



U.S. DEPARTMENT OF HOMELAND SECURITY

**FISCAL YEAR 2011**

**NATIONAL DAM SAFETY PROGRAM**

**GUIDANCE AND APPLICATION KIT**

**AUGUST 2011**



U.S. DEPARTMENT OF HOMELAND SECURITY

**Title of Opportunity:** National Dam Safety Program

**Funding Opportunity Number:** DHS-11-MT-041-000-02

**CFDA Number:** 97.041

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

**Announcement Type:** Initial

**Dates:** Completed applications must be submitted **no later than 11:59 PM Eastern, September 2, 2011.**

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## PART I.

# FUNDING OPPORTUNITY DESCRIPTION

The Federal Emergency Management Agency proposes to award fifty-one (51) Grants for an estimated \$7,340,000 with 50 States and the Commonwealth of Puerto Rico for the development and maintenance of their dam safety programs. By supporting State governments, FEMA hopes to protect the citizens of the United States and Puerto Rico from dam failure. The funds will enable the States and Puerto Rico to take precautions that ensure dam safety, such as, the development of regulatory authority for the design, construction, operation and maintenance of dams, the undertaking of dam inspections and development of Emergency Action Plans (EAPs) for dams.

A primary goal of Public Law 109-460 is to encourage the establishment and maintenance of effective State dam safety programs and to provide financial assistance incentives to States that are moving toward improved safety of nonfederal dams in their States. For a State to be eligible for assistance under the National Dam Safety Program (NDSP), the State's dam safety program must meet the following criteria and budgeting requirements:

- Authority to approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;
- Authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;
- Require that, on completion of dam construction, State approval be given before operation of the dam;
- Authority to require or perform periodic evaluations of dams and reservoirs to determine the extent of the threat to human life and property in case of failure;
- Perform inspection, at least once every 5 years, of all dams and reservoirs to determine the continued safety;
- Procedure for more detailed and frequent safety inspections;
  - a. Requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction; and
  - b. Authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, install and monitor instrumentation, improve security, revise operating procedures, or take other actions, including breaching dams, when necessary;
- Regulations for carrying out the legislation of the State described in this subparagraph;
- Provisions for necessary funds:
  - a. Ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and

- b. If the owner of the dam does not take the action described in sub-clause, take appropriate action as expeditiously as practicable;
- 1) System of emergency procedures to be used if dam fails or if the failure of a dam is imminent; and
  - 2) Identification of:
    - Dams that could fail and be reasonably expected to endanger human life;
    - Maximum area that could flood if dam fails; and
    - Necessary public facilities that would be affected by the flooding.

## PART II.

# AWARD INFORMATION

### **Type of Award**

DHS/FEMA anticipates awarding fifty-one (51) awards to fifty (50) States and the Commonwealth of Puerto Rico.

### **Authorizing Statutes**

Dam Safety Act of 2006 (Public Law 109-460); 33 U.S.C. § 467 et seq., as amended, Department of Defense and Full Year Continuing Appropriations Act, 2011 (Public Law 112-10, Section 2, Division B, Title VI)

### **Period of Performance**

The period of performance of this grant is 12 months. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications as why an extension is required.

### **Available Funding**

In FY 2011, the total amount of funds distributed under this grant will be \$7,340,000.

## PART III.

# ELIGIBILITY INFORMATION

### A. Eligible Applicants

This funding opportunity is restricted to the State dam safety program in fifty (50) States and the Commonwealth of Puerto Rico. For a State to qualify for assistance, State appropriations must be budgeted to carry out the legislation of the State as described in this paragraph.

### B. Cost Sharing

There is no cost sharing or match funding requirement associated with this opportunity.

### C. Restrictions

This grant is intended for the use by the State Dam Safety Program.

### D. Other

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

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

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

The State programs are only certified as long as the individual grantee participants are. Thus it is recommended that each Authorized Representative (AR) submit training certificates in order to track NIMS compliancy. The courses may be found at <http://www.training.fema.gov/IS/NIMS.asp>.

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

**A. Address to Request Application Package**

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

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

**B. Content and Form of Application**

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

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

- Standard Form 424, Application for Federal Assistance

The application must be completed and submitted through the ND Grants system located at <https://portal.fema.gov>. If you need assistance registering for the ND Grants system, please contact FEMA’s Enterprise Service Desk at 1-888-457-3362. The ND Grants system includes the following required forms and submissions:

- Standard Form 424A, Budget Information (Non-construction)
- Standard Form 424B, Standard Assurances (Non-construction)
- Standard Form 424C, Budget Information (Construction)
- Standard Form 424D, Standard Assurances (Construction)

- Standard Form LLL, Disclosure of Lobbying Activities (if the grantee has engaged or intends to engage in lobbying activities)
- Grants.gov (GG) Lobbying Form, Certification Regarding Lobbying
- FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- Attachments: Project Narrative and Budget Justification

The program title listed in the CFDA is “*National Dam Safety Grant Program.*” The CFDA number is **97.041**.

