

**The Department of Homeland Security (DHS)  
 Notice of Funding Opportunity (NOFO)  
 Fiscal Year 2024 Fall  
 Rehabilitation of High Hazard Potential Dams (HHPD)**

<b>SUMMARY OVERVIEW OF KEY INFORMATION            FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REHABILITATION            OF HIGH HAZARD POTENTIAL DAMS (HHPD)</b>	
<b>Program Overview</b>	<p>The Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program makes available federal funds to eligible states for pass through to non-Federal governmental organizations or nonprofit organizations for the rehabilitation of eligible high hazard potential dams that fail to meet minimum state dam safety standards and pose unacceptable risk to life and property.</p> <p>For the purposes of the HHPD Grant Program, rehabilitation means the repair, replacement, reconstruction, or removal of a dam to meet applicable state dam safety and security standards.</p> <p>The Fiscal Year 2024 Fall HHPD grant is available to support two categories of funding:</p> <p>(1) Project Scoping, Engineering and Design and            (2) Construction Projects.</p>
<b>Goals and Objective</b>	<p>Reduce or eliminate risk of eligible high hazard potential dams.</p> <p>The HHPD grant program incentivizes eligible states to:</p> <ul style="list-style-type: none"> <li>• Provide financial assistance for repair, removal, or rehabilitation of eligible high hazard potential dams.</li> <li>• Incorporate risk-informed analysis and decision making into their dam safety practice and HHPD rehabilitation investments.</li> <li>• Incorporate risk-analysis results and information and consider all dam risk in state, local, Tribal, and territorial mitigation planning.</li> <li>• Promote community preparedness by requiring recipients to develop and implement floodplain management plans that address potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse effects of flooding.</li> <li>• Reduce costs associated with dam rehabilitation through the deployment of innovative solutions and technologies.</li> </ul>
<b>Eligible Projects</b>	HHPD grants assistance to high hazard dams listed in the National Inventory of Dams with a condition assessment of Poor or

	<p>Unsatisfactory and dams in Fair condition with a population at risk (PAR) at or above one thousand.</p> <p>HHPD funds the following activities:</p> <ul style="list-style-type: none"> <li>• Rehabilitation (Repair, Replacement, Reconstruction, or Removal) of eligible high hazard potential dams</li> <li>• Any other structural or nonstructural measures to rehabilitate an eligible high hazard potential dam.</li> </ul> <p>At project sites where Bipartisan Infrastructure Law (BIL) funding is being used for hazard mitigation projects, the use of public signage is a way to inform taxpayers about how BIL funds are being spent and advance the goals of accountability and transparency in federal spending. For more information on the federal government’s signage initiative relating to infrastructure investments, see the Office of Management and Budget’s February 24, 2023, Controller Alert, “CA-23-6, Enhancing Transparency Through Use of the Investing in America Emblem on Signs (UPDATED).” OMB’s Controller Alert.</p> <p>If an HHPD applicant does not have a state mitigation plan that includes all dam risks, the applicant may request an extension to meet this requirement. (See Section H.13., Mitigation Plan Requirement Extension Requests).</p> <p>Additionally, for construction projects that are not funded by the BIL, publicly visible signage identifying the NDSP / HHPD funding source of the project promotes public awareness, participation in the program, and investment in building a resilient nation.</p>
<b>Deadlines</b>	<p>NOFO Availability Window Start Date: 11/06/2023 09:00:00 AM ET</p> <p>NOFO Availability Window End Date: 02/29/2024</p> <p>Applicant Eligibility Period Start Date: Period of Performance starts when grant is awarded (signed, obligated, and notified to recipient)</p> <p>Application Submission Deadline: 02/29/2024 at 05:00:00 PM ET</p>
<b>Funding Amount</b>	<p>Available Funding for the NOFO: \$185,120,000.00</p>
<b>Eligible Applicants</b>	<ul style="list-style-type: none"> <li>• States</li> <li>• District of Columbia</li> <li>• U.S. territories</li> </ul>
<b>Cost Share</b>	<p>Assistance provided under the HHPD grant is subject to a non-Federal cost-sharing requirement of not less than 35 percent. Federal funding is available for up to 65 percent of the eligible activity costs. The remaining 35 percent of eligible activity costs must be derived from non-federal sources, which may be in-kind.</p>

	Requirements for cash and third-party in-kind contributions can be found in 2 Code of Federal Regulations § 200.306. The non-Federal cost share contribution is not limited to 35 percent.
--	---

**All entities wishing to do business with the federal government must have a unique entity identifier (UEI). The UEI number is issued by the system. Requesting a UEI using Sam.gov can be found at:**

**Grants.gov registration information can be found at:**

<https://www.grants.gov/web/grants/register.html>.

### **Planned UEI Updates in Grant Application Forms:**

*On April 4, 2022, the Data Universal Numbering System (DUNS) Number was replaced by a new, non-proprietary identifier requested in, and assigned by, the System for Award Management (SAM.gov). This new identifier is the Unique Entity Identifier (UEI).*

*Additional Information can be found on Grants.gov:*

<https://www.grants.gov/web/grants/forms/planned-uei-updates.html>

### **Contents**

Planned UEI Updates in Grant Application Forms: .....	3
A. Program Description.....	7
1. Issued By.....	7
2. Assistance Listings Number .....	7
3. Assistance Listings Title .....	7
4. Funding Opportunity Title .....	7
5. Funding Opportunity Number.....	7
6. Authorizing Authority for Program .....	7
7. Appropriation Authority for Program.....	7
8. Announcement Type.....	7
9. Program Category .....	7
10. Program Overview, Objectives, and Priorities .....	7
11. Performance Measures.....	9
B. Federal Award Information .....	9
1. Available Funding for the NOFO: \$185,120,000.00.....	9
2. Projected Number of Awards: 50 .....	10
3. Period of Performance: 36 Months .....	10
4. Funding Instrument Type: Grant .....	10
C. Eligibility Information.....	10
1. Eligible Applicants.....	10
2. Applicant Eligibility Criteria .....	10
3. Subrecipient Eligibility Criteria.....	11
4. Other Program-Specific Eligibility Criteria.....	12
5. Cost Share or Match.....	15
D. Application and Submission Information.....	16

1.	Key Dates and Times .....	16
a.	Application Start Date: 11/06/2023 at 09:00:00 AM ET .....	16
b.	Application Submission Deadline: 02/29/2024 at 05:00:00 PM ET .....	16
c.	Anticipated Funding Selection Date: No later than 03/25/2024 .....	17
d.	Anticipated Award Date: No later than 04/08/2024.....	17
e.	Other Key Dates .....	17
2.	Agreeing to Terms and Conditions of the Award.....	17
3.	Address to Request Application Package .....	17
4.	Steps Required to Obtain a Unique Entity Identifier, Register in the System for Award Management (SAM), and Submit an Application .....	17
5.	Electronic Delivery .....	19
6.	How to Register to Apply .....	19
a.	General Instructions: .....	19
b.	Obtain a UEI Number: .....	19
c.	Obtain Employer Identification Number:.....	19
d.	Create a login.gov account: .....	20
e.	Register with SAM:.....	20
f.	Register in FEMA GO, Add the Organization to the System, and Establish the AOR: 21	
7.	Submitting the Application .....	21
8.	Timely Receipt Requirements and Proof of Timely Submission .....	21
9.	Content and Form of Application Submission.....	22
a.	Standard Required Application Forms and Information .....	22
b.	Program-Specific Required Forms and Information .....	23
10.	Other Submission Requirements.....	24
11.	Intergovernmental Review .....	25
12.	Funding Restrictions and Allowable Costs.....	25
a.	Requirements Related to Contractor and Subcontractor Wages .....	26
b.	Requirements Related to Contract and Subcontract Services .....	26
c.	Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services .....	26
d.	Enhancing Critical Infrastructure Cybersecurity.....	28
e.	Pre-Award Costs.....	28
f.	Management and Administration (M&A) Costs .....	28
g.	Indirect Facilities & Administrative (F&A) Costs .....	28
E.	Application Review Information.....	29
1.	Application Evaluation Criteria .....	29
a.	Programmatic Criteria for Mitigation Plan Requirement.....	29
b.	Financial Integrity Criteria .....	30
c.	Supplemental Financial Integrity Criteria and Review .....	31
2.	Review and Selection Process .....	31
F.	Federal Award Administration Information.....	32
1.	Notice of Award.....	32
2.	Pass-Through Requirements .....	32
3.	Administrative and National Policy Requirements.....	33
a.	DHS Standard Terms and Conditions .....	33

b.	Ensuring the Protection of Civil Rights .....	33
c.	Environmental Planning and Historic Preservation (EHP) Compliance.....	34
d.	Good Jobs .....	35
4.	Reporting.....	35
a.	Financial Reporting Requirements .....	36
b.	Programmatic Performance Reporting Requirements.....	36
c.	Closeout Reporting Requirements.....	37
d.	Additional Reporting Requirements.....	39
5.	Monitoring and Oversight.....	40
G.	DHS Awarding Agency Contact Information .....	41
1.	Contact and Resource Information .....	41
a.	Program Office Contact.....	41
b.	FEMA Grants News.....	41
c.	Grant Programs Directorate (GPD) Award Administration Division .....	41
d.	FEMA Regional Offices.....	42
e.	Equal Rights .....	43
f.	Environmental Planning and Historic Preservation .....	43
2.	Systems Information .....	43
a.	Grants.gov .....	43
b.	Payment and Reporting System (FEMA GO).....	43
c.	FEMA Grant Outcomes (GO).....	43
H.	Additional Information.....	44
I.	Termination Provisions.....	44
a.	Noncompliance.....	44
b.	With the Consent of the Recipient .....	44
c.	Notification by the Recipient .....	44
2.	Program Evaluation.....	44
3.	Period of Performance Extensions.....	45
4.	Disability Integration.....	46
5.	Conflicts of Interest in the Administration of Federal Awards or Subawards.....	47
6.	Procurement Integrity .....	47
a.	Important Changes to Procurement Standards in 2 C.F.R. Part 200 .....	48
b.	Competition and Conflicts of Interest .....	48
c.	Supply Schedules and Purchasing Programs.....	50
d.	Procurement Documentation.....	51
7.	FEMA Financial Assistance Programs for Infrastructure .....	52
a.	Build America, Buy America Act.....	52
8.	Record Retention .....	53
a.	Record Retention Period .....	53
b.	Types of Records to Retain .....	54
9.	Actions to Address Noncompliance.....	55
10.	Audits.....	56
11.	Payment Information .....	57
12.	Whole Community Preparedness.....	57
13.	Example Mitigation Plan Extension Request Template.....	58
14.	Examples Using Funding Formula.....	59

15. Determination of Unacceptable Risk to the Public ..... 61  
16. Eligible Activities..... 61  
17. Floodplain Management Plan..... 63  
18. Definitions ..... 65  
19. Appendices ..... 67

## A. Program Description

### 1. Issued By

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/ Resilience, Risk Management Directorate/Planning, Safety and Building Science Division / Planning and Safety Branch, National Dam Safety Program Office (NDSP)

### 2. Assistance Listings Number

97.041

### 3. Assistance Listings Title

National Dam Safety Program

### 4. Funding Opportunity Title

Fiscal Year 2024 Fall Rehabilitation of High Hazard Potential Dams (HHPD)

### 5. Funding Opportunity Number

DHS-24-[MT]-[041]-[00]-[98]

### 6. Authorizing Authority for Program

National Dam Safety Program Act (Public Law No. 92-367, as amended, 33 U.S.C. § 467f-2)

### 7. Appropriation Authority for Program

Infrastructure Investment and Jobs Act, Division J, Title V, Protection, Preparedness, Response, and Recovery, Federal Emergency Management Agency, Federal Assistance (Public Law No. 117-58)

### 8. Announcement Type

Initial

### 9. Program Category

Mitigation

### 10. Program Overview, Objectives, and Priorities

#### a. *Overview*

FEMA's National Dam Safety Program (NDSP) is committed to protecting lives and property from the risks associated with dams. Under NDSP, the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program makes available federal funds to eligible states for pass through to non-Federal governmental organizations or nonprofit organizations for the rehabilitation of eligible high hazard potential dams that fail to meet minimum state dam safety standards and pose unacceptable risk to life and property.

For the purposes of the HHPD Grant Program, rehabilitation means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable state dam safety and security standards.

The Fiscal Year 2024 Fall HHPD grant is available to support two categories of funding: (1) Project Scoping, Engineering and Design and (2) Construction Projects.

The HHPD grant program incentivizes eligible states to:

- Provide financial assistance for repair, removal, or rehabilitation of eligible high hazard potential dams.
- Incorporate risk-informed analysis and decision making into their dam safety practice and HHPD rehabilitation investments.
- Incorporate risk-analysis results and information and consider all dam risk in state, local, tribal, and territorial mitigation planning.
- Promote community preparedness by requiring recipients to develop and implement floodplain management plans that address potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse effects of flooding.
- Reduce costs associated with dam rehabilitation through the deployment of innovative solutions and technologies.

Given the requirements of this grant (e.g., National Flood Insurance Program participation, state, and local hazard mitigation plans (HMP), floodplain management plan, risk prioritization, state dam safety agency approval of the award), applicants must pursue this grant in coordination with the State Dam Safety Officer and the State Hazard Mitigation Officer, regardless of which entity will implement the grant. Contact information for the State Hazard Mitigation Officers (SHMOs) is provided on the FEMA website at <http://www.fema.gov/state-hazard-mitigation-officers>.

The HHPD supports DHS Strategic Goal 5: Strengthen Preparedness and Resilience, Objective 5.1: Build a National Culture of Preparedness and Presidential Policy Directive 8: Build and Sustain National Preparedness. Specifically, the HHPD supports Sub-Objective 5.1.1 of Strategic Goal 5 to incentivize investments that reduce risk and increase pre-disaster mitigation, including expanding the use of insurance to manage risk. DHS Strategic Plan, Fiscal years 2020-2024 has identified strengthening national preparedness and resilience as one of the basic Homeland Security missions. This initiative supports this mission by providing grant assistance for eligible high hazard potential dams that pose an unacceptable risk to the public. This program also supports Goal 2: Lead Whole of Community in Climate Resilience, Objective 2.3, Empower Risk-Informed Decision Making, of the 2022-2026 FEMA Strategic Plan.

**b. Objectives**

The objective of the program is to:  
Reduce or eliminate risk of eligible high hazard potential dams.



**c. *Priorities***

For FY2024, the HHPD priorities are Rehabilitation Planning, Design, Re-construction, and Removal activities for eligible high hazard dams.

**11. Performance Measures**

The following list provides Performance Measures aligned with Program Objectives and associated eligible activities. Applicants may choose one or more activities from the list below. Applicants may propose additional activities to support the program objectives; however, applicants must discuss additional activities with the FEMA Program Officer for approval and inclusion into the workplan.

**Program Objective:** Reduce or eliminate risk of eligible high hazard potential dam (HHPD)

**Performance Measures**

1.1 Planning tasks and activities, studies and analysis for pre-construction phases, scoping activities, and permit applications.

Performance Measure 1.1: Number of eligible HHPD dams that have resulted in the completion of studies and analysis for pre-construction phases, scoping activities, and permit applications.

1.2 Preliminary and final design package and required permit approvals.

Performance Measure 1.2: Number of eligible HHPD dams that have resulted in the completion of preliminary and final engineering design package and permits.

1.3 Construction activities that support dam rehabilitation or removal projects.

Performance Measure 1.3: Number of eligible HHPD dams that result in construction projects for dam rehabilitation or removal.

Applicants are to establish Performance Measurement targets for activities submitted for funding under this award. *See* Appendix A: FY24 Performance Measure Targets.

**B. Federal Award Information**

1. Available Funding for the NOFO: **\$185,120,000.00**

The allocation of available HHPD grant funds is determined by 33 U.S.C § 467f-2(g)(2) Allocation of Funds. The allocation of the HHPD funds is calculated as follows:

**(i) Equal distribution**

One-third of the available funding will be distributed equally among states

in which the projects for which eligible applications are submitted are located.

