



Department of  
Public Safety



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# EMERGENCY MANAGEMENT PERFORMANCE GRANT FY2021 GRANT GUIDANCE

Grant Agreement and Forms  
Due by December 20, 2021

OHIO EMERGENCY MANAGEMENT AGENCY  
2855 West Dublin-Granville Road, Columbus, Ohio 43235

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## Introduction

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The FY2021 EMPG plays an important role in the implementation of the National Preparedness System by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation.

The purpose of the Emergency Management Performance Grant (EMPG) Program is to provide federal funds to states to assist state, local, territorial, and tribal governments in preparing for all hazards, as authorized by Section 662 of the *Post Katrina Emergency Management Reform Act* (6 U.S.C. § 762) and the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (42 U.S.C. §§ 5121 et seq.). Title VI of the *Stafford Act* authorizes DHS/FEMA to make grants for the purpose of providing a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government, states, and their political subdivisions. The Federal Government, through the EMPG Program, provides necessary direction, coordination, and guidance, and provides necessary assistance, as authorized in this title, to support a comprehensive all hazards emergency preparedness system. The FY2021 EMPG will provide federal funds to assist state, local, tribal, and territorial emergency management agencies to obtain the resources required to support the National Preparedness Goal's (the Goal's) associated mission areas and core capabilities. The EMPG program supports the Quadrennial Homeland Security Review Mission to Strengthen National Preparedness and Resilience.

A comprehensive State emergency management system must include local stakeholder input. Local emergency management organizations should remain informed and have the opportunity to provide input to State planning processes. Although DHS expects States to include support for their local jurisdictions in the EMPG Program, each Governor is responsible for determining the appropriate amount of funding to be passed through to support the development or enhancement of local emergency management performance capabilities. As such, Ohio EMA will again commit to passing approximately 65% of EMPG funds through to county EMA.

## Key Notes

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### Federal Changes

FEMA now requires all subrecipients to comply with the *John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY2019 NDAA)* which prohibits the use of federal funding to procure certain identified communications equipment/services. Please see the attached memorandum under Appendix A in this guidance document.

### State Changes

#### *Quarterly Workplan Updates*

EMPG Workplan Updates are required to be submitted quarterly in a timely manner. The following schedule will be adhered to by all subrecipients:

- January 20, 2022      FY2021 EMPG Q5 Workplan Update (10/01/2021 - 12/31/2021)
- April 20, 2022      FY2021 EMPG Q6 Workplan Update (01/01/2022 - 03/31/2022)
- July 20, 2022      FY2021 EMPG Q7 Workplan Update (04/01/2022 - 06/30/2022)
- October 20, 2022      FY2021 EMPG Q8 Workplan Update (07/01/2022 - 09/30/2022)

#### *Quarterly Reimbursement Requests*

EMPG Reimbursement Requests are required to be submitted quarterly in a timely manner. If there are no expenses incurred within the quarter, both items are still required along with a cash request with a \$0 balance request. The following schedule will be adhered to by all subrecipients:

- January 30, 2022      FY2021 EMPG Q5 Reimbursement Request (10/01/2021 - 12/31/2021)
- April 30, 2022      FY2021 EMPG Q6 Reimbursement Request (01/01/2022 - 03/31/2022)
- July 30, 2022      FY2021 EMPG Q7 Reimbursement Request (04/01/2022 - 06/30/2022)
- October 30, 2022      FY2021 EMPG Q8 Reimbursement Request (07/01/2022 - 09/30/2022)

\*NOTE: Subrecipients may submit their FY2021 1-4<sup>th</sup> Quarter (10/01/2020 - 09/30/2021) Reimbursement Requests earlier than the January 30, 2022 deadline (as long as all FY2020 EMPG funds have been either exhausted or de-obligated).

#### *Pre-Procurement Approval Process*

Ohio EMA requires all grant program subrecipients to submit documentation for approval before any procurement that is \$10,000 and above. Details on this process being on pg. 25.

#### *Performance Period*

The FY2021 EMPG Performance Period will be from October 1, 2020 to September 30, 2022.

#### *Volunteer In-Kind Rate*

The Volunteer In-Kind Rate for FY2021 EMPG is set at \$28.54 per hour.

## Award Information

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### Issued By

Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grants Program Directorate (GPD) through Ohio Emergency Management Agency as the State Administrative Agency (SAA)

### Assistance Listings (AL) Number and Title:

97.042 – Emergency Management Performance Grants

### NOFO Number:

EMPG – Region V: DHS-21-GPD-042-05-01

### Authorizing Authority for Program

Section 662 of the *Post-Katrina Emergency Management Reform Act of 2006* (PKEMRA), as amended, (Pub. L. No. 109-295) (6 U.S.C. § 762); the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended (Pub. L. No. 93-288) (42 U.S.C. §§ 5121 et seq.); the *Earthquake Hazards Reduction Act of 1977*, as amended (Pub. L. No. 95-124) (42 U.S.C. §§ 7701 et seq.); and the *National Flood Insurance Act of 1968*, as amended (Pub. L. No. 90-448) (42 U.S.C. §§ 4001 et seq.).

### Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2021 (Pub. L. No. 116-260)

### Period of Performance

The period of performance of this grant will be October 1, 2020 to September 30, 2022. Applicants should be aware that as of September 30, 2022, all activities associated with the FY2021 EMPG program must be complete and all equipment purchased with the grant must be received, installed, and placed into service.

### Extension of the Performance Period

It is extremely unlikely that extensions to the performance period stated above will be granted by the State Administrative Agency (SAA), which is the Executive Director of Ohio EMA. The subrecipient asking for the extension will need to demonstrate something truly beyond the control of the subrecipient in order to be considered for the extension. Subrecipients should consider the unlikely event of an extension when planning project timelines and when doing bids for projects. Federal Procurement guidelines cannot be avoided based on grant timelines.

## Program Overview

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### Alignment with the National Preparedness System

The National Preparedness System (NPS) is the instrument the Nation employs to build, sustain, and deliver core capabilities to achieve the goal of a secure and resilient Nation. Complex and far-reaching threats and hazards require a collaborative and whole community approach to national preparedness that engages individuals, families, communities, private and nonprofit sectors, faith-based organizations, and all levels of government. The guidance, programs, processes, and systems that support each component of the National Preparedness System allow for the integration of preparedness efforts that build, sustain, and deliver core capabilities and achieve the desired outcomes identified in the Goal. In support of the Goal, the FY2021 EMPG Program supports efforts to build and sustain core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas.

The FY2021 EMPG Program contributes to the implementation of the NPS by supporting the building, sustainment, and delivery of core capabilities. Core capabilities are essential for the execution of critical tasks for each of the five mission areas outlined in the Goal. Delivering core capabilities requires the combined effort of the whole community, rather than the exclusive effort of any single organization or level of government. The EMPG Program's allowable costs support efforts to build and sustain core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas.

Federal emphasis is placed on capabilities that address the greatest risks to the security and resilience of the United States, and the greatest risks along the Nation's borders. When applicable, funding should support deployable assets that can be utilized anywhere in the Nation through automatic assistance and mutual aid agreements, including but not limited to the EMAC.

Using the core capabilities, the FY2021 EMPG Program supports the achievement of the NPG by:

- Preventing a threatened or an actual act of terrorism;
- Protecting our citizens, residents, visitors, and assets against the greatest threats and hazards;
- Mitigating the loss of life and property by lessening the impact of future disasters;
- Responding quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident; and/or
- Recovering through a focus on the timely restoration, strengthening, and revitalization of infrastructure, housing, and a sustainable economy, as well as the health, social, cultural, historic, and environmental fabric of communities affected by a catastrophic incident.

The core capabilities contained in the Goal are highly interdependent and require us to use existing preparedness networks and activities, improve training and exercise programs, promote innovation, and ensure that the appropriate administrative, finance, and logistics systems are in place.

To support building, sustaining, and delivering these core capabilities, grantees will use the components of the NPS. The components of the NPS are: Identifying and Assessing Risk; Estimating Capability Requirements; Building and Sustaining Capabilities; Planning to Deliver Capabilities; Validating Capabilities; and Reviewing and Updating. For more information on each component, read the National Preparedness System Description available at <http://www.fema.gov/national-preparedness/national-preparedness-system>.

Examples of tangible outcomes from the EMPG Program include building and sustaining core capabilities through:

- Completion of the Threat and Hazard Identification and Risk Assessment (THIRA) process

- Strengthening governance integration
- Approved emergency plans
- Development and maintenance of multi-year Training and Exercise Plans (TEPs)
- Targeted training and verification of personnel capability
- Whole community approach to security and emergency management

## Eligible Applicants

County emergency management agencies that meet the following criteria are eligible to apply for FY2021 EMPG funding:

- Each sub-recipient must be an emergency management agency which has been established pursuant to Sections 5502.26, 5502.27, or 5502.271 of the Ohio Revised Code.
- Each emergency management agency must have a director. The Ohio Revised Code precludes the appointment of the chief executive of the political subdivision for which the emergency management agency serves to the position of director. Local emergency management agencies should have a full-time emergency management director; however, eligibility may be extended to paid part-time directors with written justification and the advance approval of Ohio EMA. Part-time directors must be employed for EMA purposes for a minimum of 20 hours each week.
  - The Ohio Revised Code and Ohio Administrative Code require EMA Directors to be an employee of the county. Any period which there is not a director or the director is not directly employed by the county will disallow any expenses incurred during that period
  - Part-time directors will need to submit a request to Ohio Emergency Management Agency and receive approval to be eligible to receive EMPG funding. The initial request is valid unless anything changes within the county organization, staffing, etc., in which case a new request for approval must be submitted.
- Each emergency management agency must have a current, updated Emergency Operations Plan (EOP) on file with Ohio EMA.
- Each county emergency management agency must demonstrate compliance with the NIMS requirements, for county emergency management agency staff only.

