



U.S. DEPARTMENT OF HOMELAND SECURITY

FISCAL YEAR 2011

**COOPERATING TECHNICAL PARTNERS (CTP)
PROGRAM**

GUIDANCE AND APPLICATION KIT

AUGUST 2011



U.S. DEPARTMENT OF HOMELAND SECURITY

Title of Opportunity: Cooperating Technical Partners Program

Funding Opportunity Number:

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Region 6 – DHS-11-MT-045-006-99

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PART I.

FUNDING OPPORTUNITY DESCRIPTION

The purpose of the Cooperating Technical Partners (CTP) Program is to provide, through a Cooperative Agreement, funds to ensure that a CTP can perform program management and technical mapping-related activities. The activities identified in Tables 2 and 3 are those that are eligible for funding from FEMA under the CTP Program.

There are several beneficial reasons for partnering with States (including Universities), Tribal Nations, regional, and local government organizations to produce Digital Flood Insurance Rate Maps (DFIRMs) under the National Flood Insurance Program (NFIP):

- The data used for local permitting and planning will also be used as the basis for the DFIRMs, facilitating more efficient floodplain management.
- The CTP Program provides the opportunity to interject a tailored, local focus into a national program; thus, where unique conditions may exist, the special approaches to flood hazard identification that may be necessary can be taken.
- The partnership mechanism provides the opportunity to pool resources and extend the productivity of limited public funds.
- The partners' participation in the CTP Program earns Community Rating System (CRS) credits, which may lead to discounted flood insurance premiums for property owners. (Additional information on the CRS, including the points needed for each CRS class and the associated premium discount, is available on the FEMA web site at <http://www.fema.gov/business/nfip/crs.shtm>.)

In support of the CTP Program, FEMA has committed to do the following:

- Recognize the contributions made by FEMA's State (including Universities), Tribal Nation, regional and local governmental organizations by providing timely and accurate flood hazard information.
- Maximize the use of partner contributions as a means of leveraging limited public funds to the fullest extent while maintaining essential NFIP standards.
- Provide training and technical assistance to the partners when appropriate.
- Facilitate mentoring to increase capability for both existing and potential partners.

Funding priorities include:

- Program Management Activity
- Technical Mapping Activities
- Program Support Activities

PART II.

AWARD INFORMATION

Authorizing Statutes

Housing and Urban Development Act of 1968, also known as the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4101; the Housing and Urban Development Act of 1969; the Flood Disaster Protection Act of 1973, as amended; and the National Flood Insurance Reform Act of 1994.

Department of Defense and Full Year Continuing Appropriations Act, 2011 (Public Law 112-10, Section 2, Division B, Title VI Homeland Security).

Period of Performance

The period of performance of this cooperative agreement will be set by the FEMA Regional Office and begins on the Project Period/Budget Period start date listed in the award package. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications as to why an extension is required.

Available Funding

In FY 2011, the total amount of funds available under this cooperative agreement will be at least \$65,000,000. Funds will be allocated based on FEMA's priority of mapping and program needs and associated policies, the availability of FEMA funds for mapping and other activities, the amount of cost share provided by the CTP, and the demonstrated ability by the CTP to perform the activities. If FEMA funds are provided, the CTP will receive funds through a cooperative agreement. Because FEMA's budget varies annually, the amount of funding for CTP Program-related activities will vary accordingly. Each FEMA Regional Office will determine how much of its annual mapping budget, which will usually consist of no year appropriated funding, will be allocated to management and mapping activities under the CTP Program. FEMA Headquarters (HQ) will determine the amount of funding available for HQ funded activities.

Typically, the funding for CTP Program-related flood map projects is allocated through one cooperative agreement once the Mapping Activity Statement (MAS) is signed. However, for large or complex projects, extensive planning may be necessary before the MAS can be developed. For such projects, the cooperative agreement may be processed in a phased approach. Use of the phased approach will alleviate the need for extensions of performance periods and project revisions and improve overall efficiency through the development of a thorough project scope. Once the signed MAS is in place, the remaining funding required for completing the project may be provided by the FEMA Regional Office. This phased approach does not in any way guarantee future funding to a CTP as funding availability will be reassessed for each fiscal year.

The MAS will be developed by the FEMA Regional Office and the CTP in accordance with annual priorities.

A. Cost Sharing

Though there is not a financial matching requirement under the CTP Program except as potentially defined by appropriations language, the potential partner should demonstrate its ability to leverage funding received from FEMA. CTPs that offer significant funding matches will be given priority by FEMA in allocating funding. Unless defined in appropriations language, any matching funds, required or not, can be in the form of in-kind contributions and/or contributions of specified technical mapping activities or data. Specifically, in-kind contributions should be in the form of direct partner effort associated with completing the scope of the MAS and not program management activities as these are usually funded under the CTP Program Management activity already. Equipment is not an eligible form of matching funds. To determine the value of partner contributions use FEMA's publication, *Estimating the Value of Partner Contributions to Flood Mapping Projects "Blue Book"*, which is located in FEMA's library at http://www.fema.gov/plan/prevent/fhm/ctp_info.shtm#4. For those efforts where there is no blue book value or unit cost provided, for example risk assessment depth grids, actual costs may be used.

FEMA administers cost sharing requirements in accordance with 44 CFR §13.24. To meet matching requirements, the grantee contributions must be reasonable, allowable, allocable and necessary under the grant program and must comply with all Federal requirements and regulations.

PART III.

ELIGIBILITY INFORMATION

A. Eligible Applicants

States (including Universities), federally recognized Tribal Nations, regional, and local government organizations are eligible to apply for FY 2011 funds. Additionally, FEMA HQ-approved non-profit associations are eligible to apply for FY 2011 funds.

