



U.S. DEPARTMENT OF HOMELAND SECURITY

Fiscal Year 2008

**EMERGENCY OPERATIONS CENTER
GRANT PROGRAM**

GUIDANCE AND APPLICATION KIT

JUNE 2008



U.S. DEPARTMENT OF HOMELAND SECURITY

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PART I. INTRODUCTION

A. Overview

The FY 2008 Emergency Operations Center (EOC) Grant Program is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure, and interoperable EOCs with a focus on addressing identified deficiencies and needs. Per Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c), as amended by section 202 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53), \$14,572,500 is available for grants for construction or renovation of a State, local, or tribal government's principal Emergency Operations Center (EOC). This grant program is not intended to fund the construction or renovation of State, local, or tribal Fusion Centers.

Fully capable emergency operations facilities at the State and local levels are an essential element of a comprehensive national emergency management system and are necessary to ensure continuity of operations and continuity of government in major disasters caused by any hazard. The purpose of this EOC Grant Program Guidance and Application Kit is to provide: (1) an overview of the EOC Grant Program and (2) the formal grant guidance and application materials needed to apply for funding under the Program.

PART II. FUNDING REQUIREMENTS AND ELIGIBLE APPLICANTS

A. Funding Availability

For the FY 2008 EOC Grant Program, \$14,572,500 is available for grants for construction or renovation of a State, local, or tribal government's principal Emergency Operations Center (EOC). This grant program is not intended to fund the construction or renovation of State, local, or tribal Fusion Centers. Each State, local, or tribal EOC may request funding for **only one construction or renovation project**. "Construction" as defined in this program, refers to building a new facility or any changes to the footprint of an existing facility; while "renovation" refers to internal improvements to an existing facility. **EOCs may request up to \$1,000,000 for construction projects or up to \$250,000 for renovation projects through the FY 2008 EOC Grant Program.** Construction or renovation projects selected for funding will receive the full amount requested.

B. Funding Cost Share Requirements

In FY 2008, the EOC Grant Program has a 75 percent Federal and 25 percent grantee cost share cash- or in-kind match requirement. Unless otherwise authorized by law, Federal funds cannot be matched with other Federal funds. In accordance with Federal guidelines and DHS Office of General Counsel rulings, match requirements are waived for the U.S. Territories of American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands. FEMA administers cost sharing requirements in accordance with 44 CFR 13.24, which is located at http://www.access.gpo.gov/nara/cfr/waisidx_07/44cfrv1_07.html.

C. Period of Performance

The period of performance for the FY 2008 EOC Grant Program funds is 36 months. Any unobligated funds will be deobligated by FEMA at the end of this period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications for an extension.

D. Eligible Applicants

The State Administrative Agency (SAA) of the 56 States/Territories may apply for funding for all eligible State, local, and tribal EOCs.

To be eligible to receive FY 2008 EOC Grant Program funding, applicants must meet NIMS compliance requirements. State, Territory, Tribal, and local governments are

considered to be in full NIMS compliance if they have adopted and/or implemented the FY 2007 compliance activities, as determined by the National Incident Management System Capability Assessment Support Tool (NIMSCAST) or other accepted means. Additional information on achieving compliance is available through the FEMA National Integration Center (NIC) at <http://www.fema.gov/emergency/nims/>.

All State and Territory grantees will be required to submit their compliance assessment via the NIMSCAST by September 30, 2008 in order to be eligible for FY 2009 preparedness programs. The State or Territory department/agency grantee reserves the right to determine compliance reporting requirements of their sub-awardees (locals) in order to disperse funds at the local level.

PART III.

ALLOWABLE AND UNALLOWABLE COSTS

A. Allowable Costs

EOC Grant Program funds may only be expended for EOC construction or renovation costs. Funds must be spent in compliance with rules and regulations noted in this EOC Grant Program Guidance and Application Kit. In addition, planning costs to support the EOC construction or renovation activities are allowable.

EOC Grant Program Equipment

Allowable equipment categories for FY 2008 EOC Grant Program are listed on the web-based version of the Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB), which is sponsored by FEMA at <http://www.rkb.us>.

The select allowable equipment includes equipment from the following AEL categories:

- Explosive Device Mitigation and Remediation (Category 2)
- Information Technology (Category 4)
- Cyber-Security Enhancement Equipment (Category 5)
- Interoperable Communications Equipment (Category 6)
- Power Equipment (Category 10)
- CBRNE Reference Materials (Category 11)
- Physical Security Enhancement Equipment (Category 14)
- CBRNE Logistical Support Equipment (Category 19)
- Other Authorized Equipment (Category 21)

If State agencies and/or local governments have questions concerning the eligibility of equipment not specifically addressed in the AEL, they should contact their FEMA Headquarters Program Analyst at 1-800-368-6498 for clarification.

States that are using EOC Grant Program funds to purchase Interoperable Communications Equipment (Category 6) must consult SAFECOM's coordinated grant guidance which outlines standards and equipment information to enhance interoperable communications. This guidance can be found at <http://www.safecomprogram.gov>. Additionally, grantees are encouraged to coordinate with other State and local partners in integrating their interoperable communications plans and projects as outlined in the State's Interoperable Communications Plan (submitted to DHS in December 2007 as part of the DHS/Department of Commerce's Public Safety Interoperable Communications [PSIC] Grant Program.)