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

#### **4. Program Specific Narrative and Work Plan**

Each State must fill out the National Dam Safety Review Board FY 2011 State Evaluation Criteria as required by the Program Office (reference Part IV. F).

The FEMA Administrator shall enter into an agreement with States receiving assistance to develop a work plan necessary for the State dam safety program to reach a level of performance specified in the agreement as stated in the National Dam Safety Act of 2006. The grantee shall submit an estimated quarterly breakdown as indicated within the Work Plan Budget spreadsheet. The work plan is provided to organize and allocate the funds within the 12-month period of performance to allow for the success of expenditures.

If the Administrator determines that a State dam safety program does not meet the requirements for approval, the Administrator shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

#### **Emphasis and Requirements**

The purpose of the National Dam Safety Program is to reduce the risks to life and property from dam failure in the United States. The program is designed to bring together the expertise and resources of the Federal and non-Federal communities.

Assistance is provided to States to establish, maintain and improve an effective State Dam Safety Program.

To measure the extent to which State Dam Safety Programs have been able to reduce the risks to life and property from dam failure in the United States, since reauthorization of the National Dam Safety Act in 2006, the National Dam Safety Review Board has developed three overarching State Performance Measure Identifiers, each of which may include several measurable outcomes.

As part of their approved narrative or workplan, each State must report progress made for the following outcome performance measures, review their performance in these areas, set specific goals for improvement, and describe how they will use the state assistance grant to address any deficiencies.

**State Performance Measure Identifier #1: Identification of Deficient Dams**

Outcome Measures	Goal	2006	2007	2008	2009	2010
#1.A. Number of state regulated high hazard potential dams inspected that have been identified to be in need of remediation because of hydraulic/structural deficiencies.	N/A					
#1.B. Number of state regulated high hazard potential dams remediated (that is construction has been completed) because of hydraulic/structural deficiencies.	N/A					
#1.C. Percentage of state regulated high hazard potential dams having been assigned a condition category <sup>1</sup> (other than 'NOT RATED'). The condition assessments must be included in the annual submittal to the Nation Inventory of Dams (NID).	100					

N/A = Not applicable.

**New Priority – Condition Assessments**

The Dam Safety Act of 2006 requires the National Inventory of Dams to “include any available information assessing each dam based on inspections completed by a State

dam safety agency.” To facilitate this condition assessment, the National Dam Safety Review Board established the following categories:

- **SATISFACTORY**  
No existing or potential dam safety deficiencies are recognized. Acceptable performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the applicable regulatory criteria or tolerable risk guidelines.
- **FAIR**  
No existing dam safety deficiencies are recognized for normal loading conditions. Rare or extreme hydrologic and /or seismic events may result in a dam safety deficiency. Risk may be in the range to take further action.
- **POOR**  
Dam safety deficiency is recognized for loading conditions which may realistically occur. Remedial action is necessary. POOR may also be used when uncertainties exist as to critical analysis parameters which identify a potential dam safety deficiency: further investigations and studies are necessary.
- **UNSATISFACTORY**  
Dam safety deficiency is recognized that requires immediate or emergency remedial action for problem resolution. Reservoir restrictions may be necessary until problem resolution.
- **NOT RATED**  
Dam has not been inspected, is not under state jurisdiction or sufficient information is not available to determine the adequacy of the dam to operate as designed under all required pool and loading conditions.

**State Performance Measure Identifier #2: Increase Inspections of High Hazard Potential Dams**

<b>Outcome Measures</b>	<b>Goal</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>#2.A.</b> Number of dam safety inspections of state regulated high hazard potential dams.	N/A					
<b>#2.B.</b> Percentage of state regulated high hazard potential dams that have been inspected during the reporting period, within the State's inspection frequency by statute/regulation. For example, if a State has 200 high hazard dams that should be						

<b>Outcome Measures</b>	<b>Goal</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
inspected every 2 years with 80 dams inspected in a given year. The percentage of dams inspected during the reporting period within the inspection frequency is 80% (80 out of 100 due in any given year).	100					

N/A = Not applicable.

### **State Performance Measure Identifier #3: Emergency Action Planning**

<b>Outcome Measure</b>	<b>Goal</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>#3.</b> Percentage of state regulated high hazard potential dams with an Emergency Action Plan.	100					

Emergency Action Plans (EAPs) are critical to protecting the public living downstream of high-hazard potential dams in the United States. Increasing the number of EAPs for these dams remains a top priority of the National Dam Safety Program in FY 2011.

