



U.S. DEPARTMENT OF HOMELAND SECURITY

FISCAL YEAR 2010

**INTEROPERABLE EMERGENCY COMMUNICATIONS
GRANT PROGRAM**

GUIDANCE AND APPLICATION KIT

DECEMBER 2009

Title of Opportunity: FY 2010 Interoperable Emergency Communications Grant Program (IECGP)

Funding Opportunity Number: DHS-10-GPD-055-000-01

Federal Agency Name: U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA)

Announcement Type: Initial

Dates: Completed applications must be submitted **no later than 11:59 p.m. EST, February 12, 2010.**

Additional overview information: The following are some of the key changes impacting FY 2010 IECGP as compared to last year's program:

- The period of performance has been extended from 24 months to 36 months
- The requirement that no more than 50% of total program funds could be used for personnel activities has been removed
- The use of FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable under all active and future grant awards, unless otherwise noted. Please refer to "Other Allowable Costs – Maintenance and Sustainment" in this kit for more information

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PART I.

FUNDING OPPORTUNITY DESCRIPTION

The Interoperable Emergency Communications Grant Program (IECGP) is a grant program created by the *Implementing Recommendations of the 9/11 Commission Act of 2007* (Public Law 110-53), (hereafter referred to as the 9/11 Act). IECGP is administered by the Department of Homeland Security (DHS) through the Federal Emergency Management Agency (FEMA) Grant Programs Directorate (GPD), in partnership with the Office of Emergency Communications (OEC). In Fiscal Year (FY) 2010, \$48,000,000 was appropriated for IECGP grants to States and territories by the *Department of Homeland Security Act, 2010* (Public Law 111-83). This package provides the formal grant guidance and application materials needed to apply for funding under IECGP, including IECGP funding allocations, eligibility criteria, and detailed application requirements. The eligible applicants for this grant program are the SAAs of the 56 States and territories.

In FY 2010, IECGP provides governance, planning, training and exercise funding to States, territories, and local and tribal governments to carry out initiatives to improve interoperable emergency communications, including communications in collective response to natural disasters, acts of terrorism, and other man-made disasters. All activities proposed under IECGP must be integral to interoperable emergency communications and must be aligned with the goals, objectives, and/or initiatives identified in the grantee's approved Statewide Communication Interoperability Plan (SCIP). If an SAA and Statewide Interoperability Coordinator (SWIC)/SCIP point of contact (POC) certify that it's State or territory has fulfilled such governance, planning, training and exercise objectives, the Program provides the flexibility to purchase interoperable communications equipment with any remaining IECGP funds.

IECGP will also advance DHS near-term priorities that are deemed critical to the national vision of improving interoperable emergency communications stated in the National Emergency Communications Plan (NECP), which was delivered to Congress in July 2008¹. The NECP has established three strategic goals for the Nation:

- Goal 1— By 2010, 90 percent of all high-risk urban areas designated within the Urban Areas Security Initiative (UASI) are able to demonstrate response-level emergency communications within 1 hour for routine events involving multiple jurisdictions and agencies.
- Goal 2— By 2011, 75 percent of non-UASI jurisdictions are able to demonstrate response-level emergency communications within 1 hour for routine events involving multiple jurisdictions and agencies.

¹ The NECP is available at: http://www.dhs.gov/xlibrary/assets/national_emergency_communications_plan.pdf

- Goal 3— By 2013, 75 percent of all jurisdictions are able to demonstrate response-level emergency communications within three hours, in the event of a significant incident as outlined in national planning scenarios.

In addition, the NECP includes the following milestones as recommended actions for the States to consider as they implement their SCIPs:

- Milestone 1: Within 12 months, all States and territories should establish full-time SWICs or equivalent positions.
- Milestone 2: Within 12 months, Statewide Interoperability Governing Bodies (SIGB) or their equivalents, in all 56 States and territories should incorporate the recommended membership as outlined in the SCIP Guidebook and should be established via legislation or executive order by an individual State's governor.
- Milestone 3: Within 12 months, tactical planning among Federal, State, local, and tribal governments occurs at the regional interstate level.
- Milestone 4: Within 12 months, all IECGP investments are coordinated with the SWIC and Statewide Interoperability Governing Body (SIGB), or its equivalent, to support State administrative agency investments including the filling of gaps as identified in the NECP and SCIPs.
- Milestone 5: Within 12 months, all Federal, State, local, and tribal emergency response providers within UASI jurisdictions have implemented the Communications and Information Management section of the National Incident Management System (NIMS).
- Milestone 6: Within 18 months, DHS develops training and technical assistance programs for the National Interoperability Field Operations Guide (NIFOG) and programs an appropriate set of frequency-band-specific nationwide interoperability channels into emergency response radios that are manufactured or purchased through Federal funding as a standard requirement.
- Milestone 7: Within 24 months, all SCIPs reflect plans to eliminate coded substitutions throughout the Incident Command System (ICS), and agencies incorporate the use of existing nationwide interoperability channels into Standard Operating Procedures (SOP), training, and exercises at the Federal, State, regional, local, and tribal levels.
- Milestone 8: Within 24 months, complete disaster communications training and exercises for all 56 States and territories.
- Milestone 9: Within 24 months, all Federal, State, local, and tribal agencies in UASIs have defined alternate/backup capabilities in emergency communications plans.

GPD and OEC have established program and policy guidelines for IECGP and will ensure that all grants awarded under IECGP comply with:

- The SCIP for that State or territory required by the *Intelligence Reform and Terrorism Prevention Act of 2004* (6 U.S.C. §194(f)); and,
- The NECP goals and objectives and milestones.

The Administrator of FEMA will administer IECGP, pursuant to the authority given to FEMA under the 9/11 Act and *Department of Homeland Security Appropriations Act, 2010* (Public Law 111-83). The FEMA Administrator will ensure that grant funds are awarded consistent with policies established by the Director of OEC.

Program Funding Goals

IECGP provides funding to improve interoperable emergency communications capabilities across States, territories, local and tribal governments and to support the implementation of the SCIPs. Each State and territory has a SCIP, which outlines goals, objectives and initiatives for enhancing interoperability statewide according to a common set of criteria. The NECP establishes goals and objectives for ensuring interoperable emergency communications nationwide. IECGP funding is provided to States and territories and to local and tribal governments to support achievement of the goals, objectives, and/or initiatives of the SCIPs and to ensure achievement of the goals and milestones of the NECP.

For FY 2010, GPD and OEC have identified the following objectives deemed critical for advancing interoperable emergency communications in alignment with the criteria established for the SCIP process. These objectives have been developed to address NECP goals, objectives, and milestones to support SCIP implementation.

- Priority Group One: Gaps in Leadership and Governance and Common Operational Planning and Protocols
- Priority Group Two: Emergency Responder Skills and Capabilities Development through training and exercises

Funding retained by the State or territory must be used to address the objectives in Priority Group One prior to selecting projects to address the objectives in Priority Group Two. **Pass-through recipients at the local and tribal levels of government may address objectives in either Priority Group One or Priority Group Two** based on the most critical needs consistent with SCIP goals, objectives, and/or initiatives.

Note: In addition to these IECGP funds, other DHS grant programs exist and are expected to be leveraged to help promote the funding priorities outlined below. For example, interoperable communications funds were available through the Public Safety Interoperable Communications Grant Program, and continue to be available through the annual Homeland Security Grant Program (HSGP).

Priority Group One – Gaps in Governance and Common Operational Planning and Protocols

Establishment of formal interoperable emergency communications governance structures

Governing bodies for interoperable emergency communications efforts are essential to ensure coordinated and consistent planning, implementation, and resource allocation for emergency communications solutions. While governance committees provide the needed guidance and input on statewide and/or regional activities, there is also a need for interoperability coordinators and support staff, whether at the statewide, regional, local or tribal levels to ensure continued management and implementation of multi-discipline and multi-jurisdictional initiatives. Grantees are encouraged to use IECGP funding to address governance and leadership gaps at the statewide and regional levels (intra- and inter-State) associated with:

- Implementing SCIP goals, initiatives, and milestones;
- Planning, demonstrating, or reporting on NECP goals;
- Achieving NECP milestones; or
- Achieving formal interoperable communications, regional governance structures in accordance with NECP goals and milestones, using FEMA Regional Emergency Communications Coordination Working Group (RECCWG) and other recognized governance bodies at the State, local, and regional level.

Establishment of common planning and operational protocols

Grantees should continue emergency communications planning efforts, whether strategic, tactical, or technical to ensure a more coordinated approach to achieving interoperable emergency communications goals, objectives and initiatives. Additionally, grantees are expected to establish common operational protocols through activities such as the development of SOPs, consistent use of interoperability channels, common language protocols, and common channel naming. SOPs should be in compliance with the NIMS ICS. Planning may also include system life cycle planning for interoperable emergency communications equipment. Where applicable, grantees should develop such plans. Grantees are encouraged to use IECGP funding to establish common planning and operational protocols associated with:

- Implementing SCIP goals, initiatives, and milestones;
- Planning, demonstrating or reporting on NECP goals; or
- Achieving NECP milestones.

Priority Group Two—Emergency Responder Skills and Capabilities

Enhancement of emergency responder skills and capabilities through training and exercises

Many public safety agencies do not conduct regular training or exercises to ensure that emergency responders have the knowledge, skills, and abilities to operate emergency communications solutions or follow procedures. The absence of such skills and capabilities can lead to ineffective performance during an actual emergency, as reported in recent assessments including the National Communications Capabilities Report. Interoperable emergency communications-specific training and exercises that are compliant with Homeland Security Exercise and Evaluation Program (HSEEP) criteria with respect to technology solutions and operational protocols should be offered and conducted on a regular basis. Further, applicants should identify issues in after action reports (AAR) and improvement plans (IP) and resolve these issues. Agencies must enhance their own knowledge, skills, and abilities, but must also prioritize training and exercise development with all their partners across disciplines, jurisdictions, and levels of government. Grantees are encouraged to use IECGP funding to conduct regular training and exercises associated with:

- Implementing SCIP goals, initiatives, and milestones;
- Planning, demonstration or reporting on NECP goals;
- Achieving NECP milestones; or
- Enhancing emergency responder skills and capabilities at the regional level in accordance with NECP goals and milestones using the FEMA RECCWGs or comparable governance bodies.