Note: All projects involving construction, building renovation, or building modification are subject to environmental and historic preservation compliance requirements and must be reviewed and approved by FEMA prior to implementation. For additional information, please see Appendix B, Section 10.7 -- Environmental and Historic Preservation

Compliance.

Management and Administrative (M&A) Costs Guidance

M&A activities are those defined as directly relating to the management and administration of EOC Grant Program funds, such as financial management and monitoring. A maximum of up to one percent (1%) of FY 2008 EOC Grant Program funds awarded may be retained by the State and any funds retained are to be used solely for management and administrative purposes associated with the award. Subgrantees may also use a maximum of up to one percent (1%) of the FY 2008 EOC Grant Program funds to be used solely for management and administrative purposes associated with the award.

B. Unallowable Costs

EOC Grant Program funds may **not** be spent towards **organization, training, or exercises** costs. In addition, EOC Grant Program funds may not be spent towards:

- Expenditures for items such as general-use software (word processing, spreadsheet, graphics, etc), general-use computers and related equipment (other than for allowable M&A activities, or otherwise associated preparedness or response functions), general-use vehicles, licensing fees, weapons systems and ammunition
- Costs to support the hiring of emergency managers or 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 completion and implementation of EOC construction or renovation
- Other items not in accordance with the portions of the AEL and allowable costs listed in Part III, Section A

PART IV. PROGRAM APPLICATION PROCESS AND EVALUATION

A. EOC Investment Justification Template

All EOCs **must** use the EOC Investment Justification Template to submit an application through the SAA to describe the proposed construction or renovation project. ***Please see Appendix A, EOC Investment Justification Template, for the program's narrative and budget application requirements.*** The application must also provide certification that a facility assessment has been conducted, as well as outline how the project will address the identified deficiencies or needs identified in the assessment. Applications must also evaluate the enhanced capability accomplished with completion of the proposed project and provide a description of any preexisting planning that may have occurred. In addition, States must concur on final local applications before that EOC may draw down EOC Grant Program funds.

B. Application Evaluation

FEMA recognizes that each State and local jurisdiction has unique needs. Construction or renovation projects will be selected based on how well they address the following criteria:

- State-identified priorities
- Quality of justification
- Preexisting planning

State and Local Review

Prior to the submission deadline for applications, the SAA, in coordination with the State Emergency Management Agency, will review all State, local, or tribal EOC project applications to prioritize those projects. However, no State will possess a final veto authority over any local application submission.

National Review

A national review panel, to include FEMA headquarters and regional staff and peer subject matter experts, will conduct a final review of State-prioritized projects to determine funding allocations.

APPENDIX A. EOC INVESTMENT JUSTIFICATION TEMPLATE FOR REFERENCE ONLY

Investment Justification Overview

As part of the application process, EOCs must develop a formal Investment Justification that addresses each initiative being proposed for funding. State, local, and tribal EOCs must complete this template and provide it to the respective SAA per the SAA's guidelines. These Investment Justifications must demonstrate how the selected review criteria and proposed EOC project information will improve emergency management and preparedness capabilities as outlined in the FY 2008 EOC Grant Program Guidance and Application Kit.

EOCs may propose only one construction or renovation investment and must use the FEMA-provided investment justification template. Applicants must abide by the page limitations noted in each section of the Investment Justification template.

FY 2008 EOC Grant Program applicants must provide information in the following categories for the proposed Investment:

- I. Background
 - I.A. Investment Abstract
 - I.B. Needs Assessment Description
- II. Investment Impact
- III. Pre-Existing Planning
- IV. Funding and Implementation Plan
 - IV. A. Investment Funding Plan
 - IV. B. Investment Challenges
 - IV. C. Management Team Description
 - IV. D. Investment Funding Resources
 - IV. E. Investment Timeline and Milestones

Please note that the template outlined in this appendix is for reference only and should not be used as the actual application. FEMA is providing an identical working template in a separate document. This template is available online at: <http://www.fema.gov/government/grant/index.shtm>.

FY08 EOC Grant Program Investment Justification Template

Investment Heading	
Emergency Operations Center Applicant Name:	
FY 2008 EOC Grant Program Project Name:	
Investment Phase – Construction or Renovation: ¹	
Investment Amount ²	\$
Grantee Match Requirement: Describe how the 25% program match requirement for the FY 2008 EOC Grant Program award will be met	

I. Background

Note: The information in section **I.A.** provides background and context for the Investment requested. Section **I.B.** represents an evaluation of a needs assessment used by FEMA for rating individual Investment proposals.

I.A. Provide a brief abstract for this Investment.	
Response Type	Narrative
Page Limit	Not to exceed a ½ page
Response Instructions	Describe, at a high level, what will be implemented and what will be accomplished by this Project Investment.
Response	

I.B. Provide a needs assessment description for the Project, focusing on the outlined areas.	
Response Type	Narrative
Page Limit	Not to exceed 1 page

¹ “Construction” as defined in this program, refers to building a new facility or any changes to the footprint of an existing facility; while “renovation” refers to internal improvements to an existing facility.”

² An EOC may request up to \$1,000,000 for a construction project or up to \$250,000 for a renovation project.

