



U.S. DEPARTMENT OF HOMELAND SECURITY

**FISCAL YEAR 2011**

**COMMUNITY ASSISTANCE PROGRAM –  
STATE SUPPORT SERVICES ELEMENT (CAP-  
SSSE) PROGRAM GUIDANCE**

**GUIDANCE AND APPLICATION KIT**

**AMENDED AUGUST 2011**

**Title of Opportunity: Community Assistance Program – State Support Services Element (CAP-SSSE) Program**

**Funding Opportunity Number:**

Region 1 – DHS-11-MT-023-001-98  
Region 2 – DHS-11-MT-023-002-98  
Region 3 – DHS-11-MT-023-003-98  
Region 4 – DHS-11-MT-023-004-98  
Region 5 – DHS-11-MT-023-005-98  
Region 6 – DHS-11-MT-023-006-98  
Region 7 – DHS-11-MT-023-007-98  
Region 8 – DHS-11-MT-023-008-98  
Region 9 – DHS-11-MT-023-009-98  
Region 10 – DHS-11-MT-023-010-98

**CFDA Number:** 97.023

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

**Announcement Type:** **Modification to the February 2011** Annual Funding Announcement. This modification increases the funding level, reference the Award Information Section II.

**Dates:** Completed applications must be submitted **no later than 11:59 PM Eastern, August 26, 2011.**

**Additional overview information:** This Guidance updates the Community Assistance Program – State Support Services Element (CAP-SSSE) guidance issued in Federal Fiscal Year 2010.

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## PART I.

# FUNDING OPPORTUNITY DESCRIPTION

**Purpose of CAP-SSSE:** The purpose of this program is to provide, through a State cooperative agreement mechanism, a means to ensure that communities participating in the National Flood Insurance Program (NFIP) are achieving the flood loss reduction goals of the NFIP. CAP-SSSE is intended to accomplish this by providing funding to States to provide technical assistance to NFIP communities and to evaluate community performance in implementing NFIP floodplain management activities with the additional goal of building State and community floodplain management expertise and capability.

**Authorities and Background:** The CAP-SSSE Program derives its authority from the National Flood Insurance Act of 1968, as amended, the Flood Disaster Protection Act of 1973, and from 44 CFR Parts 59 and 60. The National Flood Insurance Act of 1968 prohibits the Administrator from providing flood insurance in a community unless that community adopts and enforces floodplain management measures that meet or exceed minimum criteria in 44 CFR Part 60.3. These floodplain management measures can take the form of floodplain management ordinances, building codes, or zoning provisions. The Act also directs FEMA to work closely with and provide any necessary technical assistance to States and communities participating in the NFIP. CAP-SSSE, through its State partnering agreement, is designed to make State personnel available to assist and supplement FEMA Regions in providing technical assistance to NFIP communities and in monitoring, evaluating, and pursuing corrective actions taken by communities in the performance of local floodplain management responsibilities. State officials can be particularly effective in delivering these services to communities because of their knowledge and familiarity with State governing authorities and how these interrelate with local floodplain management ordinance, as well as their knowledge of related State programs.

### **Emphasis on Compliance and Enforcement**

In Fiscal Year 2011, the CAP-SSSE program will continue to focus on compliance and enforcement. While map adoption, disaster activities, training and other assistance activities remain important components of the Program's overall community assistance strategy, a credible compliance and enforcement program is essential to meet the program's goals of flood loss reduction.

The "*Evaluation of the National Flood Insurance Program*" supports this priority stating that, "the success of the NFIP depends on communities' ensuring that buildings and other development within their jurisdiction are constructed and maintained according to these standards so that flood losses will be minimized. If communities...fail to adequately enforce the standards, then lives and property are placed in harm's way;

buildings will suffer unnecessary flood damage; sound land use planning in floodplains will be discouraged; the NFIP's actuarial soundness will be jeopardized; changes in public policies and regulations may be based on unreliable data; and the costs to society from future floods will increase unnecessarily."

The *NFIP Evaluation's* primary recommendation with respect to community compliance was to increase the number of Community Assistance Visits (CAVs) conducted annually. To gain maximum benefit from available resources and to ensure the NFIP remains responsive to the needs of all participating communities, FEMA has established a "risk based" priority approach for selecting communities for CAVs to ensure limited resources are applied in the communities most in need of this level of attention.