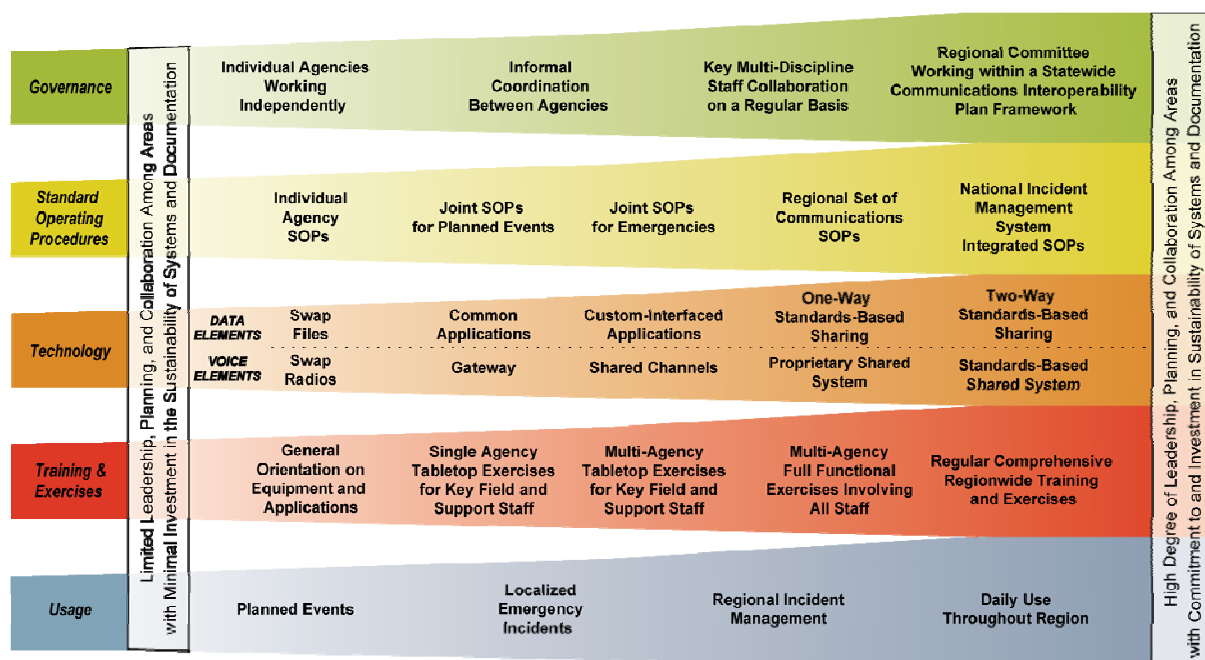
Other DHS grant programs substantially fund infrastructure and equipment acquisitions and upgrades. As the Interoperability Continuum (see Figure 1) demonstrates, and as emphasized in the assessments noted previously, effective interoperable emergency communications is not achieved solely through technological means. Thus, for FY 2010, IECGP funding priorities will focus on key interoperability issues beyond infrastructure and equipment, which are critical for ensuring that the Nation has the necessary capabilities to communicate during emergencies. These interoperable emergency communications capabilities of the Interoperability Continuum cannot be achieved without crucial leadership and governance, common planning and operational protocols, and training and exercises.

If an SAA and SWIC/SCIP POC certifies that it's State, territory, and/or pass-through recipients have fulfilled all of the objectives of Priority Groups one and two, the State, territory, and/or pass-through recipients may use FY 2010 IECGP funds to purchase interoperable communications equipment. Interoperable emergency communications equipment must comply with standards in the SAFECOM Guidance, including Project 25 (P25) compliance and narrowband capability.

Figure 1 - Interoperability Continuum



Interoperability Continuum



PART II.

AWARD INFORMATION

Authorizing Statutes

Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) and the *Homeland Security Act of 2002* (6 U.S.C. §101 et seq.)

Period of Performance

The period of performance of this grant is 36 months. 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 2010, the total amount of funds distributed under IECGP will be \$48,000,000. FY 2010 IECGP funds will be allocated based on risk. Each State will receive a minimum allocation under IECGP using the thresholds established in the 9/11 Act. All 50 States, the District of Columbia, and Puerto Rico will receive a minimum of 0.45 percent of the total funds allocated, per the 9/11 Act. Four territories (American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands) will receive a minimum allocation of 0.08 percent of the total funds allocated.

Table 1 - IECGP State/Territory Final Allocations

FY 2010 IECGP Funding Allocations			
State/Territory	Allocation	State/Territory	Allocation
Alabama	\$621,500	Nevada	\$468,500
Alaska	\$315,500	New Hampshire	\$267,000
Arizona	\$831,500	New Jersey	\$1,349,000
Arkansas	\$338,500	New Mexico	\$334,000
California	\$5,480,500	New York	\$6,300,000
Colorado	\$621,000	North Carolina	\$1,076,500
Connecticut	\$525,500	North Dakota	\$267,000
Delaware	\$267,000	Ohio	\$1,119,500
District of Columbia	\$595,000	Oklahoma	\$470,000
Florida	\$2,243,500	Oregon	\$522,500
Georgia	\$1,195,000	Pennsylvania	\$1,527,000
Hawaii	\$311,000	Rhode Island	\$267,000
Idaho	\$267,000	South Carolina	\$498,500
Illinois	\$1,864,500	South Dakota	\$252,500
Indiana	\$672,500	Tennessee	\$636,000
Iowa	\$452,000	Texas	\$3,813,000
Kansas	\$438,500	Utah	\$380,000
Kentucky	\$543,500	Vermont	\$257,000
Louisiana	\$945,500	Virginia	\$1,223,500
Maine	\$267,000	Washington	\$1,067,000
Maryland	\$1,031,500	West Virginia	\$267,000
Massachusetts	\$1,117,500	Wisconsin	\$506,000
Michigan	\$949,000	Wyoming	\$267,000
Minnesota	\$645,000	Puerto Rico	\$347,000
Mississippi	\$407,500	U.S. Virgin Islands	\$69,000
Missouri	\$686,500	American Samoa	\$52,500
Montana	\$267,000	Guam	\$85,500
Nebraska	\$356,500	Northern Mariana Islands	\$54,000
Total			\$48,000,000

General Program Requirements

SAAs will be responsible for the administration of FY 2010 IECGP funds. SAAs must coordinate with the SWIC/SCIP POC to ensure IECGP program requirements are met. The SWIC/SCIP POC must coordinate with the SIGB (as required by the FY 2007 Statewide Planning Criteria) and the appropriate SCIP stakeholders and committees at the State, regional, local, and tribal levels of government to ensure support for the projects selected and to ensure IECGP program requirements are met. Additionally, States should ensure that unreasonable or unduly burdensome requirements are not placed on a tribal government as a condition of receiving grant funds or resources. In administering the program, the SAA must work with the SWICs, SCIP POCs, stakeholders, and eligible applicants to comply with the following general requirements.

1. *SCIP Implementation Reports*

The 9/11 Act requires States and territories to submit annual reports to OEC on progress in implementing that State's SCIP and achieving interoperability at the interstate, State, county, regional, and city levels as a condition of receiving funding. OEC developed a SCIP Implementation Report for all 56 States and territories based on a comprehensive review of each respective SCIP. Through the SCIP Implementation Report, States will be expected to identify their methodology for demonstrating and reporting on NECP Goal 2. Each State and territory will be required to update its SCIP Implementation Report within 30 days after the end of the IECGP reporting period (July 30 for the reporting period of January 1 through June 30). Beginning in FY 2009, States and territories were encouraged to begin aligning SCIPs to the NECP.

2. *Grant funds*

The SAA must obligate 80 percent of the funds awarded under IECGP to local and tribal governments within 45 days of receipt of the funds. No pass-through requirements will be applied to the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Each State (as well as Puerto Rico) may retain a portion of the 80 percent pass-through for expenditures made by the State on behalf of local or tribal governments. This may occur only with the written consent of the local or tribal unit of government, with the written consent specifying the amount of funds to be retained and the intended use of funds.

3. *Priority Guidance*

As stated in the Program Funding Goals Section, funding retained by the State or territory must be used to achieve the objectives in Priority Group One and in Priority Group Two before using funds for interoperable emergency communications equipment acquisition.

Pass-through recipients at the local and tribal levels of government, though encouraged to establish and enhance governance structures and establish common planning and operational protocols, have the flexibility to select projects in Priority Group One or Priority Group Two. Pass-through recipients must also fulfill both Priority Group One and Priority Group Two objectives prior to using IECGP funds for interoperable emergency communications equipment acquisition.

Note: For all proposed FY 2010 IECGP projects that relate to personnel, applicants must identify sustainable sources of funding (or a plan for obtaining sustainable sources) and work to integrate new staff into the State budget in future years to maintain this capability.

PART III.

ELIGIBILITY INFORMATION

A. Eligible Applicants

All 56 States and territories are eligible to apply for FY 2010 IECGP funds.

National Incident Management System (NIMS) Implementation Compliance

In accordance with Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the adoption of the NIMS is a requirement to receive Federal preparedness 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 2009 NIMS implementation must be considered prior to allocation of any Federal preparedness awards in FY 2010. In April 2009, the National Integration Center Incident Management Systems Integration (IMSI) Division advised State, tribal nation, and local governments to respond to metric assessments in the NIMS Compliance Assistance Support Tool (NIMSCAST) to assess on-going progress and achievement.² The list of objectives against which progress and achievement are assessed and reported can be found at

<http://www.fema.gov/emergency/nims/ImplementationGuidanceStakeholders.shtm#item2>.

All State, tribal nation, and local government grantees were required to update their respective NIMSCAST assessments by September 30, 2009. State, tribal, and local grantees unable to meet implementation objectives were required to submit a Corrective Action Plan via NIMSCAST no later than October 31, 2009. Comprehensive information concerning NIMS implementation for States, tribal nations, local governments, nongovernmental organizations, and the private sector is available through IMSI via its NIMS Resource Center at www.fema.gov/nims.

States, tribal nations, and local governments should continue to implement the training guidance contained in the *5-Year NIMS Training Plan*, released in February 2008.

The primary grantee/administrator of FY 2010 IECGP award funds is responsible for determining if sub-awardees have demonstrated sufficient progress to disburse awards.

² As defined in the *Homeland Security Act of 2002* (Public Law 107-296), the term "State" means "any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States" 6 U.S.C. 101 (14).

State Preparedness Report Submittal

Section 652(c) of the *Post-Katrina Emergency Management Reform Act of 2006* (Public Law 109-295), 6 U.S.C. §752(c), requires any State that receives Federal preparedness assistance to submit a State Preparedness Report to DHS. FEMA will provide additional guidance on the FY 2009 State Preparedness Report submission. **Receipt of this report is a prerequisite for applicants to receive any FY 2010 DHS preparedness grant funding.**

B. Cost Sharing

In FY 2010, IECGP has a 75% Federal and 25% State cost share, cash or in-kind, requirement for equipment purchases only. Unless otherwise authorized by law, Federal funds cannot be matched with other Federal funds. In accordance with 48 U.S.C. 1469a, 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. Restrictions

Please see Part IV.E. for Management & Administration (M&A) limits and allowable/unallowable costs guidance.

PART IV.

APPLICATION AND SUBMISSION INFORMATION

A. Address to Request Application Package

All applications for DHS grants will be filed using the common electronic “storefront” – www.grants.gov. To access application forms and instructions, select “Apply for Grants,” and then select “Download Application Package.” Enter the Catalog of Federal Domestic Assistance (CFDA) and/or the funding opportunity number located on the cover 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.” If you experience difficulties or have any questions, please call the www.grants.gov customer support hotline at (800) 518-4726.

DHS may request original signatures on forms at a later date.