Response Instructions	• Certification that a facility assessment has been conducted, including: - o Date of assessment and - o Conductor of assessment; • Outline how the project will address the identified deficiencies or needs identified in the assessment
Response	

II. Investment Impact

II. Describe how the project efficiently enhances EOC capabilities	
Response Type	Narrative
Page Limit	Not to exceed a ½ page
Response Instructions	• Describe how the project will enhance emergency management capabilities for the State, local, or tribal applicant • Describe how the project will accomplish this in a cost effective manner
Response	

III. Pre-Existing Planning

III. Describe any pre-existing planning efforts that have been conducted for this Investment	
Response Type	Narrative
Page Limit	Not to exceed ½ page
Response Instructions	• Description of any pre-existing planning that has taken place relative to the deficiencies noted in the facility assessment, including: - o Architectural plans developed - o Permits in Place • Description of any pre-existing planning that has taken place relative to the proposed project • Description of hazard-resistance design guidance utilized as part of the pre-existing planning, such as but not limited to - o FEMA 426/452 for identifying and mitigating man-made and terrorist threats - o FEMA 361 and FEMA 543 for identifying and

	mitigating flood and wind hazards - o FEMA 310 (ASCE 31) and FEMA 356 for identifying and mitigating seismic hazards • Description of any current activities that have taken place relative to rectifying the identified deficiencies or needs identified in the assessment
Response	

IV. Funding and Implementation Plan

IV.A. Investment Funding Plan.	
Response Type	Numeric and Narrative
Page Limit	Not to exceed 1 page
Response Instructions	• This section will focus solely on the amount of funds being requested for this construction or renovation project (<u>up to \$1,000,000 for construction projects or up to \$250,000 for renovation projects</u>). • Applicants must make funding requests that are reasonable and justified by direct linkages to activities outlined in this particular Investment. • Applicants must complete and attach SF 424 C: Budget Information – Construction Programs available at: http://www.grants.gov/agencies/aapproved_standard_forms.jsp#1 • Submittal of the 424C by applicants will not count towards the 1-page limitation identified in this section <i>Note: Investments will be evaluated on the expected impact on security relative to the amount of the Investment (i.e., cost effectiveness).</i>
Response	

IV.B. Identify up to five (5) potential challenges to the effective implementation of this Investment	
Response Type	Narrative
Page Limit	Not to exceed a ½ page
Response Instructions	• For each identified challenge, provide a brief description of how the challenge will be addressed and mitigated, and indicate a probability of occurrence (high, medium, or low); • The response should focus on the implementation only; • Consider the necessary steps and stages that will be required for successful implementation of the Investment;

	- Identify areas of possible concern or potential pitfalls in terms of Investment implementation; and, - Explain why those areas present the greatest challenge to a successful Investment implementation.
Response	

IV.C. Describe the management team, including roles and responsibilities, that will be accountable for the oversight and implementation of this Investment, and the overall management approach they will apply for the implementation of this Investment.

Response Type	Narrative
Page Limit	Not to exceed a ½ page
Response Instructions	Explain how the management team members will organize and work together in order to successfully manage the Investment.
Response	

IV.D. Discuss funding resources beyond the FY 2008 EOC Grant Program that have been identified and will be leveraged to support the implementation and sustainment of this Investment.

Response Type	Narrative
Page Limit	Not to exceed a ½ page
Response Instructions	- In addition to the required cash or - in - kind match, discuss other funding sources (e.g., non-FY 2008 EOC Grant Program funds, public or private agreements, future fiscal year grants) that you plan on utilizing for the implementation and/or continued sustainment of this Investment; - If no other funding resources have been identified beyond the required cash match, or if none are necessary, provide rationale as to why the requested FY 2008 EOC Grant Program funding is sufficient for the implementation and sustainment of this Investment.
Response	

IV.E. Provide a high-level timeline, milestones and dates, for the implementation of this Investment. Possible areas for inclusion are: major acquisitions or purchases, and management and administration updates. Up to 10 milestones may be provided.

Response Type	Narrative
Page Limit	Not to exceed 1 page

Response Instructions	• Only include major milestones that are critical to the success of the Investment; • While up to 10 milestones may be provided, applicants should only list as many milestones as necessary; • Milestones are for this discrete Investment – those that are covered by the requested FY 2008 EOC Grant Program funds and will be completed over the period of performance for the grant; • Milestones should be kept to high-level, major tasks that will need to occur; • Identify the planned start date associated with the identified milestone. The start date should reflect the date at which the earliest action will be taken to start achieving the milestone; • Identify the planned completion date when all actions related to the milestone will be completed and overall milestone outcome is met; and, • List any relevant information that will be critical to the successful completion of the milestone (such as those examples listed in the question text above).
Response	

APPENDIX B. APPLICATION REQUIREMENTS

A. Application Process

FEMA is participating in the e-Government initiative, one of 25 initiatives included in the President's Management Agenda. Grants.gov, part of this initiative, is a "storefront" that provides a unified process for all customers of Federal grants to find funding opportunities and apply for funding. Applicants must apply for FY 2008 EOC Grant Program funding through the online Grants.gov system by the AOR (Authorized Organization Representative) to ensure a successful application. If applicants have previously used Grants.gov, the same account may be used for the FY 2008 EOC Grant Program application submission. Please note that this process also involves an updated and current registration by the SAA and the SAA Business Point of Contact through CCR (Central Contractor Registry). Please also note the Grants.gov technical support hours are Monday-Friday, 7 a.m. to 9 p.m., Eastern Daylight Time. For more detail, see <http://www.grants.gov/contactus/contactus.jsp>.