**All States participating in CAP-SSSE are required to conduct CAVs and CACs. The Regions will work with each State to determine the number and location of the CAVs and CACs to be performed each year.**

#### Selection of Community Assistance Contacts (CACs) and Community Assistance Visits (CAVs)

A risk based approach is intended to help ensure that limited staff resources are applied to the communities most in need of a CAV or CAC in each fiscal year in a cost-effective manner. The selection of CACs and CAVs to be conducted in FY 2011 shall use the CAV Tier 1 Prioritization Tool as guidance for determining which communities should receive a CAV. While Selection of CAVs using the Tier 1 tool is required, states and regions may, by exception, select Tier 2 communities for CAVs, with justification added to the CAV Comment Field in the Community Information System (CIS).

#### Special Attention to Mechanical, Electrical, and Utility Equipment and Flood Openings

The *NFIP Evaluation* also concluded that the most common type of violation found in the *Study's* quantitative assessment of building compliance were mechanical and utility equipment located below the Base Flood Elevation (BFE) and openings that do not meet requirements at 44 CFR §60.3(c)(5). Between them, these two types of violations accounted for 50 percent of the violations found within the sample. To improve enforcement of these requirements, special consideration and attention should be paid to mechanical, utility and openings requirements during CAVs.

#### State CAVs

In coordination with the State NFIP Coordinator, Regional Offices may determine that a CAV of the State floodplain management program is appropriate. Regional staff may request assistance with coordination with State agencies or officials, the collection of data and other assistance in preparation of conducting the CAV.

#### **Emphasis on State Strategic Planning**

Strategic planning is a collaborative business practice that can be used by FEMA and the states to establish a vision for an effective and comprehensive state floodplain management program and CAP-SSSE partnership.

In FY 2010, FEMA coordinated with the Association of State Floodplain Managers (ASFPM) to develop a strategic planning methodology and guidance document to better assist states in their efforts in undertake strategic planning. The guidance, “Building Effective State Floodplain Management Programs: Strategic Planning Methodology and State Guidance” can be found at:

[http://www.fema.gov/plan/prevent/floodplain/fema\\_cap-ssse.shtm](http://www.fema.gov/plan/prevent/floodplain/fema_cap-ssse.shtm) and at [www.floods.org](http://www.floods.org)

Additional information on the CAP-SSSE State Strategic Planning Strategy will be provided in Federal Fiscal Year 2011.

## PART II.

# AWARD INFORMATION

### **Type of Award**

DHS/FEMA anticipates awarding 52 Cooperative Agreements.

### ***Authorizing Statutes***

The National Flood Insurance Act of 1968, as amended, the Flood Disaster Protection Act of 1973. Department of Defense and Full Year Continuing Appropriations Act, 2011 (Public Law 112-10, Section 2, Division B, Title VI Homeland Security).

### ***Period of Performance***

The period of performance of this grant is 12 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 February of FY 2011, the total amount of funds distributed under this grant was \$4,500,000. This modification increases the funding by \$5,500,000. The total amount of funds distributed under this grant will now be \$10,000,000.

CAP-SSSE will continue for States that maintain skill capability and who meet the negotiated performance goals. However, annual State funding levels may vary depending on needs, capability, performance, FEMA priorities, and the availability of funds.

## PART III.

# ELIGIBILITY INFORMATION

### **A. Eligible Applicants**

The State Officials designated by the governors are the only eligible applicants.

Under CFR 60.25, Governors have exercised their prerogative of designating a "State Coordinating Agency" that is best able to carry out the flood loss reduction activities of the NFIP. State officials can be particularly effective in delivering these services to communities because of their knowledge, skills and familiarity of floodplain management with State governing authorities and how these interrelate with local floodplain management ordinances, as well as their knowledge of related State programs.

The National Flood Insurance Act of 1968 prohibits the Administrator from providing flood insurance in a community unless that community adopts and enforces floodplain management measures that meet or exceed minimum criteria in 44 CFR Part 60.3. These floodplain management measures can take the form of floodplain management ordinances, building codes, or zoning provisions. The Act also directs FEMA to work closely with and provide any necessary technical assistance to States and communities participating in the NFIP. CAP-SSSE, through its State partnering agreement, is designed to make State personnel available to assist and supplement FEMA Regions in providing technical assistance to NFIP communities and in monitoring, evaluating, and pursuing corrective actions taken by communities in the performance of local floodplain management responsibilities.