B. Content and Form of Application

- Investment Justification
- Any additional Required Attachments
- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information
- Standard Form 424B, Assurances
- Standard Form 424C, Budget Information – Construction Form
- Standard Form 424D, Assurances – Construction Programs
- Lobbying Form – Certification Regarding Lobbying (this form must be completed by all grant applicants)
- Standard Form LLL, Disclosure of Lobbying Activities (if the grantee has engaged or intends to engage in lobbying activities)
- Certification Regarding Debarment, Suspension, and Other Responsibility Matters
- Certification Regarding Drug-Free Workplace Requirements

The program title listed in the CFDA is “*Interoperable Emergency Communications Grant Program*.” The CFDA number is **97.055**.

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.

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 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 (866) 705-5711.
3. **Valid 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 www.grants.gov.
4. **Investment Justification.** As part of the FY 2010 application process, applicants must develop an Investment Justification that addresses each initiative being proposed for funding. These Investment Justifications must demonstrate how proposed projects address gaps and deficiencies in current programs and capabilities. The Investment Justification must demonstrate the ability to provide enhancements consistent with the purpose of the program and guidance provided by FEMA. Applicants must ensure that the Investment Justification is consistent with all applicable requirements outlined in this application kit. **Applicants will find an Investment Justification template in Part VIII. Applicants should use this Investment Justification template to submit the Portfolio Narrative and Portfolio Budget, as well as specific Project Outline(s).**

C. Submission Dates and Times

Application submissions will be received by **11:59 p.m. EST, February 12, 2010**. Only applications made through www.grants.gov will be accepted.

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 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.html>.

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 or any other government entity.

Pre-award costs are allowable only with the written consent of DHS and if they are included in the award agreement.

IECGP provides planning and governance, training, exercise, personnel activities, and equipment funding to States, territories, and local and tribal governments to carry out initiatives to improve interoperable emergency communications. Specific investments made in support of the funding priorities discussed in Part 1 – Program Funding Goals fall into one of the following five allowable cost categories for IECGP FY 2010:

1. Planning
2. Training
3. Exercise
4. Personnel Activities
5. Equipment

Interoperable emergency communications equipment acquisition is an allowable cost category for IECGP in FY 2010. However, the SAA and SWIC/SCIP POC must certify in the Application Template that the State, territory, and/or pass-through recipients have fulfilled the objectives of Priority Groups one and two, as outlined in the Funding Goals section of this grant guidance. Grantees are to use IECGP funds on activities that align with IECGP FY 2010 priorities and their approved SCIPs. The allowable cost matrix summarizes the IECGP allowable cost activities.

The following sections provide guidance on activities and allowable costs within each of the five allowable cost categories:

1. Planning Costs. All grantees should use FY 2010 IECGP funds for planning efforts consistent with the goals and objectives identified in the SCIPs or to demonstrate and achieve NECP goals and milestones. Planning activities help to prioritize needs, build capabilities, update preparedness strategies, allocate resources, and deliver preparedness programs across disciplines (e.g., law enforcement, fire, EMS, public health, public works, and transportation) and levels of government. FY 2010 IECGP funds may be used for the following types of interoperable emergency communication planning activities:

- **Development and/or enhancement of interoperable emergency communications plans.** Grant funds may be used to develop and/or enhance interoperable communications plans and to implement the initiatives identified in

the SCIPs. Additionally, funds may be used to update and/or enhance Tactical Interoperable Communications Plans (TICP) and expand tactical planning efforts to non-UASI sites. Activities associated with enhancing these plans may include, but are not limited to, the following–

- a. Establish a planning committee specific to interoperable communications
 - b. Strengthen committees to ensure broad representation of disciplines and jurisdictions
 - c. Complete any initiatives to strengthen and complete any preliminary planning efforts associated with the SCIPs
 - d. Conduct planning activities associated with SCIP implementation
 - e. Conduct periodic updates to SCIPs and TICPs to account for completed or updated priorities and initiatives and evolving requirements
 - f. Develop additional strategic or tactical plans at the regional (intra-state or inter-state) or local levels, consistent with the SCIP
 - g. Develop system life-cycle plans
 - h. Conduct planning associated with the procurement of communications equipment or systems
 - i. Conduct planning for coordination and interoperability between adjacent States or multiple States
 - j. Conduct planning to demonstrate or achieve NECP goals and milestones
 - k. Conduct planning for narrowband transition, as required by the Federal Communications Commission (FCC)
 - l. Planning for backup communications capabilities in the event that primary systems/equipment fail
 - m. Planning for emerging technology systems
- **Development and/or enhancement of interoperable emergency communications assessments and inventories.** Multi-agency and multi-jurisdictional partnerships should facilitate planning activities, such as assessments of–
 - a. Technology capabilities, specifically the identification and inventorying of infrastructure and equipment³
 - b. SOPs
 - c. Training and exercises
 - d. System life cycle planning for emergency communications equipment
 - e. Sustainability of the interoperable emergency communications program if Federal grant funds are reduced or eliminated in the future

³ Note that the procurement of software packages that support emergency communications asset management activities is an allowable cost in FY 2010 IECGP.

f. Equipment or systems that are or need to become narrowband compliant

- **Development and enhancement of interoperable emergency communications protocols.** Funds may be used to enhance multi-jurisdictional and multi-disciplinary common planning and operational protocols. Activities may include programming interoperability channels and developing SOPs, common channel naming, fleet maps, common language protocols, and narrowband transition. In addition, activities may focus on SOPs to ensure backup communications capabilities when primary systems or equipment fail.
 - **Meeting-related expenses.** These costs may include the rental of space/locations/facilities for planning activities. This may also include costs for signs, badges, and similar materials.
 - **Public education and outreach.** These costs may cover providing interoperable emergency communications education and outreach activities on the SCIP and associated interoperable emergency communications initiatives.
 - **Supplies.** Supplies are items that are expended or consumed during the course of the planning project(s).
 - **Travel.** Travel costs (e.g. airfare, mileage per diem, or hotels) are allowable as expenses by employees who are on travel status for official business related to professional interoperable emergency communications planning activities, such as local, regional, and interstate meetings and conferences, the OEC annual National Emergency Communications Workshop, RECCWG meetings, and Communications Unit Leader (COML) training.
 - **Other project planning activities with prior approval from DHS.**
2. **Training Costs.** States, territories, and local and tribal governments are strongly encouraged to use IECGP funds to support interoperable emergency communications training activities. Communications-specific training activities should be incorporated into the statewide training and exercise plan and coordinated with the State interoperability coordinator and/or formal statewide interoperable emergency communications governance committee. Training developed or conducted using IECGP funds should address a performance gap identified through the SCIPs, TICP AARs, and/or other assessments. Exercises should be used to provide the opportunity to demonstrate and validate skills learned in training and to identify training gaps. Any training or exercise gaps should be identified in the grantee's AAR/IP and addressed in the training cycle. FY 2010 IECGP funds may be used for the following interoperable emergency communication training activities—
- **Funds used to develop, deliver, attend, and evaluate training.** Grant funds may be used to develop training programs and materials. Grant funds may also be used to plan, attend, and conduct communications-specific training workshops or conferences, to include covering costs related to planning, meeting space, and

other meeting costs, facilitation costs, materials and supplies, travel, and training development. Communications-specific training should focus on—

- a. Use of established operational protocols (e.g., common language)
 - b. Use of NIMS ICS
 - c. Use of interoperable emergency communications solutions
 - d. COML, Communications Unit Technician, or other ICS Communications Unit position training
 - e. Demonstration of NECP Milestone 8, as referenced in Part I
 - f. Training associated with the narrowband transition
 - g. Training associated with backup communications capabilities when primary systems/equipment fail
- **Travel.** Travel costs (e.g., airfare, mileage, per diem, or hotel) are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of the training project(s).
 - **Supplies.** Supplies are items that are expended or consumed during the course of the planning and conduct of the training project(s).
 - **Meeting-related expenses.** These costs may include the rental of space/locations/facilities for planning and conducting training. This may also include costs for signs, badges, and similar materials.
3. **Exercise Costs.** Exercises conducted using IECGP funds must be managed and executed in accordance with the HSEEP. The HSEEP Library will provide guidance for exercise design, development, conduct, evaluation, and improvement planning. The HSEEP Library provides sample exercise materials, and *HSEEP Volume V: Prevention Exercises* provides guidance and recommendations for designing, developing, conducting, and evaluating prevention-focused exercises.

The HSEEP Library can be found at: <http://hseep.dhs.gov>.

All exercises using IECGP funding must be NIMS-compliant. More NIMS information is available online at: <http://www.fema.gov/emergency/nims/index.shtml>.

Communications-specific exercise activities should be incorporated into the statewide training and exercise plan and coordinated with the State interoperability coordinator and/or statewide interoperable emergency communications governance committee. FY 2010 IECGP funds may be used for the following interoperable emergency communication exercise activities—

- **Funds used to design, develop, conduct, and evaluate exercises.** Grant funds may be used to enhance existing training, to include an interoperable emergency communications component, or to plan and conduct communications-specific exercise workshops or conferences. This includes costs related to planning, meeting space and other meeting costs, facilitation costs, materials and supplies, travel, and exercise plan development. Funds may be used to design,

conduct, and evaluate interoperable emergency communications exercises, including tabletop and fully functional exercises. Exercise activities should focus on the—

- a. Use of established operational protocols
 - b. Use of interoperable emergency communications solutions
 - c. Use of TICP to exercise on SOPs
 - d. Achievement of NECP milestones
- **Travel.** Travel costs (e.g., airfare, mileage, per diem, or hotel) are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of the IECGP exercise project(s).
 - **Supplies.** Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise project(s).
 - **Meeting-related expenses.** These costs may include the rental of space/locations/facilities for planning and conducting exercises. This may also include costs for signs, badges, and similar materials.
4. **Personnel Activities.** In general, the use of IECGP grant funding to pay for staff and/or contractor regular time or overtime/backfill is considered a personnel cost. These expenses are permitted under this grant in order to perform allowable FY 2010 IECGP planning, training, and exercise activities, as well as activities associated with implementing goals, objectives, and initiatives of the SCIP and achieving goals and milestones of the NECP. Specifically, this includes personnel associated with the interoperability coordinator function. Applicants must identify sustainable sources of funding (or a plan for obtaining sustainable forces) and work to integrate new staff into the State and local budgets in future years to maintain these capabilities. FY 2010 IECGP funds may not be used to support the hiring of any personnel for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities. Activities that are considered “personnel” include:
- **Hiring of certain full or part-time staff and contractors or consultants.** Full or part-time staff may be hired to support IECGP planning, training, exercise, and equipment planning and purchase- related activities. This includes staff to serve in the following roles, consistent with the SCIPs—
 - a. SWIC
 - b. Project manager(s)/subject matter expert(s) for the SWIC function, as appropriate
 - c. Regional, local, or tribal interoperability coordinator(s), as appropriate
 - **Office Equipment.** Office equipment costs are allowable, including personal computers, computer peripherals (for example, printers and external hard drives), and office telephones to support IECGP-related personnel.