In addition to abiding by the EMPG Agreement, state, and federal requirements; a county must meet the following requirements to remain an eligible participant in the Emergency Management Performance Grant program:

- The Ohio Emergency Management Agency shall conduct a minimum of two seminars each year to update local emergency management agency directors on changes to or new topics in emergency management. Each local emergency management agency director shall attend both of these seminars each year. Absences from these two update seminars will be considered on a case-by-case basis by the executive director for emergency management.  
*\*\*\*NOTE: Due to the impact of COVID-19, the planned virtual fall/spring directors' conferences will satisfy this requirement.*
- Each local emergency management agency shall be responsible for maintaining current its emergency operations plan, by reviewing and updating it annually. Each emergency operations plan shall be authorized by the chief executive officer and shall be consistent with published federal and state guidance and emergency operations plans.

## National Incident Management System (NIMS)

Prior to allocation of any Federal preparedness awards in FY2021, recipients must ensure and maintain adoption and implementation of NIMS. Emergency management and incident response activities require carefully managed resources (personnel, teams, facilities, equipment and/or supplies) to meet incident needs. Utilization of the standardized resource management concepts such as typing, credentialing, and inventorying promote a strong national mutual aid capability needed to support delivery of core capabilities.

### *NIMS Implementation Activities and Reporting*

Recipients receiving EMPG funding are required to implement the NIMS, and EMPG funds may be used to meet the requirements described below. The NIMS uses a systematic approach to integrate the best existing processes and methods into a unified national framework for incident management. Incident management refers to how incidents are managed across all homeland security activities, including prevention, protection, and response, mitigation, and recovery.

Recipients are required to report on NIMS implementation through the Stakeholder Preparedness Review (SPR). As in previous years, subrecipients will be provided a questionnaire that they will submit to Ohio EMA prior to the end of the calendar year for incorporation into the SPR. EMPG Program funds used for training should support the nationwide implementation of NIMS. The NIMS Training Program establishes a national curriculum for NIMS and provides information on NIMS courses; recipients are encouraged to place emphasis on the core competencies as defined in the NIMS Training Program. The NIMS Training Program can be found at [http://www.fema.gov/pdf/emergency/nims/nims\\_training\\_program.pdf](http://www.fema.gov/pdf/emergency/nims/nims_training_program.pdf).

All EMPG Program funded personnel are required to complete the following training requirements and record proof of completion: NIMS Training, Independent Study (IS) 100, IS 200, IS 700, and IS 800, and other Independent Study courses identified in FEMA Professional Development Series. Previous versions of the IS courses meet the NIMS training requirement. A complete list of Independent Study Program Courses may be found at <http://training.fema.gov/is>.



## Funding Priorities

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### Identifying and Assessing Risk and Estimating Capability Requirements

In order to qualify for EMPG Program funding, all grantees (states) shall develop and maintain a Threat and Hazard Identification and Risk Assessment (THIRA) which informs and supports the Stakeholder Preparedness Report (SPR). A THIRA provides a comprehensive approach for identifying and assessing risks and associated impacts. It expands on existing local, tribal, territorial, and State Hazard Identification and Risk Assessments (HIRAs) and other risk methodologies by broadening the factors considered in the process, incorporating the whole community throughout the entire process, and by accounting for important community-specific characteristics. Ohio EMA is meeting this requirement by submitting an updated THIRA to FEMA. ***While subrecipient participation in the 2021 THIRA/SPR update is not mandatory, participation is strongly encouraged as the results help shape current and future funding priorities.***

### Building and Sustaining Core Capabilities

EMPG Program grantees should ensure that grant funding is utilized to sustain critical core capabilities within the NPS that were funded by past EMPG Program funding cycles to include training of personnel and lifecycle replacement of equipment. Any new capabilities that are being built should not come at the expense of sustained core capabilities already established.

### Planning to Deliver Capabilities

All EMPG Program grantees shall maintain, or revise as necessary, jurisdiction-wide, all threats and hazards emergency operations plans (EOPs) consistent with the Comprehensive Planning Guide (CPG) 101 v.2 which serves as the foundation for State and local emergency planning. CPG 101 v.2 can be found at <https://www.fema.gov/media-library/assets/documents/25975>. States must update their EOP at least once every two years. Ohio EMA meets this requirement with an annual review of the state EOP. Ohio EMA encourages each county to review and update its EOP annually.

### Validating Capabilities

Grantees should develop long-term training and exercise priorities that examine, validate and/or address the gaps identified through their annual THIRA and SPR by developing a multi-year Training and Exercise Plan (TEP). A TEP that is developed from a Training and Exercise Planning Workshop (TEPW) provides a roadmap to accomplish the multi-year priorities identified by elected and appointed officials and whole community stakeholders. These priorities help curriculum and exercise planners design and develop a progressive program of training and exercises that build, sustain, and deliver core capabilities. In addition to training activities aligned to and addressed in the TEP, all EMPG Program funded personnel shall complete the following training requirements and record and maintain proof of completion:

- National Incident Management System (NIMS) Training, IS 100, IS 200, IS 700, and IS 800
- Other Independent Study courses identified in FEMA Professional Development Series. Previous versions of the IS courses meet the NIMS training requirement.

A progressive, multi-year exercise program enables organizations to participate in a series of increasingly complex exercises, with each successive exercise building upon the previous one while also taking into account prior lessons learned. Regardless of the exercise type, each exercise within the progressive series is linked to a set of common program priorities and designed to test associated capabilities.

## Funding Guidelines

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Recipients must comply with all the requirements in 2 C.F.R. Part 200 (*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*). In general, subrecipients should consult with Ohio EMA Grants Branch staff prior to making any investment that does not clearly meet the allowable expense criteria. Funding guidelines established within this section support the five mission areas—Prevention, Protection, Mitigation, Response, and Recovery—and associated core capabilities within the Goal.

### Funding Availability

The EMPG program provides funding to the County EMA as a cost-share for planning, organizational, equipment, training, and exercise related costs specific to EMA activities as identified in the grant application. County reimbursements will not exceed 50% of eligible expenses. The county must match 50% of the federal award with funds from existing EMA accounts or in-kind sources in accordance with 2 CFR, 200 Subpart E. The County EMA may accept contributions and/or cash as their share of the eligible expenses. However, no federal grant funds can be used or included as the County EMA share of the eligible expenses. In extreme circumstances, County EMA directors can request a specific review of a non-federal funding source to be considered as cost-share to the federal EMPG Award.

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

Award allocations require a fully executed Grant Agreement and will be no less than the amounts shown in the table on the following page. All grant forms and signed grant agreement must be scanned and e-mailed to Ohio EMA (**no later than December 20, 2021**) or funds may be reallocated.

### Expenditure of Previous Funding

In order for FY2021 EMPG funds to be made available, the sub-recipient must ensure that all funds from the previous FY2020 EMPG award have been exhausted or de-obligated and returned to the state.

### Cost Share Match

In FY2021, the EMPG Program has a 50 percent (50%) Federal and 50 percent (50%) non-federal cost match (cash or in-kind) requirement, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288), as amended, 42 U.S.C. 5121-5207. Specifically, Title VI, sections 611(j) and 614. Unless otherwise authorized by law, Federal funds cannot be matched with other Federal funds. Cost matching requirements are administered in accordance with 2 CFR Part §200.306. To meet matching requirements, the subrecipient contributions must be reasonable, allowable, allocable, and necessary under the grant program and must comply with all Federal requirements and regulations. No more than 25% can be in-kind match.

Costs are considered eligible as the non-federal match if they meet the criteria as being eligible for the grant program as follows:

- Local political subdivisions must provide 100 percent funding (General Revenue Funds, Per capita fees, contract deliverable payments, etc.) of the eligible expenses for and through their local emergency management agency. Up to 50 percent of these expenses may be reimbursed through EMPG program grant funds, not to exceed the awarded allocation.
- All costs submitted through EMPG for reimbursement must be as a result of Emergency Management related work (i.e. listed in EM job description; costs of the EMA) and be related to an

approved Work Plan. Costs incurred to complete work on programs funded separately from emergency management are not considered eligible as cost share for EMPG and will not be reimbursed. In cases where the EMA Director, or their staff, also fulfills duties assigned through other government agencies or programs funded separately from emergency management, the costs that are attributed to non-emergency management activities are not eligible for reimbursement or to meet the cost share requirement under this grant.

- For example, a Director who also serves as the county's Risk Manager or 911 Director. The time spent administering the Risk Management 911 program is not an EMA activity and thus cannot be funded with or used as the match for the EMPG funds.
- As part of the Grant Agreement you are certifying that matching funds exist, over the duration of the performance period that allows the county to expend twice the amount of the FY2021 EMPG allocation. Counties must ensure that they have read, understood and agreed to this certification prior to submitting for the grant.

### *In-Kind Matching*

Continued for the FY2021 EMPG, counties have the availability to In-Kind match up to 25% of their grant award using volunteer hours or donated resources. Any In-Kind matching of the EMPG must be coordinated with the Ohio EMA Grants Branch staff prior to submission.

**Ohio EMA has updated the standard volunteer rate of \$28.54 per hour.** Volunteer hours must be for emergency management related work (i.e. administrative support, planning personnel, EOC communications checks, etc.). Documentation requirements are the exact same as "hard match" costs.