### **B. Cost Matching**

There is a 25 percent non-federal match required for all States receiving CAP-SSSE funds.

FEMA administers cost sharing requirements in accordance with 44 CFR §13.24 or 2 CFR 215.23. To meet matching requirements, the grantee contributions must be reasonable, allowable, allocable and necessary under the grant program and must comply with all Federal requirements and regulations.

### **C. Eligible Activities and Requirements**

Regional Offices are to determine the appropriate levels of effort in each activity to ensure that performance metrics are being met. FEMA is requiring certain measures, and encouraging others, for some of the CAP-SSSE activities as described below.

- 1) Community Assistance Visits (CAV) and Community Assistance Contacts (CAC): **States participating in CAP-SSSE are required to conduct CAVs and CACs.** States will be required to incorporate the risk-based prioritization as described in the *National Flood Insurance Program Guidance for Conducting Community Assistance Contacts and Community Assistance Visits*. The Regions will work with each State to determine the number of CAVs and CACs to be conducted and to ensure that selection is based on the risk-based approach described above. Regions and States are encouraged to make maximum use of the CAC process and other contacts with communities to identify potential compliance problems and needs for technical assistance. The guidance provides guidance in planning for, conducting and providing follow-up for these activities. States must provide appropriate follow-up to CAVs and CACs by providing technical assistance to correct program deficiencies and remedy violations to the maximum extent possible. States must coordinate with Regions, as necessary, to clarify what follow-up is to be provided. States are expected to refer community compliance problems that they are unable to resolve to the Regional Office. Headquarters staff will also be available for training at Regional CAP Conferences. All CAVs and CACs must be entered into CIS so that FEMA can monitor this important floodplain management activity.
- 2) Ordinance Assistance: Assisting communities in reviewing local ordinances to ensure compliance with NFIP requirements and adoption before Flood Insurance Rate Maps (FIRMs) become effective is of paramount importance. This includes necessary ordinance revisions based upon new hazard data provided by FEMA, as well as incorporating any regulatory changes to meet minimum floodplain management criteria. State Cooperative Agreements shall include a performance measure relating to map adoption. The metric will measure the percentage of participating communities in FY 2011 that have an adopted ordinance referencing the updating map by the FIRM effective date. States must include a mandatory map adoption rate of 93% or higher into their cooperative agreement.
- 3) Entering Floodplain Management Data in the Community Information System (CIS): During FY 2011, the number of communities that will adopt new maps is expected to exceed 2,100. For map adoption purposes, CIS will continue to be the authoritative information source for floodplain management staff in Headquarters as to whether a community has adopted an ordinance or will be suspended when the FIRM becomes effective. Regional Offices must ensure that this information is entered into CIS. Regions shall require States to update and enter information into the CIS as part of their annual CAP-SSSE agreement. This includes information on ordinance adoption, Community Assistance Visits

(CAVs) and Community Assistance Contacts (CACs), training, general technical assistance, and updating all other fields they are authorized to update.

- 4) Strategic Planning: Strategic Planning provides an opportunity to assess the current status of a State program and plan for future year demands, find efficiencies, and explore opportunities for expanded services. In cooperation with FEMA, the Association of State Floodplain Managers (ASFPM) has developed a guidance document for strategic planning within State floodplain management programs. The guidance document can be found at [http://www.fema.gov/plan/prevent/floodplain/fema\\_cap-ssse.shtm](http://www.fema.gov/plan/prevent/floodplain/fema_cap-ssse.shtm) and [www.floods.org](http://www.floods.org).
- 5) CAP Gap Analysis – States must conduct an annual gap analysis by using the CAP GAP tool provided at [http://www.fema.gov/plan/prevent/floodplain/fema\\_cap-ssse.shtm](http://www.fema.gov/plan/prevent/floodplain/fema_cap-ssse.shtm). The data collected in the annual analyses will be used to create budget justifications for future year funding of the CAP-SSSE program. The gap analysis is also an important part of the strategic planning process and can be utilized by states in their planning efforts.
- 6) State Model Ordinance Updates and Monitoring of State Regulatory Environment: Most States have developed a State model floodplain management ordinance containing the minimum requirements outlined in 44 CFR Section 60.3, as well as any State required floodplain management provisions. In addition, States are encouraged to offer their communities model ordinances that include higher regulatory standards and assist communities to update their model ordinances to include higher standards. States are also encouraged to monitor legal issues affecting floodplain management regulations and activities related to State building code adoption and modifications.
  - a) Model Building Codes – Many States adopt a building code that is based on one or more of the model codes developed by the International Code Council (the I-Codes) or the National Fire Protection Association. Most States require all or some communities to enforce the code. Unless modified by a State, the model codes contain NFIP-consistent provisions for buildings and structures. FEMA and States must ensure an understanding of the implications that the enforcement of these codes have on the local regulatory environment in order to provide accurate technical assistance. States should review their model ordinances and work with communities to ensure that they understand the implications of these codes and how they are enforced with respect to NFIP requirements. A model companion ordinance designed specifically to