**(ii) Need-based**

Two-thirds of the available funding will be distributed among states in which the projects for which eligible applications are submitted are located based on the proportion that:

- a. the number of eligible high hazard potential dams in the state; bears to
- b. the number of eligible high hazard potential dams in all such states.

2. Projected Number of Awards: **50**
3. Period of Performance: 36 Months

The Period of Performance (POP) is 36 months, starting on the date of the Recipient’s federal award. Given the complexity of the HHPD projects, the Recipient may submit a request for an extension to the period of performance, which is allowed under HHPD. For additional information on period of performance extensions, please refer to **Section H.3, Period of Performance Extensions**.

FEMA awards under most programs, including this program, only include one budget period, so it will be same as the period of performance. *See 2 Code of Federal Regulations § 200.1 for definitions of “budget period” and “period of performance.”*

4. Funding Instrument Type: **Grant**

**C. Eligibility Information**

**1. Eligible Applicants**

A state with a state dam safety program authorized by state legislation is the only entity eligible to submit HHPD applications to DHS/FEMA.

For the purposes of the HHPD, the term “state” means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

**2. Applicant Eligibility Criteria**

Each eligible state must designate one State Administrative Agency (SAA) to serve as the applicant for HHPD funding. Each SAA may submit only one (1) HHPD grant application to FEMA and be able to comply with regulations associated with receipt of federal financial contributions from FEMA.

Each Recipient must have a FEMA-approved state mitigation plan that includes all dam risks; and complies with the [Disaster Mitigation Act of 2000 \(Public Law 106–390; 114 Stat. 1552\)](#) that amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act,

PL 100-707. For more information on the Mitigation Plan Requirements, see Section E.1.a, Programmatic Criteria for Mitigation Plan Requirement. For links to mitigation plan guidance documents and for questions, see Section H.12., Mitigation Plan Requirement Resources.

### 3. Subrecipient Eligibility Criteria

Eligible subrecipients under Fiscal Year 2024 HHPD are non-federal governmental organizations (other than the designated applicant) and nonprofit organizations. Under FY 2024 HHPD, eligible subrecipients apply for and receive subawards directly from the SAA. Subrecipients must meet the following criteria to be eligible:

- a. Acts in accordance with the state dam safety program. Additionally, the project dam must be regulated by the state dam safety program. All activities must be approved by the state dam safety agency. Any engineering studies, plans, or design drawings and specifications must be approved, signed, and stamped by a qualified design professional registered in the state in which the project is located.
- b. The community in which the dam is located participates in, and complies with, all applicable regulations of the National Flood insurance Program, and is in good standing, not on probation, suspended, or withdrawn from such Program.
- c. The Tribal or local government with jurisdiction over the area in which the dam is located has in place an approved hazard mitigation plan that includes all dam risks and complies with the [Disaster Mitigation Act of 2000 \(Public Law 106–390; 114 Stat. 1552\)](#). For more information on the Mitigation Plan Requirements, see Section E.1.a., Programmatic Criteria for Mitigation Plan Requirement. If the Tribal or local mitigation plan does not include all dam risks, the subrecipient may request an extension to meet this requirement. For more information on the Mitigation Plan Requirements, see Section H.13, Mitigation Plan Requirement Extension Requests. For links to mitigation plan guidance documents and for questions, see Section H.12., Mitigation Plan Requirement Resources.  
  
(FEMA’s Mitigation Planning Program defines “local government” as any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian tribe or authorized tribal organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity” (44 Code of Federal Regulations § 201.2).)
- d. Commit to provide operation and maintenance of the project for the expected life of the dam following completion of rehabilitation.
- e. Carries out activities relating to the public in the area around the dam in accordance with the hazard mitigation plan.
- f. Complies with section 5196(j)(9) of title 42 of the U.S. Code (as in effect on December 16, 2016) with respect to projects receiving assistance under this section in the same manner as

recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes. See Section D.13.a., Requirements Related to Contractor and Subcontractor Wages, for additional information.

g. Complies with chapter 11 of the title 40, Selection of Architects and Engineers. (See Section D.13.b., Requirements Related to Contract and Subcontract Services.)

h. Have in place (or will be developed not later than 2 years after the date of execution of a dam rehabilitation or removal project agreement and implemented not later than 2 years after the date of completion of a project) a floodplain management plan to reduce the impacts of future flood events in the area impacted by the project. The floodplain management plan shall address:

1. potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project.
2. plans for flood fighting and evacuation; and
3. public education and awareness of flood risks.

For additional information, please see Section H.17., Floodplain Management Plan.

i. For the purposes of the HHPD program, all dam risk includes the incremental risk, non-breach risk, and residual risk associated with each eligible high hazard potential dam, as well as the reason(s) the state has determined the dam is an eligible high hazard potential dam.

For the purposes of meeting the mitigation planning requirements, Applicants (SAA) must address the requirements for state mitigation plans and subrecipients / jurisdictions where the dam is located must address the requirements for local or tribal mitigation plans as set forth in mitigation planning policies. The requirements include the planning process, risk assessment, goals, and mitigation strategy. In the mitigation planning risk assessment, including all dam risks is done at a scale appropriate to the planning area and should include descriptions of incremental, breach, and non-breach risks for high hazard potential dams (not limited to eligible) as described in Section 5.8 of the Rehabilitation of High Hazard Potential Dams Grant Program Guidance (June 2020) FEMA Policy FP 104-008-7. “

j. Bipartisan Infrastructure Law (BIL) Signage

FEMA encourages the use of public signage for Bipartisan Infrastructure Law funded projects. Please note, these actions highly are encouraged but are not required.

Subrecipients are encouraged to place signs at project sites identifying the funding source of the project. The cost of such signs is an eligible project cost. Sub applicants may request up to \$10,000 per project for costs relating to signage. Project costs for signage are subject to the applicable cost-sharing requirements. For assistance with template design, please email: [design@fema.dhs.gov](mailto:design@fema.dhs.gov).

#### **4. Other Program-Specific Eligibility Criteria**

a. ***Approved Hazard Mitigation Plan***

The state must have in place (by the application deadline and at the time of obligation of grant funds) an approved state hazard mitigation plan that includes all dam risks (See Section H.19., Definitions, for the definition of All Dam Risk) and complies with the [Disaster Mitigation Act of 2000 \(Public Law 106–390; 114 Stat. 1552\)](#). If an HHPD applicant does not have a state mitigation plan that includes all dam risks, the applicant may request an extension to meet this requirement. (See Section H.13., Mitigation Plan Requirement Extension Requests).

b. ***Allowable Activities***

See Section H.17., Eligible Activities, for more information on allowable activities. See Section D.13.b., Requirements Related to Contract and Subcontract Services, for information about funding restrictions.

At project sites where BIL funding is being used for hazard mitigation projects, the use of public signage is a way to inform taxpayers about how BIL funds are being spent and advance the goals of accountability and transparency in federal spending. For more information on the federal government’s signage initiative relating to infrastructure investments, see the Office of Management and Budget’s February 24, 2023, Controller Alert, “CA-23-6, Enhancing Transparency Through Use of the Investing in America Emblem on Signs (UPDATED).” Additionally, for construction projects that are not funded by the BIL, publicly visible signage identifying the National Dam Safety Program HHPD funding source of the project promotes public awareness, participation in the program, and investment in building a resilient nation.

c. ***List of Eligible High Hazard Dams***

The SAA must submit a list of all eligible high hazard potential dams in their state with the application. The SAA must submit an official assurance statement (signed by the State Dam Safety Officer or Governor’s Authorized Representative [GAR]) that all dams included on the list of eligible high hazard potential dams are regulated by the state dam safety program and meet the following HHPD criteria for eligible high hazard potential dams.

A dam considered as eligible under grant must meet the following criteria:

“(A) In general, the term “eligible high hazard potential dam” means a non-Federal dam that—

- (i) is located within a state with a state dam safety program and regulated under that state dam safety program;
- (ii) is classified as high hazard potential by the relevant state dam safety agency;
- (iii) has an emergency action plan that—
  - I. is approved by the relevant state dam safety agency; or
  - II. is in conformance with state law and pending approval by the relevant state dam safety agency;
- (iv) fails to meet minimum dam safety standards of the state in which the dam is located, as determined by the state dam safety agency;

- (v) and has a condition assessment rating of POOR or UNSATISFACTORY as identified in the National Inventory of Dams (NID) no later than 09/15/2023.
- (B) Exclusion The term “eligible high hazard potential dam” does not include—
- (i) a licensed hydroelectric dam under a hydropower project with an authorized installed capacity of greater than 1.5 megawatts; or
  - (ii) a dam built under the authority of the Secretary of Agriculture.”
- 33 U.S.C. § 467(4)(A)

Note: Dams with FAIR condition assessment in the NID (with a population at risk (PAR) of less than 1000) may be eligible for the HHPD program. *See Section d. List of Eligible High Hazard Dams Template, below for more details.* Dams with a SATISFACTORY or NOT RATED condition assessment in the NID are not eligible for the HHPD program.

#### HHPD Prioritization Tool

The FEMA project prioritization tool is an Excel-based tool developed specifically for the HHPD grants. This screening level tool requires input from the NID and data available from other state sources such as inspection reports. The tool assists in the estimation of the likelihood of failure for static, hydrologic, and seismic failure modes based on existing deficiencies and the change in likelihood of failure by removing the deficiencies and bringing the dam in compliance with state standards.

The HHPD priority system process requires that dams under consideration for HHPD funding be plotted on a HHPD risk matrix with the likelihood of failure from the FEMA project prioritization tool on the vertical axis and the PAR calculated using the US Army Corps of Engineers Dam Screening Tool (DST) plotted on the horizontal axis of the risk matrix. Comparing the dams based on likelihood of failure and PAR consequences provide a ranking of dams consistent with the intent of the Act.

If the SAA chooses to be a pass-through entity, the SAA must contact potential subrecipients to identify potential eligible subrecipients with an eligible dam who express interest in obtaining a grant *for a specific planning or design project* and are capable of meeting the requirements of the HHPD grant. *See Section H.17., Eligible Activities,* for information on Eligible Activities.

The list or prospective eligible dams will be used to allocate grant funds to the state. *See Section H.15., Example Using the Funding Formula,* for a sample calculation on how eligible dams is used for state grant allocations.

Upon request, the SAA must provide to FEMA substantiating documentation that documents dams submitted are eligible under the HHPD grant. The requested documentation may include, but is not limited to, copies of the regulatory notices, risk assessments, engineering analyses, etc.

#### **d. *List of Eligible High Hazard Dams Template***

The list of dams must be submitted in table format with NID Data and must include the below column row headers and must be signed by the State Dam Safety Agency or GAR:

- Does the state have a state dam safety program?
- Dam Name
- NID ID
- Longitude
- Latitude
- Hazard Potential
- State Approved EAP? (Y/N)
- EAP Date
- Owner Type
- Built by USDA/NRCS? (Y/N)
- Licensed by FERC? (Y/N)
- NID Condition Assessment\*
- Fails to Meet Minimum State Dam Safety Standards
- Dam has a documented Dam Safety Deficiency? \*\*
- Was Dam Safety Deficiency caused by lack of Routine Operation and Maintenance?
- Was Dam Safety Deficiency caused by Deferred Maintenance?
- Brief Description of Deficiency
- Name of potential Subrecipient that has indicated interest in HHPD and is capable of meeting HHPD requirements\*\*\*

\* FEMA will review the Condition Assessment data reported in the NID to validate a dam's eligibility on 09/15/2023. Dams that meet the NID criteria for POOR or UNSATISFACTORY condition assessments may be eligible to include on the list of eligible high hazard potential dams. Also dams that meet the NID criteria of FAIR and with a PAR greater than or equal to 1000 may be eligible. Upon request, the SAA must provide to FEMA substantiating documentation that verify dams submitted are eligible under the HHPD grant. The requested documentation may include, but is not limited to, copies of the regulatory notices, risk assessments, engineering analyses, etc.

\*\*Dam Safety Deficiency (Source NID): A load capacity limit or other issue that can result in a failure of the dam or appurtenant structure. It is a characteristic or condition that does not meet the applicable minimum regulatory criteria.

\*\*\* the SAA must contact potential subrecipients to identify potential eligible subrecipients with an eligible dam who express interest in obtaining a grant for a specific planning or design project and are capable of meeting the requirements of the HHPD grant. (Only fill out this field if the potential subrecipient has been contacted or is the SAA.)

## 5. Cost Share or Match

Assistance provided under the HHPD grant is subject to a non-Federal cost-sharing requirement of not less than 35 percent. Federal funding is available for up to 65 percent of the eligible activity costs. The remaining 35 percent of eligible activity costs must be derived from non-federal sources, which may be in-kind. Requirements for cash and third-party in-kind

contributions can be found in 2 Code of Federal Regulations § 200.306. The non-Federal cost share contribution is not limited to 65 percent.

The non-federal cost share contribution is calculated based on the total cost of the proposed activity. The calculation to determine the non-Federal Cost share is:

$$\text{Non-Federal Share} = [0.35 * (\text{Federal Share})] / (0.65).$$

For example, if the total cost is \$400,000 and the non-Federal cost share is 35 percent, then the non-federal contribution is \$140,000: 35 percent of \$400,000 is \$140,000. The federal share cannot exceed \$260,000 (\$400,000 x 65%).

## **D. Application and Submission Information**

### **1. Key Dates and Times**

- a. *Application Start Date:*** **11/06/2023 at 09:00:00 AM ET**
- b. *Application Submission Deadline:*** **02/29/2024 at 05:00:00 PM ET**

All applications **must** be received by the established deadline.

FEMA’s Grants Outcomes System (FEMA GO) automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled [“Timely Receipt Requirements and Proof of Timely Submission”](#) in Section D of this NOFO.

**FEMA will not review applications that are received after the deadline or consider these late applications for funding.** FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant’s control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

**Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline.** Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. “Timely notification” of FEMA means: prior to the application deadline and within 48 hours after the applicant became aware of the issue.

A list of FEMA contacts can be found in Section G of this NOFO, “DHS Awarding Agency Contact Information.” For additional assistance using the FEMA GO System, please contact the FEMA GO Service Desk at 1-877-585-3242 or [FEMAgO@fema.dhs.gov](mailto:FEMAgO@fema.dhs.gov). The FEMA GO Service Desk is available Monday through Friday, 9:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Program Analyst or Grants



Specialist. FEMA Grants News is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. This channel 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. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns. FEMA Grants Information Desk can be reached by e-mail at [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov) OR by phone at (800) 368-6498, Monday through Friday, 9:00 AM – 5:00 PM ET.

c. **Anticipated Funding Selection Date:** No later than **03/25/2024**

d. **Anticipated Award Date:** No later than **04/08/2024**

e. **Other Key Dates**

<b>Event</b>	<b>Suggested Deadline for Completion</b>
Obtaining Unique Entity Identifier (UEI) number	Four weeks before actual submission deadline
Obtaining a valid Employer Identification Number (EIN)	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or updating SAM registration	Four weeks before actual submission deadline
Registering Organization in FEMA GO	Prior to beginning application
Submitting complete application in FEMA GO	One week before actual submission deadline

## 2. Agreeing to Terms and Conditions of the Award

By applying, applicants agree to comply with the requirements of this NOFO and the terms and conditions of the award, should they receive an award.

## 3. Address to Request Application Package

Applications are processed through the FEMA GO system. To access the system, go to <https://go.fema.gov/>.

Hard copies of the NOFO can be downloaded at [Grants.gov](https://www.fema.gov/grants) or obtained via email from the Awarding Office points of contact listed in Section G of this NOFO, “DHS Awarding Agency Contact Information” or by TTY (800) 462-7585.