The following are definitions for the terms used in this grant guidance:

- **Hiring.** State and local entities may use grant funding to cover the salary of newly hired personnel who are exclusively undertaking allowable FEMA program activities as specified in this guidance. This may not include new personnel who are hired to fulfill any non-FEMA program activities under any circumstances. Hiring will always result in a net increase of FTEs.
- **Overtime and Backfill.** The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of time spent on the design, development and conduct of exercises, in addition to attendance at FEMA and/or approved training courses and programs, are allowable. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the State or unit(s) of local government and has the approval of the State or the awarding agency, whichever is applicable. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.
- **Supplanting.** This refers to replacing a State and/or locally budgeted position with one or more full-time employees or contractors supported in whole or in part with Federal funds. Supplanting with grant funds is prohibited.

5. Equipment Planning and Purchase. In addition to purchasing interoperable emergency communications equipment, adequate technical and financial planning is needed to ensure that interoperable communications systems meet the needs of public safety agencies. Consistent with the OEC *Recommended Guidance for Federal Grant Programs (SAFECOM Guidance for Grant Programs)*, grantees must develop a communications system life-cycle plan when using IECGP funds to purchase communications systems. In addition, grantees are encouraged to migrate to approved open architecture and to leverage existing and emerging technologies to expand and integrate disaster communications capabilities. Finally, grantees must demonstrate how their procurements will comply with the applicable standards for land mobile radio systems and data-related information sharing systems or provide compelling reasons for using non-standards-based solutions. For applicable standards information, please see the *Recommended Guidance for Federal Grant Programs (SAFECOM Guidance for Grant Programs)* available at www.safecomprogram.gov.

Grant-funded systems, developmental activities, or services related to emergency response information sharing should conform as much as possible with the OASIS Emergency Data Exchange Language (EDXL) suite of data messaging standards and National Incident Management System (NIMS) guidelines. Additional information on data messaging standards and their applicability may be found at www.oasis-open.org. The NIMS Supporting Technology Evaluation Program (NIMS STEP) provides objective evaluations of commercial software and hardware products, and reports on product

conformity to standards and NIMS guidelines. Findings from evaluations may be accessed through the Responder Knowledge Base (RKB) website to assist grantees in making purchases. More information on the NIMS STEP can be found at https://www.rkb.us/contentdetail.cfm?content_id=219711.

For detailed standards information, please see the *Recommended Guidance for Federal Grant Programs (SAFECOM Guidance for Grant Programs)* available at www.safecomprogram.gov.

IECGP funds should be used for activities that include, but are not limited to, the following:

- **Development of communications system life-cycle plans.** Emergency response providers must upgrade and regularly maintain communications systems and capabilities to ensure effective operation. System life-cycle planning is needed to ensure long-term sustainability of communications systems and infrastructure. Grantees are required to provide a system life-cycle plan for any communications system purchased with IECGP funding and may use funding for costs associated with the development of a system life-cycle plan.
- **Equipment Purchases and Related Costs.** If an SAA and SWIC/SCIP POC certifies that its State, territory, or pass-through recipient has fulfilled all of the objectives of Priority Groups one and two, the State, territory, or pass-through recipient has the flexibility to purchase interoperable communications equipment with any remaining IECGP funds. When making equipment purchase decisions, grantees should take into account multi-disciplinary and multi-jurisdictional needs. IECGP funds may be used for costs associated with the following—
 - a. Design, implementation, enhancement, replacement, and maintenance of emergency response communications systems and equipment
 - b. Migration to approved open architecture and interoperable next generation systems, where appropriate
 - c. Leveraging of existing and emerging technologies to expand and integrate disaster communications capabilities among emergency response providers
 - d. Governance, development of policies and procedures, and the conduct of training and exercises needed for use of systems and equipment
 - e. Transition of equipment and systems to narrowband operation
 - f. Costs associated with maintaining existing equipment, including, storage, calibration, maintenance and testing of strategic reserve equipment; and cellular and satellite airtime for equipment used for emergency response only

States that are using FY 2010 IECGP 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 required to coordinate with other State and local partners in integrating their interoperable communications plans and projects as outlined in each State's Statewide Communication Interoperability Plan.

For more information on these allowed activities, please see the *OEC Recommended Guidance for Federal Grant Programs (SAFECOM Guidance for Grant Programs)* available at www.safecomprogram.gov.

- 6. Other Allowable Costs – Maintenance and Sustainment.** The use of FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable under all active and future grant awards, unless otherwise noted. Grantees are reminded to be sensitive to supplanting issues. Maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees previously purchased with State and or local funds cannot be replaced with Federal grant funding. Routine upkeep (i.e. gasoline, tire replacement, routine oil changes, monthly inspections, grounds and facility maintenance etc.) is the responsibility of the grantee and may not be funded with preparedness grant funding.
- **Maintenance Contracts and Warranties.** To increase the useful life of the equipment, maintenance contracts and warranties may be purchased using grant funding from one fiscal year (FY) to cover equipment purchased with funding from a different fiscal year. The use of grant funding for the purchase of maintenance contracts and warranties must meet the following conditions:
 - Maintenance contracts and warranties may only be purchased for equipment that has been purchased using FEMA preparedness grant funding
 - To avoid supplementing Congressional appropriations for specific programs, maintenance contracts and warranties must be purchased using funds from the same grant program used to purchase the original equipment
 - The term of the maintenance contract or warranty shall not exceed the period of performance of the grant to which the contract is being charged.
 - **Repair and Replacement Costs.** The cost of repair and replacement parts for equipment purchased using FEMA preparedness grant funding is an allowable expense.
 - Repair and replacement parts may only be purchased for equipment that has been purchased using FEMA preparedness grant funding
 - To avoid supplementing Congressional appropriations for specific programs, repair and replacement parts must be purchased using the same grant program used to purchase the original equipment.
 - **Upgrades.** FEMA preparedness grant funding may be used to upgrade previously purchased allowable equipment. For example, if the grantee purchased risk

management software with HSGP funds in FY 2005 and would like to use FY 2010 grant funding to upgrade the software, this is allowable.

- Upgrades may only be purchased for equipment that has been purchased using FEMA preparedness grant funding.
 - To avoid supplementing Congressional appropriations for specific programs, upgrades must be purchased using the same grant program used to purchase the original equipment.
- **User fees.** User fees are viewed as costs for specific services required to maintain and provide continued operation of equipment or systems. An example would be the recurring service fees associated with handheld radios or mobile data computers.
 - User fees may only be paid for equipment that has been purchased using FEMA preparedness grant funding.
 - To avoid supplementing Congressional appropriations for specific programs, user fees must be paid for using the same grant program used to purchase the original equipment. The service time purchased shall not exceed the period of performance of the grant to which the user fee is being charged.
 - **Implementation.** Planned or actual expenditures for maintenance contracts and warranties, repair and replacement costs, upgrades and user fees must be reflected in the Initial Strategy Implementation Plan (ISIP) or Biannual Strategy Implementation Report (BSIR).

Grantees must comply with all the requirements in 44 CFR Part 13 and 2 CFR Part 215.

Management and Administration (M&A) limits. A maximum of up to five percent (5%) of funds awarded may be retained by the State. All such retained funds must be used solely for management and administrative purposes associated with the IECGP award. Subgrantees may also use up to five percent (5%) of the FY 2010 IECGP Grant Program funds awarded to them by the State to be used solely for management and administrative purposes associated with the award.

NOTE: Construction related activities are not permitted with funding from the FY 2010 IECGP.

F. Other Submission Requirements

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.

PART V.

APPLICATION REVIEW INFORMATION

A. Review Criteria

Submitted IECGP Investment Justifications will undergo a joint DHS OEC and FEMA GPD review process to ensure that all Investment Justifications are compliant with program requirements before the funds are awarded.

B. Review and Selection Process

IECGP Investment Justifications will undergo a two-step review process: Federal and programmatic review. This process will ensure that all proposed projects are compliant with FY 2010 program requirements and objectives.

- **Federal Review.** The Federal reviewers are from within both FEMA and OEC as well as from other Federal agencies. FEMA and OEC will select the interoperable communications and grants management subject matter experts whose perspectives will most benefit the overall program. The Federal reviewers will assess the quality of the Investment Justifications based on whether or not the applicant sufficiently met each of the criteria requested in the Investment Justification, such as Alignment to SCIP and Alignment to Priority Groups.
- **Programmatic Review.** GPD will conduct the programmatic review to verify that all required documents, including standard forms, have been submitted and that the applicants' budget information adheres to program guidance. GPD, along with subject matter experts from OEC, will make final decisions on approvals and special conditions based on the recommendations of the Federal reviewers. GPD will approve and award IECGP funds based on the above criteria, and the applicants will receive correspondence from GPD on the status of their submitted Investment Justifications.

C. Anticipated Announcement and Award Dates

FEMA will evaluate and act on applications within 60 days following close of the application period, consistent with the *Department of Homeland Security Appropriations Act, 2010* (Public Law 111-83). Awards will be made on or before September 30, 2010.

PART VI.

AWARD ADMINISTRATION INFORMATION

A. Notice of Award

Upon approval of an application, the grant will be awarded to the SAA. The date that this is done is the “award date.” Notification of award approval is made through the Grants Management System (GMS). Once an award has been approved, a notice is sent to the authorized SAA grantee official. Follow the directions in the notification to accept your award documents. The authorized SAA grantee official should carefully read the award and special condition documents. If you do not receive a notification, please contact your FEMA Program Analyst for your award number. Once you have the award number, contact the GMS Help Desk at (888) 549-9901, option three, to obtain the username and password associated with the new award.

Awards made to SAAs for the IECGP carry additional pass-through requirements. Pass-through is defined as an obligation on the part of the States to make funds available to local units of government, combinations of local units, or other specific groups or organizations. The State’s pass-through period must be met within 45 days of the award date for the IECGP.⁴ 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.

FEMA will track the congressionally-mandated obligation of funds to local units of government through each State’s Initial Strategy Implementation Plan. In addition, FEMA strongly encourages the timely obligation of funds from local units of government to other subgrantees, as appropriate.

The period of performance is 36 months 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

⁴ For purposes of the FY 2010 IECGP, receipt of funds means the date on which funds are available for expenditure (e.g., all special conditions prohibiting obligation, expenditure and draw down have been removed).

FEMA at least 60 days prior to the expiration of the grant period of performance. The justification 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.

- 44 CFR Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*
- 2 CFR Part 215, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* (formerly OMB Circular A-110)

1.2 – Cost Principles.

- 2 CFR Part 225, *Cost Principles for State, Local, and Indian tribal Governments* (formerly OMB Circular A-87)
- 2 CFR Part 220, *Cost Principles for Educational Institutions* (formerly OMB Circular A-21)
- 2 CFR Part 230, *Cost Principles for Non-Profit Organizations* (formerly OMB Circular A-122)
- Federal Acquisition Regulations (FAR), Part 31.2 *Contract Cost Principles and Procedures, Contracts with Commercial Organizations*

1.3 – Audit Requirements.

- OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*

1.4 – Duplication of Benefits. There may not be a duplication of any Federal assistance, 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 FAR Part 31.2.

- 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.

FEMA uses the FEMA Payment and Reporting System (PARS) for payments made under this program, <https://isource.fema.gov/sf269/> (Note: link connects to Federal Financial Report [SF-425]).

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(c)) 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.

