee is required to prepare financial statements reflecting its financial position, a schedule of federal award expenditures, and a summary of the status of prior audit findings and questioned costs. The auditee also is required to follow up and take appropriate corrective actions on new and previously issued but not yet addressed audit findings. The auditee must prepare a corrective action plan to address the new audit findings. 2 C.F.R. §§ 200.508, 200.510, 200.511.

Non-federal entities must have an audit conducted, either single or program-specific, of their financial statements and federal expenditures annually or biennially pursuant to 2 C.F.R. § 200.504. Non-federal entities must also follow the information submission requirements of 2 C.F.R. § 200.512, including submitting the audit information to the Federal Audit Clearinghouse within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. The audit information to be submitted include the data collection form described at 2 C.F.R. § 200.512(c) and Appendix X to 2 C.F.R. Part 200 as well as the reporting package described at 2 C.F.R. § 200.512(b).

The non-federal entity must retain one copy of the data collection form and one copy of the reporting package for three years from the date of submission to the Federal Audit Clearinghouse. 2 C.F.R. § 200.512; *see also* 2 C.F.R. § 200.517 (setting requirements for retention of documents by the auditor and access to audit records in the auditor's possession).

FEMA, the DHS OIG, the GAO, and the pass-through entity (if applicable), as part of monitoring or as part of an audit, may review a non-federal entity's compliance with the single audit requirements. In cases of continued inability or unwillingness to have an audit conducted in compliance with 2 C.F.R. Part 200, Subpart F, FEMA and the pass-through entity, if applicable, are required to take appropriate remedial action under 2 C.F.R. § 200.339 for noncompliance, pursuant to 2 C.F.R. § 200.505.

11. Payment Information

FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients.

Payment requests are submitted through FEMA GO.

12. Whole Community Preparedness

Preparedness is a shared responsibility that calls for the involvement of everyone—not just the government—in preparedness efforts. By working together, everyone can help keep the nation safe from harm and help keep it resilient when struck by hazards, such as natural disasters, acts of terrorism, and pandemics.

Whole Community includes:

- Individuals and families, including those with access and functional needs;
- Businesses;
- Faith-based and community organizations;
- Nonprofit groups;
- Schools and academia;
- Media outlets; and
- All levels of government, including state, local, tribal, territorial, and federal partners

The phrase “Whole Community” often appears in preparedness materials, as it is one of the guiding principles. It means two things:

1. Involving people in the development of national preparedness documents.
2. Ensuring their roles and responsibilities are reflected in the content of the materials.

13. Appendix

Appendix A

Allowable Activities

Funding in the initial NOFO is already allocated. In the event eligible applicants request more than their allocation, or for subsequent amendments to the NOFO, funding will be prioritized for primary services and then for secondary services. All services are allowed only for noncitizen migrants within 45 days of their release from DHS. If an applicant has received advanced funding under the Emergency Food and Shelter National Board Program – Humanitarian Relief for eligible costs for the period 3/1/2023–12/31/2023, the applicant must not include those costs in their grant application for SSP. SSP costs must be incurred between 3/1/2023–9/30/2025.

Primary Services:

- Shelter

- Per diem per noncitizen migrant sheltered in an overnight congregate facility; applicants can request full per diem on the first and last days of any multi-day stay (rate cannot exceed $12.50 per noncitizen migrant per day) OR rental costs of real property used for providing services covered under SSP
- Hotel/motel service provided for 45 days per individual or family (hotel/motel service cannot exceed 5% of the total funding requested by the applicant). Hotel/motel room costs used to provide services should be reasonable based on the rate set by the U.S. General Services Administration (GSA) for the location plus necessary taxes and fees, or to the extent the costs do not exceed charges normally allowed by the applicant in its regular operations.)
- Cots and beds, including pillows
- Temporary structures (e.g., tents)
- Linens (e.g., sheets, towels, wash cloths)
- Overnight shelter utilities (electricity, gas, water) (rate cannot exceed $10 per noncitizen migrant served per day)
- Non-overnight facility utilities (electricity, gas, water) (rate cannot exceed $5 per noncitizen migrant served per day)
- Maintenance and housekeeping (e.g., repair and cleaning supplies, shower maintenance)
- Contracted Services (e.g., security, laundry, trash pickup, cleaning services)
- Applicants are strongly encouraged to consider use of shelter services in compliance with the Hotel and Motel Fire Safety Act of 1990, which encourages fire safety in places that offer lodging to the public.