## 4. Steps Required to Obtain a Unique Entity Identifier, Register in the System for Award Management (SAM), and Submit an Application

Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

Requirements: Obtain a Unique Entity Identifier (UEI) and Register in the System for Award Management (SAM)

Each applicant, unless they have a valid exception under 2 CFR 25.110, must:

- 1) Be registered in Sam.Gov before application submission.
- 2) Provide a valid Unique Entity Identifier (UEI) in its application.
- 3) Continue to always maintain an active System for Award Management (SAM) registration with current information during the Federal Award process. "

Please review the table above for estimated deadlines to complete each of the steps listed. Failure of an applicant to comply with any of the required steps before the deadline for applying may disqualify that application from funding.

To apply for an award under this program, all applicants must:

- a. Apply for, update, or verify their Unique Entity Identifier (UEI) number and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide an UEI number;
- c. Have an account with [login.gov](https://login.gov);
- d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
- e. Register in FEMA GO, add the organization to the system, and establish the Authorized Organizational Representative (AOR). The organization's electronic business point of contact (eBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see <https://www.fema.gov/media-library/assets/documents/181607>;
- f. Submit the complete application in FEMA GO; and
- g. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

Applicants are advised that FEMA may not make a federal award until the applicant has complied with all applicable SAM requirements. Therefore, an applicant's SAM registration must be active not only at the time of application, but also during the application review period and when FEMA is ready to make a federal award. Further, as noted above, an applicant's or recipient's SAM registration must remain active for the duration of an active federal award. If an applicant's SAM registration is expired at the time of application, expires during application review, or expires any other time before award, FEMA may determine

that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

Per 2 C.F.R. § 25.110(c)(2)(iii), if an applicant is experiencing exigent circumstances that prevents it from obtaining an UEI number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible by contacting [FireGrants@fema.dhs.gov](mailto:FireGrants@fema.dhs.gov) and providing the details of the circumstances that prevent completion of these requirements. If FEMA determines that there are exigent circumstances and FEMA has decided to make an award, the applicant will be required to obtain an UEI number, if applicable, and complete SAM registration within 30 days of the federal award date.

## 5. Electronic Delivery

DHS is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. DHS encourages or requires applicants to submit their applications online through Grants.gov, depending on the funding opportunity.

For this funding opportunity, FEMA requires applicants to submit applications through FEMA GO.

## 6. How to Register to Apply

### a. General Instructions:

Registering and applying for an award under this program is a multi-step process and requires time to complete. Read the instructions below about registering to apply for FEMA funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

**The registration process can take up to four weeks to complete.** To ensure an application meets the deadline, applicants are advised to start the required steps well in advance of their submission.

Organizations must have a Unique Entity Identifier (UEI) number, Employer Identification Number (EIN), and an active System for Award Management (SAM) registration.

### b. Obtain a UEI Number:

All entities applying for funding, including renewal funding, must have a UEI number. Applicants must enter the UEI number in the applicable data entry field on the SF-424 form. For more detailed instructions for obtaining a UEI number, refer to [SAM.gov](https://www.sam.gov).

### c. Obtain Employer Identification Number:

In addition to having a UEI number, all entities applying for funding must provide an Employer Identification Number (EIN). The EIN can be obtained from the IRS by visiting <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>.

d. Create a login.gov account:

Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account here:

[https://secure.login.gov/sign\\_up/enter\\_email?request\\_id=34f19fa8-14a2-438c-8323-a62b99571fd](https://secure.login.gov/sign_up/enter_email?request_id=34f19fa8-14a2-438c-8323-a62b99571fd).

Applicants only have to create a login.gov account once. For applicants that are existing SAM users, use the same email address for the login.gov account as with SAM.gov so that the two accounts can be linked.

For more information on the login.gov requirements for SAM registration, refer to <https://www.sam.gov/SAM/pages/public/loginFAQ.jsf>.

e. Register with SAM:

In addition to having a UEI number, all organizations must register with SAM. Failure to register with SAM will prevent your organization from applying through FEMA GO. SAM registration must be renewed annually and must remain active throughout the entire grant life cycle.

For more detailed instructions for registering with SAM, refer to <https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>.

**Note:** As a new requirement per 2 C.F.R. § 25.200, applicants must also provide the applicant's immediate and highest-level owner, subsidiaries, and predecessors that have been awarded federal contracts or federal financial assistance within the past three years, if applicable.

**I. ADDITIONAL SAM REMINDERS**

Existing SAM.gov account holders should check their account to make sure it is "ACTIVE." SAM registration should be completed at the very beginning of the application period and should be renewed annually to avoid being "INACTIVE." **Please allow plenty of time before the grant application submission deadline to obtain a UEI number and then to register in SAM. It may be four weeks or more after an applicant submits the SAM registration before the registration is active in SAM, and then it may be an additional 24 hours before FEMA's system recognizes the information.**

It is imperative that the information applicants provide is correct and current. Please ensure that your organization's name, address, UEI number, and Employer Identification Number, or EIN, are up to date in SAM and that the UEI number used in SAM is the same one used to apply for all other FEMA awards. Payment under any FEMA award is contingent on the recipient's having a current SAM registration.

**II. HELP WITH SAM**

The SAM quick start guide for new recipient registration and SAM video tutorial for new applicants are tools created by the General Services Administration (GSA) to assist those registering with SAM. If applicants have questions or concerns about a SAM registration, please contact the Federal Support Desk at <https://www.fsd.gov/fsd-gov/home.do> or call toll free (866) 606-8220 Monday - Friday 8 a.m. to 8 p.m. ET.

f. Register in FEMA GO, Add the Organization to the System, and Establish the AOR: Applicants must register in FEMA GO and add their organization to the system. The organization's electronic business point of contact (eBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see [FEMA GO Startup Guide](#).

Note: FEMA GO will support only the most recent major release of the following browsers:

- Google Chrome;
- Internet Explorer;
- Mozilla Firefox;
- Apple Safari; and
- Microsoft Edge.

Users who attempt to use tablet type devices or other browsers may encounter issues with using FEMA GO.

## 7. Submitting the Application

Applicants will be prompted to submit the standard application information and any program-specific information required as described in Section D.10 of this NOFO, "Content and Form of Application Submission." The Standard Forms (SF) may be accessed in the Forms tab under the [SF-424 family on Grants.gov](#). Applicants should review these forms before applying to ensure they have all the information required.

After submitting the application, FEMA GO will provide either an error message or a successfully received transmission in the form of an email sent to the Authorized Organization Representative that submitted the application. Applicants using slow internet connections, such as dial-up connections, should be aware that transmission can take some time before FEMA GO receives your application.

For additional application submission requirements, including program-specific requirements, please refer to the subsection titled "Content and Form of Application Submission" under Section D of this NOFO.

## 8. Timely Receipt Requirements and Proof of Timely Submission

All applications must be completed in FEMA GO by the application deadline. FEMA GO automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with

the Authorized Organization Representative (AOR) role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission on the date and time that FEMA GO received the application.

**Applicants who experience system-related issues will be addressed until 3:00 PM ET on the date applications are due.** No new system-related issues will be addressed after this deadline. Applications not received by the application submission deadline will not be accepted.

## 9. Content and Form of Application Submission

### a. *Standard Required Application Forms and Information*

The following forms or information are required to be submitted via FEMA GO. The Standard Forms (SF) are also available at <https://www.grants.gov/web/grants/forms/sf-424-family.html>.

- SF-424, Application for Federal Assistance**
- Grants.gov Lobbying Form, Certification Regarding Lobbying**
- SF-424A, Budget Information (Non-Construction)**
  - **For construction under an award, submit SF-424C, Budget Information (Construction),** in addition to or instead of SF-424A
- SF-424B, Standard Assurances (Non-Construction)**
  - **For construction under an award, submit SF-424D, Standard Assurances (Construction),** in addition to or instead of SF-424B
- SF-LLL, Disclosure of Lobbying Activities**
- Indirect Cost Agreement or Proposal** if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see Section D.13 of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

Generally, applicants have to submit either the non-construction forms (i.e., SF-424A and SF-424B) or construction forms (i.e., SF-424C and SF-424D), meaning that applicants that only have construction work and do not have any non-construction work need only submit the construction forms (i.e., SF-424C and SF-424D) and not the non-construction forms (i.e., SF-424A and SF-424B), and vice versa. However, applicants who have both construction and non-construction work under this program need to submit both the construction and non-construction forms.

**b. *Program-Specific Required Forms and Information***

The following program-specific forms or information are required to be submitted in National Dam Safety Rehabilitation of High Hazard Potential Dams grant:

Contact your NDSP Program Officer for templates to submit Program-Specific Information. The following program-specific forms or information are required to be submitted in:

The SAA must include the following five documents in the initial application package—each document must be labeled and numbered. At the top of each document provide the following:

- State/Agency Name
- FY24 FALL HHPD
- Name and contact information (completing documents)
- Date

**The following program-specific forms or information are required to be submitted in FEMA GO:**

1. List of eligible high hazard potential dams, including National Inventory of Dams (NID) ID Identifiers, in their state with the application. The SAA or GAR should sign a statement that the list of eligible high hazard potential dams has been reviewed and approved. *See Section C.4.c., List of Eligible High Hazard Potential Dams*, for eligibility requirements and *Section C.4.d., List of Eligible High Hazard Potential Dams Template*, for an example table template for submittal.

2. Proposed Budget and HHPD proposed projects/activities: Indicate and describe proposed activities: (1) project scoping and engineering design, and or (2) construction (**clearly indicate if project includes repair, rehabilitation, or removal**). Include a brief project narrative on how the funds will advance HHPD priorities and meet performance goals and include:

a. Proposed Budget

b. Percent of cost share: Submit the cost share and a summary of in-kind activities. *See Section C.5., Cost Share or Match*, for requirements.

3. Statement of assurances signed by authorized state official

a. Statement and date of FEMA approval of state HMP which includes all-dam risk (insert ref/policy)

b. Statement the applicant is able to comply with regulations associated with receipt of federal financial contributions from FEMA.

c. If Pass-through Entity: Assurance statement that subrecipients will meet all criteria listed in **Section C.3., Subrecipient Eligibility Criteria**.

d. Assurance statement that the 35 percent cost share requirement can be met. *See Section C.5., Cost Share or Match*, for requirements.

4. State Administrative Plan.

At a minimum, the State Administrative Plan must include the items listed below:

- a. Designation of the SAA responsible for program administration.
- b. Identification of the State Official responsible for financial and program matters related to the High Hazard Potential Dam Rehabilitation Grant Program
  - c. Timely submission of HHPD quarterly performance progress reports on approved projects.
  - d. Determination of staffing requirements and sources of staff necessary for administration of the program.
  - e. If applicable, the establishment of procedures as a Pass-through Entity:
    1. Identify, select, and notify potential subrecipients of the availability of the program.
    2. Ensure that potential subrecipients are provided information on the application process, program eligibility, including the requirement for an approved mitigation plan that includes all dam risks for the jurisdiction where the dam is located, and key deadlines.
    3. Determine subrecipient eligibility, including the requirement for an approved mitigation plan for the jurisdiction where the dam is located.
    4. Submit revisions or amendments for FEMA review and approval. *See Section F.2, Pass-Through Requirements.*
5. Conduct environmental and floodplain management reviews.
6. Establish priorities for selection of projects.
7. Process requests for advances of funds and reimbursement.
8. Monitor and evaluate the progress and completion of the selected projects.
9. Review and approve cost overruns.
10. Process appeals.
11. Provide technical assistance as required to subrecipient(s) and/or jurisdiction where the dam is located including coordination with State Hazard Mitigation Officer regarding the eligibility requirement to have an approved mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552). For more information on the Mitigation Plan Requirements, *see Section E.1., Application Evaluation Criteria.*
12. Comply with the administrative and audit requirements of 2 Code of Federal Regulations Part 200.

#### **10. Other Submission Requirements**

**Fair Wages and Labor Standards:** Regarding payment of laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds. Section 5196(j)(9) of the US Code of Laws Title 42.

For a grant of an amount greater than \$1,000,000, an eligible subrecipient that receives the grant shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using



funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under—

(A) chapter 11 of title 40; or

(B) an equivalent qualifications-based requirement prescribed by the relevant State.

### **11. Intergovernmental Review**

An intergovernmental review may be required. Applicants must contact their state's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372 (See <https://www.archives.gov/federal-register/codification/executive-order/12372.html>; [www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf](http://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf)).

### **12. Funding Restrictions and Allowable Costs**

All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200, unless otherwise indicated in the NOFO, or the terms and conditions of the award. This includes, among other requirements, that costs must be incurred, and products and services must be delivered, within the period of performance of the award. *See* 2 C.F.R. § 200.403(h) (referring to budget periods, which for FEMA awards is the same as the period of performance).

In general, the Cost Principles establish standards for the allowability of costs, provide detailed guidance on the cost accounting treatment of costs as direct or administrative costs, and set forth allowability principles for selected items of cost. More specifically, except as otherwise stated in this NOFO, the terms and condition of an award, or other program materials, costs charged to awards covered by this NOFO must be consistent with the Cost Principles for Federal Awards located at 2 C.F.R. Part 200, Subpart E. In order to be allowable, all costs charged to a FEMA award or applied to the cost share must be reasonable in nature and amount and allocable to the particular FEMA award.

Additionally, all costs charged to awards must comply with the grant program's applicable statutes, policies, requirements in this NOFO as well as with the terms and conditions of the award. If FEMA staff identify costs that are inconsistent with any of these requirements, these costs may be disallowed, and FEMA may recover funds as appropriate, consistent with applicable laws, regulations, and policies.

As part of those requirements, grant recipients and subrecipients may only use federal funds or funds applied to a cost share for the purposes set forth in this NOFO and the terms and conditions of the award, and those costs 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.

HHPD recipients may only fund activities and projects that are included and approved in the FY 2024 HHPD Work Plan and Budget. *See Section H.17., Eligible Activities*, for a description of eligible activities. *See Section D.10., Content and Form of Application Submission*, for Work Plan requirements.

The maximum amount of funding any Subrecipient can receive under HHPD is statutorily limited. The maximum subrecipient funding cannot exceed the lesser of 12.5 percent of the total amount of funds made available.

For the FY 2024 program, \$185,120,000.00 is allocated to the HHPD program; therefore, no subrecipient may receive an award for more than \$7,500,000.00. *See Section H.15., Examples Using Funding Formula*.

**a. *Requirements Related to Contractor and Subcontractor Wages***

Per 33 U.S.C. § 467f-2(d)(2)(E), recipients and subrecipients are required to comply with the requirements of 42 U.S.C. § 5196(j)(9). All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Administrator under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, and every such employee shall receive compensation at a rate not less than one and ½ times the basic rate of pay of the employee for all hours worked in any workweek in excess of eight hours in any workday or 40 hours in the workweek, as the case may be. The Administrator shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40.

**b. *Requirements Related to Contract and Subcontract Services***

Per 33 U.S.C. § 467f-2(i), a contract awarded shall not be considered to confer a proprietary interest upon the United States. As a condition on the receipt of a grant under this section of an amount greater than \$1,000,000, recipients and subrecipients shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under 40 U.S. Code Chapter 11 or an equivalent qualifications-based requirement prescribed by the recipient state.

**c. *Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services***

Recipients and subrecipients of FEMA federal financial assistance are subject to the prohibitions described in section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13,

2020, the statute – as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Guidance is available at [FEMA Policy #405-143-1 - Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services](#)

Additional guidance is available at [Contract Provisions Guide: Navigating Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards \(fema.gov\)](#).

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

- Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or
- Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

## **I. DEFINITIONS**

Per section 889(f)(2)-(3) of the FY 2019 NDAA and 2 C.F.R. § 200.216, covered telecommunications equipment or services means:

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

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by

the entities listed in the definition of “covered telecommunications equipment or services.” See 2 C.F.R. § 200.471.