*Eligible applicants must apply for FY 2008 EOC Grant Program funding through Grants.gov at <http://www.grants.gov>. **Completed applications must be submitted to Grants.gov no later than 11:59 p.m. Eastern Daylight Time, July 28, 2008.***

The program title listed in the Catalog of Federal Domestic Assistance (CFDA) is "Emergency Operations Center Grants." The CFDA number is 97.001. When completing the on-line application, applicants should identify their submissions as **new** applications.

B. Application Requirements

The following steps must be completed using the on-line [grants.gov](http://www.grants.gov) system to ensure a successful application submission, however applicants should review the relevant program-specific sections of this guidance for additional requirements that may apply.

1. **Application via [grants.gov](http://www.grants.gov).** FEMA participates in the Administration's e-government initiative. As part of that initiative, all applicants must file their applications using the Administration's common electronic "storefront" -- [grants.gov](http://www.grants.gov). Eligible SAAs must apply for funding through this portal, accessible on the Internet at <http://www.grants.gov>.

Note: When submitting the application package through [grants.gov](http://www.grants.gov), use Adobe Reader version 8.1.2 (not the PureEdge Viewer). This software update can be downloaded for free at:

http://grantsgov.tmp.com/static2007/help/download_software.jsp

2. **Application deadline.** Completed Applications must be submitted to [grants.gov](https://www.grants.gov) no later than **11:59 PM EDT, July 28, 2008**.
3. **Valid Central Contractor Registry (CCR) Registration.** The application process also involves an updated and current registration by the applicant. Eligible applicants must confirm CCR registration at <http://www.ccr.gov>, as well as apply for funding through [grants.gov](https://www.grants.gov).
4. **On-line application.** The on-line application must be completed and submitted using [grants.gov](https://www.grants.gov) after CCR registration is confirmed. The on-line application includes the following required forms and submissions:
 - EOC Grant Program Application Template (see Appendix A)
 - Standard Form 424, Application for Federal Assistance
 - Standard Form 424A, Budget Information
 - Standard Form LLL, Disclosure of Lobbying Activities
 - Non-Supplanting Certification
 - Standard Form 424 C: Budget Information - Construction Programs
 - Standard Form 424 D: Assurances – Construction Programs
 - Certification Regarding Debarment, Suspension, and Other Responsibility Matters
 - Any additional required attachments

The program title listed in the Catalog of Federal Domestic Assistance (CFDA) is “*Emergency Operations Center Grant*.” The CFDA number is 97.001.

5. **Project period.** The project period will be for a period not to exceed 36 months. Extensions to the period of performance will be considered on a case-by-case basis only through formal written requests to FEMA.
6. **DUNS number.** The applicant must provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number with their application. This number is a required field within [grants.gov](https://www.grants.gov) and for CCR Registration. Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one, as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at (800) 333-0505.
7. **Single Point of Contact (SPOC) review.** Executive Order #12372 requires applicants from State and local units of government or other organizations providing services within a State to submit a copy of the application to the State SPOC, if one exists, and if this program has been selected for review by the State. Applicants must contact their State SPOC to determine if the program has been selected for State review. Executive Order #12372 can be referenced at <http://www.archives.gov/federal-register/codification/executive-order/12372.html>.

8. Standard financial requirements.

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

8.2 -- Assurances. Assurances forms (SF-424B and SF-424D) can be accessed at http://www07.grants.gov/agencies/approved_standard_forms.jsp. It is the responsibility of the recipient of the Federal funds to understand fully and comply with these requirements. Failure to comply may result in the withholding of funds, termination of the award or other sanctions. The applicant will be agreeing to these assurances upon the submission of the application.

8.3 -- Certifications regarding lobbying, debarment, suspension, other responsibility matters and the drug-free workplace requirement. This certification, which is a required component of the on-line application, commits the applicant to compliance with the certification requirements under 44 CFR Part 17, which contains provisions for *Government-wide Debarment and Suspension (Non-procurement)* and *Government-wide Requirements for Drug-Free Workplace (Grants)*; and 44 CFR Part 18, *the New Restrictions on Lobbying*. All of these can be referenced at:
http://www.access.gpo.gov/nara/cfr/waisidx_07/44cfrv1_07.html
http://www.access.gpo.gov/nara/cfr/waisidx_00/44cfrv1_00.html.

9. Technology requirements.

9.1 -- National Information Exchange Model (NIEM). DHS requires all grantees to use the latest NIEM specifications and guidelines regarding the use of Extensible Markup Language (XML) for all EOC Grant Program awards. Further information about the required use of NIEM specifications and guidelines is available at <http://www.niem.gov>.

9.2 -- Geospatial guidance. Geospatial technologies capture, store, analyze, transmit, and/or display location-based information (i.e., information that can be linked to a latitude and longitude). DHS encourages grantees to align any geospatial activities with the guidance available on the FEMA website at <http://www.fema.gov/government/grant/index.shtm>.

9.3 -- 28 CFR Part 23 guidance. DHS requires that any information technology system funded or supported by EOC Grant Program funds comply with 28 CFR Part 23, Criminal Intelligence Systems Operating Policies, if this regulation is determined to be applicable.