coordinate with building codes based on the I-Codes will be provided to the Regional Offices. State NFIP coordinators should coordinate with their counterparts in the State code commission or State agency that is responsible for the building code, especially with respect to interpretations that the code commission or state agency may be asked to issue. The Building Science Branch at FEMA Headquarters is available upon request to provide training on the flood provisions of the International Codes at Regional CAP Conferences.

- 7) Outreach, Workshops, and Other Training: States are encouraged to conduct outreach, workshops, and other training for local officials and other stakeholders, including insurance agents, lenders, adjustors, realtors, land surveyors, and design professionals to support implementation and enforcement of community floodplain management regulations, promotion of hazard identification, providing NFIP insurance training, and support of local and State planning initiatives. States should conduct workshops and other training and outreach opportunities on a schedule and at locations that are coordinated with the FEMA Region. Advanced Floodplain Management Concepts 1, E194 (modules: Local Floodplain Manager Roles and Responsibilities; NFIP Rules and Regulations in Depth; Letter of Map Change; Preparing for Post-Disaster Responsibilities), and Advanced Floodplain Management Concepts 2, E282 (modules: Considerations for Placement of Manufactured Homes and RVs in the Floodplain; NFIP Flood Insurance Principles for the FPM; Higher Standards in Floodplain Management; Hydrology and Watershed Processes for the Non-Engineer) are available in FY11 for field deployment. It is anticipated that Advanced Floodplain Management Concepts 3, E284, will also be available for field delivery in FY11. See [http://www.fema.gov/plan/prevent/floodplain/fema\\_cap-ssse.shtm](http://www.fema.gov/plan/prevent/floodplain/fema_cap-ssse.shtm) for more information on these ATMs.
- a) ASFPM Activities: Individual ASFPM membership fees are not covered by CAP- SSSE funding. However, FEMA highly encourages State floodplain management personnel to attain Certified Floodplain Manager (CFM) credentials. States may use CAP-SSSE funds to allow State employees that are involved in floodplain management activities to take the CFM exam. CAP-SSSE funds can be used to cover initial exam and biennial CFM renewal fees. States are encouraged to sponsor and proctor CFM exams in coordination with ASFPM.

At the discretion of the Region, States may use CAP-SSSE funding to allow local officials to attend and/or assist with the annual ASFPM conference. These costs must be negotiated with the Region as part of the annual agreement.

- b) Costs associated with attendance of State floodplain management personnel at the ASFPM National Conference, FEMA Regional Office CAP-SSSE Coordination Meetings, and other national meetings related to water resources are eligible.
- 8) General Technical Assistance: States should provide general technical assistance to communities and individuals to resolve floodplain management issues related to the NFIP.
- 9) Enrollment of Communities: States should assist communities in joining the NFIP by providing technical assistance to ensure the community meets the minimum eligibility requirements for participation.
- 10) Community Rating System (CRS) Support: States should assist communities in joining the NFIP Community Rating System (CRS) through providing general technical assistance, conducting entry CAVs and providing support for activities credited by CRS.
- 11) Mapping Coordination Assistance: As part of the Flood Map Modernization process, and the FEMA Risk Map Initiative, States must work with the Regions to develop flood mapping priorities, and participate in community meetings held as part of the mapping process. In addition to CAP-SSSE grants, States are eligible for Cooperating Technical Partner (CTP) Program Management funding to meet these responsibilities. The CAP-SSSE plans must be developed separately from but in coordination with the CTP Program Management plans to ensure that CTP is used to complement CAP-SSSE activities and that States will meet all of their responsibilities under Flood Map Modernization and Risk Map. Neither CTP Program Management nor CAP-SSSE funds can be used for conducting floodplain studies or developing floodplain maps. However, several activities are allowable under both grant programs, including map adoption, training, outreach and others. Use of these resources should be closely coordinated to prevent duplication of effort.
- 12) Coordination with Other State Programs and Agencies: States are encouraged to coordinate with other State administered programs that impact floodplain management such as the Hazard Mitigation Assistance (HMA) Program that includes: the Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, Flood Mitigation Assistance, Severe Repetitive Loss Program, and Repetitive