**d. *Enhancing Critical Infrastructure Cybersecurity.***

When eligible subapplications include an information technology or operational technology component as part of a project under this program, FEMA will allow activities that enable greater resilience through cybersecurity as eligible costs when those activities are performed in accordance with the cybersecurity performance goals for critical infrastructure and control systems directed by the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems, found at <https://www.cisa.gov/control-systems-goals-and-objectives>. Subapplicants should address cybersecurity in their planning, design, and project oversight for awards that include a technology nexus that may pose a cyber risk that would affect the reliability or operability of project.

**e. *Pre-Award Costs***

Pre-award costs are not allowed.

**f. *Management and Administration (M&A) Costs***

Management and administration (M&A) activities are those directly relating to the management and administration of HHPD funds, such as financial management and monitoring. M&A costs are not operational costs. They are the necessary costs incurred in direct support of the grant or as a consequence of the grant and should be allocated across the entire lifecycle of the grant. A maximum of up to 10 percent of HHPD funds awarded may be retained by the state, and any funds retained are to be used solely for M&A purposes associated with the HHPD award. Subrecipients may also retain a maximum of up to 5 percent of the funding passed through by the state solely for M&A purposes associated with the HHPD award. Applicant requests for management costs must be included in the State Administrative Plan. Subrecipient management cost activities must be added to the scope of work section and reflected in the cost estimate section of subgrant applications.

Applicants and subrecipients who do not receive awards/subawards will not receive reimbursement for management costs.

**g. *Indirect Facilities & Administrative (F&A) Costs***

Indirect costs are allowable under this program as described in 2 Code of Federal Regulations Part 200, including 2 Code of Federal Regulations § 200.414. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not required by 2 Code of Federal Regulations Part 200 to have a negotiated indirect cost rate agreement but are required by 2 Code of Federal Regulations Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to the regional Grants Program Manager for further instructions. Applicants who wish to

use a cost allocation plan in lieu of an indirect cost rate must also reach out to the regional grants program manager for further instructions.

**E. Application Review Information**

**1. Application Evaluation Criteria**

In addition to the eligibility requirements stated in **Section C., Eligibility Information**, the following programmatic criteria must be met and will be evaluated during the application review.

**a. *Programmatic Criteria for Mitigation Plan Requirement***

**Applicant**

During the application review period for completeness and eligibility, FEMA will validate if the Applicant has an approved state mitigation plan that includes all dam risks. *See Section H.19., Definitions*, for the definition of All Dam Risk. If the Applicant has an approved state mitigation plan that does not include all dam risks, the program will inform the Applicant of the determination and the Applicant may submit a request for an extension to the mitigation plan requirement. Applicants may coordinate with FEMA for a review of the approved state mitigation plan to assess for all dam risks in advance of the application deadline. All supplemental attachments must be submitted via FEMA GO. *See Section H.13., Mitigation Plan Requirement Extension Requests*.

Applicant's state hazard mitigation plan will be assessed against 44 Code of Federal Regulations Part 201, Mitigation Planning, and the requirements specific to assessing all dam risks set forth in the State Mitigation Planning Policy Guide (FEMA, April 2022). The requirements in this NOFO supersede requirements in the [Rehabilitation of High Hazard Potential Dams Grant Program Guidance \(FEMA, June 2020\)](#) and the [FEMA Policy 104- 008-7](#), to determine if the plan complies with the requirement to address all dam risks.

For additional information on all other state mitigation plan requirements and FEMA procedures for review and approval of state mitigation plans, see the State Mitigation Planning Policy Guide (FEMA, April 2022).

**Subrecipients**

Subrecipients must demonstrate that the tribal or local government with jurisdiction over the area in which the dam is located has in place at the time the SAA submits the SOW package to FEMA, and the time FEMA approves the SOW package, an approved hazard mitigation plan that includes all dam risks. *See Section H.19., Definitions*, for the definition of All Dam Risk. The hazard mitigation plan must comply with the Disaster Mitigation Act of 2000 (Public. L. 106–390; 114 Stat. 1552). Dams owned by nonprofit organizations that are subrecipients must be located in a local jurisdiction with an approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552).

FEMA will determine if the mitigation plan addresses all dam risks in accordance with the requirements specific to assessing all dam risks set forth in the Local Mitigation Planning Policy Guide (FEMA, April 2022). These requirements supersede the [Rehabilitation of High Hazard](#)

[Potential Dams Grant Program Guidance \(FEMA, June 2020\)](#) and the [FEMA Policy 104- 008-7](#), to determine if the plan complies with the requirement to address all dam risks.

For additional information on all other local mitigation plan requirements and FEMA procedures for review and approval of local mitigation plans, see FEMA’s Local Mitigation Plan Review Guide (Local Guide) (2022) / Guía de Revisión del Plan Local de Mitigación (2022) or subsequent update.

If the dam is located on land under jurisdiction of a Federally recognized tribal government, the tribal mitigation plan must address all dam risks. FEMA will validate whether each of the following elements are included in the tribal plan:

- a. Does the plan describe the incorporation of existing plans, studies, reports, and technical information for high hazard potential dams?
- b. Does the plan address high hazard potential dams in the risk assessment?
- c. Does the plan include mitigation goals to reduce long-term vulnerabilities from high hazard potential dams?
- d. Does the plan include actions that address high hazard potential dams, and prioritize mitigation actions to reduce vulnerabilities from high hazard potential dams?

For additional information on tribal mitigation plan requirements, reference the Tribal Mitigation Plan Review Guide (December 2017).

If an HHPD subrecipient cannot demonstrate that the local or tribal government with jurisdiction over the area in which the dam is located has in place a hazard mitigation plan that includes all dam risks; and complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552); then the subrecipient may request an extension to meet this requirement, and may need to coordinate with the jurisdiction where the dam is located to update the mitigation plan to include all dam risks within twelve (12) months. For more information see Section H.13., Mitigation Plan Requirement Extension Requests.

**b. *Financial Integrity Criteria***

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as enacted by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 (2020); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any Office of Management and Budget (OMB)-designated repositories of governmentwide eligibility qualification or financial integrity information, including whether the applicant is suspended or debarred. FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

- i. Financial stability.
- ii. Quality of management systems and ability to meet management standards.
- iii. History of performance in managing federal award.
- iv. Reports and findings from audits.
- v. Ability to effectively implement statutory, regulatory, or other requirements.

**c. *Supplemental Financial Integrity Criteria and Review***

Prior to making a federal award where the anticipated total federal share will be greater than the simplified acquisition threshold, currently \$250,000:

- i. FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance and Integrity Information System](#) (FAPIIS).
- ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

**2. Review and Selection Process**

The review and selection process will be completed in two parts:

**Part 1**

FEMA reviews applications for completeness and eligibility as well as the brief scoping narratives for potential FY24 projects. After the Part 1 review is complete, FEMA will notify states of funding amounts via the FEMA GO system.

During Part 1, SAAs will submit applications into Grants.gov and FEMA Go, and FEMA Headquarters will review the applications for completeness and eligibility. SAAs are to include clearly defined State objectives, a proposal narrative, and the required critical data to support proposal. Applicants will be evaluated and selected for funding based on the following:

1. The Applicant has the authority and demonstrates the capability necessary to successfully fulfill the requirements of the HHPD.
2. The dams included on the Applicant's list of eligible high hazard potential dams meet eligibility criteria.
3. The Applicant demonstrates how HHPD funds will advance the HHPD priorities and performance goals and provides brief scoping narratives for potential FY24 projects.
4. The State Administrative Plan must clearly describe the SAA's timelines and milestones for implementing the HHPD grant. The State Administrative Plan must describe the process for selecting subrecipients. The State Administrative Plan must also describe methodology

and data used to measure progress toward achieving the performance outcomes of the HHPD grant.

5. FEMA will validate if the Applicant has an approved state mitigation plan that includes all dam risks.

FEMA may request additional information from the Applicant for clarification and better understanding of the proposed grant activities during this review period.

## **Part 2**

SAA accepts the funding award and develops and submits a Scope of Work (SOW) package to include a narrative of how and why the projects were selected for funding, detailed quarterly milestone workplan, EHP checklist, and budget narrative (Refer to FEMA Program Officer for checklist for SOW package). The SOW package must be submitted to FEMA for review during the Part 2 submission period. FEMA will review the subrecipient's local hazard mitigation plan for eligibility. *See Section D.10.b, Program-Specific Required Forms and Information* and *Section F.2., Pass-Through Requirements*, for requirements. *See Section E.1.a, Programmatic Criteria for Mitigation Plan Requirement*, for more details on specific application evaluation criteria.

## **F. Federal Award Administration Information**

### **1. Notice of Award**

Before accepting the award, the AOR and recipient should carefully read the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. **Recipients must accept all conditions in this NOFO as well as any specific terms and conditions in the Notice of Award to receive an award under this program.**

FEMA will provide the federal award package to the applicant electronically via FEMA GO. Award packages include an Award Letter, Summary Award Memo, Agreement Articles, and Obligating Document. An email notification of the award package will be sent through FEMA's grant application system to the Authorized Organization Representative (AOR) that submitted the application.

Recipients must accept their awards no later than 60 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award through the FEMA GO system.

Funds will remain on hold until the recipient accepts the award through the FEMA GO system and all other conditions of the award have been satisfied or until the award is otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds.

### **2. Pass-Through Requirements**

All pass-through entities must comply with 2 Code of Federal Regulations 200.332 Requirements for pass-through entities. Awards made to the SAA for HHPD carry additional



pass-through requirements. Pass-through is defined as an obligation on the part of the SAA to make funds available to eligible subrecipients. Four requirements must be met to pass-through grant funds:

- i. The SAA must submit a SOW package to FEMA for approval that describes the budget and project scope for each subrecipient in accordance with 2 Code of Federal Regulations § 200.308.
- ii. The SAA must make a firm written commitment to passing through grant funds to subrecipients;
- iii. The SAA's commitment must be unconditional (i.e., no contingencies for the availability of SAA funds);
- iv. There must be documentary evidence (i.e., award document, terms, and conditions) of the commitment; and
- v. The award terms must be communicated to the subrecipient, including the requirement for an approved local or tribal mitigation plan (that meet the requirements set forth at 44 Code of Federal Regulations. Part 201 Mitigation Planning) that addresses all dam risks for the jurisdiction where the dam is located.

#### **Timing and Amount**

The SAA must pass-through the HHPD subaward to eligible subrecipients within 90 calendar days of **receipt of the funds**. "Receipt of the funds" occurs when the FEMA GO system releases the financial hold of the award, following FEMA approval of the SOW package. SAAs are sent notification of the release of financial hold of the HHPD award funds via the FEMA GO system.

### **3. Administrative and National Policy Requirements**

In addition to the requirements of in this section and in this NOFO, FEMA may place specific terms and conditions on individual awards in accordance with 2 C.F.R. Part 200.

#### **a. *DHS Standard Terms and Conditions***

All successful applicants for DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at: [DHS Standard Terms and Conditions](#).

The applicable DHS Standard Terms and Conditions will be those in effect at the time the award was made. What terms and conditions will apply for the award will be clearly stated in the award package at the time of award.

#### **b. *Ensuring the Protection of Civil Rights***

As the Nation works towards achieving the [National Preparedness Goal](#), it is important to continue to protect the civil rights of individuals. Recipients and subrecipients must carry out their programs and activities, including those related to the building, sustainment, and

delivery of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations.

Federal civil rights statutes, such as Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, along with DHS and FEMA regulations, prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, limited English proficiency, or economic status in connection with programs and activities receiving [federal financial assistance](#) from FEMA.

The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. These terms and conditions can be found in the [DHS Standard Terms and Conditions](#). Additional information on civil rights provisions is available at <https://www.fema.gov/about/offices/equal-rights/civil-rights>.

Monitoring and oversight requirements in connection with recipient compliance with federal civil rights laws are also authorized pursuant to 44 C.F.R. Part 7.

In accordance with civil rights laws and regulations, recipients and subrecipients must ensure the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

**c. *Environmental Planning and Historic Preservation (EHP) Compliance***

As a federal agency, FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by FEMA, including grant-funded projects, comply with federal EHP laws, Executive Orders, regulations, and policies, as applicable.

All FEMA actions, including grant-funded actions, must comply with National Flood Insurance Program criteria or any more restrictive federal, state, or local floodplain management standards or building code (44 CFR § 9.11(d)(6)).

All FEMA-funded non-critical actions in 1% annual chance floodplains (also known as 100-year floodplains) that involve structure elevation, mitigation reconstruction, dry floodproofing, new construction, repair of substantial damage or substantial improvement of structures must be elevated, at a minimum, to the lower of:

- Two feet above the 1% annual chance flood elevation (also known as the base flood elevation), in accordance with the Federal Flood Risk Management Standard (FFRMS) “Freeboard Value Approach” (FVA); or
- The 0.2% annual chance flood elevation. Where 0.2% annual chance flood elevations are not available, such actions must be elevated to at least two feet above the 1% annual chance flood elevation.

All FEMA-funded critical actions in 1% annual chance floodplains or 0.2% annual chance floodplains (also known as 500-year floodplains) that involve structure elevation, mitigation reconstruction, dry floodproofing, new construction, repair of substantial damage or substantial improvement of structures must be elevated, at a minimum, to the higher of:

- Three feet above the 1% annual chance flood elevation; or
- The 0.2% annual chance flood elevation. Where 0.2% annual chance flood elevations are not available, such actions must be elevated to at least three feet above the 1% annual chance flood elevation.

See Executive Order 11988, *Floodplain Management*, as amended by Executive Order 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*.

**Recipients and subrecipients proposing projects that have the potential to impact the environment, including, but not limited to, the construction of communication towers, modification or renovation of existing buildings, structures, and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process.** The EHP review process involves the submission of a detailed project description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies.

DHS and FEMA EHP policy is found in directives and instructions available on the [FEMA.gov EHP page](#), the FEMA website page that includes documents regarding EHP responsibilities and program requirements, including implementation of the National Environmental Policy Act and other EHP regulations and Executive Orders. Individual FEMA programs have separate procedures to conduct and document EHP review. Guidance for individual grant programs is available from applicable program offices.

#### **d. Good Jobs**

The Good Jobs Initiative is a Department of Labor-led initiative that provides critical information to workers, employers, and government agencies as they work to improve job quality and create access to good jobs free from discrimination and harassment for all working people. During the implementation of a hazard mitigation project, applicants are encouraged to leverage the Good Jobs Initiative for information and resources on these topics. To learn more about the Good Jobs Initiative visit <https://www.dol.gov/general/good-jobs>.

#### **4. Reporting**

Recipients are required to submit various financial and programmatic reports as a condition of award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent.

### **a. Financial Reporting Requirements**

#### **I. FEDERAL FINANCIAL REPORT (FFR)**

Recipients must report obligations and expenditures through the FFR form (SF-425) to FEMA.

Recipients may review the Federal Financial Reporting Form (FFR) (SF-425) at <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortby=1>

Recipients must file the FFR electronically using FEMA GO.

#### **II. FFR REPORTING PERIODS AND DUE DATES**

An FFR must be submitted quarterly throughout the POP, including partial calendar quarters, as well as in periods where no grant award activity occurs. The final FFR is due within 120 calendar days after the end of the POP. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate lack of progress, or are insufficient in detail.