## FY2021 EMPG County Allocations

County	FY21 Allocation
Adams	\$41,173
Allen	\$99,735
Ashland	\$60,461
Ashtabula	\$122,440
Athens	\$72,457
Auglaize	\$58,111
Belmont	\$79,714
Brown	\$43,004
Butler	\$192,293
Carroll	\$61,133
Champaign	\$66,593
Clark	\$98,287
Clermont	\$115,441
Clinton	\$54,640
Columbiana	\$104,037
Coshocton	\$67,039
Crawford	\$70,662
Cuyahoga	\$306,507
Darke	\$70,000
Defiance	\$63,856
Delaware	\$148,895
Erie	\$88,660
Fairfield	\$125,713
Fayette	\$51,295
Franklin	\$425,000
Fulton	\$64,001
Gallia	\$53,239
Geauga	\$90,968
Greene	\$73,181
Guernsey	\$68,395
Hamilton	\$325,000
Hancock	\$72,000
Hardin	\$25,442
Harrison	\$55,670
Henry	\$60,725
Highland	\$51,250
Hocking	\$61,965
Holmes	\$57,253
Huron	\$89,862
Jackson	\$49,998
Jefferson	\$38,047
Knox	\$79,356
Lake	\$158,079
Lawrence	\$62,722

County	FY21 Allocation
Licking	\$132,566
Logan	\$70,000
Lorain	\$156,862
Lucas	\$208,257
Madison	\$71,081
Mahoning	\$129,191
Marion	\$65,499
Medina	\$136,948
Meigs	\$59,696
Mercer	\$70,517
Miami	\$87,574
Monroe	\$46,160
Montgomery	\$230,651
Morgan	\$41,170
Morrow	\$42,500
Muskingum	\$90,217
Noble	\$56,791
Ottawa	\$68,961
Paulding	\$39,250
Perry	\$62,717
Pickaway	\$75,873
Pike	\$56,500
Portage	\$116,776
Preble	\$65,171
Putnam	\$33,714
Richland	\$67,580
Ross	\$68,000
Sandusky	\$73,845
Scioto	\$51,965
Seneca	\$87,368
Shelby	\$61,000
Stark	\$186,243
Summit	\$227,632
Trumbull	\$81,831
Tuscarawas	\$78,060
Union	\$80,085
Van Wert	\$63,721
Vinton	\$32,689
Warren	\$134,029
Washington	\$66,179
Wayne	\$101,315
Williams	\$66,762
Wood	\$107,752
Wyandot	\$48,398

## Planning

Planning spans all five National Preparedness Goal (the Goal) mission areas and provides a methodical way to engage the whole community in the development of a strategic, operational, and/or community-based approach to preparedness.

FY2021 EMPG Program funds may be used to develop or enhance emergency management planning activities. Some examples include:

### Emergency Operations Plan

- Maintaining a current EOP that is aligned with guidelines set out in CPG 101 v2 <https://www.fema.gov/media-library/assets/documents/25975>
- Modifying existing incident management and emergency operations plans
- Developing/enhancing large-scale and catastrophic event incident plans

### Communications Plans

- Developing and updating Statewide Communication Interoperability Plans
- Developing and updating Tactical Interoperability Communications Plans

### Administrative Plans

- Developing/enhancing financial and administrative procedures for use before, during, and after disaster events in support of a comprehensive emergency management program

### Whole Community Engagement/Planning

- Developing or enhancing mutual aid agreements/compacts, including required membership in EMAC
- Developing/enhancing emergency operations plans to integrate citizen/volunteer and other non-governmental organization resources and participation
- Integrating program design and delivery practices that ensure representation and services for under-represented, diverse populations that may be more impacted by disasters, including children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity, and other underserved populations

### Resource Management Planning

- Developing/enhancing logistics and resource management plans
- Developing/enhancing volunteer and/or donations management plans

### Shelter and Evacuation Planning

- Developing/enhancing sheltering and evacuation plans, including plans for: alerts/warning, crisis communications, pre-positioning of equipment for areas potentially impacted by mass evacuations, and re-entry

### Recovery Planning

- Disaster housing planning, such as creating/supporting a state disaster housing task force and developing/enhancing state disaster housing plans
- Pre-event response, recovery, and mitigation plans in coordination with state, local, and tribal governments
- Developing/enhancing other response and recovery plans

- Developing recovery plans and preparedness programs consistent with the principles and guidance in the National Disaster Recovery Framework (NDRF) that will provide the foundation for recovery programs and whole community partnerships. Preparedness and pre-disaster planning was given special attention within the NDRF with specific guidance: Planning for a Successful Disaster Recovery (pages 63-70). For more information on the NDRF see <http://www.fema.gov/pdf/recoveryframework/ndrf.pdf> and <http://www.fema.gov/media-library-data/1423604728233-1d76a43cabf1209678054c0828bbe8b8/EffectiveCoordinationofRecoveryResourcesGuide020515vFNL.pdf>

### *Continuity Planning*

Continuity planning and operations are an inherent element of each core capability. Continuity operations increase resilience and the probability that organizations can perform essential functions. DHS/FEMA develops and promulgates Federal Continuity Directives (FCDs) to establish continuity program and planning requirements for executive departments and agencies and Continuity Guidance Circulars (CGCs) for SLTT governments, non-governmental organizations, and private sector critical infrastructure owners and operators. This direction and guidance assists in developing capabilities for continuing the essential functions of federal and state, local, tribal, territorial governmental entities as well as the public/private critical infrastructure owners, operators, and regulators enabling them.

Presidential Policy 40, FCD 1, FCD 2, CGC 1, and CGC 2 outline the overarching continuity requirements and guidance for organizations and provide guidance, methodology, and checklists. For additional information on continuity programs, guidance, and directives, visit <http://www.fema.gov/guidance-directives> and <https://www.fema.gov/national-continuity-programs>.

Allowable continuity planning activities include the development of the following:

- Continuity of operations (COOP) and Continuity of Government (COG) planning products for the continuance of essential functions and associated leadership;
- Risk-based needs assessments based on the THIRA to inform risk mitigation efforts to ensure the continuity of essential functions and associated leadership; and
- Public and private sector outreach and messaging regarding continuity resilience benefits and strategies.

### *Organization*

Per the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended, (42 U.S.C. §§ 5121-5207), EMPG funds may be used for all-hazards emergency management operations, staffing, and other day-to-day activities in support of emergency management, including hazard mitigation staffing; staffing CERT and Citizen Corps positions at local levels to promote whole community engagement in all phases of emergency management; staffing permanent technical advisors on children’s needs at the local level. Proposed staffing activities should be linked to accomplishing the activities outlined in the EMPG Work Plan.

Personnel costs, including salary, overtime, compensatory time off, and associated fringe benefits, are allowable costs with EMPG funds. These costs must comply with 2 C.F.R. Part 200, Subpart E – Cost Principles.

### *Federal (and Mutual Aid) Emergency Response Official (F/ERO) Credentialing and Validation*

The following costs related to F/ERO credentialing and validation are allowable under EMPG:

- Working group meetings and conferences relating to emergency responder credentialing and validation;
- Compiling data to enter into an emergency responder repository
- Coordinating with other state, local, territorial, and tribal partners to ensure interoperability among existing and planned credentialing and validation systems and equipment
- Planning to incorporate emergency responder identity and credential validation into training and exercises.

Food costs associated with EMA actions (meetings, trainings, etc.) are eligible in cases where there is a need and must be documented by proof of cost, proof of payment, purpose of event (agenda, invitation, etc.) and a roster or sign in sheet of persons attending. Food costs submitted for reimbursement without all listed documentation will be un-allowed. To determine reasonable cost, Ohio EMA uses the federal per diem for that meal based on the GSA rate times the number of people attending. Factors to keep in mind when determining reasonableness is meeting length, time set aside in the agenda for lunch, availability of eateries in the meeting vicinity, and number of meeting participants from outside of the county.

### Indirect Facilities & Administrative (F&A) Costs

**Reimbursement for Indirect Costs are only permissible for those applicants who submitted a copy of their proposal at the time of application.** 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.

County service fees charged to EMPG can only be reimbursed if there is a written and approved countywide policy provided with reimbursement documentation stating for what the fee covers and the computation of how the costs were determined. (i.e. – cost of entire bill, funding split between other departments, period being encumbered, etc.)

Counties which have the EMA oversee the LEPC activities must have a resolution or current contract which appoints them as such and must be provided for grant file in order to claim LEPC activities which are eligible under EMPG. Reporting compliance is not an eligible activity under the EMPG Grant. Counties having questions regarding organizational activity costs or contracts should contact their Ohio EMA Grants Specialist.

### Equipment

Allowable equipment categories for EMPG are listed on the web-based version of the Authorized Equipment List (AEL) at <https://www.fema.gov/authorized-equipment-list>. Unless otherwise stated, equipment must meet all mandatory regulatory and/or FEMA-adopted standards to be eligible for purchase using these funds. In addition, agencies will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment.

Allowable equipment includes equipment from the following AEL categories:

- Personal Protective Equipment (PPE) (Category 1)
- Information Technology (Category 4)
- Cybersecurity Enhancement Equipment (Category 5)
- Interoperable Communications Equipment (Category 6)
- Detection Equipment (Category 7)
- Power Equipment (Category 10)



- Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Reference Materials (Category 11)
- CBRNE Incident Response Vehicles (Category 12)
- Physical Security Enhancement Equipment (Category 14)
- CBRNE Logistical Support Equipment (Category 19)
- Other Authorized Equipment (Category 21)

In addition to the above, general purpose vehicles are allowed to be procured in order to carry out the responsibilities of the EMPG Program. If subrecipients have questions concerning the eligibility of equipment not specifically addressed in the AEL, they should contact their Ohio EMA Grants Management Specialist to provide clarification.

Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Large equipment purchases must be identified and explained. For more information regarding property management standards for equipment, please reference 2 C.F.R. Part 200, including 2 C.F.R. §§ 200.310, 200.313, and 200.316.

### *Requirements for Small Unmanned Aircraft System*

All requests to purchase Small Unmanned Aircraft System (SUAS) must comply with Information Bulletin (IB) 426 and must include the policies and procedures in place to safeguard individuals' privacy, civil rights, and civil liberties in the jurisdiction that will purchase, take title to, or otherwise use the SUAS equipment.

Ohio EMA has developed a formal process for requesting a waiver from FEMA. Please utilize the Waiver Form (available via [https://ema.ohio.gov/PreparednessGrants\\_Toolkit.aspx](https://ema.ohio.gov/PreparednessGrants_Toolkit.aspx)) and work with Ohio EMA Grants Branch staff to navigate the FEMA approval process. It is imperative that the subrecipient begin this process as early as possible to ensure completion within the performance period.

### *Funding for Critical Emergency Supplies*

Critical emergency supplies—such as shelf stable products, water, and basic medical supplies—are an allowable expense under EMPG. DHS/FEMA must approve a state's five-year viable inventory management plan prior to allocating grant funds for stockpiling purposes. The five-year plan should include a distribution strategy and related sustainment costs if the grant expenditure is over \$100,000. Subrecipients are advised to review the AEL to ensure that no EHP review is required prior to purchase. Contact your Ohio EMA Grants Specialist if equipment will be purchased.

Subrecipients that are using FY2021 EMPG Program funds to support emergency communications activities should comply with the FY2021 SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. Emergency communications activities include the purchase of Interoperable Communications Equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission Waiver Order.