2.2 – Forms. In order to download the Standard Form 1199A, the Recipient may use the following Internet site: <http://www.fms.treas.gov/eft/1199a.pdf>.

NOTE: FUNDS WILL NOT BE AUTOMATICALLY TRANSFERRED UPON ISSUANCE OF THE GRANT. GRANTEES MUST SUBMIT A REQUEST FOR ADVANCE/REIMBURSEMENT IN ORDER FOR THE FUNDS TO BE TRANSFERRED TO THE GRANTEE’S ACCOUNT.

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

4.2 – 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). FEMA encourages grantees to align any geospatial activities with the guidance available on the FEMA website at <http://www.fema.gov/grants>.

4.3 – 28 CFR Part 23 Guidance. FEMA requires that any information technology system funded or supported by these funds comply with 28 CFR Part 23, *Criminal Intelligence Systems Operating Policies*, if this regulation is determined to be applicable.

5. Administrative Requirements.

5.1 – Freedom of Information Act (FOIA). FEMA 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 FEMA 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 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.

5.2 – Protected Critical Infrastructure Information (PCII). The PCII Program, established pursuant to the *Critical Infrastructure Act of 2002* (Public Law 107-296) (CII Act), created a framework which enables members of the private sector, States, local jurisdictions, and tribal nations to voluntarily submit sensitive information regarding critical infrastructure to DHS. The Act provides statutory protection from public disclosure and civil litigation for CII that is validated as PCII. When validated as PCII, the information can only be shared with

Government employees who complete the training requirement, who have homeland security duties, and a need to know.

PCII accreditation is a formal recognition that the covered government entity has the capacity and capability to receive and store PCII appropriately. DHS encourages all States, local jurisdictions, and tribal nations to pursue PCII accreditation to cover their government agencies. Accreditation activities include signing a memorandum of agreement (MOA) with DHS, appointing a PCII Officer and developing a standard operating procedure for handling PCII. For additional information about PCII or the accreditation process, please contact the DHS PCII Program Office at pcii-info@dhs.gov.

5.3 – 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. – Provides that no person on the grounds of race, color, or national origin 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. Title VI also extends protection to persons with Limited English Proficiency (LEP). (42 U.S.C. §2000d et seq.)
- *Title IX of the Education Amendments of 1972*, as amended, 20 U.S.C. §1681 et. seq. – Provides that no person, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.
- *Section 504 of the Rehabilitation Act of 1973*, as amended, 29 U.S.C. §794 – Provides that no otherwise qualified individual with a disability in the United States, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or subject to discrimination in any program or activity receiving Federal financial assistance.
- *The Age Discrimination Act of 1975*, as amended, 20 U.S.C. §6101 et. seq. – Provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject 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.

5.4 – Services to Limited English Proficient (LEP) persons. Recipients of FEMA 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 proposals 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>.

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

- *Lobbying.* 31 U.S.C. §1352, *Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions* – Prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. FEMA and DHS have codified restrictions upon lobbying at 44 CFR Part 18 and 6 CFR Part 9. (Refer to form included in application package.)
- *Drug-free Workplace Act*, as amended, 41 U.S.C. §701 et seq. – Requires the recipient to publish a statement about its drug-free workplace program and give a copy of the statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. Also, place(s) where work is being performed under the award (i.e., street address, city, state and zip code) must be maintained on file. The recipient must notify the Grants Officer of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. For additional information, see 44 CFR Part 17.
- *Debarment and Suspension* – Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarring or suspending those persons that deal in an irresponsible manner with the Federal government. The recipient must certify that they are not debarred or suspended from

receiving Federal assistance. For additional information, see 44 CFR Part 17.

- *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. (OMB Circular A-129) (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.

5.6 – 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 funding from FEMA. In addition, Executive Order 13347, *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 encourage consideration of the needs of individuals with disabilities served by State, local, and tribal governments in emergency preparedness planning.

FEMA 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:

- **Comprehensive Preparedness Guide 301 (CPG-301): Interim Emergency Management Planning Guide for Special Needs Populations.** CPG-301 is designed to aid tribal, State, territorial, and local governments in planning for individuals with special needs. CPG-301 outlines special needs considerations for: Developing Informed Plans; Assessments and Registries; Emergency Public Information/Communication; Sheltering and Mass Care; Evacuation; Transportation; Human Services/Medical Management; Congregate Settings; Recovery; and Training and Exercises. CPG-301 is available at <http://www.fema.gov/pdf/media/2008/301.pdf>.

- **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 Federal, State, and local 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 LLIS.gov, you can request membership by registering online.

5.7 – Environmental Planning and Historic Preservation (EHP) 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 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.

The grantee shall provide all relevant information to FEMA’s Grant Programs Directorate (GPD) 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, 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.

Grantees who are proposing communication tower projects are encouraged to complete their Federal Communications Commission (FCC) EHP process prior to preparing their EHP review materials for GPD, and to include their FCC EHP materials with their submission to GPD. Completing the FCC process first and submitting all relevant EHP documentation to GPD will help expedite FEMA's review.

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 GPD, 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. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify their GPD Program Analyst, and the appropriate State Historic Preservation Office. Any projects that have been initiated prior to approval will result in a non-compliance finding and will not be eligible for funding.

For more information on FEMA's EHP requirements, SAAs should refer to FEMA's Information Bulletin #329, *Environmental Planning and Historic Preservation Requirements for Grants*, available at <http://ojp.usdoj.gov/odp/docs/info329.pdf>. Additional information and resources can also be found at <http://www.fema.gov/plan/ehp/ehp-applicant-help.shtm>.

5.8 – Royalty-free License. Applicants are advised that FEMA reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (a) the copyright in any work developed under an award or sub-award; and (b) any rights of copyright to which an award recipient or sub-recipient purchases ownership with Federal support. Award recipients must agree to consult with FEMA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

5.9 – FEMA GPD Publications Statement. Applicants are advised that all publications created with funding under any grant award shall prominently contain the following statement: "This document was prepared under a grant from the Federal Emergency Management Agency's Grant Programs Directorate (FEMA/GPD) within the U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA/GPD or the U.S. Department of Homeland Security."

5.10 – Equipment Marking. Awardees may consider marking equipment in the following manner, "Purchased with funds provided by the U.S. Department of Homeland Security," in order to facilitate their own audit processes, as well as Federal audits and monitoring visits, which may result from receiving Federal funding. Equipment maintenance requirements are outlined in 44 CFR Part 13.32.

5.11 – Disadvantaged Business Requirement. Applicants are advised that, to

the extent that recipients of a grant use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.

5.12 – National Preparedness Reporting Compliance. *The Government Performance and Results Act of 1993 (Public Law 103-62) (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. FEMA anticipates using this information to inform future-year grant program funding decisions. Award recipients must agree to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within their grant agreement. This includes any assessments, audits, or investigations conducted by DHS, the Office of the Inspector General, or the U.S. Government Accountability Office (GAO).

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

- 1. Federal Financial Report (FFR) – required quarterly.** Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425), 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.

OMB has directed that the FFR SF-425 replace the use of the SF-269, SF-269A, SF-272, and SF-272A, which are no longer available as of October 1, 2009. The SF-425 is intended to provide Federal agencies and grant recipients with a standard format and consistent reporting requirements throughout the government.

FFRs **must be filed online** through PARS.

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. Semi-Annual Assistance Progress Report (SAPR).** Following an award, the awardees will be responsible for providing updated obligation and expenditure information on a semi-annual basis. The applicant is responsible for completing and submitting the SAPR reports. The awardee should include a statement in the narrative field of the SAPR that reads: See BSIR

The SAPR is 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). Future awards and fund drawdowns may be withheld if these reports are delinquent.

SAPRs must be filed online at <https://grants.ojp.usdoj.gov>. Guidance and instructions can be found at <https://grants.ojp.usdoj.gov/gmsHelp/index.html>.

Required submission: SAPR (due semi-annually).

- 3. Initial Strategy Implementation Plan (ISIP).** Following an award, the awardees will be responsible for providing updated obligation and expenditure information to meet the pass-through requirement. The applicable SAAs are responsible for completing and submitting the ISIP online.

Required submission: ISIP (due within 45 days of the award date).

- 4. Biannual Strategy Implementation Reports (BSIR).** Following an award, the awardees 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 BSIR reports which is a component of the SAPR. The BSIR submission will satisfy the narrative requirement of the SAPR. SAAs are still required to submit the SAPR with a statement in the narrative field that reads: See BSIR.

The BSIR is 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.

Required submission: BSIR (due semi-annually).

- 5. Exercise Evaluation and Improvement.** Exercises, implemented with grant funds, should be capabilities and performance-based and should evaluate performance of the targeted capabilities required to respond to the exercise scenario. Guidance related to exercise evaluation and the implementation of improvements is defined in the Homeland Security Exercise and Evaluation Program located at <https://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 the FEMA Grants and preparedness Community of Interest (COI) on the Homeland Security Information Network (HSIN) within 90 days following completion of the exercise.

The AAR documents the demonstrated performance of targeted capabilities and identifies recommendations for improvements. The IP outlines an exercising jurisdiction(s) plan to address the recommendations contained in the AAR. At a minimum, the IP must identify initial action items and be included in the final AAR. Guidance for the development of AARs and IPs is provided in the HSEEP manual.

Required submissions: AARs and IPs (as applicable).

- 6. 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/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 FY 2010 IECGP 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.

- 7. 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. Programmatic monitoring may also include the Regional Federal Preparedness Coordinators, when appropriate, to ensure

consistency of project investments with regional and national goals and policies, as well as to help synchronize similar investments ongoing at the Federal, State, and local levels.

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.

- 8. Grant Close-Out Process.** Within 90 days after the end of the period of performance, grantees must submit a final FFR and final SAPR detailing all accomplishments throughout the project. 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 project 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 drawn down 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 SAPR, due 90 days from the end of the grant period.

PART VII.

FEMA CONTACTS

This section describes several resources that may help applicants in completing a FEMA grant application.

- 1. Centralized Scheduling and Information Desk (CSID).** CSID is a non-emergency comprehensive management and information resource developed by DHS for grants stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the Federal, State, and local levels. CSID can be reached by phone at (800) 368-6498 or by e-mail at ASKCSID@dhs.gov, Monday through Friday, 8:00 a.m. – 6:00 p.m. EST.
- 2. National Exercise Division (NED).** The NED within the FEMA National Preparedness Directorate maintains program management for the Homeland Security Exercise and Evaluation Program (HSEEP). All questions pertaining to HSEEP may be addressed to hseep@fema.gov or contact the NED at (202) 786-9873.
- 3. Homeland Security Preparedness Technical Assistance Program and Planning Support (HSPTAP).** The provides direct support 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 prevent, protect against, respond to, and recover from terrorist and all hazard threats. In addition to the risk assessment assistance already being provided, FEMA also offers a variety of other direct support assistance programs.

The HSPTAP also provides access to planning support. The planning support aids jurisdictions by increasing their understanding of the complex issues faced in planning for various hazards and threats. This support includes leveraging subject-matter experts from around the country as well as enabling knowledge transfer from jurisdiction to jurisdiction.