Flood Claims Program. Additional coordination may include the State Dam Safety Program, and other State land-use, building code and water resources programs, as well as State agencies that routinely conduct activities within floodplains, such as State Departments of Transportation or port authorities. Coordination with other State agencies on adoption and implementation of State Executive Orders and regulations that meet State NFIP requirements is also encouraged.

- 13) Assistance to Communities in Responding to Disasters: States are encouraged to provide post-disaster assistance and support to NFIP communities. Examples of these activities include: technical assistance implementing substantial damage requirements, including use of the Substantial Damage Estimating Software; assistance to communities enrolling into the NFIP; general floodplain management technical assistance; assistance with the promotion and use of the NFIP Increased Cost of Compliance coverage, and assistance with HMA programs. Generally, these activities are not included in the annual CAP-SSSE Agreement, but can be negotiated when a disaster occurs. The CAP-SSSE Agreement must be modified to reflect these changes when they occur.

#### **D. Restrictions**

CAP-SSSE funds are restricted in their use. They can only be used for activities that support the NFIP by fostering effective floodplain management programs in participating communities and providing assistance to non-participating communities in enrolling in the NFIP.

States are encouraged to have at least one full-time person dedicated to CAP-SSSE and other floodplain management activities to help maintain this expertise and capability. If a State does not have the necessary expertise and capability to conduct CAP-SSSE activities, the Region and State are required to develop a remedial plan. If the necessary expertise and capability has not been developed by the State, the following year's CAP-SSSE funding may be reduced or withheld.

CAP-SSSE funds cannot be used for conducting floodplain studies or developing floodplain maps.

#### **E. Other**

##### ***National Incident Management System Implementation Compliance***

In accordance with Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the adoption of the National Incident Management System (NIMS) is a requirement to receive Federal assistance, through grants, contracts, and other

activities. The NIMS provides a consistent nationwide template to enable all levels of government, tribal nations, nongovernmental organizations, and private sector partners to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity.

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

**PART IV.**  
**APPLICATION AND SUBMISSION**  
**INFORMATION**

**A. Address to Request Application Package**

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

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

Paper copies of materials may also be requested from FEMA Regional CAP-SSSE Program Coordinators. Contact information for each Region can be found at <http://www.fema.gov/about/regions/index.shtm>

**B. Content and Form of Application**

- 1. Application via [www.grants.gov](http://www.grants.gov).** All applicants must file their applications using the Administration’s common electronic “storefront” - [www.grants.gov](http://www.grants.gov). Eligible grantees must apply for funding through this portal, accessible on the Internet at [www.grants.gov](http://www.grants.gov). See Attachment 4 for additional information on grants.gov

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

- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information (Non-construction)
- Standard Form 424B, Standard Assurances (Non-construction)
- Standard Form 424C, Budget Information (Construction)
- Standard Form 424D, Standard Assurances (Construction)
- Standard Form LLL, Disclosure of Lobbying Activities (if the grantee has engaged or intends to engage in lobbying activities)

- Grants.gov (GG) Lobbying Form, Certification Regarding Lobbying
- FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- Provide detail budget

The program title listed in the CFDA is “*Community Assistance Program State Support Services Element (CAP-SSSE)*.” The CFDA number is **97.023**.

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

### C. Submission Dates and Times

Completed applications must be submitted electronically through [www.grants.gov](http://www.grants.gov) **no later than 11:59 PM EST, August 26, 2011**. Upon successful submission, a confirmation e-mail message will be sent with a [grants.gov](http://www.grants.gov) tracking number, which is needed to track the status of the application.