SAFECOM guidance can be found at: <http://www.safecomprogram.gov>.

## **Training**

EMPG funds may be used for a range of emergency management-related training activities to enhance the capabilities of state and local emergency management personnel through the establishment, support, conduct, and attendance of training. Training activities should align to a current, Multi-Year TEP developed through an



annual TEPW and build from training gaps identified in the THIRA/SPR process. Further guidance concerning the TEP and the TEPW can be found at <https://preptoolkit.fema.gov/web/hseep-resources/home>. Training should foster the development of a community-oriented approach to emergency management that emphasizes engagement at the community level, strengthens best practices, and provides a path toward building sustainable resilience, all of which is included in the curriculum of the EMI Basic Academy. The EMI Basic Academy provides a foundational education in emergency management as a way for emergency managers to begin or advance their career. The goal of the Basic Academy is to support the early careers of emergency managers through a training experience combining knowledge of all fundamental systems, concepts and practices of cutting-edge emergency management.

EMPG funds used for training should support the nationwide implementation of NIMS. The NIMS Training Program establishes a national curriculum for NIMS and provides information on NIMS courses. Recipients are encouraged to place emphasis on the core competencies as defined in the NIMS Training Program. NIMS is also included in the curriculum of the EMI Basic Academy. The NIMS Training Program can be found at <https://www.fema.gov/training-0>.

All EMPG-funded personnel are expected to be trained emergency managers. In addition to training activities aligned to and addressed in the TEP, all EMPG -funded personnel (including full- and part-time state, local, tribal and territorial (SLTT) recipients and subrecipients) shall complete the following training requirements and record proof of completion:

- NIMS Training, Independent Study (IS)-100 (any version), IS-200 (any version), IS-700 (any version), and IS-800 (any version)<sup>7</sup> and
- Professional Development Series (PDS) OR the Emergency Management Professionals Program (EMPP) Basic Academy listed in the chart below.

Recipients must maintain proof of completion of training requirements.

The EMI Basic Academy provides this foundational Emergency Management education. To ensure the professional development of the emergency management workforce, the recipients must ensure a routine capabilities assessment is accomplished and a TEP is developed and implemented.

If an EMPG funded employee has already passed the training requirements for a PDS certificate (under any previous format; classroom, online with other courses, etc.) and has documentation of that completion, no further PDS action is required. If NIMS training has been completed and documentation is available, no further NIMS training for this requirement will be necessary. The subrecipient will be required to list the EMPG funded personnel and note the completion of these requirements on the Baseline Assessment as part of the FY 2019 EMPG application.

Ohio EMA's interpretation of FEMA's guidance is that NIMS independent study courses (100, 200, 700 and 800) must be completed by all EMPG funded personnel within the performance period of the grant unless previously completed. In addition to the required training listed above FY 2018 EMPG Program funds may be used for a range of emergency management-related training activities to enhance the capabilities of State and local emergency management personnel through the establishment, support, conduct, and attendance of training. Training should foster the development of a community oriented approach to emergency management that emphasizes engagement at the community level, strengthens best practices, and provides a path toward building sustainable resilience.

Additional types of training or training related activities include, but are not limited to, the following:

- Developing/enhancing systems to monitor training programs
- Conducting all hazards emergency management training

- Attending EMI training or delivering EMI train-the-trainer courses
- Attending other DHS/FEMA-approved emergency management training
- State-approved, locally-sponsored CERT training
- Mass evacuation training at local, state, territorial and tribal levels

Allowable training-related costs include the following:

- **Funds Used to Develop, Deliver, and Evaluate Training:** Includes costs related to administering training, such as planning, scheduling, facilities, materials and supplies, reproduction of materials, and equipment. Training should provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. Any training or training gaps, including those for children and individuals with disabilities or access and functional needs, should be identified in the Multi-Year TEP and addressed in the training cycle. States are encouraged to use existing training rather than developing new courses. When developing new courses, states are encouraged to apply the Analyze, Design, Develop, Implement, and Evaluate (ADDIE) model for instruction design. <https://www.firstrespondertraining.gov>.
- **Overtime and Backfill:** Overtime costs, including payments related to backfilling personnel, that are the direct result of attendance at DHS/FEMA and/or approved training courses and programs are allowable. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of the state or DHS/FEMA, whichever is applicable. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government and from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.
- **Travel:** Travel costs (e.g., airfare, mileage, per diem, and hotel) are allowable as expenses by employees who are on travel status for official business related to approved training. International travel is not an allowable cost under this program unless approved in advance by FEMA.
- **Hiring of Full- or Part-Time Staff or Contractors/Consultants:** Full- or part-time staff or contractors/consultants may be hired to support direct training-related activities. Payment of salaries and fringe benefits must be in accordance with the policies of the state or unit(s) of local government and have the approval of the state or DHS/FEMA, whichever is applicable.
- **Certification/Recertification of Instructors:** Costs associated with the certification and re-certification of instructors are allowed. States are encouraged to follow the FEMA Instructor Quality Assurance Program to ensure a minimum level of competency and corresponding levels of evaluation of student learning. This is particularly important for those courses which involve training of trainers.

## Exercise

While there are no minimum exercise requirements for FY2021, it is recommended that all exercise projects describe how they align to the Strategic Priorities: Operational Coordination and Communications, Cybersecurity, Stabilization and Restoration of Critical Lifelines, National Security Emergencies, Public Health Emergencies, Community Recovery and Economic Resilience, Mass Care and Housing, Continuity, and School Safety and Security.

Subrecipients may participate in any of the 7 HSEEP recognized exercise activities, to include seminars, workshops, tabletop exercises, games, drills, functional exercises or full-scale exercises. Some examples include, but are not limited to participation in: regular Ohio EMA communications checks with local EMA, participation in the Ohio EMA Director's seminars conducted twice annually, LEPC exercises, HSEEP exercises, locally funded/executed exercises, and drills conducted within the local EMA.

Exercise costs are eligible in the FY2021 EMPG. Exercises implemented with grant funds should evaluate performance of the capabilities required to respond to the exercise scenario. Exercise activities should align to a current, Multi-Year TEP.

- **Funds Used to Design, Develop, Conduct and Evaluate Preparedness Exercises:** This includes costs related to planning, meeting space and other meeting costs, facilitation costs, materials and supplies, travel, and documentation. Recipients are encouraged to use free public space/locations/facilities, whenever available, prior to the rental of space/locations/facilities. Exercises should provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. Gaps identified during an exercise, including those for children and individuals with disabilities or access and functional needs, should be included in the After-Action Report (AAR)/Improvement Plan (IP) and addressed in the exercise cycle.
- **Hiring of Full- or Part-Time Staff or Contractors/Consultants:** Full- or part-time staff may be hired to support direct exercise activities. Payment of salaries and fringe benefits must be in accordance with the policies of the state or unit(s) of local government and have the approval of the state or DHS/FEMA, whichever is applicable. The services of contractors/consultants may also be procured to support the design, development, conduct, and evaluation of exercises.
- **Overtime and Backfill:** The entire amount of overtime costs, including payments related to backfilling personnel, that are the direct result of time spent on the design, development and conduct of exercises are allowable expenses. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of the state or DHS/FEMA, whichever is applicable. Dual compensation is never allowable, meaning, in other words, that an employee of a unit of government may not receive compensation from their unit or agency of government and from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though their work may benefit both entities.
- **Travel:** Travel costs (e.g., airfare, mileage, per diem, hotel) are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of the exercise activities.
- **Supplies:** Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise activities (e.g., gloves, non-sterile masks, and disposable protective equipment).
- **HSEEP Implementation:** This refers to costs related to developing and maintaining an exercise program consistent with HSEEP.
- **Other Items:** These costs are limited to items consumed in direct support of exercise activities, such as space/locations rentals for planning and conducting an exercise, equipment rentals, and the procurement of other essential nondurable goods. Costs associated with inclusive practices and the provision of reasonable accommodations and modifications that facilitate full access for children and adults with disabilities are allowable.

Unauthorized exercise-related costs include:

- Reimbursement for maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles) and emergency response apparatus (e.g., fire trucks, ambulances). The only vehicle costs that are reimbursable are fuel/gasoline or mileage.
- Equipment that is purchased for permanent installation and/or use, beyond the scope of exercise conduct (e.g., electronic messaging signs)
- Durable and nondurable goods purchased for installation and/or use beyond the scope of exercise conduct

All exercise related program activities or allowable expense questions should be addressed with your assigned Ohio EMA Grants Specialist.

### Allowable and Unallowable Costs

Costs related to the FY2021 EMPG are determined to be allowable based upon Ohio EMA's interpretation of the following forms of guidance:

- Federal Guidance to States
- Information Bulletins from FEMA to States clarifying guidance
- State Guidance to Local Governments
- All applicable circulars 2 C.F.R. Part 200.
- As mentioned previously, must be spent through the EMA on costs to accomplish Emergency Management related work – meaning that the costs support personnel, equipment, supplies, maintenance/sustainment, etc. of costs that are the responsibility of the county EMA.
- Any other guidance as deemed appropriate
- Counties must follow all local, state and federal guidelines, **whichever is more restrictive.**

### Personnel Costs

Personnel costs (to include eligible personnel costs in planning, training, exercise, organizational, M&A, etc.) including salary, overtime, compensatory time off, and associated fringe benefits, as well as volunteer hours towards In-Kind matching are allowable costs with FY2021 EMPG funds. These costs must comply with 2 CFR Part 200 Subpart E, Cost Principles for State, Local, and Indian Tribal Governments and a copy of the official county position must be submitted. Proposed personnel costs should be linked to achieving objectives outlined in the EMPG Work Plan. This is where the "Time and Effort" documentation requirement comes from. For your reference and convenience, the appropriate sections of the guidance have been provided below. 2 CFR Part 200 Subpart E, Cost Principles for State, Local, and Indian Tribal Governments clarifies the requirement to properly document and support personnel time being paid by a federal grant. Attachment B, Section 8.h., "Support of salaries and wages", notes that:

- Charges to Federal awards for salaries and wages, whether treated as direct or indirect costs, will be based on payrolls documented in accordance with generally accepted practice of the governmental unit and approved by a responsible official(s) of the governmental unit.
- No further documentation is required for the salaries and wages of employees who work in a single indirect cost activity.
- Where employees are expected to work solely on a single Federal award or project, charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. These certifications will be prepared at least semiannually and will be signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee.
- Where employees work on multiple activities or cost objectives (i.e. EMPG Work Plans or projects paid via other grants), a distribution of their salaries or wages will be supported by personnel activity reports or equivalent documentation.
- Personnel activity reports or equivalent documentation must meet the following standards:
  - They must reflect an after the fact distribution of the actual activity of each employee
  - They must account for the total activity, for which each employee is compensated
  - They must be prepared at least monthly and must coincide with one or more pay periods
  - They must be signed by the employee
  - Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to Federal awards

In cases where the EMA Director, or their staff, also fulfills duties assigned through other government agencies or programs funded separately from emergency management, the costs that are attributed to non-emergency management activities are not eligible for reimbursement under this grant. Keep in mind, in order for any payroll expense to be reimbursed through the EMPG program it will be necessary for each sub-recipient to show timesheets and payroll documentation for the full amount of compensated time to include benefits and explain their formula to determine that which is eligible to EMPG.