Additional Information

CTP partnerships are established based on the following criteria:

- The potential partner must have existing processes and/or systems in place to support mapping or data collection activities that contribute to flood hazard identification. Non-Federal funding must support these processes and/or systems.
- The potential partner must have the demonstrated capability and capacity to perform, implement, or contract the activities for which it is applying. This demonstrated ability may be indicated through (but not limited to) a FEMA Regional Office review of both the map products previously prepared by the partner and the existing processes or systems the partner intends to use for program-related activities.
- The potential partner must have the ability to achieve the CTP Program performance metrics and must provide timely and accurate reports to FEMA documenting performance and achievements.
- The potential partner must perform work in the Mapping Information Platform (MIP) and update the activities within the MIP every 30 days in the Studies workflow and more frequently within the Revisions Workflow. Where the activities are not within MIP workflow, partners are expected to set cost and performance schedules with the FEMA Regional Office.
- The potential partner must be able to meet performance metrics as defined in Part VI, C, 2.
- The potential partner must be a community or Tribal Nation that participates in the NFIP and is in good standing in the program as determined by the FEMA Regional Office, or be a State (including Universities) or regional agency that serves communities or Tribal Nations that participate in the NFIP and are considered to be in good standing. In lieu of being a Tribal Nation, State or regional agency, or community, the potential partner may be a FEMA Headquarters approved national non-profit association whose mission nationally supports the NFIP.
- For eligibility criteria for non-profit associations, see Part VIII, A, 4 of this document.

The CTP Program provides resources that enable State (including Universities), Tribal Nations, regional and local government organizations, and non-profit organizations to support and sustain themselves against future events (natural hazards).

B. Restrictions

For Restrictions, see Part IV, E.

C. Other

The recipient of a cooperative agreement must have in-house staff capabilities in the appropriate area for the activity approved in the award. If the work for any portion of an activity is contracted, the recipient of the award must have in-house staff with the technical capability to monitor the contractor(s) and approve the product(s) developed by the contractor(s). For the purpose of these awards: “Capability” means demonstrated experience in the performance of, or management through contracting of similar activities.

Recipients are required to comply with certain performance requirements as stated in Part VI, C, 2 of this document. Should a recipient have a history of poor performance, FEMA HQ or the Regional Office responsible for the award has the discretion to not provide future funding to the recipient until resolution of the performance issues. The responsible FEMA office must document poor performance and resolutions through Corrective Action Plans.

National Incident Management System Implementation Compliance

In accordance with Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the adoption of the National Incident Management System (NIMS) is a requirement to receive Federal assistance, through grants, contracts, and other activities. The NIMS provides a consistent nationwide template to enable all levels of government, tribal nations, nongovernmental organizations, and private sector partners to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity.

Federal FY 2011 NIMS implementation must be considered prior to allocation of any Federal awards in FY 2011. The primary grantee/administrator of FY 2011 CTP award funds is responsible for determining if sub-awardees have demonstrated sufficient progress in NIMS implementation to disburse awards.

PART IV.
APPLICATION AND SUBMISSION
INFORMATION

A. Address to Request Application Package

FEMA makes all funding opportunities available through the common electronic “storefront” Grants.gov accessible on the Internet at <http://www.grants.gov>. If you experience difficulties accessing information or have any questions please call the Grants.gov customer support hotline at (800) 518-4726.

Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>, select “Apply for Grants,” and then select “Download Application Package.” Enter the CFDA and/or the funding opportunity number located on page 2 of this announcement. Select “Download Application Package,” and then follow the prompts to download the application package. To download the instructions, go to “Download Application Package” and select “Instructions.”

B. Content and Form of Application

- 1. Application via www.grants.gov.** All applicants must file their applications using the Administration’s common electronic “storefront” - www.grants.gov. Eligible grantees must apply for funding through this portal, accessible on the Internet at www.grants.gov.

The application must be started and submitted using www.grants.gov after Central Contractor Registration (CCR) is confirmed. The on-line application includes the following required forms and submissions:

- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information (Non-construction)
- Standard Form 424B, Standard Assurances (Non-construction)
- Standard Form LLL, Disclosure of Lobbying Activities (if the grantee has engaged or intends to engage in lobbying activities)
- Grants.gov (GG) Lobbying Form, Certification Regarding Lobbying
- FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- Project Narrative and the Budget Justification

The program title listed in the CFDA is “Cooperating Technical Partners.” The CFDA number is **97.045**.

2. **Dun and Bradstreet Data Universal Numbering System (DUNS) number.** The applicant must provide a DUNS number with their application. This number is a required field within www.grants.gov and for CCR. Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one, as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at (866) 705-5711.
3. **Central Contractor Registration (CCR).** The application process also involves an updated and current CCR by the applicant, which must be confirmed at <http://www.ccr.gov>.

4. **Program Specific Narrative or Workplan**

FEMA and its CTP will administer activities under the CTP Program through close and frequent coordination. There are three formal agreements and standard forms involved:

- Agreements
 - Partnership Agreement
 - Mapping Activity Statements (MAS)
 - Flood Study MAS
 - Program Management MAS
 - Letter of Map Revision (LOMR) MAS
 - Non-profit Association scope of work statements
 - Cooperative agreement
- Required standard forms
 - Federal Financial Report (FFR) - SF-425
 - Forms located on Grants.gov

Each CTP will enter into a Partnership Agreement with the appropriate FEMA Regional Office. The Partnership Agreement is a broad statement of principle, emphasizing the value of the NFIP’s three components of insurance, floodplain management, and mapping. The Partnership Agreement need only be signed once, but an updated agreement can be signed between the CTP and the FEMA Regional Office should this be needed.

The Partnership Agreement recognizes the fundamental importance of flood hazard identification in the successful reduction of future flood losses and the CTP commitment to the effort. The Partnership Agreement is a prerequisite to any further activities under the CTP Program. The Partnership Agreement template may be viewed or downloaded from the FEMA web site at http://www.fema.gov/plan/prevent/fhm/ctp_info.shtm.

The MAS is used as a supplement to the Partnership Agreement and defines the activities that will be accomplished, the entity responsible for them, how the activities will be funded, and the nature of the working relationship between FEMA and its CTP. An example of the national MAS templates may be viewed or downloaded from the

FEMA web site at http://www.fema.gov/plan/prevent/fhm/ctp_info.shtm. The CTP must work directly with their FEMA Regional Office when developing a MAS and must ensure that any regional modifications to the national template are used.

For non-profit associations, a scope of work statement is required. There is not a specific format for this statement but it must include the proposed activities with scope and cost included; the cost and schedule performance baselines; and a statement of benefit to FEMA and its programs. Refer to Part VIII, A, 4 of this document for more information on non-profit associations.

Required standard forms should be completely filled out and submitted through Grants.gov with the appropriate document(s) and cooperative agreement.