More information can be found at http://www.fema.gov/about/divisions/pppa_ta.shtm or by e-mailing FEMA-TARequest@fema.gov or NPD-planning@dhs.gov.

- 4. Lessons Learned Information Sharing (LLIS) System.** LLIS is a national, online, secure website that houses a collection of peer-validated lessons learned, best practices, 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 homeland security officials, as well as an updated list of homeland security exercises, events, and conferences. Additionally, LLIS includes online collaboration tools, including secure email 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 can be found at: <http://www.LLIS.gov>.

5. **Information Bulletins.** Information Bulletins (IBs) provide important updates, clarifications, and policy statements related to FEMA preparedness grant programs. Grantees should familiarize themselves with the relevant publications. Information Bulletins can be found at: <http://www.fema.gov/government/grant/bulletins/index.shtm>.
6. **Information Sharing Systems.** FEMA encourages all State, regional, local, and tribal entities using FY 2010 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.
7. **The Office of Emergency Communications (OEC) Technical Assistance Catalog.** The Catalog describes the services available to requesting jurisdictions or organizations through the OEC Interoperable Communications Technical Assistance Program. These services, which are provided at no cost, include instruction and assistance with the planning, governance, operational, and technical aspects of developing and implementing interoperable communications initiatives. All OEC technical assistance services may be combined or tailored to meet the specific needs of the requesting organization. The Catalog also contains a technical assistance request form and instructions on how to complete and submit a request. It can be found at <http://www.safecomprogram.gov/SAFECON/statewideplanning/>.
8. **SAFECON Reference Library.** Detailed information that can assist in technical, planning, training and exercise, and regulatory related communications efforts can be found on the SAFECON website at www.safecomprogram.gov.
9. **GSA's State and Local Purchasing Programs.** The 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
Cooperative Purchasing, authorized by statute, allows State and local governments to purchase a variety of supplies (products) and services under specific GSA Schedule contracts to save time, money, and meet their everyday needs and missions.

The Cooperative Purchasing program allows State and local governments to purchase alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services off of Schedule 84 and Information Technology products and professional services off of Schedule 70 and the Consolidated Schedule (containing IT Special Item Numbers) **only**. Cooperative Purchasing for these categories is authorized under Federal law by the *Local Preparedness Acquisition Act* (Public Law 110-248) and Section 211 of the *E-Government Act of 2002* (Public Law 107-347).


Under this program, State and local governments have access to GSA Schedule contractors who have voluntarily modified their contracts to participate in the Cooperative Purchasing program. The GSA 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 GSA to provide State and local governments the use of ALL GSA Federal Supply Schedules 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.

Products and services being purchased to facilitate recovery from one of the above listed events, may be purchased both in advance of and in the aftermath of a major disaster, as long as the products and services being purchased, will 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 contractors on GSA's website, <http://www.gsaelibrary.gsa.gov>, denoted with a  or 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/csd> to find a local customer service director in your area. For assistance at the national level, contact Tricia Reed at tricia.reed@gsa.gov or (571) 259-9921. More information is available on all GSA State and local programs at: www.gsa.gov/stateandlocal.

PART VIII.

OTHER INFORMATION

IECGP Overview

The IECGP Investment Justification must provide a detailed description of the proposed use of the FY 2010 IECGP funds, including the intended planning, training, and exercise initiatives for improving interoperable emergency communications. The State or territory may propose activities at a local level, as well as activities that have statewide application. When proposing FY 2010 IECGP projects, the SAA must consider the following key factors:

- ***Alignment with the SCIP.*** Grantees must demonstrate alignment between proposed IECGP projects and the SCIPs (specifically, goals, objectives, and specific initiatives to address interoperable emergency communications gaps).
- ***IECGP Funding Objectives and Priority Groups one and two.*** Grantees must prioritize and select projects consistent with IECGP funding objectives:
1) Priority Group One, Gaps in Governance and Common Planning and Operational Protocols; and 2) Priority Group Two, Emergency Responder Skills and Capabilities. For State- or territory-level projects, Priority Group One objectives must be prioritized over Priority Group Two objectives. **Local or tribal pass-through recipient projects can be selected from either Priority Group.**
- ***Equipment purchase.*** If an SAA and SWIC/SCIP POC certifies that its State, territory, and/or pass-through recipients have fulfilled all of the objectives of Priority Groups one and two, the State, territory, and/or pass-through recipients have the flexibility to use any remaining IECGP funds for purchase of interoperable emergency communications equipment or other costs associated with maintaining existing interoperable emergency communications equipment.
- ***Grant program requirements.*** Grantees must meet the minimum 80 percent pass-through to local or tribal government entities.

Note: SAAs must coordinate with the SWIC/SCIP POC to ensure IECGP program requirements are met. The SWIC/SCIP POC must coordinate with the SIGB and the appropriate SCIP stakeholders and committees at the State, regional, local, and tribal levels of government to ensure support for the projects selected.

Further, per the 9/11 Act, States and territories are required to report to OEC annually on the use of grant funds in order to track their progress in implementing the SCIPs and achieving interoperability at the city, county, regional, State, and interstate levels.

To assist in the development of IECGP Investment Justifications, States and territories can refer to the IECGP Program Guidance and Application Kit, as well as any follow-up application reference materials as needed.

The IECGP Investment Justification must include an overall Portfolio Narrative and Portfolio Budget, as well as specific Project Outline(s). **IECGP projects must be outlined using the Project Outline Template.**

FY 2010 Interoperable Emergency Communications Grant Program (IECGP) Portfolio

Please complete the following sections just once.

Portfolio Narrative: *(not to exceed 1 page)*

- Overview of State or territory's interoperable emergency communications priorities and needs for planning, training, and exercises in FY 2010;
- Overview of the State's or territory's interoperable communications governance structure, including the existence of a SWIC;
 - Describe the methodology used for prioritizing FY 2010 IECGP projects and the stakeholders involved in that prioritization.
- Summary of the agencies involved in IECGP initiatives (e.g., State, local, tribal) and a description of their involvement.
- Summary and justification of anticipated M&A expenditures.

Portfolio Budget: *(not to exceed 1 page)*

Include a breakdown of all FY 2010 IECGP funds by project name and the M&A amount withheld at the State or territory level. In addition, the State or territory must outline how it intends to meet the pass-through requirement. The pass-through requirement will be monitored via the Grants Reporting Tool (GRT) throughout the grant's period of performance.

Portfolio Budget		Total Cost
State or territory M&A (up to 5%)		\$XX
<i>If the State or territory intends to use M&A funding, it must provide a summary and justification of anticipated expenditures in the Portfolio Narrative.</i>		
State or territory supported projects		\$XX
Project Name:	E.g., Update SCIP	Project Cost: \$XX
Project Name:	E.g., Hire SWIC	Project Cost: \$XX
Local pass-through projects (80%)		\$XX
Project Name:	E.g., Interoperable Communications Training and Exercises	Project Cost: \$XX
Project Name:	E.g., Developing Standard Operating Procedures	Project Cost: \$XX
Total IECGP Funds		\$XX

FY 2010 IECGP, Project #[x], Project Name

Please complete the following sections for each individual project.

IECGP Objective: *(not to exceed a ½ page)*

Briefly describe the project as a whole and its primary objective. Include a description of the interoperable emergency communications gap to be filled and the end result/outcome(s) of the project.⁵

Alignment to IECGP Priority Groups:

Please select the Priority Group and Objective(s) to which this project aligns:

- ☐ **Priority Group One: Gaps in Governance and Common Operational Planning and Protocols.**
- ☐ Establishment of formal interoperable emergency communications governance structures;
- ☐ Establishment of common planning and operational protocols.
- Or:**
- ☐ **Priority Group Two: Emergency Responder Skills and Capabilities Development through Training and Exercises.**
- ☐ Enhancement of emergency responder skills and capabilities through training and exercises.

⁵ Note that if this is a Priority 1 project directed at personnel, applicants must explain how they are working to integrate new staff into the State budget in future years to maintain the capability, as appropriate.

For State/territory-level Projects Only:

Per FY 2010 IECGP funding objectives, State and territory level applicants are expected to prioritize Priority Group One, Leadership and Governance and Common Planning and Operational Protocols, objectives over Priority Group two. If applicants are unable to check all of the following boxes, it is expected that FY 2010 IECGP funds be directed to meet these minimum expectations prior to choosing Priority Group Two projects.

- ☐ The State or territory has a formal statewide interoperable emergency communications governance committee, consistent with the FY 2007 Statewide Planning Criteria, which has:
 - ☐ Representation from each public safety discipline;
 - ☐ Representation across each level of government: Federal, State, local, and tribal (if applicable);
 - ☐ Representation from each region within the State or territory (as applicable, and/or defined in the SCIP);
 - ☐ Executive or legislative authority and a formal charter.

Please also verify the following:

- ☐ The State or territory has hired a full-time SWIC with sufficient capabilities/resources (e.g., project management, technical expertise) to effectively execute his/her mission, consistent with the FY 2007 Statewide Planning Criteria.

If not, please provide an explanation of why and how the State or territory intends on ensuring SCIP implementation efforts are effectively coordinated statewide.

- ☐ The State or territory has developed SOPs that demonstrate consistent use of interoperability channels, plain language protocols, common channel naming; and
- ☐ The State or territory has developed SOPs that demonstrate compliance with NIMS ICS.

For State/territory and Local level Projects:

Per FY 2010 IECGP funding objectives, the applicant has the flexibility to use IECGP funds to purchase interoperable emergency communications equipment if and only if it has achieved or will achieve all of the above listed expectations for Priority Group One and the following Priority Group objectives:

- ☐ The State or territory has completed a State-level multi-jurisdictional, multi-agency training and exercise event. (Not applicable to pass-through recipients)

If the State, territory, and/or pass-through recipient plans to use IECGP funds to purchase interoperable emergency communications equipment, it must certify the following:

- ☐ The State, territory, and/or pass-through recipient certifies that it has achieved or will achieve both Priority Group One and two objectives within twelve months of receipt of FY 2010 IECGP funds.

Alignment to SCIP Goals, Objectives, and/or Initiatives: *(not to exceed 1 page)*

Identify how the project aligns to the SCIP: 1) needs and/or gaps identified; 2) goals and objectives; and 3) specific initiative(s). Describe where the need/gap, goal, objective, and/or initiative was identified (provide specific header and page number references).

Priority and Need	E.g., Hire Interoperability Coordinator
Related Goal(s)	Goal X, (SCIP Section x: Page x): Insert description of the goal(s)
Related Objective(s)	Objective X, (SCIP Section x: Page x): Insert description of the objective(s)
Related Strategic Initiative(s)	Strategic Initiative X, (SCIP Section x: Page x): Insert description of the initiative(s)

Governance: *(not to exceed a ½ page)*

Identify the governance structures in place that will support the development and implementation of the project. Explain how this objective will be communicated to the statewide interoperable emergency communications governance committee.

Performance Measure(s) and Basis of Evaluation: *(not to exceed a ½ page)*

Indicate the performance measure(s) that will be used to evaluate this project's impact and the basis for developing the measure(s). The performance measures should focus on quantifiable outcomes. For example, an outcome could be:

- Improved coordination between adjacent local jurisdictions or improved coordination between Federal, State, or local entities in the same location.
- Exercise results demonstrating increased operability, increased inter-operability, or an increased area of coverage.