For example, a Director who also serves as the county's Risk Manager spent administering the Risk Management program is not an EMA activity and thus cannot be funded with or used as the match for the EMPG funds. As these cases are unique, these costs will be addressed as needed between the county and Ohio EMA through your Grants Specialist.

## Grant Administration

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The Grant Administration section is intended to help subrecipients in understanding the rules and regulations associated with administering federally-funded grant awards and the state's process for meeting these requirements. This comprehensive resource will provide subrecipients with standard financial and administrative processes that will ensure compliance with the preparedness grant programs.

### Application Process

To apply for FY2021 EMPG funding, the following documentation must be completed and forwarded to Ohio EMA Grants Branch: Signed grant agreement, Assurances, Baseline Work Plan, and NIMS Certification. Details on these items follow:

#### *Baseline Workplan*

FY2021 EMPG includes Federal requirements associated with EMPG funded staffing, training and exercise. The baseline assessment document allows Ohio EMA to define the population of state and local EMA employees who are funded by the grant and who have to meet the requirements of the grant. Additionally, the baseline assessment will provide the county EMA a method to confirm the amount of the EMPG grant that will be matched during the performance period.

There is a short capability review of select capabilities that local EMA's work towards addressing as part of a comprehensive emergency management program. The survey information is intended to drive local work plan development as well as directing Ohio EMA on support programs and technical support for county EMAs. The survey is included as part of the baseline work plan submission.

#### *Assurances*

Completion and signature of the Assurances – Non-construction Program (Standard Form 424B) form and Disclosure of Lobbying Activities (Standard Form – LLL) forms are required as part of the application for FY2021 EMPG funds.

For FY2021 a completed application package under EMPG consists of nine parts:

- Signed FY2021 EMPG Grant Agreement
- 20-16 Summary Sheet for Assurances
- 20-16A Assurances Non-Construction
- 20-16B Assurances Construction Program
- 20-16C Lobbying, Debarment, Suspension and Other Requirements
- 20-SF-LLL Disclosure of Lobbying Activities
- NIMS certification statement
- Subaward Financial Management Form (FFATA for subrecipients)
- EHP Screening tool (required unless project is exempt)

#### *NIMS Compliance*

In order to receive FY2021 EMPG funding, the subrecipient is required to certify as part of their grant application that they are addressing and/or have met the most current NIMS requirements. Additional information about NIMS requirements can be found at [Ohio EMA NIMS Guidance](#) or via [FEMA's NIMS web page](#).

## Post Award Requirements

### Grant Agreement

The Grant Agreement and assurances includes important information. It is essential that all Award, Fiscal and General Requirements of the grant have been read, understood and agreed to prior to signing. In order for the Grant Agreement to be accepted, the Subrecipient Grant Manager and Subrecipient Fiscal Contact information must be filled in and the Grant Agreement must be signed and dated by the Subrecipient Grant Manager with signature. **This signed grant agreement must be scanned and e-mailed to your assigned Ohio EMA Grants Specialist by December 20, 2021.** Upon receipt by Ohio EMA, the grant agreement will be signed by the Executive Director of Ohio EMA. A copy of the signed Grant Agreement will then be forwarded to the county EMA along with a letter advising official notice of your award and any other guidance necessary. If found in violation of the grant agreement, sub-recipients can face a number of penalties including, but not limited to, recoupment of reimbursed funds.

### Grant Performance Period

**The performance period for the FY2021 EMPG will be October 1, 2020 through September 30, 2022.** Note that all costs must be incurred within the period of performance to include receipt and installation of all equipment. No funds may be spent on activities or costs that occur outside of the defined grant performance period. Extensions to the grant performance period will only be approved if the subrecipient can provide compelling justification for why the approved projects are incomplete.

### Management and Administration Costs (M&A)

M&A activities are those defined as directly relating to the management and administration of EMPG Program funds, such as financial management and monitoring. It should be noted that salaries of State and local emergency managers are not typically categorized as M&A, unless the State or local EMA chooses to assign personnel to specific M&A activities.

### Maintenance and Sustainment Costs

The use of DHS/FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable, as described in FEMA Policy FP-205- 402-125-1 under all active and future grant awards unless otherwise noted. With the exception of maintenance plans purchased incidental to the original purchase of equipment, the period covered by maintenance or warranty plan must not exceed the period of performance of the specific grant funds used to purchase the plan or warranty.

As an example of maintenance plan purchased incidental to the original purchase, you may submit a grant application to purchase a new piece of equipment and as part of the purchase include the cost of a five year warranty. Even though the warranty exceeds the period of performance, the warranty will be considered an eligible cost.

### Construction and Renovation Costs

Construction and renovation activities for a State, local, or tribal government's principal EOC as defined by the SAA are allowable under the EMPG Program. The FY2021 EMPG Program grantees using funds for construction projects must comply with the Davis-Bacon Act (40 U.S.C. 3141 et seq.). Grant recipients must ensure that their contractors or subcontractors for construction projects pay workers employed directly at the work-site no less than the prevailing wages and fringe benefits paid on projects of a similar character. Additional information, including Department of Labor wage determinations, is available from the following website: <http://www.wdol.gov/>.

The match requirement for EOC construction and renovation with EMPG Program funding is 50 percent (50%) Federal and 50 percent (50%) subrecipient. In order for subrecipients to drawdown funds for limited EOC construction and renovation projects under the EMPG Program: The subrecipient must provide to Ohio EMA who then must provide to FEMA:

- Description of the EOC facility, location, and the scope of the construction or renovation project
- Certification that an assessment has been conducted to identify EOC needs regarding such issues as the facility, communications capability, computer systems and network capabilities, survivability, and sustainability
- How the construction or renovation project will address the needs identified from the assessment
- Consequences of not implementing the construction or renovation project

**Written approval must be provided to the subrecipient (by FEMA through Ohio EMA) prior to the use of any EMPG Program funds for construction or renovation.**

### *Unallowable Costs*

- Expenditures for weapons systems and ammunition
- Costs to support the hiring of sworn public safety officers for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Activities unrelated to the implementation and completion of the EMPG Program
- Other items not in accordance with the portions of the AEL and allowable costs listed above

In general, subrecipients should consult with their Ohio EMA Grants Specialist prior to making any investment that does not clearly meet the allowable expense criteria established in this guidance.

### *Standard Financial Requirements*

Any subrecipient accepting grant funds from Ohio EMA shall comply with all applicable laws and regulations outlined here. The administrative requirements that apply to most Department of Homeland Security (DHS) award recipients and specifically the awards made to our governmental partners through the grant program(s) included in this guidance arise from 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

The requirements for allowable costs/cost principles are contained in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, DHS program legislation, Federal awarding agency regulations, the terms and conditions of the award and the accompanying grant guidance. The applicable costs principles for the grants included in this guidance are:

- 2 CFR 2 Subpart E-Cost Principles
- 48 CFR Part §31.2, Federal Acquisitions Regulations (FAR), Contracts with Commercial Organizations.

The subrecipient is required to ensure that the requirements of the federal grant are met as well as any applicable requirements of the state and local government. Acceptance of a federal grant and its requirements do not relieve the subrecipient of requirements of local and/or state government. In addition, acceptance of federal grant funding means subrecipient Fiscal Agent must comply with and assume financial responsibility for audit findings. You must meet all local, state, and federal guidelines, whichever is stricter.



Subrecipients are required by 2 CFR, 200 Subpart E to have in place an accounting system that maintains records which adequately identify the source and application of funds provided for grant funded projects. The accounting system must include information pertaining to sub-grant awards, obligations, un-obligated balances, assets, liabilities, outlays or expenditures and income. Ohio EMA requirements for subrecipient accounting include the ability to track expenditures by grant program and by federal fiscal year of the award (i.e. FY2019 EMPG, FY2020 EMPG, etc.).

### Environmental Planning and Historic Preservation (EHP) Compliance

FEMA is legally required to consider the potential impacts of all grant-funded projects on environmental resources and historic properties. For EMPG and other preparedness grant programs, this is accomplished via FEMA's Environmental Planning and Historic Preservation (EHP) Review. Subrecipients must comply with all applicable EHP laws, regulations, and Executive Orders (EOs) in order to draw down their FY2021 EMPG grant funds. Any project with the potential to impact natural resources or historic properties cannot be initiated until FEMA has completed the required FEMA EHP review. Subrecipients that implement projects prior to receiving EHP approval from FEMA risk de-obligation of funds.

EMPG projects that involve the installation of equipment, exercises not specifically excluded from a FEMA EHP review per the GPD Programmatic Environmental Assessment (PEA) (for more information on the PEA see IB 345 and ground-disturbing activities, new construction, including communication towers, or modification/renovation of existing buildings or structures must undergo a FEMA EHP review.

Furthermore, for those proposed construction or renovation projects that are part of larger projects funded from a non-FEMA source (such as an EOC that is part of a larger proposed public safety complex), a FEMA EHP review must be complete before the larger project is initiated. For these types of projects, subrecipients must complete the FEMA EHP Screening Form ([https://ema.ohio.gov/PreparednessGrants\\_Toolkit.aspx](https://ema.ohio.gov/PreparednessGrants_Toolkit.aspx)) and submit it, with all supporting documentation, to Ohio EMA Grant Branch staff. Refer to IBs 329, 345, and 356 located at <https://www.fema.gov/grant-programs-directorate-information-bulletins> for further details on EHP requirements.