CTP Lifecycle

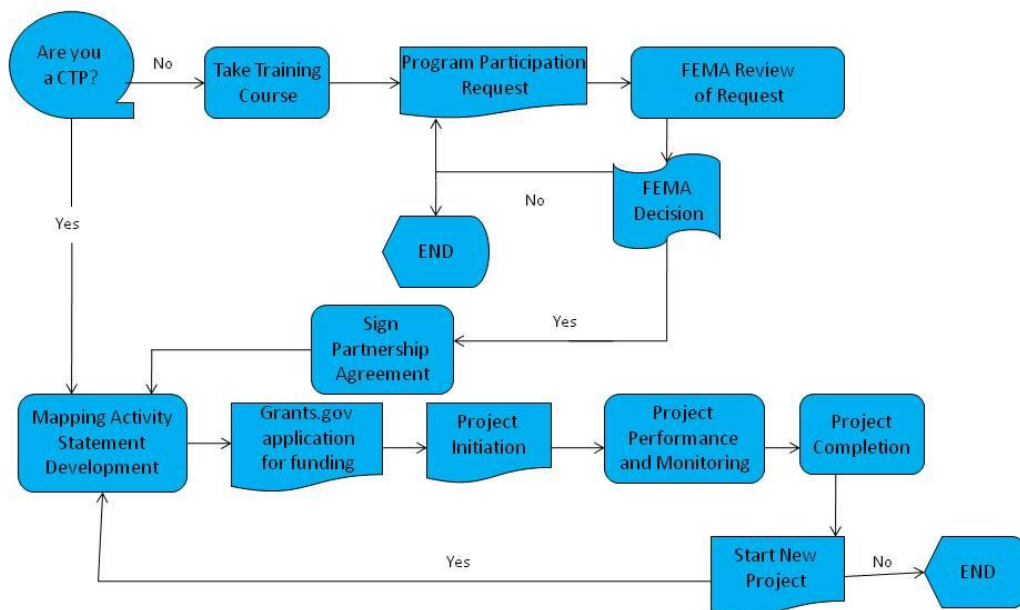


Figure 2-1. Potential CTP Partner Lifecycle.

Figure 2-1 defines the process that new potential partners must go through in order to be considered for any activity for eligibility within the CTP Program. FEMA periodically offers training courses for new and existing CTPs and participation in at least one of these training courses is the first step to becoming a CTP. Interested parties should contact their FEMA Regional Office for training dates.

Additionally, FEMA Regional Offices can provide new training to potential partners in order to inform them about the CTP Program and any regional specific issues. Once training has been received, the potential partner must request approval to participate

from the FEMA Regional Office. This request should outline the capabilities of the potential partner; the benefit to FEMA, the potential partner, and various stakeholders; the activities the potential partner wishes to perform; and the available cost share. While a cost share is not required (except as potentially defined by appropriations language), prioritization will be given to those partners who can demonstrate future cost share as defined in Part III, B of this document. The FEMA Regional Office will review the submitted participation request and determine whether or not to go forward with the partnership. Requests will be reviewed based on potential partner capability, capacity, and experience with earned value management systems and well as experience with performing and/or managing the specific activities that are within the request. For more information on creating a participation request please refer to the Appendix titled, *CTP Program Participation Request Aid*.

If the request is denied, the potential partner may resubmit the request once improvements are made. If the request is approved, the CTP and the FEMA Regional Office will sign the Partnership Agreement and may ultimately sign a MAS. Each project documented in a MAS will be monitored and the FEMA Regional Office will determine whether or not future awards will be made. New CTP may see a gradual increase in work over time depending on the application that was submitted, capabilities and past performance.

The LOMR MAS (previously known as the LOMC MAS) agreement is a version of the MAS that allows a CTP to be delegated the responsibility for LOMR processing for the partner's jurisdiction (generally referred to a LOMR Delegation). This only includes LOMRs and Conditional Letters of Map Revision (CLOMRs). While the LOMR Delegation project is still under development for national use and is still being referred to as a pilot project, FEMA may consider expanding the project further. See Part VIII, A, 3 of this document for further information.

C. Submission Dates and Times

CTP wishing to enter into a MAS must always work with their respective FEMA Regional or HQ office to develop the MAS and to ensure that any regionally customized MAS templates are utilized. Applicants should refer to the appropriate CFDA notice and Grants.gov for submission dates and work with FEMA closely.

D. Intergovernmental 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 Single Point of Contact (SPOC), if one exists, and if this grant 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>. The names and addresses of the SPOCs are listed on OMB's home page available at: http://www.whitehouse.gov/omb/grants_spoc.

E. Funding Restrictions

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

Pre-award costs are allowable only with the written consent of FEMA HQ and they must be expressly included in the award agreement.

Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this program. Federal employees may not receive funds under this award.

Allowable costs are determined by reference to the applicable Office of Management and Budget regulations: 2 CFR Part 225, Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87); 2 CFR Part 230, Cost Principles for Nonprofit Organizations (OMB Circular A-122); or 2 CFR Part 220, Cost Principles for Education Institutions (OMB Circular A-21). Generally, allowable costs include salaries, equipment, supplies, travel, and training, as long as these are “necessary and reasonable.”

F. Other Submission Requirements

CTP recipients of awards may use contractors for FEMA-funded activities, but must comply with the requirements listed in 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. 44 CFR 13.36 provides the procurement standards that must be followed to obtain and manage contractors for mapping-related activities. Guidance provided in this part includes, but is not limited to, contract administration and record keeping, notification requirements, review procedures, competition, methods of procurement, and cost and pricing analysis. 44 CFR Part 13 may be downloaded in PDF or text format from the U.S. Government Printing Office web site at http://www.access.gpo.gov/nara/cfr/waisidx_02/44cfr13_02.html. Additionally, the CTP recipients’ use of contractors must be strictly limited to contractors who do not pose or raise a conflict of interest issue.

If requested by the CTP, FEMA will provide technical assistance to a partner on developing selection criteria for contracted tasks, but the recipient of the awards must follow their contracting policies and procedures as long as they meet the minimum requirement listed under 44 CFR 13.36. All work must meet the requirements as defined by FEMA’s *Guidelines and Specifications for Flood Hazard Mapping Partners*. The Guidelines can be found at http://www.fema.gov/plan/prevent/fhm/gs_main.shtm.

PART V.

APPLICATION REVIEW INFORMATION

A. Review Criteria

Throughout the project and at the end of the period of performance for each MAS or cooperative agreement, FEMA will evaluate the effectiveness of the partnership to determine eligibility for future activities. If FEMA determines that the partnership has proven insufficient to complete the established project or achieve the goals of the partnership, FEMA's funding of the activities may be terminated and/or future funding denied.