Challenges/Risks: *(not to exceed a ½ page)*

Identify any potential challenges to implementing this project. Examples of challenges and risks could include anything that could impact the schedule or cost, such as hiring an interoperability coordinator by a certain date, collection of Memoranda of Understanding, or completion of a related project.

Project Budget: *(not to exceed 1 page)*

Explain how the costs were estimated and justify the need for the costs. The applicant should break down the project budget by allowable cost category, and M&A, and the anticipated expenditures within each category. For clarification, please list out anticipated expenditures under each allowable cost category and M&A on separate lines.

Note: If the applicant is proposing a project for the purchase of interoperable emergency communications equipment, the State or territory must include cost share information in the table below to demonstrate that it is in compliance with the 25% State cost share requirement. The information should include:

- Amount of State (or local) cost share funding;
- Source of cost share funding (e.g., State, local); and
- Category of in-kind (e.g., donated volunteer services, salaries, equipment, or property or indirect costs) and/or cash cost share (e.g., State, local).

To calculate cost share, the applicant must first determine the total project cost for equipment and then calculate the State and Federal shares respectively. The applicant should keep in mind that the total project cost does not equal the proposed amount of IECGP federal funding. For example, if a State is purchasing interoperable emergency communications equipment for a total cost of \$100,000, the State may apply for \$75,000 (75% of total project cost) of federal IECGP grant funds if it provides \$25,000 (25% of total project cost) of State or local cost share funds.

Anticipated Expenditures (by Allowable Cost Category)	Cost
Planning:	
E.g., Personnel	\$XX
E.g., Contract Support	\$XX
Total Planning Costs	\$XX
Training:	
E.g., Number trained and training cost per person	\$XX
Total Training Costs	\$XX
Exercises:	
E.g., Overtime/Backfill	\$XX
E.g., Travel.	\$XX
Total Exercise Costs	\$XX
Personnel Activities:	
E.g., Estimated Salary and Benefits	\$XX
Total Personnel Costs	\$XX
Equipment:	
E.g., Interoperable Emergency Communications Equipment and associated maintenance costs	\$XX
Total Equipment Costs	\$XX
Equipment Cost Share: (if applicable)	
Cost share amount (25% of total project cost)	\$XX
Cost share source (E.g., State, local)	
Cost share category (E.g., cash, in-kind)	
M&A (up to 5%):	\$XX
E.g., Hiring of staff to assist with the management of IECGP	\$XX
Total Project Cost:	\$XX

Bi-annual Activities:

For every six-month period, identify project milestones, budget milestones, and expected outcomes. This section should provide a snapshot of where the grantee expects to be in terms of progress toward outcomes and expenditures for the given time period, and show progress toward completion by the end of the grant period of performance. Project milestones should reference the major project milestones listed above and

<p>any other significant milestones for the reporting period (e.g. “At six months, we will have hired a SWIC.”) Budget milestone should reflect the recipient’s expenditure plan and expenditures should be related to major project milestones (e.g. “At six months, multi-jurisdictional tactical plan will have been started under leadership of new SWIC.”) Outcomes may include information such as the Governing Board including certain stakeholders or addressing certain issues; the exercise addressing increased operability or interoperability; or the training resulting in x number of people trained to x capacity. Actual progress data will be identified through input in the Grants Reporting Tool as well as through programmatic monitoring</p>	
1st Bi-annual Activity (Year 1)	Expected Outcome: <i>(not to exceed a ¼ page)</i>
2nd Bi-annual Activity (Year 1)	Expected Outcome: <i>(not to exceed a ¼ page)</i>
3rd Bi-annual Activity (Year 2)	Expected Outcome: <i>(not to exceed a ¼ page)</i>
4th Bi-annual Activity (Year 2)	Expected Outcome: <i>(not to exceed a ¼ page)</i>
5th Bi-annual Activity (Year 3)	Expected Outcome: <i>(not to exceed a ¼ page)</i>
6th Bi-annual Activity (Year 3)	Expected Outcome: <i>(not to exceed a ¼ page)</i>

Allowable Cost Matrix. Allowable costs under IECGP may include, but are not limited to, the types of activities that are checked [✓] below. An allowable cost activity must be related to IECGP activities.

These activities are aligned with those described in other DHS grant guidance (e.g., the HSGP) to offer eligible IECGP applicants a comparison of allowable activities.

IECGP Program Activities	Allowable
Planning Costs	
Public education and outreach	✓
Interoperable emergency communications education and outreach	✓
Develop and implement homeland security support programs and adopt ongoing DHS National Initiatives, including State Preparedness Reports, related to interoperable emergency communications	✓
Develop and enhance interoperable emergency communications plans, including SCIP, TICP, and/or local/regional plans that align with SCIP and/or TICP goals objectives or initiatives	✓
Develop and enhance interoperable emergency communications protocols. This may include activities such as developing SOPs, programming interoperability channels, instituting common channel naming and plain language protocols, developing fleet maps, among others.	✓
Develop and/or strengthen interoperable emergency communications assessments (including requirements analyses) and/or inventories	✓
Hiring full- or part-time staff or contract/consultants to assist with planning activities (not for the purpose of hiring public safety personnel fulfilling traditional public safety duties) as it relates to IECGP. This may include State, regional, or local interoperability coordinator(s), and/or project manager(s)/subject matter expert(s) for the SWIC function.	✓
Conferences to facilitate planning activities, whether local, interstate, regional, or national	✓
Supplies and materials required to conduct planning activities	✓
Travel/per diem related to support planning activities	✓
Overtime and backfill costs (IAW operational Cost Guidance)	✓
Conduct assessments and develop plans to transition to narrowband operation	✓
Training Costs	
Develop, deliver, and evaluate training	✓
Overtime and backfill for emergency preparedness and response personnel attending interoperable emergency communications training classes as it relates to IECGP	✓
Training workshops and conferences	✓
Full- or part-time staff or contractors/consultants	✓
Travel	✓
Supplies	✓
Training related to narrowband transition	✓
Tuition for higher education	
Other items	
Exercises Costs	
Design, develop, conduct and evaluate an exercise	✓
Exercise planning workshop	✓
Full- or part-time staff or contractors/consultants	✓

Overtime and backfill for emergency preparedness and response personnel attending interoperable emergency communications exercises classes as it relates to IECGP	✓
Implementation of HSEEP, as it pertains to interoperable emergency communications	✓
Travel	✓
Supplies	✓
Other items	
Equipment Costs	
Develop requirements definition and analysis	✓
Collect asset inventory	✓
Conduct technology alternatives and feasibility analyses	✓
Develop system design (e.g., engineering or site surveys)	✓
Install and build-out communications system infrastructure	✓
Distribute portable and mobile equipment	✓
Develop deployment and standard operating procedures	✓
Develop fleetmap for local and statewide interoperability	✓
Conduct system acceptance testing	✓
Conduct certification and accreditation	✓
Manage interoperability assets through inventorying equipment	✓
Develop service-level agreement(s) and payment, including operations and maintenance considerations	✓
Transition systems or equipment to narrowband operation	✓
Equipment Categories⁶	
Personal Protective Equipment	
Explosive Device Mitigation and Remediation Equipment	
CBRNE Operational Search and Rescue Equipment	
Information Technology	
Cyber Security Enhancement Equipment	
Interoperable Communications Equipment	✓
Detection Equipment	
Decontamination Equipment	
Medical Supplies and Limited Pharmaceuticals	
Power Equipment	
CBRNE Reference Materials	
CBRNE Incident Response Vehicles	
Terrorism Incident Prevention Equipment	
Physical Security Enhancement Equipment	
Inspection and Screening Systems	
Agriculture Terrorism Prevention, Response, and Mitigation Equipment	
CBRNE Response Watercraft	
CBRNE Aviation Equipment	
CBRNE Logistical Support Equipment	
Intervention Equipment	
Other Authorized Equipment	
Training related to narrowband transition	✓
Tuition for higher education	
Other items	

⁶ For additional information regarding FY 2010 IECGP equipment categories, please refer to the web-based version of the Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB), at <https://www.rkb.us>.

Management & Administrative Costs	
Hiring of full- or part-time staff or contractors/consultants to assist with the management of IECGP, application requirements, compliance with reporting and data collection requirements	✓
Development of operating plans for information collection and processing necessary to respond to DHS data calls	✓
Overtime and backfill costs associated with IECGP	✓
Travel	✓
Meeting related expenses	✓
Authorized office equipment	✓
Recurring expenses such as those associated with cell phones and faxes during the period of performance of the grant program	✓
Leasing or renting space for personnel during the period of performance of the grant program	✓

FY 2010 Match Guidance

Introduction

Determining match for the purposes of submitting grant applications to any Federal Agency should be a coordinated process at the State and local level. It is highly recommended that programmatic staff at the State and local level consult with their financial staff prior to submitting any grant applications, especially those that identify cash or in-kind match.

Types of Match

- 1. Cash Match.** Cash (hard) match includes non-Federal cash spent for project-related costs, according to the program guidance. Allowable cash match must only include those costs which are in compliance with 2 CFR Part 225, *Cost Principles for State, Local, and Indian Tribal Governments* (OMB Circular A-87) and 44 CFR Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*.
- 2. In-kind Match.** In-kind (soft) match includes, but is not limited to, the valuation of in-kind services. "In-kind" is the value of something received or provided that does not have a cost associated with it. For example, if in-kind match (other than cash payments) is permitted, then the value of donated services could be used to comply with the match requirement. Also, third party in-kind contributions may count toward satisfying match requirements provided the grantee receiving the contributions expends them as allowable costs in compliance with 2 CFR Part 225, *Cost Principles for State, Local, and Indian Tribal Governments* (OMB Circular A-87) and 44 CFR Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*.

Definitions

- **Matching or Cost Sharing.** This means the value of the third party in-kind contributions and the portion of the costs of a federally-assisted project or program not borne by the Federal Government. All cost-sharing or matching funds claimed against a FEMA grant by State, local or Tribal governments must meet the requirements of the program guidance and/or program regulations, 44 CFR § 13, and 2 CFR § 225.
- **Cash Match (hard).** This includes cash spent for project-related costs under a grant agreement. Allowable cash match must include only those costs which are allowable with Federal funds in compliance with the program guidance and/or program regulations, 44 CFR § 13, and 2 CFR § 225.
- **In-kind Match (soft).** This means contributions of the reasonable value of property or services in lieu of cash which benefit a federally-assisted project or program. This type of match may only be used if not restricted or prohibited by program statute, regulation or guidance and must be supported with source documentation. Only property or services that are in compliance with program

guidance and/or program regulations, 44 CFR § 13, and 2 CFR § 225, are allowable.