### 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](http://www.whitehouse.gov/omb/grants_spoc).

### E. Funding Restrictions

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

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

FEMA Regional Offices and the designated State agency negotiate a CAP-SSSE Cooperative Agreement (Agreement) that specifies activities and products to be completed by a State in return for CAP-SSSE funds. Where possible community assistance should integrate the expertise of the State on how best to build and maintain community floodplain management capability. The Agreement is subject to amendments and modifications when approved by both parties. In instances where the State is unable to complete the work agreed to, a renegotiation must occur. When events such as disasters, loss of State staff, or other unforeseen event occurs, the State and Region should reassess the priorities and amend the Agreement to reflect actual work performed. Performance measures that address quality of service are to be developed and measured. The CAP-SSSE Agreement is not intended to fund all floodplain management activities undertaken by the State NFIP Coordinating Agency, only those activities that the Region and State agree to. States are expected to continue to perform other duties and responsibilities of the State NFIP Coordinating Agency and support State floodplain management programs and initiatives using their own resources and funding.

### B. Review and Selection Process

FEMA's Headquarters office uses risk based criteria to determine approximate funding needs by state. An allocation based on each state's estimated funding is then provided to the Regional Offices. The Regional Offices allocate funds to each state based on the risk criteria, but also considering post-disaster and other critical needs, redistribution (unfunded states), state capability and capacity and past performance.

FEMA's Regional Offices will contact eligible States to negotiate a mutually acceptable cooperative agreement. Funding is made available when the grant agreement is negotiated and agreed upon. Continued participation in the CAP-SSSE is dependent upon completing activities described in the agreement. The CAP-SSSE is designed to utilize the floodplain management capabilities of individual States in a cost effective cooperative agreement with FEMA. A State's participation in the CAP-SSSE is voluntary and is contingent upon need and skill level capability.

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

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

## Sample Budget Detail Worksheet

*The Budget Detail Worksheet may be used as a guide to assist applicants in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using the following suggested form, or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.*

**A. Personnel.** List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computation	Cost
<b>TOTAL</b> _____		

**B. Fringe Benefits.** Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman’s Compensation and Unemployment Compensation.

Name/Position	Computation	Cost
<b>TOTAL</b> _____		

**Total Personnel & Fringe Benefits** \_\_\_\_\_

**C. Travel.** Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

Purpose of Travel	Location	Item	Computation Cost
<b>TOTAL</b> _____			

**D. Equipment.** List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than one year. (Note: Organization’s own capitalization policy and threshold amount for classification of equipment may be used). Expendable items should be included either in the “Supplies” category or in the “Other” category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the “Contractual” category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

<b>Item</b>	<b>Computation</b>	<b>Cost</b>
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**Budget Narrative:** Provide a narrative budget justification for each of the budget items identified.

**TOTAL** \_\_\_\_\_

**E. Supplies.** List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand held tape recorders) and show the basis for computation. (Note: Organization’s own capitalization policy and threshold amount for classification of supplies may be used). Generally, supplies include any materials that are expendable or consumed during the course of the project.

<b>Supply Items</b>	<b>Computation</b>	<b>Cost</b>
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**TOTAL** \_\_\_\_\_

**F. Consultants/Contracts.**

Indicate whether applicant’s formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

**REQUIRED REPORTING INFORMATION FOR CONSULTANT HIRING**

This category is appropriate when hiring an individual who gives professional advice or provides services for a fee and who is not an employee of the grantee organization. Submit the following required information for consultants:

1. Name of Consultant: Identify the name of the consultant and describe his or her qualifications.
2. Organizational Affiliation: Identify the organization affiliation of the consultant, if applicable.
3. Nature of Services to be Rendered: Describe in outcome terms the consultation to be provided including the specific tasks to be completed and specific deliverables. A copy of the actual consultant agreement should not be sent to HHS.
4. Relevance of Service to the Project: Describe how the consultant services relate to the accomplishment of specific program objectives.
5. Number of Days of Consultation: Specify the total number of days of consultation.
6. Expected Rate of Compensation: Specify the rate of compensation for the consultant (e.g., rate per hour, rate per day). Include a budget showing other costs such as travel, per diem, and supplies.

7. Method of Accountability: Describe how the progress and performance of the consultant will be monitored. Identify who is responsible for supervising the consultant agreement.

### REQUIRED INFORMATION FOR CONTRACT APPROVAL

All contracts require reporting the following information.