The following activities would not require the submission of the FEMA EHP Screening Form:

- planning and development of policies or processes;
- management, administrative or personnel actions;
- classroom-based training;
- table top exercises and;
- acquisition of mobile and portable equipment (not involving installation).

Projects using EMPG funds that were initiated or completed before an EHP review was concluded will be de-obligated. To avoid unnecessary delays in starting a project, grantees are encouraged to pay close attention to the reporting requirements for an EHP review.

### Procurement

The procurement process is one of, if not the most, scrutinized aspect of the federal grant programs. The emphasis on how procurements are made is based from the 2 CFR200 requirements that "all procurement transactions be conducted in a manner providing full and open competition with the standards of this section (§200.319)". Additionally, subrecipients must ensure that they meet the procurement requirements of the Ohio Revised Code and local procurement regulations. All subrecipients are strongly urged to seek out their

procurement department/individual to seek guidance on implementing the grant requirements into the procurement of any grant funded item or service. In accordance with this requirement, subrecipients will be required to document actions that demonstrate compliance with the “full and open” regulation. 2 CFR 200 (§200.320) offers the following guidance in an effort to help sub-recipients navigate the requirements of procurement:

Subrecipients should note that the following situations are considered to be restrictive of competition and should be avoided (2 CFR 200 §200.319):

- Placing unreasonable requirements on firms in order for them to qualify to do business,
- Requiring unnecessary experience and excessive bonding,
- Noncompetitive pricing practices between firms or between affiliated companies,
- Noncompetitive awards 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 of other relevant requirements of the procurement, and
- Any arbitrary action in the procurement process.

Subrecipients will maintain records sufficient to detail the significant history of any procurement. These records will include, but are not necessarily limited to the following: local procurement policy, rationale for the method of procurement, request for quote correspondence, selection of contract type, contractor selection or rejection, and the basis for the contract price. Subrecipients alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements.

#### *Pre-Procurement Approval Process*

Prior to obligating any grant funds for approved projects, grant subrecipients will now be required to submit the [Procurement Review Form](#) for review and approval by Ohio EMA Grants Branch staff. This form will detail the required documentation that must accompany the submission based on the intended method of procurement. Review and approval will be returned to the subrecipient within five business days (unless the submission requires additional information and/or clarification). The Pre-Procurement Approval Process applies to any procurement above the Micro-Purchase Threshold (\$10,000 and above).

To provide clarification on several areas of procurement interpretations, the following guidelines will now be required in the procurement process:

- **Small Purchase Procurement (\$10,000 - \$49,999)**
  - Subrecipients will need to submit Suspension and Debarment verification documentation with their Procurement Review Form.
  - A minimum of **three valid quotes** will be required to proceed with procurement. A valid quote is one that meets all specifications of the Request for Quote. If any quote is deemed ineligible by the subrecipient or Ohio EMA, the subrecipient will be required to send out additional Requests for Quote until they attain the required minimum of three valid quotes.
  - Subrecipients may utilize the GSA Schedule as a source for one of their valid quotes.
- **Sealed Bid Procurement (\$50,000 and above)**
  - Subrecipients will need to submit Suspension and Debarment verification documentation with their Procurement Review Form.
  - A minimum of **two valid bids** will be required to proceed with procurement. A valid bid is one that meets all specifications identified in the Invitation to Bid. If any bid is deemed

ineligible by the subrecipient or Ohio EMA, the subrecipient will be required to send out additional Requests for Quote until they attain the required minimum of two valid bids.

- Subrecipients may **NOT** utilize the GSA Schedule as a source for one of their valid bids.
- **Competitive Proposals (\$50,000 and above)**  
***\*\*This is only for use when sealed bidding is not possible as the terms of how a project are to be completed must be negotiated.***
  - Subrecipients will need to submit Suspension and Debarment verification documentation with their Procurement Review Form.
  - The criteria and weight of all scoring criteria must be very clear in the specifications and must not be restrictive of competition per 2 CFR 200.319.
  - A minimum of **two valid proposals** will be required to proceed with procurement. A valid proposal is one that meets all specifications identified in the Request for Proposals. If any proposal is deemed ineligible by the subrecipient or Ohio EMA, the subrecipient will be required to send out additional Requests for Quote until they attain the required minimum of two valid proposals.
- **Inadequate Competition**  
***\*\*This is only for use when the minimum amount of quotes, bids, or proposals as specified in the 2 CFR 200 and this guidance are not met.***
  - Subrecipients will need to submit Suspension and Debarment verification documentation with their Procurement Process approval form.
  - Documentation must be provided to demonstrate the effort involved with attempting to competitively solicit price rates.
    - **For Procurements Requiring Quotes:** After a documented effort has been made to achieve three quotes and has not produced three quotes, a subrecipient may then bid the project. The award should then be made to the lowest bidder
    - **For Procurements Requiring Bids:** After the initial Invitation to Bid (ITB) has been solicited and has not produced two valid bids, to document sufficient competitive effort a subrecipient may then solicit a second ITB and award to the lowest cost, qualified bid.
    - **For Procurements Requiring Proposals:** After the initial Request for Proposals (RFP) has been solicited and has not produced two valid proposals, to document sufficient competitive effort a subrecipient may then solicit a second RFP and award to the lowest cost, qualified proposals considering other clear evaluation criteria.”

Subrecipients are encouraged to work closely with Ohio EMA Grants Branch Staff throughout the procurement process to address any concerns and ensure compliance with federal, state, and local requirements.

### *Socioeconomic Contracting Requirements*

This section lists the requirements of 2 CFR 200.321 with regard to contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms. While documentation on compliance with this standard will not be required prior to reimbursement, it **MUST** be in your grant files and available for a monitoring visit by Ohio EMA and FEMA as well as subsequent audits. Subrecipients can use the resources of the Small Business Administration (SBA) to create a list of women and minority owned businesses that they can contact for solicitation. FEMA has created several tools to assist non-Federal entities with meeting the above-requirements. For further information, visit <https://www.fema.gov/procurement-disaster-assistance-team> and view documents under the Other Resources tab.

Keep in mind that each subrecipient must meet its own documented procurement procedures that reflect State and local laws and regulations, provided that the procurements conform to applicable Federal laws and standards established in 2 C.F.R. §§ 200.318 – 200.326.

- For example, if we assume that a city has a Minority and Woman-Owned Business Department, and it requires all of its departments to use the resources available through this department when it procures goods and services, then the city must not only meet this local procurement requirement, but also use the services of the SBA.
- The key for subrecipients is to document in grant files that steps have been taken to meet each of the six requirements of this section. When a subrecipient determines that one of the requirements is infeasible or unnecessary, such as establishing a delivery schedule that encourages participation by small and minority businesses, it needs to document its determination and the facts in the file. This documentation will show that it affirmatively attempted to meet each of the six requirements.
- **IMPORTANT NOTE:** The socioeconomic contracting requirements at 2 C.F.R. 200.321 apply to the following procurement methods: micro-purchases, small purchase procedures, sealed bids, and competitive proposals. Per FEMA legal counsel, “It is possible to follow the requirements, taking into consideration that some have qualitative language (“when economically feasible,” “where the requirements permit”).”

“2 CFR 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

1. The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
2. Affirmative steps must include:
  - a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
  - f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.”

## Project Management

### *Source Documentation*

2 CFR Part 200 also requires that accounting records be supported by such source documentation as cancelled checks, paid bills, auditor payroll journals, signed (by employee and supervisor) time and attendance records, contract and sub-grant award documents, etc. As such, Ohio EMA Grants Branch requires that subrecipients have source documentation available prior to requesting cash reimbursement. Proper documentation for select items is as follows but not all inclusive but can be used as a minimum guideline:

- Travel costs

- Copy of the government unit travel policy. Please specify if employee is being reimbursed directly by Fiscal Agent Jurisdiction or another local agency and their policy
- Receipts/documentation as required by travel policy
- Federal Per Diem Policy must be followed unless the jurisdiction reimbursing employee has outlined their own specific per diems.
- Personnel costs
  - Current official jurisdiction approved position description
  - Time and Effort documentation with activity reports reflecting allowable work and accomplishments as it pertains to the program and outlined in 2 CFR 200.
  - County Position Description
  - Time and Effort documentation with activity reports reflecting allowable work
  - Timesheets submitted to reflect time and effort must show the breakdown of how time and funding is split between any alternate funding sources. (i.e. EMPG, 911, EMS, etc...)
  - Formula to calculate hourly rate and benefits for employees not paid 100% through EMPG Grant funds.
  - Proof of payment, separated by each employee, the breakout of compensation
- Contract costs
  - Procurement Documentation
  - Copy of draft contract for eligibility review prior to contract award
  - Copy of awarded contract for grant file
  - Deliverables and timeline listed in contract
  - Terms of payment outlined in contract
  - For contracts to an individual, a signature of the “contractor” is required.
  - Copy of awarded contract for grant file
  - Deliverables listed in contract
  - Terms of payment outlined in contract
  - For contracts to an individual, a signature of the “contractor” is required.
  - All contracts must begin and end within the period of performance.
  - Contracts may not be prepaid or prorated.
  - Copy of 3 quotes or bids according to the most strict procurement policy between, local, State, and Federal.
- Equipment costs
  - Procurement
  - Contracts
  - Invoice (not quote) for equipment purchased
  - Documentation that equipment is received on site and installed as necessary
  - Invoice (not quote) for equipment purchased
  - Copy of proof that equipment is listed on the AEL
  - Documentation that equipment is received on site and installed as necessary
  - Proof of payment containing amount, date, warrant number, cost allocation plan, countywide policy, etc. (i.e. expense detail, auditor’s ledger, pay deposit slip)
  - Copy of 3 quotes or bids according to the most strict procurement policy between, local, State, and Federal.
- Meeting/Conference/Training costs
  - Procurement Documentation
  - Invoices
  - Contracts
  - Agenda/Course Description
  - Attendance roster or Certification (certificate required for training)

- LEPC resolution or contract for those EMA Offices that work on LEPC activity not to include compliance related activity.