FEMA will base its evaluation of the partner's demonstrated performance on the following criteria:

- Continued maintenance of the processes or systems in place to support mapping or data collection activities that contribute to flood hazard identification (e.g., continued data collection for changing flood hazards and related development, continued upgrades to data collection or mapping capabilities to incorporate new technologies, preparation of multiple-year mapping or data collection plans);
- Management and commitment to existing, and continued support of, flood hazard identification and mapping activities and other programs conducted with and by FEMA;
- Adherence to standards for timeliness and completeness of reports and map products submitted to the FEMA Regional Office;
- Adherence to performance metrics;
- Demonstrated quality of product(s) submitted to the FEMA Regional Office; and
- Ability to cooperate and coordinate with the staff of the following organizations during all phases of the activities as needed: the FEMA Regional Office, Risk Analysis Division of the Mitigation Directorate in the FEMA Headquarters Office in Washington, DC, and, designated FEMA contractors.

Upon an evaluation by FEMA, a partner can be classified as "high risk" as defined in 44 CFR 13.12(a). Such a classification must include in future awards, special conditions or restrictions. As defined in 44 CFR 13.12(b), these special conditions or restrictions can include:

- Payment on a reimbursement basis;
- Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given funding period;
- Requiring additional, more detailed financial reports;
- Additional project monitoring;

- Requiring the grantee or subgrantee to obtain technical or management assistance; or
- Establishing additional prior approvals.

Notification of these special conditions or restrictions must be communicated to the grant recipient as outlined in 44 CFR 13.12(c).

Individual CTP activities will be funded based on FEMA's priority of mapping needs, the availability of FEMA funds, the capabilities and past work with CTPs, and the resources contributed by the CTP. FEMA will highly prioritize projects based on CTP contributions to the flood mapping process as described Part III, B of this document. While multiple kinds of contributions are acceptable, those in the form of data or monetary resources will be more highly valued than in-kind contributions such as staff time and management. Specifically, in-kind contributions should be in the form of direct partner effort associated with completing the scope of the MAS and not program management activities as these are usually funded under the CTP Program Management activity already. To determine the value of partner contributions use FEMA's publication, *Estimating the Value of Partner Contributions to Flood Mapping Projects "Blue Book"*, which is located in FEMA's library at http://www.fema.gov/plan/prevent/fhm/ctp_info.shtm#4. For those efforts where there is no blue book value or unit cost provided, for example risk assessment depth grids, actual costs may be used. **It must be noted that funding is not guaranteed to new or existing applicants.**

B. Review and Selection Process

As the CTP and FEMA identify specific tasks to undertake, the MAS or scope of work will be developed to define the project scope, the roles and responsibilities of all CTP and, if applicable, FEMA contractors involved in a particular project. Developing the scope agreements will be a collaborative effort that defines where both the CTP and FEMA will contribute data and units of work to maximize the extent, accuracy, and usability of flood hazard studies and/or activities to best meet Federal, State, Tribal and local needs, while minimizing costs for all parties. The respective FEMA Regional or HQ office will be responsible for selecting projects for grant awards.

Funds will not be made available for obligation, expenditure, or drawdown until the applicant's budget and budget narrative have been approved by FEMA.

The applicant must provide a detailed budget for the funds requested. The detailed budget must be submitted with the grant application as a file attachment within www.grants.gov. The budget must be complete, reasonable, and cost-effective in relation to the proposed project. The budget should provide the basis of computation of all project-related costs, any appropriate narrative, and a detailed justification of Management and Administrative (M&A) costs.

C. Anticipated Announcement and Award Dates

Please consult the appropriate FEMA Regional or HQ office for specific dates.

ART VI.

AWARD ADMINISTRATION INFORMATION

A. Notice of Award

FEMA will provide an award package to the Applicant for successful sub-applications. Sub-applicants will receive notice of award from the applicant. Award packages include an award letter, FEMA Form 76-10A, and Articles of Agreement, which must be signed by the Applicant and returned to FEMA for approval before funds can be obligated.

The period of performance will be set by the FEMA Regional Office and begins on the Project Period/Budget Period start date listed in the award package. Any unobligated funds will be de-obligated at the end of the close-out period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. All extension requests must be submitted to FEMA at least 60 days prior to the end of the period of performance and must address:

- Reason for delay;
- Current status of the activity/activities;
- Approved period of performance termination date and new project completion date;
- Remaining available funds, both Federal and non-Federal;
- Budget outlining how remaining Federal and non-Federal funds will be expended;
- Plan for completion including milestones and timeframe for achieving each milestone and the position/person responsible for implementing the plan for completion; and
- Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA.

B. Administrative and National Policy Requirements

The recipient and any sub-recipient(s) must, in addition to the assurances made as part of the application, comply and require each of its subcontractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders, OMB Circulars, terms and conditions of the award, and the approved application.

1. Standard Financial Requirements. The grantee and any subgrantee(s) shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

1.1 – Administrative Requirements. The administrative requirements that apply to most Department of Homeland Security (DHS) award recipients through a grant or cooperative agreement arise from two sources:

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

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

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

1.3 – Audit Requirements and other Assessments

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

1.4 – Duplication of Benefits. There may not be a duplication of any Federal assistance by governmental entities, per 2 CFR Part 225, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and 48 CFR 31.2.

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

- 2. Payment.** DHS/FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to Recipients. To enroll in the DD/EFT, the Recipient must complete a Standard Form 1199A, Direct Deposit Form, found at <http://www.fms.treas.gov/eft/1199a.pdf>.

FEMA utilizes the Department of Health and Human Services, Division of Payment Management, Payment Management System, SmartLink to transfer funds between FEMA and Grantees.

2.1 – Advance Payment. In accordance with Treasury regulations at 31 CFR Part 205, the Recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds (See 44 CFR Part 13.21(i)) regarding payment of interest earned on advances. In order to request an advance, the Recipient must maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds from DHS and expenditure and disbursement by the Recipient. When these requirements are not met, the Recipient will be required to be on a reimbursement for costs incurred method.

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

4. Technology Requirements.

4.1 – 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). FEMA encourages grantees to align any

geospatial activities with the guidance available on the FEMA website at <http://www.fema.gov/grants>. At this time, FEMA ensures that these requirements are fulfilled through implementation procedures associated with the Technical Mapping Activities.