Except for the final FFR due at 120 days after the end of the POP for purposes of closeout, the following reporting periods and due dates apply for the FFR:

Reporting Period	Report Due Date
October 1 – December 31	January 30
January 1 – March 31	April 30
April 1 – June 30	July 30
July 1 – September 30	October 30

### **b. Programmatic Performance Reporting Requirements**

#### **I. PERFORMANCE PROGRESS REPORT (PPR)**

Grant recipients are responsible for providing performance reports on a quarterly basis. Performance progress reports should be submitted as either a word document or a pdf file. Performance progress reports are due within 30 days after the end of each reporting period, must be submitted via FEMA GO, and must include at a minimum the following:

The recipient must use FEMA's template to submit a quarterly performance progress report (PPR) for each award. *See Appendix B, Performance Progress Report (PPR).*

Performance reports include:

1. Reporting period, date of report, and recipient point of contact (POC) name and contact information.
2. SF-PPR must be used and submitted via FEMA GO

3. Project identification information, including FEMA project number, subrecipient, and project type using standard FEMA GO.
4. Significant activities and developments that have occurred or have shown progress during the quarter, including a comparison of actual accomplishments to the work schedule objectives established in the subaward.
5. Percent completion and whether completion of work is on schedule; a discussion of any problems, delays, or adverse conditions that will impair the ability to meet the timelines stated in the subaward; and anticipated completion date.
6. Status of costs, including whether the costs are (1) unchanged, (2) overrun, or (3) underrun. If there is a change in cost status, the report should include a narrative describing the change. Also, include amount dispersed to subrecipient by activity.
7. A statement of whether a request to extend the award POP is anticipated.
8. Incremental funding amounts (SFM) and progress completed.
9. Additional information as required by FEMA to assess the progress of an award.

The following reporting periods and due dates apply:

<b>Reporting Period</b>	<b>Report Due Date</b>
August 1 – September 30	October 30 (First Report)
October 1 – December 31	January 30
January 1 – March 31	April 30
April 1 – June 30	July 30
July 1 – September 30	October 30

### ***c. Closeout Reporting Requirements***

#### **I. CLOSEOUT REPORTING**

Within 120 calendar days after the end of the period of performance for the prime award or after an amendment has been issued to close out an award before the original POP ends, recipients must liquidate all financial obligations and must submit the following:

- i. The final request for payment, if applicable.
- ii. The final FFR (SF-425).
- iii. The final progress report detailing all accomplishments, including a narrative summary of the impact of those accomplishments throughout the period of performance.
- iv. Documentation regarding appeals or dispute settlement
- v. Other documents required by this funding opportunity, terms and conditions of the award, or other FEMA guidance. These include, but are not limited to:
  - Records for real property and equipment acquired with federal funds must be retained for three years after final disposition of the property. *See 2 Code of Federal Regulations § 200.334(c).*
  - If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. *See 2 Code of Federal Regulations § 200.334(a).*

- The record retention period will be extended if the recipient is notified in writing of the extension by FEMA, the cognizant or oversight agency for audit, or the cognizant agency for indirect costs. *See* 2 Code of Federal Regulations § 200.334(b).
- Where FEMA requires recipients to report program income after the period of performance ends, the program income record retention period begins at the end of the recipient's fiscal year in which program income is earned. *See* 2 Code of Federal Regulations § 200.334(e).
- For indirect cost rate proposals, cost allocation plans, or other rate computations records, the start of the record retention period depends on whether the indirect cost rate documents were submitted for negotiation. If the indirect cost rate documents were submitted for negotiation, the record retention period begins from the date those documents were submitted for negotiation. If indirect cost rate documents were not submitted for negotiation, the record retention period begins at the end of the recipient's fiscal year or other accounting period covered by that indirect cost rate. *See* 2 Code of Federal Regulations § 200.334(f).

In addition, pass-through entities are responsible for closing out their subawards as described in 2 C.F.R. § 200.344; subrecipients are still required to submit closeout materials within 90 calendar days of the period of performance end date. When a subrecipient completes all closeout requirements, pass-through entities must promptly complete all closeout actions for subawards in time for the recipient to submit all necessary documentation and information to FEMA during the closeout of the prime award.

After the prime award closeout reports have been reviewed and approved by FEMA, a closeout 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 de-obligated, and address the requirement of maintaining the grant records for at least three years from the date of the final FFR. The record retention period may be longer, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in 2 C.F.R. § 200.334.

The recipient is responsible for refunding to FEMA any balances of unobligated cash that FEMA paid that are not authorized to be retained per 2 C.F.R. § 200.344(d).

## II. ADMINISTRATIVE CLOSEOUT

Administrative closeout is a mechanism for FEMA to unilaterally move forward with closeout of an award using available award information in lieu of final reports from the recipient per 2 C.F.R. § 200.344(h)-(i). It is a last resort available to FEMA, and if FEMA needs to administratively close an award, this may negatively impact a recipient's ability to obtain future funding. This mechanism can also require FEMA to make cash or cost adjustments and ineligible cost determinations based on the information it has, which may result in identifying a debt owed to FEMA by the recipient.

When a recipient is not responsive to FEMA’s reasonable efforts to collect required reports needed to complete the standard closeout process, FEMA is required under 2 C.F.R. § 200.344(h) to start the administrative closeout process within the regulatory timeframe. FEMA will make at least three written attempts to collect required reports before initiating administrative closeout. If the recipient does not submit all required reports in accordance with 2 C.F.R. § 200.344, this NOFO, and the terms and conditions of the award, FEMA must proceed to administratively close the award with the information available within one year of the period of performance end date. Additionally, if the recipient does not submit all required reports within one year of the period of performance end date, per 2 C.F.R. § 200.344(i), FEMA must report in FAPIIS the recipient’s material failure to comply with the terms and conditions of the award.

If FEMA administratively closes an award where no final FFR has been submitted, FEMA uses that administrative closeout date in lieu of the final FFR submission date as the start of the record retention period under 2 C.F.R. § 200.334.

In addition, if an award is administratively closed, FEMA may decide to impose remedies for noncompliance per 2 C.F.R. § 200.339, consider this information in reviewing future award applications, or apply special conditions to existing or future awards.

**d. *Additional Reporting Requirements***

**I. DISCLOSING INFORMATION PER 2 C.F.R. § 180.335**

This reporting requirement pertains to disclosing information related to government-wide suspension and debarment requirements. Before a recipient enters into a grant award with FEMA, the recipient must notify FEMA if it knows if it or any of the recipient’s principals under the award fall under one or more of the four criteria listed at 2 C.F.R. § 180.335:

- i. Are presently excluded or disqualified;
- ii. Have been convicted within the preceding three years of any of the offenses listed in 2 C.F.R. § 180.800(a) or had a civil judgment rendered against it or any of the recipient’s principals for one of those offenses within that time period;
- iii. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses listed in 2 C.F.R. § 180.800(a); or
- iv. Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

At any time after accepting the award, if the recipient learns that it or any of its principals falls under one or more of the criteria listed at 2 C.F.R. § 180.335, the recipient must provide immediate written notice to FEMA in accordance with 2 C.F.R. § 180.350.

**II. REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE**

Per 2 C.F.R. Part 200, Appendix I § F.3, the additional post-award reporting requirements in 2 C.F.R. Part 200, Appendix XII may apply to applicants who, if upon becoming recipients, have a total value of currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies that exceeds \$10,000,000 for any period of time during the period of performance of an award under this funding opportunity.

Recipients that meet these criteria must maintain current information reported in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII at the reporting frequency described in paragraph 4 of Appendix XII.

### III. SINGLE AUDIT REPORT

For audits of fiscal years beginning on or after December 26, 2014, recipients that expend \$750,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report, also known as the single audit report.

The audit must be performed in accordance with the requirements of U.S. Government Accountability Office's (GAO) Government Auditing Standards, located at <https://www.gao.gov/yellowbook/overview>, and the requirements of Subpart F of 2 C.F.R. Part 200, located at <http://www.ecfr.gov/cgi-bin/text-idx?node=sp2.1.200.f>.

## 5. Monitoring and Oversight

Per 2 C.F.R. § 200.337, FEMA, through its authorized representatives, has the right, at all reasonable times, to make site visits or conduct desk reviews to review project accomplishments and management control systems to review award progress and to provide any required technical assistance. During site visits or desk reviews, FEMA will review recipients' files related to the award. As part of any monitoring and program evaluation activities, recipients must permit FEMA, upon reasonable notice, to review grant-related records and to interview the organization's staff and contractors regarding the program. Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award.

Effective monitoring and oversight help FEMA ensure that recipients use grant funds for their intended purpose(s); verify that projects undertaken are consistent with approved plans; and ensure that recipients make adequate progress toward stated goals and objectives. Additionally, monitoring serves as the primary mechanism to ensure that recipients comply with applicable laws, rules, regulations, program guidance, and requirements. FEMA regularly monitors all grant programs both financially and programmatically in accordance with federal laws, regulations (including 2 C.F.R. Part 200), program guidance, and the terms and conditions of the award. All monitoring efforts ultimately serve to evaluate progress towards grant goals and proactively target and address issues that may threaten grant success during the period of performance.

FEMA staff will periodically monitor recipients to ensure that administrative processes, policies and procedures, budgets, and other related award criteria are meeting Federal Government-wide and FEMA regulations. Aside from reviewing quarterly financial and programmatic reports, FEMA may also conduct enhanced monitoring through either desk-based review, onsite monitoring visits, or both. Enhanced monitoring will involve the review and analysis of the financial compliance and administrative processes, policies, activities, and other attributes of each federal assistance award, and it will identify areas where the recipient may need technical assistance, corrective actions, or other support.



Financial and programmatic monitoring are complementary processes within FEMA’s overarching monitoring strategy that function together to ensure effective grants management, accountability, and transparency; validate progress against grant and program goals; and safeguard federal funds against fraud, waste, and abuse. Financial monitoring primarily focuses on statutory and regulatory compliance with administrative grant requirements, while programmatic monitoring seeks to validate and assist in grant progress, targeting issues that may be hindering achievement of project goals and ensuring compliance with the purpose of the grant and grant program. Both monitoring processes are similar in that they feature initial reviews of all open awards, and additional, in-depth monitoring of grants requiring additional attention.

Recipients and subrecipients who are pass-through entities are responsible for monitoring their subrecipients in a manner consistent with the terms of the federal award at 2 C.F.R. Part 200, including 2 C.F.R. § 200.332. This includes the pass-through entity’s responsibility to monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

In terms of overall award management, recipient and subrecipient responsibilities include, but are not limited to: accounting of receipts and expenditures, cash management, maintaining adequate financial records, reporting and refunding expenditures disallowed by audits, monitoring if acting as a pass-through entity, or other assessments and reviews, and ensuring overall compliance with the terms and conditions of the award or subaward, as applicable, including the terms of 2 C.F.R. Part 200.

## **G. DHS Awarding Agency Contact Information**

### **1. Contact and Resource Information**

#### **a. *Program Office Contact***

**Jena’I Jordan**

National Dam Safety Program

Federal Emergency Management Agency Phone: (202) 646-3286

[jenai.jordan@fema.dhs.gov](mailto:jenai.jordan@fema.dhs.gov)

#### ***FEMA Grants News***

FEMA Grants News is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. This channel 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. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns. FEMA Grants Information Desk can be reached by e-mail at [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov) OR by phone at (800) 368-6498, Monday through Friday, 9:00 AM – 5:00 PM ET.

#### **c. *Grant Programs Directorate (GPD) Award Administration Division***

GPD's Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. Additional guidance and information can be obtained by contacting the AAD's Help Desk via e-mail at [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov).

**d. FEMA Regional Offices**

FEMA Regional Offices also may provide fiscal support, including pre- and post-award administration and technical assistance such as conducting cash analysis, financial monitoring, and audit resolution to the grant program under this NOFO. National Dam Safety Program Regional Program Manager will provide programmatic support and technical assistance. will provide programmatic support and technical assistance.

FEMA Regional Offices manage, administer, and conduct the application budget review, create the award package, approve, amend, and close out awards, as well as conduct cash analysis, financial and programmatic monitoring, and audit resolution for National Dam Safety Program Regional Program Manager will provide programmatic support and technical assistance. The Regions also provide technical assistance to The Regions also provide technical assistance to HHPD recipients.

FEMA Regional Office contact information is available at <https://www.fema.gov/fema-regional-contacts>.

Region	Dam Safety Program Officer	Phone/email	Regional Grants Management Staff	Phone/email
1	Christian Oates	<a href="mailto:christian.oates@fema.dhs.gov">christian.oates@fema.dhs.gov</a> (540) 326-1601	Tracy Narbeth	<a href="mailto:tracy.narbeth@fema.dhs.gov">tracy.narbeth@fema.dhs.gov</a> (617) 306-9492
2	Regina Majercak	<a href="mailto:regina.majercak@fema.dhs.gov">regina.majercak@fema.dhs.gov</a> (917) 561-3256	George W. Hogan III	<a href="mailto:George.Hoganiii@fema.dhs.gov">George.Hoganiii@fema.dhs.gov</a> (212) 680-8599
3	Kristen Jones	<a href="mailto:kristen.jones@fema.dhs.gov">kristen.jones@fema.dhs.gov</a> (267) 896-1116	Mark Lockett	<a href="mailto:mark.lockett@fema.dhs.gov">mark.lockett@fema.dhs.gov</a> (215) 435-5256
4	Katy Goolsby-Brown & Nathaniel Sims, Sr.	<a href="mailto:katy.goolsby-brown@fema.dhs.gov">katy.goolsby-brown@fema.dhs.gov</a> (770) 220-8811 <a href="mailto:nathaniel.simssr@fema.dhs.gov">nathaniel.simssr@fema.dhs.gov</a> (770) 220-5200	Ceporia McMillian	<a href="mailto:ceporia.mcmillian@fema.dhs.gov">ceporia.mcmillian@fema.dhs.gov</a> (202) 717-7096
5	FEMA HHPD	<a href="mailto:fema-ndsp@fema.dhs.gov">fema-ndsp@fema.dhs.gov</a>	Jason Kirkman	<a href="mailto:Jason.kirkman@fema.dhs.gov">Jason.kirkman@fema.dhs.gov</a> (312) 852-5580
6	John Miles, Jr.	<a href="mailto:john.milesjr@fema.dhs.gov">john.milesjr@fema.dhs.gov</a> (816) 533-2873	David McCoy	<a href="mailto:David.McCoy3@fema.dhs.gov">David.McCoy3@fema.dhs.gov</a> (940) 383-7324

7	Dawn Livingston	<a href="mailto:dawn.livingston@fema.dhs.gov">dawn.livingston@fema.dhs.gov</a> Office: (816) 283-7055 Mobile: (816) 810-1609	Shelly Kirk	<a href="mailto:Shelly.Kirk@fema.dhs.gov">Shelly.Kirk@fema.dhs.gov</a> (816) 809-3279
8	Richard Hansen	<a href="mailto:richard.hansen@fema.dhs.gov">richard.hansen@fema.dhs.gov</a> (303) 235-4807	Dan Carlson	<a href="mailto:Dan.Carlson@fema.dhs.gov">Dan.Carlson@fema.dhs.gov</a> (303) 235-4825
9	Scott Nielsen	<a href="mailto:scott.nielsen@fema.dhs.gov">scott.nielsen@fema.dhs.gov</a> (510) 219-4510	Edita Billingsley	<a href="mailto&gt;Edita.billingsley@fema.dhs.gov">Edita.billingsley@fema.dhs.gov</a> (510) 627-7209
10	Nathan Stueve	<a href="mailto:nathan.stueve@fema.dhs.gov">nathan.stueve@fema.dhs.gov</a> (425) 301-6247	Kim Penfold	<a href="mailto:kim.penfold@fema.dhs.gov">kim.penfold@fema.dhs.gov</a> (425) 487-4760

**e. *Equal Rights***

The FEMA Office of Equal Rights (OER) is responsible for compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA and recipients of FEMA financial assistance. All inquiries and communications about federal civil rights compliance for FEMA grants under this NOFO should be sent to [FEMACivilRightsOffice@fema.dhs.gov](mailto:FEMACivilRightsOffice@fema.dhs.gov).

**f. *Environmental Planning and Historic Preservation***

GPD's EHP Team provides guidance and information about the EHP review process to recipients and subrecipients. All inquiries and communications about GPD projects under this NOFO or the EHP review process, including the submittal of EHP review materials, should be sent to [gpdehpinfo@fema.dhs.gov](mailto:gpdehpinfo@fema.dhs.gov).