- Food
  - Food items
  - Food banks (direct food/meal-supportive purchases for noncitizen migrants recently released by DHS)
  - Food banks (indirect support of noncitizen migrants recently released by DHS by giving food/meal supportive items to other agencies that provide the direct services)
  - Contracted meals (paying a contractor to pay for/provide meals) (rate cannot exceed $15 per meal)
  - Storage containers to separate bulk food purchases
  - Utensils (e.g., plates, forks, knives)
  - Cookware (e.g., pots, pans)
  - Maintenance and housekeeping (e.g., repair and cleaning supplies)

    - Contracted Services (e.g., security, trash pickup, cleaning services)

- Transportation
  - Transportation is inclusive of the following:
    - Transportation from DHS release to shelter and services provider location (including contracted services, vehicle rental, gas, insurance, drivers) incurred for services provided for families and individuals within 45 days of their release by DHS.
      - Eligible transportation expenses from DHS facility to shelter include charter bus, taxi, mileage, etc. (mileage rate cannot exceed current GSA federal rate)
      - Rental/lease of multi passenger vans used only for the purpose of transportation of noncitizen migrants from DHS facility to shelter and service provider location
    - Onward destination transportation is defined as transportation from a shelter and services provider to a noncitizen migrant's final destination/point of contact (cannot exceed 10% of the total funding requested by the applicant, of which airfare cannot exceed 5% of the total funding requested by the applicant)
      - Long distance transportation includes air, bus, or train expenses to move families and individuals within 45 days of their release by DHS to another city or state.
      - Only coach class fares are eligible when providing long distance transportation.
      - If tickets are purchased for individuals, airfare cannot exceed $700 per ticket. (airfare cannot exceed 5% of the total funding requested by the applicant)
    - Service provider to service provider transportation is defined as transportation from one shelter and services provider to another to decompress the population at a shelter. This travel must be coordinated between service locations prior to travel, and there needs to be documentation of the coordination (see below under the bullet on Interstate bus chartering for the exact list of documentation). Service provider to service provider transportation also includes transportation from service provider to a transportation hub (e.g., airport, bus station, train station, etc.)
  - Transportation used must be the most cost-effective form

- Any form of contracted transportation services must meet the procurement standards in 2 C.F.R. Part 200.
- International transportation is not eligible to provide services for families and individuals within 45 days of their release by DHS, only services provided within the United States are allowed.
- Charter bus and other forms of grouped transportation should operate at a minimum of 75% capacity.
- Rideshare expenses may be included to move families and individuals between recipients even if not to their onward destination.
- If rideshares are purchased for individuals, total mileage cannot exceed 50 miles per ride
- All fares must be coach class on a commercial airline or train; any form of "luxury" transportation is not eligible (e.g., business or first class, limousine services, etc.).
- Parking (e.g., local street, airport).
- Interstate bus chartering is defined as the contracting of transportation, typically a bus, travelling from one state to another state. While this resource has the potential to be used effectively, interstate bus chartering can present severe humanitarian challenges for families and individuals released by DHS if implemented improperly and may result in transport to other states with no information or support, severe medical challenges, or misinformation about available resources at their destination.
  - For interstate bus chartering to be considered an eligible expense, applicants must provide documentation of coordination, communication, and affirmative confirmation with a receiving jurisdiction or organization.
  - Coordination includes, but is not limited to, a minimum of 48-hour (distance permitting) notice before arrival.
  - An identified arrival time and location that is suitable for the receiving jurisdiction.
  - A certification that all passengers are noncitizen migrants who have been released by DHS within the preceding 45 days.
  - The identification of any critical unmet needs.
- The chartering of aircraft, watercraft, or other vehicle not specifically stated in this guidance is ineligible.
- If an individual within 45 days of their release by DHS presents themselves or is observed to have acute or severe medical issues, those must be addressed before engaging in long-distance travel or the associated charter

will be considered ineligible.