10. Administrative Requirements.

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

10.2 -- Protected Critical Infrastructure Information (PCII). The PCII Program, established pursuant to the Critical Infrastructure Information Act of 2002 (CII Act), created a new framework, which enables State and local jurisdictions and members of the private sector voluntarily to submit sensitive information regarding critical infrastructure to DHS. The Act also provides statutory protection for voluntarily shared CII from public disclosure and civil litigation. If validated as PCII, these documents can only be shared with authorized users who agree to safeguard the information.

PCII accreditation is formal recognition that the covered government entity has the capacity and capability to receive and store PCII. DHS encourages all SAAs to pursue PCII accreditation to cover their State government and attending local government agencies. Accreditation activities include signing a MOA with DHS, appointing a PCII Officer, and implementing a self-inspection program. For additional information about PCII or the accreditation process, please contact the DHS PCII Program Office at pcii-info@dhs.gov.

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

- *Title VI of the Civil Rights Act of 1964, as amended, 42. U.S.C. 2000 et seq.* – no person on the grounds of race, color or national origin will be excluded from participation in, be denied the benefits of, or be otherwise subjected to

discrimination in any program or activity receiving Federal financial assistance.

- *Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794* – no qualified individual with a disability in the United States, shall, by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity receiving Federal financial assistance.
- *Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq.* – discrimination on the basis of sex is eliminated in any education program or activity receiving Federal financial assistance.
- *The Age Discrimination Act of 1975, as amended, 20 U.S.C. 6101 et seq.* – no person in the United States shall be, on the basis of age, excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.

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

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

10.5 -- Integrating individuals with disabilities into emergency planning. Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against people with disabilities in all aspects of emergency mitigation, planning, response, and recovery by entities receiving financial assistance from DHS. In addition, Executive Order #13347, entitled "Individuals with Disabilities in Emergency Preparedness" signed in July 2004, requires the Federal government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods,

hurricanes, and acts of terrorism. Executive Order #13347 requires the Federal Government to, among other things, encourage consideration of the needs of individuals with disabilities served by State, local, and tribal governments in emergency preparedness planning.

DHS has several resources available to assist emergency managers in planning and response efforts related to people with disabilities and to ensure compliance with Federal civil rights laws:

- **Guidelines for Accommodating Individuals with Disabilities in Disaster:** The Guidelines synthesize the array of existing accessibility requirements into a user friendly tool for use by response and recovery personnel in the field. The Guidelines are available at <http://www.fema.gov/oer/reference/>.
- **Disability and Emergency Preparedness Resource Center:** A web-based “Resource Center” that includes dozens of technical assistance materials to assist emergency managers in planning and response efforts related to people with disabilities. The “Resource Center” is available at <http://www.disabilitypreparedness.gov>.
- *Lessons Learned Information Sharing (LLIS)* resource page on **Emergency Planning for Persons with Disabilities and Special Needs:** A true one-stop resource shop for planners at all levels of government, non-governmental organizations, and private sector entities, the resource page provides more than 250 documents, including lessons learned, plans, procedures, policies, and guidance, on how to include citizens with disabilities and other special needs in all phases of the emergency management cycle.

LLIS.gov is available to emergency response providers and homeland security officials from the local, State, and federal levels. To access the resource page, log onto <http://www.LLIS.gov> and click on *Emergency Planning for Persons with Disabilities and Special Needs* under *Featured Topics*. If you meet the eligibility requirements for accessing Lessons Learned Information Sharing, you can request membership by registering online.

10.6 -- Compliance with the National Energy Conservation Policy and Energy Policy Acts. In accordance with sections 528 and 530 of the Consolidated Appropriations Act of 2008 (P.L. 110-161), all FY 2008 grant funds must comply with the following two requirements:

- None of the funds made available shall this program shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order #13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of

title I of the Energy Policy Act of 2005 (including the amendments made thereby).

- None of the funds made available shall be used in contravention of section 303 of the Energy Policy Act of 1992 (42 USC13212).

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

The grantee shall provide any information requested by FEMA to ensure compliance with applicable Federal EHP requirements. Any project with the potential to impact EHP resources (see Section E.8) cannot be initiated until FEMA has completed its review. Grantees may be required to provide detailed information about the project, including the following: location (street address or map coordinates); description of the project including any associated ground disturbance work, extent of modification of existing structures, construction equipment to be used, staging areas, access roads, etc; year the existing facility was built; natural, biological, and/or cultural resources present in the project vicinity; visual documentation such as site and facility photographs, project plans, maps, etc; and possible project alternatives.

For certain types of projects, FEMA must consult with other Federal and State agencies responsible for the protection and management of natural and cultural resources, such as the U.S. Fish and Wildlife Service and State Historic Preservation Offices.

Because of the potential for significant adverse effects to EHP resources or public controversy, some projects may require an additional assessment or report, such as an Environmental Assessment, Biological Assessment, archaeological survey, cultural resources report, wetlands delineation, or other document, as well as a public comment period. Grantees are responsible for the preparation of such documents, as well as for the implementation of any treatment or mitigation measures identified during the EHP review that are required to address potential adverse impacts. Grantees may use EOC Grant Program funds toward the costs of preparing such documents and/or implementing treatment or mitigation measures. Failure of the grantee to meet Federal, State, and local EHP requirements, obtain applicable permits, and

comply with any conditions that may be placed on the project as the result of FEMA's EHP review may jeopardize Federal funding.