The FEMA Office of Environmental Planning and Historic Preservation (OEHP) provides guidance and information about the EHP review process to FEMA programs and FEMA's recipients and subrecipients. All inquiries and communications about EHP compliance for FEMA grant projects under this NOFO or the EHP review process should be sent to [FEMA-OEHP-NOFOQuestions@fema.dhs.gov](mailto:FEMA-OEHP-NOFOQuestions@fema.dhs.gov).

**2. Systems Information**

**a. *Grants.gov***

For technical assistance with [Grants.gov](https://www.grants.gov), call the customer support hotline 24 hours per day, 7 days per week (except federal holidays) at (800) 518-4726 or e-mail at [support@grants.gov](mailto:support@grants.gov).

**b. *Payment and Reporting System (FEMA GO)***

FEMA uses the FEMA GO system for financial reporting, invoicing, and tracking payments. FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients.

If you have questions about the online system, please call the Customer Service Center at (866) 927-5646 or email [ask-GMD@fema.dhs.gov](mailto:ask-GMD@fema.dhs.gov).

**c. *FEMA Grant Outcomes (GO)***

For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at [femago@fema.dhs.gov](mailto:femago@fema.dhs.gov) or (877) 611-4700, Monday through Friday, 9:00 AM – 6:00 PM ET.

## **H. Additional Information**

### **I. Termination Provisions**

FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2 C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards.

#### **a. *Noncompliance***

If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. If the noncompliance can be corrected, FEMA may first attempt to direct the recipient to correct the noncompliance. This may take the form of a Compliance Notification. If the noncompliance cannot be corrected or the recipient is non-responsive, FEMA may proceed with a Remedy Notification, which could impose a remedy for noncompliance per 2 C.F.R. § 200.339, including termination. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342 as well as the requirement of 2 C.F.R. § 200.340(c) to report in FAPIIS the recipient's material failure to comply with the award terms and conditions. See also the section on Actions to Address Noncompliance in this NOFO.

#### **b. *With the Consent of the Recipient***

FEMA may also terminate an award in whole or in part with the consent of the recipient, in which case the parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

#### **c. *Notification by the Recipient***

The recipient may terminate the award, in whole or in part, by sending written notification to FEMA setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. In the case of partial termination, FEMA may determine that a partially terminated award will not accomplish the purpose of the federal award, so FEMA may terminate the award in its entirety. If that occurs, FEMA will follow the requirements of 2 C.F.R. §§ 200.341-200.342 in deciding to fully terminate the award.

## **2. Program Evaluation**

Recipients and subrecipients are encouraged to incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 ([Evidence Act](#)), [Pub. L. No. 115-435 \(2019\)](#) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment

using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act § 101 (codified at 5 U.S.C. § 311). Evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation.

In addition, recipients are required to participate in a DHS-led evaluation if selected, which may be carried out by a third-party on behalf of the Program Office or DHS. By accepting grant funds, recipients agree to participate in the evaluation, which may include analysis of individuals who benefit from the grant, and provide access to program operating personnel and participants, as specified by the evaluator(s) during the award.

### 3. Period of Performance Extensions

Extensions to the period of performance (POP) for this program are allowed. Extensions to the POP identified in the award will only be considered through formal, written requests to the recipient’s Regional Grants Program Office and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with the FEMA Regional Program Analyst as needed when preparing an extension request.

All extension requests must address the following:

- a. The grant program, fiscal year, and award number;
- b. Reason for the delay –including details of the legal, policy, or operational challenges that prevent the final outlay of awarded funds by the deadline;
- c. Current status of the activity(ies);
- d. Approved POP termination date and new project completion date;
- e. Amount of funds drawn down to date;
- f. Remaining available funds, both federal and, if applicable, non-federal;
- g. Budget outlining how remaining federal and, if applicable, non-federal funds will be expended;
- h. Plan for completion, including milestones and timeframes for achieving each milestone and the position or person responsible for implementing the plan for completion; and
- i. Certification that the activity(ies) will be completed within the extended POP without any modification to the original statement of work, as described in the Rehabilitation of High Hazard Potential Dam Guidance and as approved by FEMA. Other documents required by this funding opportunity, terms and conditions of the award, or other FEMA guidance.

Extension requests will be granted only due to compelling legal, policy, or operational challenges. Extension requests will only be considered for the following reasons:

- Contractual commitments by the recipient or subrecipient with vendors prevent completion of the project, including delivery of equipment or services, within the existing POP;
- The project must undergo a complex environmental review that cannot be completed within the existing POP;
- Projects are long-term by design, and therefore acceleration would compromise core programmatic goals; or

- Where other special or extenuating circumstances exist.

Recipients should submit all proposed extension requests to FEMA for review and approval at least 60 days prior to the end of the POP to allow sufficient processing time. Extensions are typically granted for no more than a six-month period.

#### 4. Disability Integration

Pursuant to Section 504 of the Rehabilitation Act of 1973, recipients of FEMA financial assistance must ensure that their programs and activities do not discriminate against other qualified individuals with disabilities.

Grant recipients should engage with the whole community to advance individual and community preparedness and to work as a nation to build and sustain resilience. In doing so, recipients are encouraged to consider the needs of individuals with disabilities into the activities and projects funded by the grant.

FEMA expects that the integration of the needs of people with disabilities will occur at all levels, including planning; alerting, notification, and public outreach; training; purchasing of equipment and supplies; protective action implementation; and exercises/drills.

The following are examples that demonstrate the integration of the needs of people with disabilities in carrying out FEMA awards:

- Include representatives of organizations that work with/for people with disabilities on planning committees, work groups and other bodies engaged in development and implementation of the grant programs and activities.
- Hold all activities related to the grant in locations that are accessible to persons with physical disabilities to the extent practicable.
- Acquire language translation services, including American Sign Language, that provide public information across the community and in shelters.
- Ensure shelter-specific grant funds are in alignment with FEMA's [Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters](#).
- If making alterations to an existing building to a primary function area utilizing federal funds, complying with the most recent codes and standards, and making path of travel to the primary function area accessible to the greatest extent possible.
- Implement specific procedures used by public transportation agencies that include evacuation and passenger communication plans and measures for individuals with disabilities.
- Identify, create, and deliver training to address any training gaps specifically aimed toward whole-community preparedness. Include and interact with individuals with disabilities, aligning with the designated program capability.
- Establish best practices in inclusive planning and preparedness that consider physical access, language access, and information access. Examples of effective communication access include providing auxiliary aids and services such as sign language interpreters, Computer Aided Real-time Translation (CART), and materials in Braille or alternate formats.

FEMA grant recipients can fund projects towards the resiliency of the whole community, including people with disabilities, such as training, outreach, and safety campaigns, provided that the project aligns with this NOFO and the terms and conditions of the award.

#### **5. Conflicts of Interest in the Administration of Federal Awards or Subawards**

For conflicts of interest under grant-funded procurements and contracts, refer to the section on Procurement Integrity in this NOFO and 2 C.F.R. §§ 200.317 – 200.327.

To eliminate and reduce the impact of conflicts of interest in the subaward process, recipients and pass-through entities must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Recipients and pass-through entities are also required to follow any applicable federal and state, local, tribal, or territorial (SLTT) statutes or regulations governing conflicts of interest in the making of subawards.

The recipient or pass-through entity must disclose to the respective Program Analyst or Program Manager, in writing, any real or potential conflict of interest that may arise during the administration of the federal award, as defined by the federal or SLTT statutes or regulations or their own existing policies, within five days of learning of the conflict of interest. Similarly, subrecipients, whether acting as subrecipients or as pass-through entities, must disclose any real or potential conflict of interest to the recipient or next-level pass-through entity as required by the recipient or pass-through entity's conflict of interest policies, or any applicable federal or SLTT statutes or regulations.

Conflicts of interest may arise during the process of FEMA making a federal award in situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, sub applicant, recipient, subrecipient, or FEMA employees.

#### **6. Procurement Integrity**

Through audits conducted by the DHS Office of Inspector General (OIG) and FEMA grant monitoring, findings have shown that some FEMA recipients have not fully adhered to the proper procurement requirements at 2 C.F.R. §§ 200.317 – 200.327 when spending grant funds. Anything less than full compliance with federal procurement requirements jeopardizes the integrity of the grant as well as the grant program. To assist with determining whether an action is a procurement or instead a subaward, please consult 2 C.F.R. § 200.331. For detailed guidance on the federal procurement standards, recipients and subrecipients should refer to various materials issued by FEMA's Procurement Disaster Assistance Team (PDAT), such as the [PDAT Field Manual](#) and [Contract Provisions Guide](#). Additional resources, including an upcoming trainings schedule can be found on the PDAT Website: <https://www.fema.gov/grants/procurement>.

The below highlights the federal procurement requirements for FEMA recipients when procuring goods and services with federal grant funds. FEMA will include a review of recipients' procurement practices as part of the normal monitoring activities. **All**

**procurement activity must be conducted in accordance with federal procurement standards at 2 C.F.R. §§ 200.317 – 200.327.** Select requirements under these standards are listed below. The recipient and any of its subrecipients must comply with all requirements, even if they are not listed below.

Under 2 C.F.R. § 200.317, when procuring property and services under a federal award, states (including territories) must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states must now follow 2 C.F.R. § 200.321 regarding socioeconomic steps, 200.322 regarding domestic preferences for procurements, 200.323 regarding procurement of recovered materials, and 2 C.F.R. § 200.327 regarding required contract provisions.

All other non-federal entities, such as tribes (collectively, non-state entities), must have and use their own documented procurement procedures that reflect applicable SLTT laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319 and the required procurement methods at § 200.320.

**a. *Important Changes to Procurement Standards in 2 C.F.R. Part 200***

OMB recently updated various parts of Title 2 of the Code of Federal Regulations, among them, the procurement standards. States are now required to follow the socioeconomic steps in soliciting small and minority businesses, women’s business enterprises, and labor surplus area firms per 2 C.F.R. § 200.321. All non-federal entities should also, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States per 2 C.F.R. § 200.322. More information on OMB’s revisions to the federal procurement standards can be found in [Purchasing Under a FEMA Award: OMB Revisions Fact Sheet](#).

The recognized procurement methods in 2 C.F.R. § 200.320 have been reorganized into informal procurement methods, which include micro-purchases and small purchases; formal procurement methods, which include sealed bidding and competitive proposals; and noncompetitive procurements. The federal micro-purchase threshold is currently \$10,000, and non-state entities may use a lower threshold when using micro-purchase procedures under a FEMA award. If a non-state entity wants to use a micro-purchase threshold higher than the federal threshold, it must follow the requirements of 2 C.F.R. § 200.320(a)(1)(iii)-(v). The federal simplified acquisition threshold is currently \$250,000, and a non-state entity may use a lower threshold but may not exceed the federal threshold when using small purchase procedures under a FEMA award. *See* 2 C.F.R. § 200.1 (citing the definition of simplified acquisition threshold from [48 C.F.R. Part 2, Subpart 2.1](#)).

See 2 C.F.R. §§ 200.216, 200.471, and Appendix II as well as section D.13.a of the NOFO regarding prohibitions on covered telecommunications equipment or services.

**b. *Competition and Conflicts of Interest***



Among the requirements of 2 C.F.R. § 200.319(b) applicable to all non-federal entities other than states, in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a non-federal entity develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the non-federal entity.

Under this prohibition, unless the non-federal entity solicits for and awards a contract covering both development and execution of specifications (or similar elements as described above), and this contract was procured in compliance with 2 C.F.R. §§ 200.317 – 200.327, federal funds cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of those specifications. This rule applies to all contracts funded with federal grant funds, including pre-award costs, such as grant writer fees, as well as post-award costs, such as grant management fees.

Additionally, some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

Per 2 C.F.R. § 200.319(c), non-federal entities other than states must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed SLTT geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Under 2 C.F.R. § 200.318(c)(1), non-federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.** Such conflicts of interest would arise when the employee, officer or agent, any member of

his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity.

Under 2 C.F.R. 200.318(c)(2), if the recipient or subrecipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local, tribal, or territorial government, the non-federal entity must also maintain written standards of conduct covering organizational conflicts of interest. In this context, organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The non-federal entity must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.

**c. *Supply Schedules and Purchasing Programs***

Generally, a non-federal entity may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement.

**I. GENERAL SERVICES ADMINISTRATION SCHEDULES**

States, tribes, and local governments, and any instrumentality thereof (such as local education agencies or institutions of higher education) may procure goods and services from a General Services Administration (GSA) schedule. GSA offers multiple efficient and effective procurement programs for state, tribal, and local governments, and instrumentalities thereof, to purchase products and services directly from pre-vetted contractors. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term government-wide contracts with commercial firms that provide access to millions of commercial products and services at volume discount pricing.

Information about GSA programs for states, tribes, and local governments, and instrumentalities thereof, can be found at <https://www.gsa.gov/resources-for/programs-for-State-and-local-governments> and <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments>.

For tribes, local governments, and their instrumentalities that purchase off of a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, tribes, local governments, and their instrumentalities will still need to follow the other rules under 2 C.F.R. §§ 200.317 – 200.327, such as solicitation of minority businesses, women’s business enterprises, small businesses, or labor surplus area firms (§ 200.321), domestic preferences (§ 200.322),

contract cost and price (§ 200.324), and required contract provisions (§ 200.327 and Appendix II).

## II. OTHER SUPPLY SCHEDULES AND PROGRAMS

For non-federal entities other than states, such as tribes, local governments, and nonprofits, that want to procure goods or services from a state supply schedule, cooperative purchasing program, or other similar program, in order for such procurements to be permissible under federal requirements, the following must be true:

- The procurement of the original contract or purchasing schedule and its use by the non-federal entity complies with state and local law, regulations, and written procurement procedures;
- The state or other entity that originally procured the original contract or purchasing schedule entered into the contract or schedule with the express purpose of making it available to the non-federal entity and other similar types of entities;
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-federal entity falls within the scope of work under the contract as to type, amount, and geography;
- The procurement of the original contract or purchasing schedule complied with all the procurement standards applicable to a non-federal entity other than states under at 2 C.F.R. §§ 200.317 – 200.327; and
- With respect to the use of a purchasing schedule, the non-federal entity must follow ordering procedures that adhere to applicable state, tribal, and local laws and regulations and the minimum requirements of full and open competition under 2 C.F.R. Part 200.

If a non-federal entity other than a state seeks to use a state supply schedule, cooperative purchasing program, or other similar type of arrangement, FEMA recommends the recipient discuss the procurement plans with its regional FEMA Grant Program Manager / Specialist.

### d. *Procurement Documentation*

Per 2 C.F.R. § 200.318(i), non-federal entities other than states and territories are required to maintain and retain records sufficient to detail the history of procurement covering at least the rationale for the procurement method, selection of contract type, contractor selection or rejection, and the basis for the contract price. States and territories are encouraged to maintain and retain this information as well and are reminded that in order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g).

Examples of the types of documents that would cover this information include but are not limited to:

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
- Contract documents and amendments, including required contract provisions; and

- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.
- Additional information on required procurement records can be found on pages 24-26 of the [PDAT Field Manual](#).

## **7. FEMA Financial Assistance Programs for Infrastructure** ***Build America, Buy America Act***

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also 2 C.F.R. Part 184 and OMB Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

Section 70914 of BABAA requires all federal agencies, including FEMA, to ensure that none of the funds provided under this program may be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States. For FEMA financial assistance programs, these requirements apply to new infrastructure awards made on or after January 2, 2023, as well as new funding FEMA obligates to existing awards or through renewal awards on or after January 2, 2023.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

To see whether a particular FEMA federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please see [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#).

To ensure compliance with BABAA, all recipient and subrecipient contracts under FEMA infrastructure awards must include a contract provision explaining the BABAA requirements and a self-certification where the contracts can certify compliance with the domestic preference requirements, unless the BABAA requirement is waived by FEMA. Please see Buy America Preference in FEMA Financial Assistance Programs for Infrastructure FEMA Interim Policy #207-22-0001.

- a. Waivers

When necessary, recipients (and subrecipients through their pass-through entity) may apply for, and FEMA may grant, a waiver from these requirements.