5. Administrative Requirements.

5.1 – Freedom of Information Act (FOIA). Information submitted in the course of applying for funding under this program or provided in the course of an entity's grant management activities which is under Federal control is subject to the *Freedom of Information Act* (FOIA), 5 U.S.C. §552. The applicant is also encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. Note that some information, though not considered classified, may be protected from release or in how it is released. It is important to understand those laws and regulations that fall into an alternate category of Sensitive But Unclassified (SBU) information.

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

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

requirements of Title IX of the *Education Amendments of 1972* (20 U.S.C. §1681 *et seq.*), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part §19.

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

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes. The grantee is also required to submit information, as required, to the DHS Office for Civil Rights and Civil Liberties concerning its compliance with these laws and their implementing regulations. If you have any additional questions or concerns regarding civil rights compliance, please feel free to contact the Office for Civil Rights and Civil Liberties by telephone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov.

5.3 – Services to Limited English Proficient (LEP) Persons

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

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

- **Lobbying Prohibitions.** None of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement. These lobbying prohibitions can be found at 31 U.S.C. §1352.
- **Drug-Free Workplace Regulations.** All recipients of financial assistance will comply with the requirements of the *Drug-Free Workplace Act of 1988* (412 U.S.C. §701 *et seq.*), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at 44 CFR Part §17.
- **Debarment and Suspension.** Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarment or suspending those persons deemed irresponsible in their dealings with the Federal government. The recipient must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see 2 CFR Part §3000.
- **Federal Debt Status.** The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129, also refer to SF-424, item number 17.)
- **Hotel and Motel Fire Safety Act of 1990.** In accordance with section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, 15 U.S.C. §2225.

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes.

5.5 – Integrating Individuals with Disabilities into Emergency Planning

- **Rehabilitation Act of 1973.** All recipients of financial assistance will comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. §794, as amended, which provides that no otherwise

qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity

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

For additional detailed information, please refer to the following:

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

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

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

5.8 – Protection of Human Subjects. All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part §46, which requires that recipients comply with applicable provisions/law for the

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

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

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

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

pertains to early public review of any plans or proposals for new construction in wetlands. This is codified at 44 CFR Part §9.

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

5.13 – Trafficking Victims Protection Act of 2000. All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. §7104), located at 2 CFR Part §175. This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a sub-recipient —

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

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

5.15 – Activities Conducted Abroad. All recipients of financial assistance will comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities

and that appropriate licenses, permits, or approvals are obtained. All recipients of financial assistance will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

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

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

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

- Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
- Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations *and* other applicable laws or program guidance.
- Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

- If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
- In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

5.19 – Environmental Planning and Historic Preservation Compliance.

FEMA is required to consider the potential impacts to the human and natural environment of projects proposed for FEMA grant funding. FEMA, through its Environmental Planning 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*, the *Clean Water 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 low-income and minority populations. Here, individual mapping actions may be categorically excluded from NEPA review pursuant to 44 C.F.R. § 10.8(d)(2)(iii), and are exempt from compliance with Executive Orders 11988 and 11990 pursuant to 44 C.F.R. § 9.5(f)(2).

The grantee shall provide all relevant information to FEMA to ensure compliance with applicable Federal EHP requirements. Any project with the potential to impact natural or biological resources or historic properties cannot be initiated until FEMA has completed the required EHP review. In addition to a detailed project description that describes what is to be done with the grant funds, how it will be done, and where it will be done, grantees shall provide detailed information about the project (where applicable), including, but not limited to, the following:

- Project location (i.e., exact street address or map coordinates)
- Total extent of ground disturbance and vegetation clearing
- Extent of modification of existing structures
- Construction equipment to be used, staging areas, etc.
- Year that any affected buildings or structures were built
- Natural, biological, and/or cultural resources present within the project area and vicinity, including wetlands, floodplains, and geologic resources,

threatened or endangered species, or National Register of Historic Places listed or eligible properties, etc.

- Visual documentation such as good quality, color and labeled site and facility photographs, project plans, aerial photos, maps, etc.
- Alternative ways considered to implement the project (not applicable to procurement of mobile and portable equipment)

For projects that have the potential to impact sensitive resources, FEMA must consult with other Federal, State, and tribal agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Offices, and the U.S. Army Corps of Engineers, as well as other agencies and organizations responsible for the protection and/or management of natural and cultural resources, including Federally-recognized Indian tribes, Tribal Historic Preservation Offices, and the Department of the Interior, Bureau of Indian Affairs. For projects with the potential to have adverse effects on the environment and/or historic properties, FEMA's EHP review process and consultation may result in a substantive agreement between the involved parties outlining how the grantee will avoid the effects, minimize the effects, or, if necessary, compensate for the effects.

Because of the potential for 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 necessary to address potential adverse impacts. Grantees may use grant funds toward the costs of preparing such documents. The use of grant funds for mitigation or treatment measures that are not typically allowable expenses will be considered on a case-by-case basis. Failure of the grantee to meet Federal, State, local and territorial EHP requirements, obtain required 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.

Recipients shall not undertake any project without the prior approval of FEMA, and must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project description will require re-evaluation for compliance with these EHP requirements. Any projects that have been initiated prior to approval will result in a non-compliance finding and will not be eligible for funding.

C. Reporting Requirements

Reporting requirements must be met throughout the life of the grant (refer to the program guidance and the special conditions found in the award package for a full

explanation of these requirements). Any reports or documents prepared as a result of this grant shall be in compliance with Federal “plain English” policies, directives, etc.

1. Federal Financial Report (FFR) – required quarterly. Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425), which replaced the SF-269 and SF-272, which is due within 30 days of the end of each calendar quarter (e.g., for the quarter ending March 31, the FFR is due no later than April 30). A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and fund draw downs may be withheld if these reports are delinquent. The final FFR is due 90 days after the end date of the performance period.

FFRs must be filed according to the process and schedule below:

FFRs must be filed electronically through SmartLink

Reporting periods and due dates:

- October 1 – December 31; *Due January 30*
- January 1 – March 31; *Due April 30*
- April 1 – June 30; *Due July 30*
- July 1 – September 30; *Due October 30*

2. Transparency Reporting. The Federal Funding Accountability and Transparency Act (FFATA) of 2006 requires that the Office of Management and Budget (OMB) establish a single searchable website, www.USAspending.gov, accessible to the public at no cost, which includes for each Federal award:

- the name of the entity receiving the award;
- the amount of the award;
- information on the award including transaction type, funding agency, etc;
- the location of the entity receiving the award; and
- a unique identifier of the entity receiving the award.