For more information on FEMA's EHP requirements, SAAs should refer to FEMA's Information Bulletin #271, *Environmental Planning and Historic Preservation Requirements for Grants* and work with their assigned Program Analyst who will coordinate with the appropriate FEMA Regional Environmental Officer.

10.8 – Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121-5206, and Related Authorities. Awards of funding under this program are subject to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended. Specifically, 42 U.S.C. 5196, Subtitle A, Powers and Duties, Section 611, Detailed Functions of Administration, Subsection (j)(9), Financial Contributions. Furthermore, Title II of the Implementing Recommendations of the 9/11 Commission Act amended section 614 of the Stafford Act as follows:

“Section 614, Grants for Construction of Emergency Operations Centers.”

“(a) Grants- The Administrator of the Federal Emergency Management Agency may make grants to States under this title for equipping, upgrading, and constructing State and local emergency operations centers.”

“(b) Federal Share- Notwithstanding any other provision of this title, the Federal share of the cost of an activity carried out using amounts from grants made under this section shall not exceed 75 percent.”

APPENDIX C. AWARD AND REPORTING REQUIREMENTS

Prior to the transition to FEMA, the former Office of Grants and Training preparedness programs followed the Department of Justice's codified regulations, 28 CFR and the OGO Financial Management Guide. The former Office of Grants and Training is now within FEMA and all preparedness programs will follow FEMA's codified regulations, 44 CFR.

A. Grant Award and Obligation of Funds

Upon approval of an application, the grant will be awarded to the grant recipient. The date that this is done is the “award date.”

Obligations are a legal liability to pay, under a grant, subgrant, or contract, determinable sums for services or goods incurred during the grant period. This includes, but is not limited to, amounts of orders placed, contracts and subgrants awarded, goods and services received, and similar transactions during a given period that will require payment by the grantee during the same or a future period.

Awards made to SAAs under this program carry additional pass-through requirements. Pass-through is defined as an obligation on the part of the States to make funds available to units of local governments, combinations of local units, or other specific groups or organizations. The State's pass-through period must be met within **15** days of the award date for the EOC Grant Program. Four requirements must be met to pass-through grant funds:

- There must be some action to establish a firm commitment on the part of the awarding entity.
- The action must be unconditional (i.e., no contingencies for availability of SAA funds) on the part of the awarding entity.
- There must be documentary evidence of the commitment.
- The award terms must be communicated to the official grantee.

The period of performance is 36 months. Any unobligated funds will be deobligated at the end of this period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required.

B. Post Award Instructions

The following is provided as a guide for the administration of an award. Additional details and requirements may be provided to the grantee in conjunction with finalizing an award.

1. Review award and special conditions document. Notification of award approval is made by e-mail through the Grants Management System (GMS). Once an award has been approved, a notice is sent to the e-mail address of the individual who filed the application, as well as to the authorized grantee official. Follow the directions in the notification e-mail and log into GMS to access the award documents. The authorized grantee official should carefully read the award and special condition documents. If you do not receive a notification e-mail, please contact your EOC Grant Program's Program Analyst for your award number. Once you have the award number, contact the GMS Help Desk at (888) 549-9901, option 3 to obtain the username and password associated with the new award.

If you agree with the terms and conditions, the authorized grantee official should sign and date both the original and the copy of the award document page in Block 19 and initial the special conditions page(s). Retain a copy and fax the documents to (202) 786-9905 Attention: Control Desk or send the original signed documents to:

**U.S. Department of Homeland Security/FEMA
Grant Programs Directorate/Control Desk 4th Floor, TechWorld
500 C St SW
Washington, DC 20472**

If you do not agree with the terms and conditions, contact the FEMA EOC Grant Program's Program Analyst named in the award package.

2. Complete and return form SF1199A . The SF1199A Direct Deposit Sign-up Form is used to set up direct deposit for grant payments. The SF1199A form can be found at: <http://www.fema.gov/government/grant/administration.shtm>. This form should be sent to the address above.

NOTE: Please include your vendor number in Box C of the SF1199A form.

3. Access to payment systems. Grantees under this solicitation will use FEMA's online Payment and Reporting System (PARS) to request funds. The website to access PARS is <https://isource.fema.gov/sf269/execute/Login?sawContentMessage=true>. Questions regarding payments or how to access PARS should be directed to the FEMA Call Center at (866) 927-5646 or sent via e-mail to ask-OGO@dhs.gov.

4. Reporting requirements. Reporting requirements must be met throughout the life of the grant (refer to the program guidance and the special conditions found in the award package for a full explanation of these requirements). Please note that PARS

contains edits that will prevent access to funds if reporting requirements are not met on a timely basis.

5. Questions about your award? A reference sheet is provided containing frequently asked financial questions and answers. Financial management questions regarding your award should be directed to the FEMA Call Center at (866) 927-5646 or sent via e-mail to ask-OGO@dhs.gov.

Note: If you have any questions about GMS, need to establish a GMS account, or require technical assistance with accessing your award, please contact the GMS Help Desk at (888) 549-9901.

C. Drawdown and Expenditure of Funds

Following acceptance of the grant award and release of any special conditions withholding funds, the grantee can drawdown and expend grant funds through PARS.

Grant recipients should request funds based upon immediate disbursement requirements. Funds will not be paid in a lump sum, but rather disbursed over time as project costs are incurred or anticipated. Recipients should time their drawdown requests to ensure that Federal cash on hand is the minimum needed for disbursements to be made immediately or within a few days. Grantees may elect to draw down funds up to 120 days prior to expenditure/ disbursement. FEMA strongly encourages recipients to draw down funds as close to expenditure as possible to avoid accruing interest.