1. Name of Contractor: Who is the contractor? Identify the name of the proposed contractor and indicate whether the contract is with an institution or organization.
2. Method of Selection: How was the contractor selected? State whether the contract is sole source or competitive bid. If an organization is the sole source for the contract, include an explanation as to why this institution is the only one able to perform contract services.
3. Period of Performance: How long is the contract period? Specify the beginning and ending dates of the contract.
4. Scope of Work: What will the contractor do? Describe in outcome terms, the specific services/tasks to be performed by the contractor as related to the accomplishment of program objectives. Deliverables should be clearly defined.
5. Method of Accountability: How will the contractor be monitored? Describe how the progress and performance of the contractor will be monitored during and on close of the contract period. Identify who will be responsible for supervising the contract.
6. Itemized Budget and Justification: Provide an itemized budget with appropriate justification. If applicable, include any indirect cost paid under the contract and the indirect cost rate used.

**G. Other Costs.** List items (e.g., rent, reproduction, telephone, security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, and provide a monthly rental cost and how many months to rent.

Description	Computation	Cost
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**Budget Narrative:** Provide a narrative budget justification for each of the budget items identified.

**Important Note:** If applicable to the project, construction costs should be included in this section of the Budget Detail Worksheet.

**TOTAL** \_\_\_\_\_

**H. Indirect Costs.** Indirect costs are allowed only if the applicant has a federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
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**TOTAL** \_\_\_\_\_

**Budget Summary** - When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal funds requested and the amount of non-Federal funds that will support the project.

<b>Budget Category</b>	<b>Federal Amount</b>	<b>Non-Federal Amount</b>
<b>A. Personnel</b>	_____	_____
<b>B. Fringe Benefits</b>	_____	_____
<b>C. Travel</b>	_____	_____
<b>D. Equipment</b>	_____	_____
<b>E. Supplies</b>	_____	_____
<b>F. Consultants/Contracts</b>	_____	_____
<b>G. Other</b>	_____	_____
<b>Total Direct Costs</b>	_____	_____
<b>H. Indirect Costs</b>	_____	_____
<b>* TOTAL PROJECT COSTS</b>	_____	_____
<b>Federal Request</b>	_____	
<b>Non-Federal Amount</b>	_____	

**C. Anticipated Announcement and Award Dates**

FEMA will evaluate and act on applications within 60 days following close of the application period. Awards will be made on or before September 30, 2011.

## PART VI.

# AWARD ADMINISTRATION INFORMATION

### A. Notice of Award

Upon approval of the application, the grant will be awarded to the grantee. The date that this is done is the “award date.” Once an award has been approved by FEMA, a notice will be sent by the awarding official to the authorized grant official. Applicants must follow the directions in the notification to accept the award.

The period of performance is 12 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 FEMA at least 60 days prior to the end of the period of performance and must address:

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

### B. Administrative and National Policy Requirements

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

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

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

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

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

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

**1.3 – Audit Requirements and other Assessments**

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

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

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

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

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

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

**NOTE: FUNDS WILL NOT BE AUTOMATICALLY TRANSFERRED UPON ISSUANCE OF THE GRANT. GRANTEES MUST SUBMIT A REQUEST FOR ADVANCE/REIMBURSEMENT (SF-270) 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. Administrative Requirements.

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

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

- ***Civil Rights Act of 1964.*** All recipients of financial assistance will comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- ***Civil Rights Act of 1968.*** All recipients of financial assistance will comply with Title VIII of the *Civil Rights Act of 1968*, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. §3601 *et seq.*), as implemented by the Department of Housing and Urban Development at 24 CFR Part §100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—*i.e.*, the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 CFR Part §100.201).
- ***Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act).*** All recipients of financial assistance will comply with the requirements of Title IX of the *Education Amendments of 1972* (20 U.S.C. §1681 *et seq.*), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or

activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part §19.

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

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

#### 4.3 – Services to Limited English Proficient (LEP) Persons

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

**4.4 – Certifications and Assurances.** Certifications and assurances regarding the following apply:

- **Lobbying Prohibitions.** None of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a member of Congress,

an officer or employee of Congress, or an employee of a member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement. These lobbying prohibitions can be found at 31 U.S.C. §1352.

- **Drug-Free Workplace Regulations.** All recipients of financial assistance will comply with the requirements of the *Drug-Free Workplace Act of 1988* (412 U.S.C. §701 *et seq.*), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at 44 CFR Part §17.
- **Debarment and Suspension.** Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarment or suspending those persons deemed irresponsible in their dealings with the Federal government. The recipient must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see 2 CFR Part §3000.
- **Federal Debt Status.** The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129, also refer to SF-424, item number 17.)
- **Hotel and Motel Fire Safety Act of 1990.** In accordance with section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, 15 U.S.C. §2225.