Additionally the Total Compensation and Names of the top five executives must be reported if more than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25 million annually and compensation information is not already available through reporting to the Security and Exchange Commission.

The Transparency Act's definition of "Federal awards" included not only prime awards for grants, cooperative agreements, loans, and contracts, but also included sub-grants and sub-contracts. The OMB issued guidance identifying the requirement to report first-tier sub-awards on April 6, 2010 and that guidance may be found at the OMB Open Government site at <http://www.whitehouse.gov/omb/open>. That guidance defines a sub-award as generally referring to a monetary award made as a result of a Federal award to a grant recipient to a sub-recipient. Sub-award reporting will apply only to sub-grants (grants also include cooperative agreements).

It will not include awards made by a first-tier sub-recipient to a lower tier sub-recipient.

New grants \$25,000 and over as of October 1, 2010 and sub-grants of Federal grants where these sub-grants are \$25,000 and over are subject to the Transparency Act sub-award and executive compensation reporting requirements.

Prime grant awardees will be required to report its sub-grants. The prime recipient will have until the end of the month plus one additional month after an award or sub-award is obligated to fulfill the reporting requirement. For example, if a sub-award was made on October 15, 2010, the prime recipient has until November 30, 2010 to report the sub-award information. Prime awardees will report using the FFATA Sub-award Reporting System (FSRS). The tool will pre-populate, to the maximum extent possible, recipient information from existing Federal agency databases, such as the Central Contractor Registration System (CCR) to reduce the burden associated with this new Transparency Act reporting. All Federal prime grant recipients are required to register in CCR. User guides, FAQs, and an on-line demonstration are currently available at the FSRS website (www.fsrs.gov).

While multi-year grants exist, the USAspending.gov data tracks transactions rather than totals for individual contracts or grants. One grant can have many transactions related to it, representing additional disbursements, extensions, or modifications. Transactions all have a specific date upon which they took place and are assigned to the appropriate fiscal year based on that date, even if they were part of a multi-year grant that started years earlier.

- 3. Progress Reports.** CTP must report the progress of activities identified in the approved MAS(s) or scope of work statements. If the cooperative agreement is funded for multiple years, progress must be reported for the activities approved and funded for each fiscal year (FY) the award was funded through.

CTP must also meet certain performance standards based on the anticipated and actual cost and schedule of a particular project, as documented in the MAS or scope of work statement. The MIP was developed in part to track the earned value of mapping projects which represents the performance standards a recipient must adhere to. This information is automatically calculated by the MIP, using the actual cost and schedule of work performed, or “actuals” and comparing them to the expected cost and schedule of work performed, or “baseline.”

Once the FEMA Regional Office has issued a task order, the baseline for the project will be established in the MIP using the cost and schedule information for each task as agreed upon by the FEMA Regional Office and the CTP.

The MIP study workflow allows a mapping partner to report on the status of these projects at a task level. The cost and schedule information, updated monthly by the CTP for each task, is compared to the baseline established for those tasks. This information is rolled up on a project level basis and monitored by the FEMA Regional Office to assess progress and earned value.

The Cost Performance Index (CPI) and the Schedule Performance Index (SPI) in the MIP must be used to monitor partner performance and to determine future funding eligibility. Recipients must adhere to the performance requirements by maintaining a .92 score for both CPI and SPI. The CTP is required to report on the earned value of projects that are in the MIP on a quarterly basis and must give explanations for variances outside of the tolerance defined above. FEMA Regional Offices must implement a Corrective Action Plan (CAP) when a CTP partner is outside of the tolerance. A CAP must define the reason for the variance and the intended resolution. FEMA Regional Offices must coordinate with FEMA Headquarters when CAPs are developed.

As Program Management tasks and those conducted by non-profit associations are not conducted in the MIP, cost and schedule performance measures must be defined and documented in the MAS or scope of work statement. These measures must be used to monitor partner performance and to determine future funding eligibility. This exception only applies to tasks not in the MIP.

Additionally, cost information is not available within the MIP for activities within the Revisions workflow. However, schedule information in the form of reports showing case status and other performance requirements is available. For partners participating in the LOMR Delegation activity, status reports must be submitted on a monthly basis, at a minimum. Standard financial reporting is still required.

- 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 GAO's *Government Auditing Standards*, located at <http://www.gao.gov/govaud/ybk01.htm>, and *OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations*, located at <http://www.whitehouse.gov/omb/circulars>. 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 FY 2011 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. **Monitoring.** Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

Monitoring will be accomplished through a combination of desk-based reviews and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

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

6. **Grant Close-Out Process.** Within 90 days after the end of the period of performance, grantees must submit a final FFR and final progress report detailing all accomplishments throughout the period of performance. After these reports have been reviewed and approved by FEMA, a close-out notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for three years from the date of the final FFR. The grantee is responsible for returning any funds that have been drawdown but remain as unliquidated on grantee financial records.

Required submissions: (1) final SF-425, due 90 days from end of grant period; and (2) final progress report, due 90 days from the end of the grant period.

PART VII. FEMA CONTACTS

1. FEMA Regional and HQ Program Contacts

Table 1. CTP Regional Coordinators

CTP Regional Coordinators	CTP Regional Coordinators
<p>Region I David Mendelsohn 99 High Street, 6th Floor Boston, MA 02110 Telephone: (617) 832-4713 E-mail: David.Mendelsohn@dhs.gov</p>	<p>Region II Adie Koby 26 Federal Plaza, Room 1337 New York, NY 10278 Telephone: (212) 680-3629 E-mail: Adie.Koby@dhs.gov</p>
<p>Region III Nikki Roberts One Independence Mall 615 Chestnut Street, 6th Floor Philadelphia, PA 19106-4404 Telephone: (215) 931-5575 E-mail: Nikki.Roberts@dhs.gov</p>	<p>Region IV Laura Algeo 3003 Chamblee Tucker Road Atlanta, GA 30341 Telephone: (770) 220-5515 E-mail: Laura.Algeo@dhs.gov</p> <p>Kristen Martinenza Telephone: (770) 220-3174 Kristen.Martinenza@dhs.gov</p>
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CTP Regional Coordinators	CTP Regional Coordinators
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2. **FEMA Regions.** FEMA Regions will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation. For a list of contacts, please go to <http://www.fema.gov/about/contact/regions.shtm>.