Funds received by grantees must be placed in an interest-bearing account and are subject to the rules outlined in 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements (Including Sub-awards) with Institutions of Higher Education, Hospitals and other Non-profit Organizations (formerly OMB Circular A-110). These regulations further provide that entities are required to promptly, but at least quarterly, remit interest earned on advances to:

**United States Department of Health and Human Services
Division of Payment Management Services
P.O. Box 6021
Rockville, MD 20852**

The grantee may keep interest earned, up to \$100 per fiscal year for administrative expenses. This maximum limit is not per award; it is inclusive of all interest earned on all Federal grant program funds received.

Although advance drawdown requests are permissible, State grantees remain subject to the interest requirements of the Cash Management Improvement Act (CMIA) and its implementing regulations at 31 CFR Part 205. Interest under CMIA will accrue from the

time Federal funds are credited to a State account until the time the State pays out the funds for program purposes.

D. Reporting Requirements

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

FSRs **must be filed online** through the PARS.

Required submission: Financial Status Report (FSR) SF-269a (due quarterly).

2. Biannual Strategy Implementation Reports (BSIR) and Categorical Assistance Progress Report (CAPR). Following an award, the grantee will be responsible for providing updated obligation and expenditure information on a semi-annual basis. The applicable SAAs are responsible for completing and submitting the CAPR/BSIR reports. The BSIR submission will satisfy the narrative requirement of the CAPR. SAAs are still required to submit a CAPR with a statement in the narrative field that states: “See BSIR.”

The BSIR and the CAPR are due within 30 days after the end of the reporting period (July 30 for the reporting period of January 1 through June 30; and January 30 for the reporting period of July 1 through December 31). Updated obligations and expenditure information must be provided with the BSIR to show progress made toward meeting strategic goals and objectives. Future awards and fund drawdowns may be withheld if these reports are delinquent.

CAPRs must be filed online through the internet at <http://grants.ojp.usdoj.gov>. Guidance and instructions for completing the CAPR can be found at <https://grants.ojp.usdoj.gov/qmsHelp/index.html>.

3. Exercise Evaluation and Improvement. Exercises implemented with grant funds should be threat- and performance- based and should evaluate performance of critical prevention and response tasks required to respond to the exercise scenario. Guidance on conducting exercise evaluations and implementing improvement is defined in the *Homeland Security Exercise and Evaluation Program (HSEEP) Volume II: Exercise Evaluation and Improvement* located at <http://hseep.dhs.gov>. Grant recipients must report on scheduled exercises and ensure that an After Action Report (AAR) and Improvement Plan (IP) are prepared for each exercise conducted with FEMA support (grant funds or direct support) and submitted to FEMA within 60 days following completion of the exercise.

The AAR documents the performance of exercise related tasks and makes recommendations for improvements. The IP outlines the actions that the exercising jurisdiction(s) plans to take to address recommendations contained in the AAR. Generally the IP, with at least initial action steps, should be included in the final AAR. FEMA is establishing a national database to facilitate the scheduling of exercises, the submission of the AAR/IPs and the tracking of IP implementation. Guidance on the development of AARs and IPs is provided in Volume II of the HSEEP manuals.

Required submissions: AARs and IPs (as applicable).

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

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

5. Federal Funding Accountability and Transparency Act. While there are no State and Urban Area requirements in FY 2008, the Federal Funding Accountability and Transparency Act of 2006 may affect State and Urban Area reporting requirements in future years. The Act requires the Federal government to create a publicly searchable online database of Federal grant recipients by January 1, 2008 with an expansion to include sub-grantee information by January 1, 2009.

6. National Preparedness Reporting Compliance. The Government Performance and Results Act (GPRA) requires that the Department collect and report performance information on all programs. For grant programs, the prioritized Investment Justifications and their associated milestones provide an important tool for assessing grant performance and complying with these national preparedness reporting requirements. FEMA will work with grantees to develop tools and processes to support this requirement. DHS anticipates using this information to inform future-year grant program funding decisions.

E. Monitoring

Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets and other related program criteria are being met. Monitoring will be accomplished through a combination of office-based reviews and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative activities relative to each program and will identify areas where technical assistance and other support may be needed.

The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

F. Grant Close-Out Process

Within 90 days after the end of the award period, SAAs must submit a final FSR and final CAPR detailing all accomplishments throughout the project. After these reports have been reviewed and approved by FEMA, a Grant Adjustment Notice (GAN) will be completed to close out the grant. The GAN will indicate the project as being closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for three years from the date of the final FSR. After the financial information is received and approved by GPD, the grant will be identified as "Closed by the Grant Programs Directorate."

Required submissions: (1) final SF-269a, due 90 days from end of grant period; and (2) final CAPR, due 90 days from the end of the grant period.

Appendix D. Additional Resources

This Appendix describes several resources that may help applicants in completing the FY 2008 EOC Grant Program grant application.

1. Centralized Scheduling & Information Desk (CSID) Help Line. The CSID is a non-emergency resource for use by emergency responders across the nation. CSID is a comprehensive coordination, management, information, and scheduling tool developed by DHS through FEMA for homeland security terrorism preparedness activities. The CSID provides general information on all FEMA preparedness grant programs and information on the characteristics of CBRNE, agro-terrorism, defensive equipment, mitigation techniques, and available Federal assets and resources.