### *Equipment and Supplies Requirements*

Utilization of EMPG funds for equipment purchases requires that subrecipients maintain specific documentation on each item through its useful life until final disposition occurs. Per 2 CFR 200, procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

- Property records must be maintained that include (2 CFR 200 §200.313(d) Management requirements):
  - A description of the property,
  - A serial number or other identification number,
  - Source of funding for the property (including CFDA and FAIN)
  - Who holds title,
  - The acquisition date
  - Cost of the property,
  - The source of property,
  - Percentage of Federal participation in the cost of the property,
  - The location of the property,
  - Use and condition of the property, and
  - Any ultimate disposition data including the date of disposal and sale price of the property.
- A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
- A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.
- Adequate maintenance procedures must be developed to keep the property in good condition.
- If the subrecipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.
- Subrecipients who have purchased equipment with Federal funds must submit an annual inventory certification along with a current Master Asset Listing to the Grants Branch no later than January 31 of each year. The Master Asset Listing must be submitted in electronic format (Excel or .csv). The form is located on the [Ohio EMA Grants Toolkit website](#).

When the equipment is no longer needed for the original project and/or has outlasted its useful life, 2 CFR 200 §200.313(e) prescribes the following requirements for final disposition:

- Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.
- Except in limited circumstances, items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency (FEMA through Ohio EMA) shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment. Disposition instructions are required from FEMA prior to any action. Please contact your Ohio EMA Grants Management Specialist for instructions.
- The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the fair market value of the property.
- In cases where a recipient or subrecipient fails to take appropriate disposition actions, the awarding agency may direct the recipient or subrecipient to take excess and disposition actions.

**Equipment** is defined as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

**Supplies** is defined as tangible personal property other than “equipment” for use in this guidance have a disposition requirement when the residual value of the combined unused inventory exceeds \$5,000. In cases where this may occur, the awarding agency is entitled to its share of the value of the remaining inventory.

### *Sub-Granting*

No subrecipient receiving FY2021 EMPG funding may sub-grant funding to another entity without prior coordination and approval from Ohio EMA. In order to be granted permission to sub-grant, the managing fiscal agent will have to demonstrate an ability to ensure compliance with all terms, conditions and requirements of the federal grant guidance and this guidance.

### *Record Retention*

Counties are required to retain all grant-related documentation for three years after the close of the federal grant program. Ohio EMA will provide notification of each grant closure date when it occurs. Record Retention must follow the standard outlined in 2 CFR 200.333.

### *Audits*

The County EMA is accountable for the use of funds under the EMPG program. The County EMA must maintain records that adequately identify the sources and application of funds provided for financially assisted activities. Actual expenditures or outlays will be compared with budgeted amounts to determine if the expenditures qualify as a reimbursable expense under the EMPG. This documentation is subject to review at any given time through the record retention period by state or federal auditors as well as EMA officials.

### *Single Audit Requirements*

Subrecipients are responsible for obtaining audits in accordance with 2 CFR 200 Subpart F; the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–7507); 31 U.S.C. 503, 1111; Executive Order 8248; Executive Order 11541; and revised OMB Circular A–133, “Audits of States, Local Governments, and Non-Profit Organizations.” The audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial audits. Subrecipients must ensure that funds received and expended under this grant program are coordinated with the jurisdictions fiscal office (treasurer, auditor, etc.). Counties receiving \$750,000 (all-inclusive countywide) or more in a year in federal awards shall complete a Single Audit. The county EMA needs to consult with the County Auditor/Treasurer to understand how they comply with this requirement. The County EMA should also ensure the most recent Single Audit is submitted to Ohio EMA. County emergency management agencies will be audited by the State Auditor’s Office or a private firm acceptable to the State Auditor’s Office. Counties will comply with audit requirements and resolve any audit findings.

### *Audit Findings*

As the State Administrative Agency (SAA), Ohio EMA takes seriously the responsibility of administering the grant funds we are entrusted with from DHS/FEMA. This guidance refers to the Super Circular (2 CFR Part 200) and the requirements therein. Subrecipients should refer to the Super Circular and ensure they are meeting all requirements set forth therein. In addition, all requirements set forth in this guidance are passed along to subrecipients. By signing the grant agreement, subrecipients agree to be bound by all requirements set forth in this guidance, the grant agreement, and the Super Circular. As a result, any audit findings that occur with respect to improper procurement or from not abiding by the requirements set forth in this guidance will be



the responsibility of the subrecipient. Ohio EMA will assume no financial responsibility for said audit findings, and if forced to pay on behalf of the subrecipient will take all action necessary to recover those costs.

### *Reporting Requirements*

Upon official award, applicants acknowledge they agree to complete quarterly reports to the Ohio EMA; and also agree to update the Bi-annual Strategy Implementation Report (BSIR) on the federal Grants Reporting Tool (GRT), due as available from DHS-FEMA and coordinated by Ohio EMA each year until the grant concludes, and then to complete one final BSIR within 120 days of the federal grant closure date. Further information on quarterly and bi-annual reporting will be provided with issuance of the official grant agreement.

## **Payment**

### *Reimbursement Requests*

In order to be reimbursed from the FY2021 EMPG, eligible costs must be submitted on the EMPG Cash Request form. Reimbursements must include documentation noting that services have been completed (contract, personnel, etc.) and/or that equipment has been received on site and invoiced. Costs submitted on forms other than the EMPG Cash Request (previous years' forms, locally generated forms) will not be accepted. Cash requests will be reviewed by a Grant Specialist to assure completeness when received by Ohio EMA. Cash requests that are incomplete or submitted on the wrong document will be returned for revision and resubmission. Cash Requests must be mailed due to size and the authentication of the documents submitted.

If a cash request is not complete, which includes but is not limited to the following items: county name not filled in, wrong fiscal year referenced, lacking proper signature, cash request not completely filled out (missing cells), or lack of proper documentation, the request will be returned to the county for revision. County EMA's are encouraged to utilize their Grants Specialist for technical assistance, as needed, in filling out the cash request and compiling documentation to support the cash request. Detailed instructions have also been provided to assist you in filling out your Cash Requests.

### *Proper Documentation*

The first step in the reimbursement process is gathering the proper documentation to verify allowable grant expenditures. Cash requests submitted for reimbursement from the FY2021 EMPG must be accompanied by proper documentation of each cost. Proper documentation requires "Proof of Cost" (time and effort records, invoices, bills, etc.) and "Proof of Payment" (copies of warrants, canceled checks, auditor's monthly detail). A copy of the auditor's monthly expenditure detail has been found to be a very reliable, single source of proof of payment documentation. To reduce the amount of paper in documentation, counties are encouraged to submit a copy of the detail with applicable expenses highlighted and numbered according to the order listed on the reimbursement form. Food costs associated with EMA actions (meetings, trainings, etc.) must be documented by proof of cost, proof of payment, purpose of event (agenda, invitation, etc.) and a roster or sign in sheet of persons attending. Food and beverages are only allowable for eligible EMA meetings and will not be allowed for any other activity or for the EMA office. Food costs submitted for reimbursement without all listed documentation will be un-allowed.

### *Eligibility and Processing*

The second step of the reimbursement process is a determination of eligibility, data entry of the cash request for tracking/monitoring purposes and preparation for payment. The Ohio EMA Preparedness Grant Branch conducts this step.

### *Payment Processing and Notification*



The final step of reimbursement is approval of cash request by Ohio EMA fiscal and payment. When a Cash Request has been approved and payment processed, notification will be made to the county that payment will be arriving. As a tool to assist local governments in tracking Electronic Funds Transfers, the State of Ohio has created the “OAKS EFT Remittance Look-Up” website. By entering your OAKS vendor ID (available on your grant agreement as “Subrecipient Vendor ID), ZIP code and query information, you can confirm that payment was made. The EFT remittance web-site can be found at: <http://www.oaks.ohio.gov/remitlookup/>

### *Tracking and Close-Out*

In addition to notification that payment is in process, Ohio EMA Preparedness Grants will be sending to the county a “payment packet” attached to the e-mail that notified the county of pending payment. The packet includes a copy of the submitted cash request, an explanation of changes (if applicable) and remaining balance in the form of a memo. The intent of this packet is to provide the county with comprehensive documentation for your files on the processing and payment of your EMPG cash request. Upon completing full reimbursement of your allocation or end of the program period of the grant, Ohio EMA will send a close-out notification to the local jurisdiction advising of the closure of the sub-grant and the final disposition of any un-spent funds.

### *Standards for Review*

The reimbursement review process includes an initial review for completeness, determination of eligibility and data entry of the cash request for tracking/monitoring. This review is conducted by the Grants Specialist and focuses on accuracy of requests, prior approval of costs in the budget and ensuring complete documentation accompanies the request. Cash requests that are properly executed by the subrecipient will be processed in 10 business days or less.

If a request is not complete (including but not limited to the following items: lack of proper documentation, costs not included on the approved budget, no prior EHP approval, etc.) the request will be rejected to the subrecipient fiscal agent for revision. Subrecipients are encouraged to utilize their Grants Specialist for technical assistance in filling out the cash request and compiling documentation to support the cash request prior to submission in an attempt to expedite the approval process.

### *Payment*

Upon approval by the Grants Administrator, the subrecipients’ funds will be requested for payment from Ohio EMA’s fiscal unit. The payment process entails requesting money from the federal entity, receiving funds at the state level, vouchering the funds and the dispatching of an EFT or check to the subrecipient. While this process relies heavily on external stakeholders, Ohio EMA will work to ensure the quickest processing of subrecipient payments. Please ensure your agency information is current in the state accounting system.