A waiver of the domestic content procurement preference may be granted by the agency awarding official if FEMA determines that:

- 1) Applying the domestic content procurement preference would be inconsistent with the public interest.
- 2) The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.
- 3) The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%.

Prior to requesting a waiver, recipients and subrecipients should consider whether a FEMA approved general applicability waiver applies to their projects. The term “general applicability waiver” refers to a waiver that applies generally across multiple awards and do not require a separate application or approval by FEMA prior to use. These may cover categories of products known to be unavailable domestically or are intended to ease the burden of compliance. For a list of FEMA’s general applicability waivers, and for additional information on FEMA’s process for requesting a project-specific waiver from the Buy America preference requirements, please see FEMA’s website at: ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#).

b. Definitions

For BABAA specific definitions, please refer to the FEMA Buy America website at: [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#).

- c. Please refer to the applicable DHS Standard Terms & Conditions for the BABAA specific term applicable to all FEMA financial assistance awards for infrastructure.

## 8. Record Retention

### a. *Record Retention Period*

Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a federal award generally must be maintained for at least three years from the date the final FFR is submitted. *See* 2 C.F.R. § 200.334. Further, if the recipient does not submit a final FFR and the award is administratively closed, FEMA uses the date of administrative closeout as the start of the general record retention period.

The record retention period **may be longer than three years or have a different start date** in certain cases. These include:

- Records for real property and equipment acquired with Federal funds must be retained for **three years after final disposition of the property**. *See* 2 C.F.R. § 200.334(c).
- If any litigation, claim, or audit is started before the expiration of the three-year period, the records **must be retained until** all litigation, claims, or audit findings involving the records **have been resolved and final action taken**. *See* 2 C.F.R. § 200.334(a).
- The **record retention period will be extended if the non-federal entity is notified in writing** of the extension by FEMA, the cognizant or oversight agency for audit, or the cognizant agency for indirect costs, or pass-through entity. *See* 2 C.F.R. § 200.334(b).
- Where FEMA requires recipients to report program income after the period of performance ends, the **program income record retention period begins at the end of the recipient's fiscal year in which program income is earned**. *See* 2 C.F.R. § 200.334(e).
- For indirect cost rate computations and proposals, cost allocation plans, or any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates), the start of the record retention period depends on whether the indirect cost rate documents were submitted for negotiation. If the **indirect cost rate documents were submitted for negotiation, the record retention period begins from the date those documents were submitted** for negotiation. If indirect cost rate documents were **not submitted for negotiation, the record retention period begins at the end of the recipient's fiscal year or other accounting period covered by that indirect cost rate**. *See* 2 C.F.R. § 200.334(f).

**b. Types of Records to Retain**

FEMA requires that non-federal entities maintain the following documentation for federally funded purchases:

- Specifications
- Solicitations
- Competitive quotes or proposals
- Basis for selection decisions
- Purchase orders
- Contracts
- Invoices
- Cancelled checks

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of any relevant documentation and records, including purchasing documentation along with copies of cancelled checks for verification. *See, e.g.,* 2 C.F.R. §§ 200.318(i), 200.334, 200.337.

In order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g). Non-federal entities who fail to fully document all purchases may find their expenditures questioned and subsequently disallowed.

## 9. Actions to Address Noncompliance

Non-federal entities receiving financial assistance funding from FEMA are required to comply with requirements in the terms and conditions of their awards or subawards, including the terms set forth in applicable federal statutes, regulations, NOFOs, and policies. Throughout the award lifecycle or even after an award has been closed, FEMA or the pass-through entity may discover potential or actual noncompliance on the part of a recipient or subrecipient. This potential or actual noncompliance may be discovered through routine monitoring, audits, closeout, or reporting from various sources.

In the case of any potential or actual noncompliance, FEMA may place special conditions on an award per 2 C.F.R. §§ 200.208 and 200.339, FEMA may place a hold on funds until the matter is corrected, or additional information is provided per 2 C.F.R. § 200.339, or it may do both. Similar remedies for noncompliance with certain federal civil rights laws are authorized pursuant to 44 C.F.R. Parts 7 and 19.

In the event the noncompliance is not able to be corrected by imposing additional conditions or the recipient or subrecipient refuses to correct the matter, FEMA might take other remedies allowed under 2 C.F.R. § 200.339. These remedies include actions to disallow costs, recover funds, wholly or partly suspend, or terminate the award, initiate suspension, and debarment proceedings, withhold further federal awards, or take other remedies that may be legally available. For further information on termination due to noncompliance, see the section on Termination Provisions in the NOFO.

FEMA may discover and take action on noncompliance even after an award has been closed. The closeout of an award does not affect FEMA's right to disallow costs and recover funds as long as the action to disallow costs takes place during the record retention period. *See* 2 C.F.R. §§ 200.334, 200.345(a). Closeout also does not affect the obligation of the non-federal entity to return any funds due as a result of later refunds, corrections, or other transactions. 2 C.F.R. § 200.345(a)(2).

The types of funds FEMA might attempt to recover include, but are not limited to, improper payments, cost share reimbursements, program income, interest earned on advance payments, or equipment disposition amounts.

FEMA may seek to recover disallowed costs through a Notice of Potential Debt Letter, a Remedy Notification, or other letter. The document will describe the potential amount owed, the reason why FEMA is recovering the funds, the recipient's appeal rights, how the amount can be paid, and the consequences for not appealing or paying the amount by the deadline.

If the recipient neither appeals nor pays the amount by the deadline, the amount owed will become final. Potential consequences if the debt is not paid in full or otherwise resolved by the deadline include the assessment of interest, administrative fees, and penalty charges; administratively offsetting the debt against other payable federal funds; and transferring the debt to the U.S. Department of the Treasury for collection.

FEMA notes the following common areas of noncompliance for FEMA’s grant programs:

- Insufficient documentation and lack of record retention.
- Failure to follow the procurement under grants requirements.
- Failure to submit closeout documents in a timely manner.
- Failure to follow EHP requirements.
- Failure to comply with the POP deadline.

## 10. Audits

FEMA grant recipients are subject to audit oversight from multiple entities including the DHS OIG, the GAO, the pass-through entity, or independent auditing firms for single audits, and may cover activities and costs incurred under the award. Auditing agencies such as the DHS OIG, the GAO, and the pass-through entity (if applicable), and FEMA in its oversight capacity, must have access to records pertaining to the FEMA award. Recipients and subrecipients must retain award documents for at least three years from the date the final FFR is submitted, and even longer in many cases subject to the requirements of 2 C.F.R. § 200.334. In the case of administrative closeout, documents must be retained for at least three years from the date of closeout, or longer subject to the requirements of 2 C.F.R. § 200.334. If documents are retained longer than the required retention period, the DHS OIG, the GAO, and the pass-through entity, as well as FEMA in its oversight capacity, have the right to access these records as well. *See* 2 C.F.R. §§ 200.334, 200.337.

Additionally, non-federal entities must comply with the single audit requirements at 2 C.F.R. Part 200, Subpart F. Specifically, non-federal entities, other than for-profit subrecipients, that expend \$750,000 or more in federal awards during their fiscal year must have a single or program-specific audit conducted for that year in accordance with Subpart F. 2 C.F.R. § 200.501. A single audit covers all federal funds expended during a fiscal year, not just FEMA funds. The cost of audit services may be allowable per 2 C.F.R. § 200.425, but non-federal entities must select auditors in accordance with 2 C.F.R. § 200.509, including following the proper procurement procedures. For additional information on single audit reporting requirements, (See F.4c, “Additional Reporting Requirements” or other applicable document).

The objectives of single audits are to:

- Determine if financial statements conform to generally accepted accounting principles (GAAP);
- Determine whether the schedule of expenditures of federal awards is presented fairly;
- Understand, assess, and test the adequacy of internal controls for compliance with major programs; and
- Determine if the entity complied with applicable laws, regulations, and contracts or grants.

For single audits, the auditee is required to prepare financial statements reflecting its financial position, a schedule of federal award expenditures, and a summary of the status of prior audit findings and questioned costs. The auditee also is required to follow up and take appropriate corrective actions on new and previously issued but not yet addressed audit findings. The auditee must prepare a corrective action plan to address the new audit findings. 2 C.F.R. §§ 200.508, 200.510, 200.511.



Non-federal entities must have an audit conducted, either single or program-specific, of their financial statements and federal expenditures annually or biennially pursuant to 2 C.F.R. § 200.504. Non-federal entities must also follow the information submission requirements of 2 C.F.R. § 200.512, including submitting the audit information to the [Federal Audit Clearinghouse](#) within the earlier of 30 calendar days after receipt of the auditor’s report(s) or nine months after the end of the audit period. The audit information to be submitted include the data collection form described at 2 C.F.R. § 200.512(c) and Appendix X to 2 C.F.R. Part 200 as well as the reporting package described at 2 C.F.R. § 200.512(b).

The non-federal entity must retain one copy of the data collection form and one copy of the reporting package for three years from the date of submission to the Federal Audit Clearinghouse. 2 C.F.R. § 200.512; *see also* 2 C.F.R. § 200.517 (setting requirements for retention of documents by the auditor and access to audit records in the auditor’s possession).

FEMA, the DHS OIG, the GAO, and the pass-through entity (if applicable), as part of monitoring or as part of an audit, may review a non-federal entity’s compliance with the single audit requirements. In cases of continued inability or unwillingness to have an audit conducted in compliance with 2 C.F.R. Part 200, Subpart F, FEMA, and the pass-through entity, if applicable, are required to take appropriate remedial action under 2 C.F.R. § 200.339 for noncompliance, pursuant to 2 C.F.R. § 200.505.

## 11. Payment Information

FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients.

Payment requests are submitted through FEMA GO.

## 12. Whole Community Preparedness

Preparedness is a shared responsibility that calls for the involvement of everyone—not just the government—in preparedness efforts. By working together, everyone can help keep the nation safe from harm and help keep it resilient when struck by hazards, such as natural disasters, acts of terrorism, and pandemics.

[Whole Community](#) includes:

- Individuals and families, including those with access and functional needs
- Businesses
- Faith-based and community organizations
- Nonprofit groups
- Schools and academia
- Media outlets
- All levels of government, including state, local, tribal, territorial, and federal partners

The phrase “Whole Community” often appears in preparedness materials, as it is one of the guiding principles. It means two things:

1. Involving people in the development of national preparedness documents.

2. Ensuring their roles and responsibilities are reflected in the content of the materials.

### 13. Example Mitigation Plan Extension Request Template

Mitigation Plan Extraordinary Circumstances Request - Applicant Template (States)  
*[Appropriate Branch Chief or FEMA Program Officer]*

National Dam Safety Program

Federal Emergency Management Agency

*[Office Address Street]*

*[Office City, State Zip]*

Submitted via FEMA GO

Reference: Request approval of 12-month extension to update the approved mitigation plan under “Mitigation Plan Extraordinary Circumstances” in order to receive funding under the *Rehabilitation of High Hazard Potential Dams Grant Program*

Dear *(Insert Name)*:

The *[insert Applicant name]* in consultation and coordination with *[insert name of agency/ies responsible for updating the approved local or tribal mitigation plan (compliant with 44 C.F.R. Part 201 and Local Mitigation Planning Policy Guide (FEMA, April 2022) or subsequent update or Tribal Mitigation Plan Review Guide (December 2017)) either for the subrecipient or for the jurisdiction where the dam is located]* requests approval for the Mitigation Plan Extraordinary Circumstances extension as stated on page *[Insert page number]* of the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program Notice of Funding Opportunity (NOFO).

*[For local or tribal mitigation plan(s) where the dam is located that require updates, insert the following text]*

With respect to the following local and/or tribal government and/or nonprofit organization subrecipients, I/we have included the documentation requested on page *[Insert page number]* of the NOFO (6.c.) to request an extension to the approved local or tribal mitigation plan requirements (compliant with 44 C.F.R. Part 201 and Local Mitigation Planning Policy Guide (FEMA, April 2022) or subsequent update or Tribal Mitigation Plan Review Guide (December 2017)) for the jurisdiction where the dam is located in order to receive HHPD funding. We understand, if our request is approved, that the following currently approved local and/or tribal mitigation plans for the jurisdiction where the dam is located will need to be updated to address all dam risks in accordance with requirements set forth in the Local Mitigation Planning Policy Guide (FEMA, April 2022), which supersede the requirements set forth in the [Rehabilitation of High Hazard Potential Dams Grant Program Guidance \(FEMA, June 2020\)](#) and the FEMA Policy 104- 008-7 within twelve (12) months from the date FEMA Grants Program Directorate approves the SOW package in FEMA GO or FEMA may terminate the award or explore other remedies as appropriate as described on page x of the NOFO:

- [Insert list]

If you have any questions, please contact me at [insert phone # and email address].

Sincerely,

[Recipient name, title]; and

[State Hazard Mitigation Officer or state mitigation planner name, title]; and

[Agency Responsible for Updating subrecipient HM Plan where the dam is located name, title]

cc: FEMA Regional National Dam Safety Program Point of Contact

Attachments:

- Approach, schedule, and milestones (workplan) for updating approved local or tribal mitigation plan(s) to include all dam risks to include the requirements set forth in the Local Mitigation Planning Policy Guide (FEMA, April 2022), which supersedes the requirements set forth in the [Rehabilitation of High Hazard Potential Dams Grant Program Guidance \(FEMA, June 2020\)](#) and the FEMA Policy 104- 008-7, including allowing time for FEMA review and approval
- Documentation supporting the determination of Extraordinary Circumstances for each subrecipient

#### 14. Examples Using Funding Formula

The following example demonstrates the funding formula. Assume eleven states apply for funding in a given year, with the number of eligible dams as shown in Table 1.

<b>Table 1: Example – Number of States and Eligible Dams State</b>	<b>Number Eligible Dams</b>
State 1	3
State 2	10
State 3	2
State 4	5
State 5	8
State 6	7
State 7	14
State 8	6
State 9	4
State 10	9
State 11	5
<b>Total Eligible Dams</b>	<b>73</b>

Step [i]. Using the funding formula, 1/3 of the \$11,640,000.00 in available funding (\$3,880,000.00) would be divided evenly between the eleven states, totaling \$352,727.27 to each of the eleven states.

Step [ii]. There are a total of 73 eligible dams in the eleven states that submitted applications. The remaining 2/3 of the available funding (\$7,760,000.00) would be distributed as shown:

<b>Table 2: Example – Resulting Funding Using Formula State</b>	<b>Ratio of State’s Eligible Dams to All Eligible Dams</b>	<b>Resulting Funding</b>
State 1	3/73	\$352,727.27 + \$7,760,000.00 x (3/73) = \$671,631.39
State 2	10/73	\$352,727.27 + \$7,760,000.00 x (10/73) = \$1,415,740.98
State 3	2/73	\$352,727.27 + \$7,760,000.00 x (2/73) = \$565,330.01
State 4	5/73	\$352,727.27 + \$7,760,000.00 x (5/73) = \$884,234.12
State 5	8/73	\$352,727.27 + \$7,760,000.00 x (8/73) = \$1,203,138.23
State 6	7/73	\$352,727.27 + \$7,760,000.00 x (7/73) = \$1,096,836.86
State 7	14/73	\$352,727.27 + \$7,760,000.00 x (14/73) = \$1,840,946.45
State 8	6/73	\$352,727.27 + \$7,760,000.00 x (6/73) = \$990,535.49
State 9	4/73	\$352,727.27 + \$7,760,000.00 x (4/73) = \$777,932.75
State 10	9/73	\$352,727.27 + \$7,760,000.00 x (9/73) = \$1,309,439.6
State 11	5/73	\$352,727.27 + \$7,760,000.00 x (5/73) = \$884,234.12

Maximum Funding Amounts. Using the example provided, the maximum amount that could be awarded to any subrecipient in FY20 is \$1,250,000. Using the funding formula, the resulting

funding for State 7 exceeded the maximum amount, so State 7 would still receive \$1,840,946.45. However, no subrecipient would be awarded more than \$1,250,000.