PART VIII.

OTHER INFORMATION

A. Activities

FEMA may provide technical assistance, training, and/or data to a CTP to support flood hazard data development or program related activities. As funding is made available, the activities for which CTP may receive FY 2011 funding through a cooperative agreement with FEMA are summarized in tables 2, 3, and Part VIII, A, 4 of this document. FEMA's funds would be in addition to the resources provided by the CTP for the activities.

1. Program Management Activity

The Map Modernization Management Support (MMMS) Program was intended to be a five-year grant program closely aligned with Map Modernization (Map Mod). The final year of funding for Map Mod was FY 2008 and FY 2009 served as a transition year for Risk MAP (Mapping, Assessment, and Planning). The vision for Risk MAP is to deliver quality data that increases public awareness and leads to action that reduces risk to life and property. Risk MAP builds on flood hazard data and maps produced during the Flood Map Modernization (Map Mod) program.

FEMA will collaborate with Federal, State and local stakeholders to achieve goals under Risk MAP, including:

1. Flood Hazard Data. Address gaps in flood hazard data to form a solid foundation for risk assessment, floodplain management, and actuarial soundness of the NFIP.
2. Public Awareness/Outreach. Ensure that a measurable increase of the public's awareness and understanding of risk results in a measurable reduction of current and future vulnerability.
3. Hazard Mitigation Planning. Lead and support States, local, and Tribal communities to effectively engage in risk-based mitigation planning resulting in sustainable actions that reduce or eliminate risks to life and property from natural hazards.
4. Enhanced Digital Platform. Provide an enhanced digital platform that improves management of Risk MAP, stewards information produced by Risk MAP, and improves communication and sharing of risk data and related products to all levels of government and the public.
5. Alignment and Synergies. Align Risk Analysis programs and develop synergies to enhance decision-making capabilities through effective risk communication and management.

Table 2 lists the tasks and description associated with the Program Management Activity under the CTP Program that recipients can perform. Program Management activities cannot result in the production of a floodplain map. Funding for the Program Management activity will come from the FEMA Regional Office annual mapping budget.

Table 2. Fundable Program Management Activity

Activity	Task Descriptions
Program Management	<p>Program management is the active process of managing multiple projects which need to meet or exceed pre-defined performance metrics. Integration and communication are key aspects of program management. The following are tasks that are associated with this activity:</p> <ul style="list-style-type: none"> • State and Local Business Plans and/or updates (required) • Managing Technical Mapping Activities (required where technical activities are funded) • Outreach • Providing training to State and Local Officials • Staffing • Pilot Projects (as defined by the FEMA Regional Office) • Mentoring • Minimal Map Panel Printing (up to \$5,000 – must not be covered under another FEMA grant program already) • Coordinated Needs Management Strategy (CNMS) data collection/population • Mitigation Planning Technical Assistance <p>Eligibility: All CTPs that can meet performance metrics in addition to eligibility and reporting requirements as described in this guidance document are eligible to participate in the above tasks.</p>

In the past, Business Plans have been limited to States and certain multi-jurisdictional entities. With the initiation of the Program Management activity, this will no longer be the case. All CTPs will be eligible for Program Management Activities, at the FEMA Regional Office’s discretion, and will be required to complete a State or Local Business Plan each year. State and Local Business Plans and/or updates must be submitted in order for a partner performing the Program Management activity to receive funding for Program Management in FY 2011. Plans should not only include updates but give recommendations to FEMA regarding future mapping within the State or local jurisdiction and document the capabilities and accomplishments of the partner.

Business plans should demonstrate the mapping needs for the jurisdiction based on physical, climatological, or engineering methodology changes. The CNMS GIS data model is the preferred method to document mapping needs. The CNMS data model is required in FY 2011 and future years to document mapping needs. Additionally, business plans must include the CTP’s vision to implement or participate in Risk MAP.

CTPs must work with the respective FEMA Regional office for due dates for the State and/or Local Business Plans.

Specific Mitigation Planning Technical Assistance activities must be coordinated with the appropriate FEMA Regional or HQ office. Funding in this grant shall not be used to update a portion or all of a Mitigation Plan. Training activities must be mutually beneficial to FEMA and the CTP. Where these activities are funded, the FEMA Regional offices must ensure that the appropriate entities are performing the work. For example, it may be most appropriate in some States to have a different office performing the technical mapping activities than the Mitigation Planning Technical Assistance training.

Where CTPs do not have the capabilities to perform the above Program Management activity in its entirety, FEMA may provide a minimal amount of funding for Program Management and Earned Value training. Funding for training must be coordinated by the FEMA Regional Office with FEMA Headquarters and the CTP must submit progress reports on a quarterly basis regarding the training completed and how it will benefit FEMA and the partner in the future. Funding for training under the Program Management task has been extended to FY 2011 and will come from the FEMA Regional Office annual mapping budget.

2. Technical Mapping Activities

With the addition of the Program Management Activity, the traditional mapping activities associated with the CTP Program have been grouped together and classified as Technical Mapping Activities. Table 3 lists the tasks and task descriptions within the Technical Mapping Activities under the CTP Program that a recipient can receive funding to perform.

Table 3. Fundable Technical Mapping Activities

Tasks	Descriptions
Base Map Acquisition	This is a limited funding task where funding can only be provided for base map preparation tasks at the discretion of the Regional Project Officer.
Discovery	The objective of Discovery is to engage communities, understand the communities' watershed needs, inform the purpose of FEMA's engagement, balance FEMA resources and plan project execution. Up to 10 percent of the total estimated funding may be provided to do discovery.
Outreach (up to 10%)	Up to 10 percent of the total estimated funding may be provided to perform outreach activities that directly support the mapping project.
Riverine Floodplain Analyses and Floodplain Mapping (Riverine)	The CTP develops digital engineering data and floodplain mapping using GIS-based or traditional hydrologic and hydraulic modeling. This task involves many different levels of floodplain analysis.
Coastal Flood Hazard Analyses and Floodplain Mapping	The CTP develops digital engineering data and floodplain mapping using GIS-based or traditional coastal flood hazard analysis methods.
DFIRM Preparation	The CTP prepares a DFIRM that meets FEMA specifications.