### *Enforcement, Termination and After the Grant Requirements*

Ohio EMA is required to monitor the subrecipient’s (regional fiscal agent’s) compliance with the Federal statutes, regulations, State law and terms and conditions of the sub award as codified in 2 CFR 200.331. If Ohio EMA becomes aware of an area of non-compliance it will inform the subrecipient (regional fiscal agent) through a Notice-of-Non-Compliance. The subrecipient (regional fiscal agent) may be given steps to remedy the area(s) of non-compliance, or if the non-compliance cannot be remedied then Ohio EMA will take action against the subrecipient (regional fiscal agent) congruent to 2 CFR 200.338-339. Ohio EMA can impose any of the following actions for non-compliance: temporary withholding of funding, disallowing costs and/or reimbursements, wholly or partially suspend an award of funds, initiate suspension or other departmental proceedings, withhold further funding or participation in the program, and any other remedy that is legally available. Below is an outline of the monitoring process the subrecipient is agreeing to follow:

- **Notice of Non-Compliance:** The Ohio EMA Grants Branch Chief will send electronic notice of Non-Compliance to the subrecipient. The Notice of Non-Compliance will inform the subrecipient of the following: The area(s) of non-compliance; Either (1) the steps required to of the subrecipient to come into compliance and the date by which the subrecipient must demonstrate compliance and the agency action if compliance is not met; or (2) Ohio EMA’s action against the sub- recipient if Ohio EMA determines non-compliance cannot be remedied; The method for requesting review of compliance steps or agency action.
- **Review subrecipient’s submission of compliance:** In the event the subrecipient submits compliance documentation, Ohio EMA Grants Administrator, in conjunction with the Grants Branch Chief, will review the subrecipient’s written submission and determine if there is full compliance. If the subrecipient has not met full compliance, Ohio EMA will take agency action, through a Notice of Action, the subrecipient received notice of in the previously issued Notice of Non-Compliance.
- **Method for requesting review:** Subrecipient will have thirty (30) days from the date of the Notice of Action to request reconsideration with the Executive Director. The sub- recipient must send the request in writing and should include any additional information or documentation within the thirty day period for the Executive Director to consider. The Executive Director will make a decision in writing within sixty (60) days of receipt of the request for reconsideration. However, if the Executive Director needs additional time, the subrecipient will be given notification of the extended time frame. The decision of the Executive Director is final. The subrecipient is not entitled to any further appeals within Ohio EMA, or pursuant to any federal or state regulation, code, or procedure.

#### *Availability of Public Records*

Ohio’s Public Records Law generally requires disclosure of information. Ohio Revised Code Section 149.43 sets forth requirements, along with exceptions for disclosure. Specifically, Section 149.433 allows some security information to be exempt from disclosure.

Applicants are encouraged to consult state and local laws and regulations and discuss these requirements with their legal counsel. Subrecipients should be familiar with the regulations governing protected critical infrastructure information (6 C.F.R. Part 29) and sensitive security information (49 C.F.R. Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

## Points of Contact

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For Grant Fiscal and Administrative needs, contact:

### Ohio EMA Grants Branch

Grant Administrators:

Geoffrey Martin, Grants Branch Chief	(614) 799-3836	<a href="mailto:gsmartin@dps.ohio.gov">gsmartin@dps.ohio.gov</a>
Margo Schramm, Grants Supervisor	(614) 799-3843	<a href="mailto:mlschramm@dps.ohio.gov">mlschramm@dps.ohio.gov</a>

Grant Management Specialists:

Dan Green (OHS Regions 1,2,3,5)	(614) 799-3820	<a href="mailto:dgreen@dps.ohio.gov">dgreen@dps.ohio.gov</a>
Tim Manns (OHS Regions 4,6,7,8)	(614) 799-3682	<a href="mailto:trmanns@dps.ohio.gov">trmanns@dps.ohio.gov</a>

Grant Monitoring Specialists:

Cathy Deck	(614) 799-3684	<a href="mailto:cdeck@dps.ohio.gov">cdeck@dps.ohio.gov</a>
Seth McDonald	(614) 799-3819	<a href="mailto:smcdonald@dps.ohio.gov">smcdonald@dps.ohio.gov</a>

For Training & Exercise needs, contact:

### Ohio EMA Planning, Training & Exercise Branch

David Nunley, Training & Exercise Supervisor	(614) 799-3677	<a href="mailto:dbnunley@dps.ohio.gov">dbnunley@dps.ohio.gov</a>
Lisa Jones, Training Coordinator	(614) 799-3824	<a href="mailto:ljones@dps.ohio.gov">ljones@dps.ohio.gov</a>

## [Appendix A: FEMA Award Terms and Conditions](#)

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**AGREEMENT ARTICLES**  
**Emergency Management Performance Grants**

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**Article I - Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200.313.

**Article II - Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with Title VI of the *Civil Rights Act of 1964*, (42 U.S.C. section 2000d *et seq.*) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

**Article III - Universal Identifier and System of Award Management**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

**Article IV - Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an EHP review are subject to the FEMA Environmental Planning and Historic Preservation (EHP) review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state, and local laws.

DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive order, regulations, and policies.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

**Article V - Americans with Disabilities Act of 1990**

Recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101- 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

## **Article VI - SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

## **Article VII - Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. section 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

## **Article VIII - National Environmental Policy Act**

Recipients must comply with the requirements of the *National Environmental Policy Act of 1969 (NEPA)*, Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 *et seq.*) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

## **Article IX - Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

## **Article X - USA PATRIOT Act of 2001**

Recipients must comply with requirements of Section 817 of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001* (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. sections 175-175c.

## **Article XI - Age Discrimination Act of 1975**

Recipients must comply with the requirements of the *Age Discrimination Act of 1975*, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

## **Article XII - Civil Rights Act of 1964 - Title VI**

Recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (codified as amended at 42 U.S.C. section 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

## **Article XIII - Notice of Funding Opportunity Requirements**

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

## **Article XIV - Trafficking Victims Protection Act of 2000 (TVPA)**

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

## **Article XV - Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. Section 200.308. FEMA is also utilizing its discretion to impose an additional restriction under



2 C.F.R. Section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

#### **Article XVI - Non-Supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

#### **Article XVII - Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the *Drug-Free Workplace Act of 1988* (41 U.S.C. sections 8101-8106).

#### **Article XVIII - Federal Leadership on Reducing Text Messaging while Driving**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

#### **Article XIX - DHS Specific Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. Recipients of federal financial assistance from DHS must complete the *DHS Civil Rights Evaluation Tool* within thirty (30) days of receipt of the Notice of Award or, for State Administrative Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

#### **Article XX - Best Practices for Collection and Use of Personally Identifiable Information**

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance at [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_guidance\\_june2010.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf) and Privacy Template at [https://www.dhs.gov/sites/default/files/publications/privacy\\_pia\\_template\\_2017.pdf](https://www.dhs.gov/sites/default/files/publications/privacy_pia_template_2017.pdf) as useful resources respectively.

## **Article XXI - Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov) if you have any questions.

## **Article XXII - Civil Rights Act of 1968**

Recipients must comply with Title VIII of the *Civil Rights Act of 1968*, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 *et seq.*), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

## **Article XXIII - Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

## **Article XXIV - Activities Conducted Abroad**

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

## **Article XXV - Energy Policy and Conservation Act**

Recipients must comply with the requirements of the *Energy Policy and Conservation Act*, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. section 6201 *et seq.*), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

## **Article XXVI - Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the *Resource Conservation and Recovery Act*, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

## **Article XXVII - Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

## **Article XXVIII - Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. section 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, (codified as amended at 15 U.S.C. section 2225.)

## **Article XXIX - Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by

federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

#### **Article XXX - Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974*, 49 U.S.C. section 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

#### **Article XXXI - Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

#### **Article XXXII - Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

#### **Article XXXIII - False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of the *False Claims Act*, 31 U.S.C. sections 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

#### **Article XXXIV - Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

#### **Article XXXV - Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

#### **Article XXXVI - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

Recipients must comply with the requirements of Title IX of the *Education Amendments of 1972*, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 *et seq.*), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at C.F.R. Part 17 and 44 C.F.R. Part 19.

#### **Article XXXVII - Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

#### **Article XXXVIII - Reporting Subawards and Executive Compensation**

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

#### **Article XXXIX - Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

#### **Article XL - Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

#### **Article XLI - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

By accepting this agreement, the recipient and its executives, as defined in 2 C.F.R. section 170.315, certify that the recipient's policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

#### **Article XLII - Patents and Intellectual Property Rights**

Recipients are subject to the *Bayh-Dole Act*, 35 U.S.C. section 200 *et seq*, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

#### **Article XLIII - Performance Metric**

The FY 2021 EMPG (and EMPG ARPA) Grant provides funds to assist state, local, tribal, and territorial emergency management agencies to implement the National Preparedness System (NPS) and to support the National Preparedness Goal (the Goal) of a secure and resilient nation. Recipients are required to align at least 87.5% of Planning, Training, and/or Exercise related projects with closing capability gaps identified and documented in the state/territory's most recent THIRA/SPR submission and other relevant information sources. FEMA will measure the recipient's performance of the grant through evaluation of state/territory SPR submissions, EMPG Work Plans, and required programmatic reports.


Appendix B: Prohibitions on Expending FEMA Award Funds for  
Covered Telecommunications Equipment or Services



FEMA

August 3, 2020

MEMORANDUM FOR: All FEMA Regional Administrators  
All FEMA Deputy Regional Administrators  
All FEMA Regional Grant Division Directors  
All FEMA Grant Programs Directorate Points of Contact  
All FEMA Office of Response and Recovery Points of Contact  
All Federal Insurance and Mitigation Administration Points of Contact  
All National Preparedness Directorate Points of Contact  
All Tribal Nation Points of Contact

FROM: Christopher Logan  
Assistant Administrator (Acting)   
Grant Programs Directorate

SUBJECT: Prohibitions on Expending FEMA Award Funds for Covered  
Telecommunications Equipment or Services (Interim)

The purpose of this memorandum is to inform recipients and subrecipients of U.S. Department of Homeland Security (DHS)/ Federal Emergency Management Agency (FEMA) federal financial assistance of the prohibitions described in section 889(b)(1) of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018). 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 products and contracting with certain entities for national security reasons. FEMA will issue additional guidance in a forthcoming Interim Policy.

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

- i. 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;
- ii. 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

Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services (Interim)

- iii. 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.

**Replacement Equipment and Services**

FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition. Recipients and subrecipients should refer to applicable program guidance or contact the applicable program office to determine if replacement equipment or services is eligible under that program.

**Definitions**

Per section 889(f)(2)-(3) of the FY 2019 NDAA, covered telecommunications equipment or services means:

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