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

#### **4.5 – Integrating Individuals with Disabilities into Emergency Planning**

- **Rehabilitation Act of 1973.** All recipients of financial assistance will comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. §794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity

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

For additional detailed information, please refer to the following:

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

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

- **National Environmental Policy Act (NEPA) of 1969.** All recipients of financial assistance will comply with the requirements of the *NEPA*, as amended, 42 U.S.C. §4331 *et seq.*, which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for its grant-supported activities, DHS requires the environmental aspects of construction grants (and certain non-construction projects as specified by the component and awarding office) to be reviewed and evaluated before final action on the application.

For more information on FEMA’s EHP requirements, Applicants should refer to:

- **Information Bulletin 329, *Environmental Planning and Historic Preservation Requirements for Grants***, available at <http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf>,
- **Information Bulletin 345, *Programmatic Environmental Assessment***, available at <http://www.fema.gov/pdf/government/grant/bulletins/info345.pdf>,

- **Information Bulletin 356, EHP Screening Form**, available at <http://www.fema.gov/pdf/government/grant/bulletins/info356.pdf>.

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

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

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

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

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

**4.12 – Coastal Wetlands Planning, Protection, and Restoration Act of 1990.** All recipients of financial assistance will comply with the requirements of Executive Order 11990, which provides that federally funded construction and improvements minimize the destruction, loss, or degradation of wetlands. The Executive Order provides that, in furtherance of Section 101(b)(3) of NEPA (42 U.S.C. § 4331(b)(3)), Federal agencies, to the extent permitted by law, must avoid undertaking or assisting with new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. The public disclosure requirement described above also pertains to early public review of any plans or proposals for new construction in wetlands. This is codified at 44 CFR Part §9.

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

**4.14 – Trafficking Victims Protection Act of 2000.** All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. §7104), located at 2 CFR Part §175. This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a

condition that authorizes the agency to terminate the award, without penalty, if the recipient or a sub-recipient —

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

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

**4.16 – Activities Conducted Abroad.** All recipients of financial assistance will comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained. All recipients of financial assistance will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

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

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

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

- Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
- Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations *and* other applicable laws or program guidance.
- Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
- If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
- In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

## **C. Reporting Requirements**

Reporting requirements must be met throughout the life of the grant (refer to the program guidance and the special conditions found in the award package for a full explanation of these requirements). Any reports or documents prepared as a result of this grant shall be in compliance with Federal “plain English” policies, directives, etc.

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

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

FFRs must be filed electronically through SmartLink

Reporting periods and due dates:

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

## **2. Progress Reports.**

Grantees must provide programmatic reports at least semi-annually to demonstrate progress in meeting agreed upon performance measures. Quarterly reporting may be required at the discretion of the Regional CAP-SSSE Program Coordinator. Reports may be generated from the CIS or other sources and may be submitted either electronically or in paper format, at the discretion of the Regional CAP-SSSE Program Coordinator. Regions are held accountable for funds expended through CAP-SSSE and must require that their States document work so that progress can be tracked. States are expected to cooperate with Regions by submitting documentation or other evidence that demonstrates completion of approved activities.

The end of year programmatic report will address State progress in meeting established performance measures. The Regional Office and the States will work closely together to generate the yearly report. States must provide a final progress report on meeting their performance measures to the Region by December 31, 2011. Regions will provide the Floodplain Management Branch at FEMA Headquarters with an end of fiscal year progress report that will be due no later than January 31, 2012.

- 3. 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/sites/default/files/omb/circulars>. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY 2011 assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

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

4. **Monitoring.** Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

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

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

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

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

**PART VII.**  
**FEMA CONTACTS**

1. **FEMA Regions.** FEMA Regions will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation. For a list of contacts, please go to <http://www.fema.gov/about/contact/regions.shtm>.
  
2. **Floodplain Management and Insurance Branch, FEMA Regions.** The Floodplain Management and Insurance Branch within each Region have a designated CAP-SSSE Program Coordinator able to provide programmatic support for the administration of this grant. For a list of contacts, please go to <http://www.fema.gov/about/contact/regions.shtm>.