The CSID maintains a comprehensive database containing key personnel contact information for homeland security terrorism preparedness programs and events. These contacts include personnel at the Federal, State and local levels. The CSID can be contacted at (800) 368-6498 or askcsid@dhs.gov. CSID hours of operation are from 8:00 am–6:00 pm (EST), Monday-Friday.

2. Grant Programs Directorate (GPD). FEMA GPD will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation.

For financial and administrative guidance, all State and local government grant recipients should refer to 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Institutions of higher education, hospitals, and other non-profit organizations should refer to 2 CFR Part 215 for the applicable uniform administrative requirements.

Additional guidance and information can be obtained by contacting the FEMA Call Center at (866) 927-5646 or via e-mail to ask-OGO@dhs.gov.

3. GSA's Cooperative Purchasing Program. The U.S. General Services Administration (GSA) offers two efficient and effective procurement programs for State and local governments to purchase products and services to fulfill homeland security and other technology needs. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term, indefinite delivery, indefinite quantity, government-wide contracts with commercial firms of all sizes.

- Cooperative Purchasing Program
Section 211 of the E-Government Act of 2002, authorized GSA sales of Schedule 70 IT products and services to State and Local Governments through the introduction of Cooperative Purchasing. The Cooperative Purchasing program allows State and local

governments to purchase from Schedule 70 (the Information Technology Schedule) and the Consolidated Schedule (containing IT Special Item Numbers) **only**. Cooperative Purchasing is authorized by Federal law and was enacted when Section 211 of the E-Government Act of 2002 amended the Federal Property and Administrative Services Act.

Under this program, State and local governments have access to over 3,500 GSA Schedule contractors who have voluntarily modified their contracts to participate in the Cooperative Purchasing program. The U.S. General Services Administration provides a definition of State and local governments as well as other vital information under the frequently asked questions section on its website at <http://www.gsa.gov/cooperativepurchasing>.

- **Disaster Recovery Purchasing Program**

GSA plays a critical role in providing disaster recovery products and services to Federal agencies. Now State and Local Governments can also benefit from the speed and savings of the GSA Federal Supply Schedules. Section 833 of the John Warner National Defense Authorization Act for Fiscal Year 2007(Public Law 109-364) amends 40 U.S.C. 502 to authorize the GSA to provide State and Local governments the use of ALL Federal Supply Schedules of the GSA for purchase of products and services to be used to *facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or to facilitate **recovery** from terrorism or nuclear, biological, chemical, or radiological attack.*

In the aftermath of emergency events, State or local governments' systems may be disrupted. Thus, use of Federal Supply schedule contracts prior to these events to acquire products or services to be used to facilitate recovery is authorized. State or local governments will be responsible for ensuring that purchased products or services are to be used to facilitate recovery.

GSA provides additional information on the Disaster Recovery Purchasing Program website at <http://www.gsa.gov/disasterrecovery>.

State and local governments can find a list of eligible contractors on GSA's website, <http://www.gsaelibrary.gsa.gov>, denoted with a **COOP PURCH** or **DISAST RECOV** symbol.

Assistance is available from GSA on the Cooperative Purchasing and Disaster Purchasing Program at the local and national levels. For assistance at the local level, visit <http://www.gsa.gov> to find the point of contact in your area. For assistance at the national level, contact Tricia Reed at patricia.reed@gsa.gov, (571) 259-9921. More information is available at <http://www.gsa.gov/cooperativepurchasing> and <http://www.gsa.gov/disasterrecovery>.

5. Homeland Security Preparedness Technical Assistance Program. The Homeland Security Preparedness Technical Assistance Program (HSPTAP) provides technical assistance on a first-come, first-served basis (and subject to the availability of funding) to eligible organizations to enhance their capacity and preparedness to

respond to CBRNE terrorist incidents. In addition to the risk assessment assistance already being provided, FEMA also offers a variety of other technical assistance programs.

More information can be found at <http://www.fema.gov/government/grant/index.shtm>.

6. Lessons Learned Information Sharing (LLIS) System. LLIS is a national, online, secure website that houses a collection of peer-validated lessons learned, best practices, AARs from exercises and actual incidents, and other relevant homeland security documents. LLIS facilitates improved preparedness nationwide by providing response professionals with access to a wealth of validated front-line expertise on effective planning, training, equipping, and operational practices for homeland security.

The LLIS website also includes a national directory of responders and homeland security officials, as well as an updated list of homeland security exercises, events, and conferences. Additionally, LLIS includes online collaboration tools, including secure e-mail and message boards, where users can exchange information. LLIS uses strong encryption and active site monitoring to protect all information housed on the system. The LLIS website is <https://www.llis.gov>.

7. Information Sharing Systems. DHS encourages all State, regional, local, and Tribal entities using EOC Grant Program funding in support of information sharing and intelligence fusion and analysis centers to leverage available Federal information sharing systems, including Law Enforcement Online (LEO) and the Homeland Security Information Network (HSIN). For additional information on LEO, contact the LEO Program Office at leoprogramoffice@leo.gov or (202) 324-8833. For additional information on HSIN and available technical assistance, contact the HSIN Help Desk at (703) 674-3003.