Basic Guidelines

- For costs to be eligible to meet matching requirements, the costs must first be allowable under the grant program.
- The costs must also be in compliance with all Federal requirements and regulations (e.g., 44 CFR Part 13 and 2 CFR Part 225); the costs must be reasonable, allowable, allocable, and necessary.
- Records for all expenditures relating to cost sharing or matching must be kept in the same manner as those for the grant funds.
 - The following documentation is required for third-party cash and in-kind contributions: Record of donor; Dates of donation; Rates for staffing, equipment or usage, supplies, etc.; Amounts of donation; and Deposit slips for cash contributions. According to 44 CFR § 13.24, this documentation is to be held at the Applicant and/or subapplicant level.
- Except as provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant.
- The source of the match funds must be identified in the grant application.
- Every item must be verifiable, i.e., tracked and documented.
- Any claimed cost share expense can only be counted once.

Examples *(For additional examples of match, please contact your State finance office)*

- The Emergency Management Director has 50% of his/her salary paid from State funds and 50% paid from Federal grant funds, but he/she provides 60% effort in the Federal grant program that only pays 50% salary. The additional 10% of effort/time toward the Federal grant program can be claimed as soft match. All record keeping requirements to prove the 60% time allocation apply.
- Non-Federally funded equipment or facilities used during exercises can be claimed as soft match, but only at the time of donation. For example, only the fair market price for the use of the facility for the period of the exercise can be claimed as match.
- Third party in-kind contributions of salary, travel, equipment, supplies and other budget areas that are from third party sources must be in compliance with 44 CFR § 13.24, *Matching or Cost Sharing*. These types of contributions include voluntary contributions such as emergency personnel, lawyers, etc., who donate their time to a Federal grant program. The normal per hour rate for these professionals (acting in their professional capacity) can be used to meet the matching requirement. The value of the services provided is taken into consideration when determining the value of the contribution - not who is providing the service. For example, if a lawyer is volunteering his services to assist flood victims in filing legal paper work, the lawyer's normal hourly rate is allowable. If the lawyer is volunteering his services and is working in a soup

kitchen, the lawyer's hourly rate would not be applicable; it would be the hourly rate for a soup kitchen worker.

Governing Provisions

- 44 CFR Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*
 - Reference 44 CFR § 13.24, *Matching or Cost Sharing*
- 2 CFR Part 225, *Cost Principles for State, Local, and Indian Tribal Governments* (OMB Circular A-87)
- Program Guidance and/or Program Regulations

44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

44 CFR § 13.24, Matching or Cost Sharing.

(a) Basic rule: Costs and contributions acceptable. With the qualifications and exceptions listed in paragraph (b) of this section, a matching or cost sharing requirement may be satisfied by either or both of the following:

- (1) Allowable costs incurred by the grantee, subgrantee or a cost-type contractor under the assistance agreement. This includes allowable costs borne by non-Federal grants or by others cash donations from non-Federal third parties.
- (2) The value of third party in-kind contributions applicable to the period to which the cost sharing or matching requirements applies.

(b) Qualifications and exceptions:

- (1) Costs borne by other Federal grant agreements. Except as provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant. This prohibition does not apply to income earned by a grantee or subgrantee from a contract awarded under another Federal grant.
- (2) General revenue sharing. For the purpose of this section, general revenue sharing funds distributed under 31 U.S.C. 6702 are not considered Federal grant funds.
- (3) Cost or contributions counted towards other Federal costs-sharing requirements. Neither costs nor the values of third party in-kind contributions may count towards satisfying a cost sharing or matching requirement of a grant agreement if they have been or will be counted towards satisfying a cost sharing or matching requirement of another Federal grant agreement, a Federal procurement contract, or any other award of Federal funds.
- (4) Costs financed by program income. Costs financed by program income, as defined in § 13.25, shall not count towards satisfying a cost sharing or matching requirement unless they are expressly permitted in the terms of the assistance agreement (This use of general program income is described in § 13.25 (g)).

- (5) Services or property financed by income earned by contractors. Contractors under a grant may earn income from the activities carried out under the contract in addition to the amounts earned from the party awarding the contract. No costs of services or property supported by this income may count toward satisfying a cost sharing or matching requirement unless other provisions of the grant agreement expressly permit this kind of income to be used to meet the requirement.
- (6) Records. Costs and third party in kind contributions counting towards satisfying a cost sharing or matching requirement must be verifiable from the records of grantees and subgrantees or cost-type contractors. These records must show how the value placed on third party in-kind contributions was derived. To the extent feasible, volunteer services will be supported by the same methods that the organization uses to support the allocability of regular personnel costs.
- (7) Special standards for third party in kind contributions.
 - (i) Third party in kind contributions count towards satisfying a cost sharing or matching requirement only where, if the party receiving the contributions were to pay for them, the payments would be allowable costs.
 - (ii) Some third party in-kind contributions are goods and services that if the grantee, subgrantee, or contractor receiving the contribution had to pay for them, the payments would have been an indirect costs. Costs sharing or matching credit for such contributions shall be given only if the grantee, subgrantee, or contractor has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of the contributions.
 - (iii) A third party in-kind contribution to a fixed-price contract may count towards satisfying a cost sharing or matching requirement only if it results in:
 - (A) An increase in the services or property provided under the contract (without additional cost to the grantee or subgrantee); or
 - (B) A cost savings to the grantee or subgrantee.
 - (iv) The values placed on third party in kind contributions for cost sharing or matching purposes will conform to the rules in the succeeding sections of this part. If a third party in-kind contribution is a type not treated in those sections, the value placed upon it shall be fair and reasonable.

(c) Valuation of donated services:

- (1) Volunteer services. Unpaid services provided to a grantee or subgrantee by individuals will be valued at rates consistent with those ordinarily paid for similar work in the grantee's or subgrantee's organization. If the grantee or subgrantee does not have employees performing similar work, the rates will be consistent with those ordinarily paid by other employers for similar work in the same labor market. In either case, a reasonable amount for fringe benefits may be included in the valuation.

- (2) Employees of other organizations. When an employer other than a grantee, subgrantee, or cost-type contractor furnishes free of charge the services of an employee in the employee's normal line of work, the services will be valued at the employee's regular rate of pay exclusive of the employee's fringe benefits and overhead costs. If the services are in a different line of work, paragraph(c)(1) of this section applies.

(d) Valuation of third party donated supplies and loaned equipment or space:

- (1) If a third party donates supplies, the contribution will be valued at the market value of the supplies at the time of donation.
- (2) If a third party donates the use of equipment or space in a building but retains title, the contribution will be valued at the fair rental rate of the equipment or space.

(e) Valuation of third party donated equipment, buildings, and land. If a third party donates equipment, buildings, or land, and title passes to a grantee or subgrantee, the treatment of the donated property will depend upon the purpose of the grant or subgrant, as follows:

- (1) Awards for capital expenditures. If the purpose of the grant or subgrant is to assist the grantee or subgrantee in the acquisition of property, the market value of that property at the time of donation may be counted as cost sharing or matching,
- (2) Other awards. If assisting in the acquisition of property is not the purpose of the grant or subgrant, paragraphs (e)(2) (i) and (ii) of this section apply:
 - (i) If approval is obtained from the awarding agency, the market value at the time of donation of the donated equipment or buildings and the fair rental rate of the donated land may be counted as cost sharing or matching. In the case of a subgrant, the terms of the grant agreement may require that the approval be obtained from the Federal agency as well as the grantee. In all cases, the approval may be given only if a purchase of the equipment or rental of the land would be approved as an allowable direct cost. If any part of the donated property was acquired with Federal funds, only the non- Federal share of the property may be counted as cost sharing or matching.
 - (ii) If approval is not obtained under paragraph (e)(2)(i) of this section, no amount may be counted for donated land, and only depreciation or use allowances may be counted for donated equipment and buildings. The depreciation or use allowances for this property are not treated as third party in-kind contributions. Instead, they are treated as costs incurred by the grantee or subgrantee. They are computed and allocated (usually as indirect costs) in accordance with the cost principles specified in § 13.22, in the same way as depreciation or use allowances for purchased equipment and buildings. The amount of depreciation or use allowances for donated equipment and buildings is based on the property's market value at the time it was donated.

(f) Valuation of grantee or subgrantee donated real property for construction/ acquisition. If a grantee or subgrantee donates real property for a construction or

facilities acquisition project, the current market value of that property may be counted as cost sharing or matching. If any part of the donated property was acquired with Federal funds, only the non-Federal share of the property may be counted as cost sharing or matching.

- (g) Appraisal of real property.** In some cases under paragraphs (d), (e), and (f) of this section, it will be necessary to establish the market value of land or a building or the fair rental rate of land or of space in a building. In these cases, the Federal agency may require the market value or fair rental value be set by an independent appraiser, and that the value or rate be certified by the grantee. This requirement will also be imposed by the grantee on subgrantees.

2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)

Basic Guidelines

- 1. Factors affecting allowability of costs.** To be allowable under Federal awards, costs must meet the following general criteria:
 - a. Be necessary and reasonable for proper and efficient performance and administration of Federal awards.
 - b. Be allocable to Federal awards under the provisions of 2 CFR Part 225.
 - c. Be authorized or not prohibited under State or local laws or regulations.
 - d. Conform to any limitations or exclusions set forth in these principles, Federal laws, terms and conditions of the Federal award, or other governing regulations as to types or amounts of cost items.
 - e. Be consistent with policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the governmental unit.
 - f. Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
 - g. Except as otherwise provided for in 2 CFR Part 225, be determined in accordance with generally accepted accounting principles.
 - h. Not be included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period, except as specifically provided by Federal law or regulation.
 - i. Be the net of all applicable credits.
 - j. Be adequately documented.
- 2. Reasonable costs.** A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when governmental units or components are predominately federally-funded. In determining reasonableness of a given cost, consideration shall be given to:

- a. Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the governmental unit or the performance of the Federal award.
- b. The restraints or requirements imposed by such factors as: Sound business practices; arm's-length bargaining; Federal, State and other laws and regulations; and, terms and conditions of the Federal award.
- c. Market prices for comparable goods or services.
- d. Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the governmental unit, its employees, the public at large, and the Federal Government.
- e. Significant deviations from the established practices of the governmental unit which may unjustifiably increase the Federal award's cost.

3. Allocable costs.

- a. A cost is allocable to a particular cost objective if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received.
- b. All activities which benefit from the governmental unit's indirect cost, including unallowable activities and services donated to the governmental unit by third parties, will receive an appropriate allocation of indirect costs.
- c. Any cost allocable to a particular Federal award or cost objective under the principles provided for in 2 CFR Part 225 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.
- d. Where an accumulation of indirect costs will ultimately result in charges to a Federal award, a cost allocation plan will be required as described in Appendices C, D, and E to this part.

4. Applicable credits.

- a. Applicable credits refer to those receipts or reduction of expenditure-type transactions that offset or reduce expense items allocable to Federal awards as direct or indirect costs. Examples of such transactions are: Purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance refunds or rebates, and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the governmental unit relate to allowable costs, they shall be credited to the Federal award either as a cost reduction or cash refund, as appropriate.
- b. In some instances, the amounts received from the Federal Government to finance activities or service operations of the governmental unit should be treated as applicable credits. Specifically, the concept of netting such credit items (including any amounts used to meet cost sharing or matching requirements) should be recognized in determining the rates or amounts to be charged to Federal awards.