Tasks	Descriptions
Digital Topographic Data Development	The CTP develops digital topographic data for flood hazard identification purposes.
Independent QA/QC Review	The CTP performs the independent QA/QC review of specific products and activities.
Post-preliminary Processing	The CTP performs post-preliminary processing of flood map studies.
LOMR Delegation	The CTP assumes the responsibility of the evaluation of conditional and final map revision requests for the partner's jurisdiction. This task can only be assigned to a CTP with FEMA-HQ's approval and is at FEMA-HQ's discretion.
Risk Assessments	Where adequate elevation data is available, the CTP performs a flood risk assessment for the area where DFIRM updates are being performed. The CTP must use FEMA's HAZUS-MH program to determine annualized loss. A HAZUS Level 1 project may be completed where the national Level 1 product is insufficient. A HAZUS Level 2 project can also be completed though FEMA will not fund the collection of building stock data. The results must be reviewed with FEMA and an analysis must be performed on the results. Additionally, the results must be tied to the Mitigation Planning efforts within the jurisdiction. Funding can also be used to attend or deploy training provided by FEMA associated with HAZUS.
Risk MAP Non-regulatory Products	Risk MAP non-regulatory products must be included with Risk MAP projects. See appropriate guidance documents for specific activities and requirements.

3. LOMR Delegation

At this time, LOMR Delegation is still under development for national use and is still being referred to as a pilot project, but FEMA may consider expanding the project further.

For future expansions, the potential partner must:

- Be able to demonstrate the cost effectiveness of delegating this authority to the partner
- Have demonstrated the ability to perform technical aspects of the process
- Have demonstrated the ability to manage contractors and oversee the products produced by contractors (if applicable)
- Use FEMA workflow/tools and deliver products that meet FEMA specifications
- Receive training in the FEMA tools prior to application

At this time, FEMA is responsible for the actions defined in 44 CFR Part 65, with respect to processing map revisions. Delegation of the authority to review CLOMRs and LOMRs to capable partners does not relieve FEMA of the responsibility defined in Part 65. Therefore, certain processes will remain the responsibility of FEMA.

In general, the CTP will receive and initiate revision cases, perform the review of submitted data for completeness, make requests for additional data as needed, process the submittal through the designated workflow tool, prepare draft determination documents and notices, populate the "BFEs on the Web" tool, provide various levels of communication, and perform external quality reviews. FEMA will perform those

activities associated with the post-processing of a LOMR, which includes distribution of final determination documents, publication of Federal Register and newspaper notices, and appeal period processing. Additionally, partners will not process fees associated with CLOMRs and LOMRs but may receive them for review and submittal to FEMA. When awards are made, FEMA will work with the partner to further define those specific tasks with CLOMR and LOMR processing that the partner will or will not perform.

Training provided by FEMA on the revision process and the applicable workflow tools is also a prerequisite. FEMA will choose partners based on available funding and the capabilities demonstrated by CTP through a subsequent application process. The number of CTPs chosen to perform the LOMR Delegation activity will not be pre-determined. The application should be treated as a proposal or business case and must include, at minimum, the following topics:

- Staff capabilities and knowledge of the applicable Federal regulations
- Description of proposed project including process, quality assurance, performance tracking, communication, violation handling, training strategy and other general process management topics
- Coordination with other CTPs in jurisdictions (if applicable)
- Benefits to FEMA, the CTP and external stakeholders
- Demonstrated cost-effectiveness
- Immediate start-up ability
- Evidence of no conflict of interest issues and how potential conflicts will be addressed

Priority will be given to partners who can demonstrate:

- Benefits to FEMA, the CTP, and external stakeholders
- Significant past or potential future cost sharing
- Participation in the other Fundable Technical Mapping Activities as listed in table 3 of this document

CTPs should include other topics within the application that they determine to be necessary.

4. Cooperating Technical Partner – Non-Profit Associations

Starting in FY2010 and continuing in FY 2011, FEMA began to use the CTP Program to provide funding to non-profit associations, through a HQ cooperative agreement. Non-profit associations must:

- Request FEMA HQ's approval prior to application. Acceptable request packets may include:
 - capabilities of potential partner;
 - benefit to FEMA, the potential partner and various stakeholders; and
 - activities the potential partners wishes to perform.

- If the request is approved then the non-profit must submit to FEMA a proposed scope of work with deliverables that demonstrates a benefit to FEMA and the programs that the agency supports within Mitigation, the NFIP, and Risk MAP;
- Develop a cost and schedule baseline for performance monitoring; and
- Follow all applicable requirements within this grant guidance document.

Non-profit associations that participate in the CTP Program will be expected to perform work that has national programmatic benefits. These tasks cannot result in the production of a floodplain map. Such tasks may include the following:

- Assisting FEMA with the development of national outreach documents
- Participation in National Conferences Addressing Risk Map and CTP issues
- Assisting FEMA with the development of new technical guidelines and issuance of studies and reports
- Developing and conducting CTP mentoring sessions with participation of existing CTPs
- Supporting FEMA with CTP training
- Assisting FEMA with flood risk communication between FEMA and State, regional, and local stakeholders
- Creation and dissemination of audio-web conferences, national and state conference sessions professional floodplain, planning and other related conferences;
- Training workshop curriculum, complete with designated trainers, on planning for post-disaster recovery and reconstruction, targeted at practicing planners;
- Specialized workshops targeted to FEMA and state emergency management and planning staff, as well as closely related professionals such as floodplain and coastal resource managers;
- Development of a graduate planning school course curriculum made available for use by professors and planning schools.

B. Additional FEMA Assistance

FEMA offers an array of technical and programmatic assistance to partners participating in the CTP Program including the resources listed below.

- Archived support data will be available from the FEMA Map Information Exchange (FMIX) at 1-877-FEMA MAP (1-877-336-2627). Available information includes:
 - Copies of FEMA-issued Letters of Map Change
 - Engineering and mapping Flood Insurance Study backup data
 - FEMA's rule-based engineering software packages
- Specific technical and programmatic support, such as peer review, modeling guidance, base map selection, and/or tailored training, also may be provided by FEMA through designated FEMA contractors.
- General technical and programmatic information regarding the NFIP and the FEMA Flood Hazard Mapping Program can be downloaded from FEMA's Flood Hazard Mapping web site at <http://www.fema.gov/plan/prevent/fhm/index.shtm>.