A state may have multiple subrecipients; if the amount of funding is not sufficient for all eligible subrecipients, the state will have to prioritize dams using their discretion, and other eligibility factors such as the subrecipient's ability to meet the non-Federal cost share, to choose which subrecipients to fund.

**Example (use Table 2 above):** Assume State 2 submitted five (5) activities with their application. Assume the cost estimates for each activity are as follows: \$200,000 for Activity 1, \$500,000 for Activity 2, \$600,000 for Activity 3, \$400,000 for Activity 4, and \$1,000,000 for Activity 5. FEMA reviewed the five activities and determined that Activity 1 is not eligible for funding. State 2 must use the risk-based prioritization method to determine which of the remaining four eligible activities (Activities 2-5) to fund. Note that some of the activities may not be fully funded.

### **15. Determination of Unacceptable Risk to the Public**

For purposes of the HHPD, the determination of unacceptable risk to the public is to be made by the state dam safety program, the agency of the state that is authorized by state statute to manage the state participation in the NDSP. *See Section H.19., Definitions*, for the definitions of unacceptable risk to the public and official regulatory notice.

### **16. Eligible Activities**

FEMA will evaluate proposed activities for eligibility. Eligible activities include repair, removal, or any other structural or nonstructural measures to rehabilitate an eligible high hazard potential dam. Note that all eligible activities included in the list must also have eligible subrecipients that can meet the cost-share requirements and the other eligible subrecipient requirements.

For the purposes of this grant program, the activities shown in Table 3 could qualify for funding. The activities are categorized into three types of activities: planning, design, and construction. This list is not exhaustive; other activities may also be eligible.

- **Planning Activities** - Planning activities include investigations and risk assessments that further define the dam risk. Planning activities should include alternatives analysis to identify a preferred plan for dam rehabilitation and the estimated cost for design and construction. For project planning, the alternatives should involve the preparation of preliminary hydrologic and hydraulic modeling to address the regulations of the state and local governments for alterations in floodplain areas as well as the minimum requirements of the NFIP. The local community should be consulted during the alternative identification and selection process to address local planning, zoning, and floodplain management regulations. Potential environmental impacts should also be considered in the selection of the preferred plan. Early coordination with EHP should be conducted to address applicable environmental requirements.

- **Design Activities** – Design activities include work to develop conceptual, preliminary, or final design plans and specifications for dam rehabilitation projects that have been planned using an alternative evaluation process that complies with NEPA requirements. Coordination with EHP during the design should be conducted to confirm that the design complies with NEPA requirements. Detailed hydrologic and hydraulic modeling should be performed for use in

designing the dam rehabilitation and to address the permit requirements of the state and local government as well as the minimum requirements of the NFIP. For all projects located in Special Flood Hazard Areas on FEMA Flood Insurance Rate Maps, a FEMA conditional review of the project design for compliance with NFIP requirements should be conducted through the process outlined in 44 C.F.R. § 65.8. The design effort should include obtaining all state, local, and federal permits for approval to construct the project in the floodplain and to meet all environmental requirements.

Note that all grant-funded activities must comply with Federal Environmental Planning and Historic Preservation (EHP) regulations. *See Section F.3.c., Environmental Planning and Historic Preservation (EHP) Compliance*, for more information about EHP Compliance.

**Table 3: Examples of Eligible Scope of Work Activities**

Category	Eligible Scope of Work Activities	FPMP Requirement Y/N	Staff Notes/Comments
<b>Planning</b>	<ul style="list-style-type: none"> <li>• Development of evacuation plans, plans for flood fighting, or community response plans to include in the floodplain management plan</li> <li>• Coordination of EAP and EOPs for different release conditions</li> </ul>	N	
<b>Planning</b>	<ul style="list-style-type: none"> <li>• Activities and studies that determine risks associated with eligible dams</li> <li>• Environmental studies for NEPA compliance</li> <li>• Development of operation and maintenance plans</li> </ul>	N	
<b>Planning</b>	<ul style="list-style-type: none"> <li>• Public education and awareness of flood risks associated with the eligible dam project</li> </ul>	N	
<b>Planning</b>	<ul style="list-style-type: none"> <li>• Dam risk and consequence assessments Feasibility studies</li> <li>• Preliminary engineering studies Alternatives analysis</li> <li>• Mapping, engineering survey, and inundation modeling</li> </ul>	Y	
<b>Design</b>	<ul style="list-style-type: none"> <li>• Engineering design</li> <li>• Development of specifications</li> </ul>	Y	
<b>Construction</b>	<ul style="list-style-type: none"> <li>• Repair or rehabilitation of the dam</li> <li>• Dam removal</li> <li>• Construction monitoring</li> <li>• Installation of early warning systems associated with the eligible dam project</li> </ul>	Y	

## 17. Floodplain Management Plan

To be eligible for HHPD, subrecipients must have in place (or will be developed not later than 2 years after the date of execution of a dam rehabilitation or removal project agreement and implemented not later than 2 years after the date of completion of a project) a floodplain management plan to reduce the impacts of future flood events in the area impacted by the project. The floodplain management plan (FPMP) shall address:

- a. potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project;
- b. plans for flood fighting and evacuation; and
- c. public education risk communication targeting communities in the inundation area.

The purpose of the FPMP is to specifically address the impacts of the dam or dams for which an HHPD grant has been awarded. It is intended to function as a stand-alone plan that does not modify the floodplain ordinance in effect to comply with the NFIP. The following information must be addressed in the FPMP:

The development of the FPMP should be a shared responsibility of the subrecipient and local government with authority to implement policies that protect the public and regulate development. The FPMP development should include the involvement of key partners and stakeholders including representatives of the local government emergency managers, first responders and planners, state agencies including dam safety and state hazard mitigation office, as well as technical resources afforded by federal agencies such as the USACE and the NRCS. Therefore, the FPMP should include a formalized stakeholder involvement process to obtain input from key partners and stakeholders leading to adoption of the FPMP by the governing body impacted by the dam rehabilitation. The FPMP must address the following:

### A. Potential measures to reduce the adverse impacts of flooding

1. Evaluation of the flood hazards with and without the dam rehabilitation measures
  - a. Identification of the reach of stream downstream and upstream of the dam for which flooding is impacted by the rehabilitation. This defines the study area as well as the local governments that should be consulted
  - b. Identification of the impacts of the dam rehabilitation on the flood elevations for a range of frequent and infrequent flood events.
    - i. Does the dam rehabilitation maintain or decrease the level of flood protection for the 1% flood (designed flood prevention or non-designed incidental)?
    - ii. Does the dam rehabilitation increase the flood flows to downstream areas for a range of recurrence interval events including the 2-, 10-, 25-, 50-, 100-, and 500-year events?
    - iii. Does the dam rehabilitation impact the operational releases from the dam during rain events?
    - iv. For dam removal projects, the removal of the dam may increase the magnitude and timing of flood flows to downstream areas. Any adverse impacts on a range of frequent

2. What are the consequences related to the adverse impacts identified in 1 above?
  - a. Number of residential and commercial insurable structures
  - b. Estimated economic losses due to the flooding event
  - c. Critical utilities
  - d. Transportation network
  - e. Critical facilities
  - f. Local governmental public expenditures for operations to prepare for and recover in the event of flooding
3. What mitigation actions will be implemented by the local governments to address both the adverse impacts resulting from the dam rehabilitation (if any) such as:
  - a. Structural modification to the stream conveyance system
  - b. Nonstructural measures including:
    - i. Floodproofing of structures
    - ii. Building standards to account for increased depth or velocity
4. What mitigation actions will be implemented by the local governments to address residual risk not resolved by item 3 above:
  - a. What actions and policies will be implemented address flood risk attributable to the adverse impacts of dam rehabilitation that could not be mitigated?
  - b. What actions and policies that will be implemented to address residual flood risk not associated with the adverse impacts of the dam rehabilitation.
  - c. The mitigation actions should address the planned schedule for study or implementation.

#### B. Plan for flood fighting and evacuation

A plan developed by the dam owner in cooperation with the governing local government, local government emergency managers and first responders should be prepared for flood fighting activities and evacuation for both operational releases during frequent and infrequent recurrence interval events as well as potential dam failure scenarios.

1. The plan should be consistent with the Emergency Action Plan for the dam.
2. Using the depth, velocity, and timing information of the modeling of the hydrologic and hydraulic modeling of the effects of the dam rehabilitation on downstream and upstream areas, the plan should address the locations of critical facilities, venerable population, and the transportation network. The locations of flood fighting should be identified as well as an implementation plan including responsible parties and resources (stockpile of materials or on-call contractors).
3. The plan should address the value of an early warning system.
4. The evacuation plan should address both shelter in place and horizontal evacuation.
5. The plan should address the frequency for drills and exercises of the flood fighting and evacuation plan.

#### C. Public Education and awareness of Flood Risk



A public education and outreach program should provide information to impacted property owners and residents in and near the floodplain upstream and downstream of the dam as well as use the recreational facilities or transportation network susceptible to flooding.

The plan should consider multimedia and social media measures to reach the intended audience and provide information to determine where to get information for flood hazards, flood warning, flood evacuation and how to develop their personal flood avoidance plan.

The governing local government should consider evaluation of the extent of floodplains upstream and downstream of dams in the planning and zoning process for new development that may be adversely impacted by the dam. Local governments should consider including dam breach inundation mapping to subdivision plats to provide educate potential buyers of the potential flood hazard and to encourage location of building lots outside the inundation area.

HHPD projects must comply with 44 CFR Part 9, which requires that actions be consistent with criteria of the National Flood Insurance Program or any more restrictive Federal, State, or local floodplain management standard. See 44 CFR 9.11(d)(6). This means that all dam rehabilitation projects must meet [44 CFR Part 65 and applicable](#) state and local regulations for encroachment in or alterations of regulatory floodplains in compliance with state laws and local floodplain management, zoning, and site design regulations.

A dam removal may result in a decrease in the regulatory flood elevations upstream of the dam and an increase in the regulatory flood elevations downstream of the dam due to loss of flood storage.

For a grant that funds **planning** activities, alternatives should be considered for the dam rehabilitation or dam removal including performing hydrologic and hydraulic studies to determine the impact of the project on the regulatory flood elevations upstream and downstream of the dam. The local community for which the dam is located should be consulted to confirm compliance with the local floodplain management regulations and NFIP regulations.

For a grant that funds **design** the hydrologic and hydraulic modeling should be updated to reflect the design and a review of the proposed project should be submitted to FEMA for review and issuance of a conditional letter of map revision in accordance with 44 C.F.R. §65.8 and potentially § 65.12 of the NFIP regulations.

## **18. Definitions**

Full list of definitions is available in the [Rehabilitation of High Hazard Potential Dams Grant Program Guidance \(FEMA, June 2020\)](#).

### **Administrator**

The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

### **Board**

The term “Board” means a National Dam Safety Review Board established under section 467f(f) of this title.

**Budget Period** (*Source 2 C.F.R. 200.1*)

Budget Period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to § 200.308.

**Dam** (*Source: 33 USC § 467(3)*)

The term “dam”—

(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

(i) is 25 feet or more in height from—

(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier; to the maximum water storage elevation; or

(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

(B) does not include—

(i) a levee; or

(ii) a barrier described in subparagraph (A) that—

(I) is 6 feet or less in height regardless of storage capacity; or

(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height; unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Administrator).

**Expected life of the dam**

Estimated number of years the rehabilitation will be effective. The expected life for a dam rehabilitated under the HHPD program is 50 years.

**FEMA**

The term “FEMA” means the Federal Emergency Management Agency.

**Period of Performance (POP)** (*Source 2 C.F.R. 200.1*)

Period of performance means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. Identification of the period of performance in the Federal award per § 200.211(b)(5) does not commit the awarding agency to fund the award beyond the currently approved budget period.

**Program**

The term “Program” means the national dam safety program established under section 467f of this title.

**Subrecipient**

A non-federal entity that receives a subaward from a pass-through entity to carry out part of a federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

The term “eligible subrecipient”, in the case of a project receiving assistance through the HHPD program, includes—

- (A) a governmental organization; and
- (B) a nonprofit organization

## 19. Appendices

### *Appendix A: FY24 Performance Measure Targets*

<b>Objective</b>	<b>Eligible Activities - Examples</b>	<b>Performance Measures</b>	<b>FY24 Target Unit</b>
Reduce or eliminate risk of eligible high hazard potential dam (HHPD)	1.1 Planning tasks and activities, studies and analysis for pre-construction phases, scoping activities, and permit applications.	1.1 Number of eligible HHPD dams that have resulted in the completion of studies and analysis for pre-construction phases, scoping activities, and permit applications.	<b>Total number</b>
	1.2 Preliminary and final design package and required permit approvals.	1.2 Number of eligible HHPD dams that have resulted in the completion of preliminary and final engineering design package and permits.	<b>Total number</b>
	1.3 Construction activities that support dam rehabilitation or removal projects.	1.3 Number of eligible HHPD dams that result in construction projects for dam rehabilitation or removal.	<b>Total number</b>

*Appendix B: Performance Progress Report (PPR)*

**APPENDIX B1: PERFORMANCE PROGRESS REPORT (PPR) TEMPLATE: PART 1  
SUMMARY SHEET**

PPR Templates are available through your Regional Program Office

<u>HHPD Quarterly Report Summary Sheet</u>	
<b>QUARTERLY REPORT SUMMARY SHEET</b>	
<b>Instructions:</b> Submit this signed form with updated milestone/workplan table and attachments.	
<b>Award /Grant #:</b>	<input type="text"/> <b>Period of Performance:</b> <input type="text"/>
<b>Federal Award Amount:</b>	<input type="text"/> <b>Grantee 35% Share/Match:</b> <input type="text"/>
<b>SAA/ Name of State Agency:</b>	<input type="text"/>
<b>Mailing Address, City, State, and Zip:</b>	<input type="text"/>
<b>Authorized Signatory/Name:</b>	<input type="text"/>
<b>Phone:</b> <input type="text"/>	<b>Email:</b> <input type="text"/>
<b>Report Contact &amp; Title (if not the Authorized Signatory):</b>	
<input type="text"/>	
<b>Phone:</b> <input type="text"/>	<b>Email:</b> <input type="text"/>
<hr/>	
<b>Reporting Quarter:</b>	<input type="text"/>
<b>Amount of award funds drawn down:</b>	<input type="text"/> <b>Amount award funds remaining:</b> <input type="text"/>
<b>Date report submitted in ND Grants:</b>	<input type="text"/>

## APPENDIX B2: PERFORMANCE PROGRESS REPORT (PPR) TEMPLATE: PART 2 PERFORMANCE METRICS TARGETS

PPR Templates are available through your Regional Program Officer

FY24 HHPD Workplan and Quarterly Reporting		State Agency:																
Person completing this worksheet:		HHPD Project POC:																
Date completed:		Award#:																
Instructions: Column C is the list of FEMA approved activities and deliverables in your workplan. Report and validate actual % completed in ACTUALS column.		Period of Performance				Period of Performance								NOTES:				
		Q1		Q2		Q3		Q4		Q5		Q6			Q7		Q8	
		Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual		Target	Actual	Target	Actual
Quarterly Progress Reports due		1/30/2023		4/30/2023		7/30/2023		10/30/2023		1/30/2024		4/30/2024		7/30/2024		10/30/2024		
Enter ALL Deliverables and Milestones per FEMA approved Scope																		
Subrecipient / Project	Performance Metric (Drop down)																	
1 Ex: Alternatives Analysis	1.1 Planning and Analysis	0%		0%		10%		40%		80%		100%						Provide narrative on issues/ challenges and plan to complete
2 Ex: Rehabilitation Design	1.2 Preliminary or Final Design																	
3																		
4																		
5																		
Activity #####																		
1																		
2																		
3																		
4																		
5																		
Product ###																		
1																		
2																		
3																		
4																		
5																		