- Acute medical care
  - Basic first aid care and supplies (e.g. band-aids)
  - Health screenings, including for mental health
  - Medical care for assessment and stabilization for onward travel, including ground-based ambulance transport
  - Testing and limited care related to quarantining and isolation
  - Over-The-Counter Medication (e.g., aspirin).
  - Personal Protective Equipment (PPE) for both shelter staff and noncitizen migrants
  - Limited Durable Medical Equipment (DME)
    - Examples of DME include: bariatric cots, wheelchairs, wheelchair ramps, walkers, commodes, toilet seats, IV-Poles, canes, crutches, handheld shower, shower chair, transfer boards, gait belt, gravity feeding set, assistive listening devices, headset, magnifying glass, communication cards, adaptive eating devices, bedside commode, elevated toilet seat, 3-in-one commode, shower mat non-slip, digital infrared thermometer, seated (Bariatric) walker, comfort box, small refrigerator for medications.
  - Prescription medication for managing acute or chronic care for up to 45 days per individual
  - Lab testing

- Personal hygiene supplies (hygiene items, toiletries, feminine hygiene products, baby wipes, diapers, etc.)

- Labor for primary services (inclusive of staff time not at the director/manager level or administrative)
  - Personnel necessary to manage cases to provide these services (coordinating initial transportation and onward destination movement)
  - Training for primary services (e.g., CDL-P training)
  - Staff time for primary services

Secondary Services:

- Renovations or modifications to existing facilities
  - Applications that include funding requests for renovations or modifications to existing facilities cannot exceed $250,000 for the entire application budget.

- SSP funding may only be used for those parts of the facility that are directly associated with providing services to noncitizen migrants released from DHS custody.
- Funding can be used for:
  - Improvements to expand capacity and services and to address safety concerns. Renovations and modifications to existing facilities cannot change the existing footprint of the facility.
  - Repairs to facilities to provide services (e.g., update bathroom/renovate kitchen) to make them safe and sanitary or compliant with local codes.
  - Planning costs to support the SSP renovations or modifications to existing facilities are allowable. These planning activities include the following:
    - Develop plans, protocols, or procedures for the operation and use related to new capabilities as a result of the renovations or modifications to existing facilities;
    - Conduct physical security assessments;
    - Analyze design and implementation of protection system (e.g., fire protection and suppression, atmospheric filtration, explosives mitigation) for renovations or modifications to existing facilities.
  - Obtaining permits and completing inspections which are necessary for specified improvements.

- Clothing: shirts, pants, outerwear, underwear and bras, socks, shoes/shoelaces, backpacks, belts, etc.

- Outreach information (e.g. communications development and distribution, contracts, printing services, legal services information)

- Translation services (e.g. contracts and external support)

- Labor for secondary services (inclusive of staff time not at the director/manager level or administrative)
  - Training for secondary services
  - Staff time for secondary services

Management & Administration:

Management & Administration costs are allowable and do not count as a primary or secondary service. Management & Administration is defined as

director/manager level and administrative staff time, contracted or otherwise, to provide services directly or to support needs of families and individuals within 45 days of their release by DHS. These may include services providing grants management, including grant application preparation. These may also include recordkeeping (e.g., IT assistance (contracts and external support) and costs associated with creating a database and/or tracking system to assist with managing SSP funds as well as cybersecurity assessments and enhancements), etc.

Footnotes

1. The term Encounter as used in this announcement means: An encounter is an apprehension by a U.S. Border Patrol (Title 8) Agent or a determination of inadmissibility by a CBP Officer at a Port of Entry (Title 8).