Using the National Dam Safety Review Board's expertise as provided on January 8, 2008, FEMA requires that:

States with less than 75 percent EAP compliance on state-regulated high-hazard potential dams must devote at least 25 percent of their grant funds, to increase the number of EAPs for these dams by approximately 10 percent each year. This requirement shall continue in FY 2011. The bullets below must be addressed in your proposal. Activities may include, but are not limited to:

- Hiring a part-time EAP coordinator to assist with the creation of EAPs;
- Hosting regional EAP awareness workshops for the public, local emergency managers, and owners of critical facilities potentially in harms way;
- Hosting functional and tabletop exercises;
- Implementing an outreach plan and marketing strategy for dam owners and local emergency management officials without EAPs.
- Providing dam owners and emergency managers with inundation maps that may result in the development of an EAP
- Hosting statewide and local workshops on the development of EAPs for dam owners and local emergency managers.
- Sending correspondence to dam owners on the need for EAPs and on the value of the process itself.

States must address the EAP initiative in detail in their Financial Assistance Submittal. Failure to address the initiative may result in a forfeiture of grant funds.

For States to which this requirement applies, your FY2011 grant application must include an “interim report” on the progress made on this initiative with your FY 2011 grant. Again, failure to do so may result in a forfeiture of grant funds.

Several States may be informed that their progress toward meeting the expected target for the numbers of high-hazard potential dams with EAPs and/or inspection rates for that category of dams is not satisfactory. Those States will be required to use this year’s funds to develop a process to address this deficiency.

These States will be required to provide a “Mid-Year Report” (due 6 months from the execution of the grant) to FEMA as to how they plan to significantly increase their efforts to make significant progress. FY 2011 Emphasis and Requirements highlight opportunities for a State to use unique methods to create interest by dam owners to move forward in this area. This report should identify and elaborate on the process and indicate movement in the first six months of the grants.

FEMA will review all “Final Reports” submitted by the States for their FY 2011 Program to ensure that adequate progress is being made to meet the Program emphasis and requirements leading toward an increased number of EAPs and inspections of high-hazard potential dams. FEMA will report the results of this review to the National Dam Safety Review Board for purposes of monitoring the State programs.

### **Public Awareness Initiative**

Public Awareness and education is one of the objectives of the Dam Safety Act of 2006. Where the dam failure flood inundation areas have not been identified and assessed as part of the EAPs or evacuation plans, such activities should be pursued and provided to the communities. To achieve this objective, it is important for each State to facilitate the effective communication of deficient dams and their potential flood risk to State and local emergency management officials, local decision makers, and communities living and working downstream of the Nation’s high-hazard potential dams (e.g. State Performance Measure Identifiers #1 and #3). If a State is deficient in this area, it shall provide a plan for improvement in its 2011 proposal, and consider use of its FY 2011 grant funds for this purpose.

As part of their approved narrative or work plan, in addition to addressing deficiencies in the three State Performance Measure Identifiers, each State must:

- Describe its current strategy for communication with State and local emergency management officials and local decision makers of communities potentially impacted by high hazard potential dams that have been identified to be in either POOR or UNSATISFACTORY condition based on State dam safety inspector’s condition assessment,

- Evaluate the effectiveness of its current strategy, and
- Consider use of its FY 2011 grant funds for communication improvements.

To promote public safety and risk communication, States with less than 85 percent of their high hazard potential dams that have an assigned condition category must devote an appropriate amount of their grant funds to completing condition assessments that were begun in FY2010, and describe in their FY 2011 application how this will be accomplished. The condition assessments are based on the last inspection conducted. For example, if a high hazard potential dam was last inspected in 1998, then the condition assessment category would be based on that assessment. The condition assessments must be included in the annual submittal to the Nation Inventory of Dams (NID).

### **C. Submission Dates and Times**

The application must be completed and submitted through the Non-Disaster (ND) Grants system located at <https://portal.fema.gov>. If you need assistance registering for the ND Grants system, please contact FEMA's Enterprise Service Desk at 1-888-457-3362. Application submissions must be received no later than 11:59, EST on **September 2, 2011. Only applications made through <https://portal.fema.gov> will be accepted.** Applications submitted directly to the FIMA Dam Safety Program Office will not be considered as received.

### **D. Intergovernmental Review**

Executive Order 12372 requires applicants from State and local units of government or other organizations providing services within a State to submit a copy of the application to the State Single Point of Contact (SPOC), if one exists, and if this program has been selected for review by the State. Applicants must contact their State SPOC to determine if the program has been selected for State review. Executive Order 12372 can be referenced at <http://www.archives.gov/federal-register/codification/executive-order/12372.html>. The names and addresses of the SPOCs are listed on OMB's home page available at: [http://www.whitehouse.gov/omb/grants\\_spoc](http://www.whitehouse.gov/omb/grants_spoc).

### **E. Funding Restrictions**

DHS grant funds may only be used for the purpose set forth in the grant, and must be consistent with the statutory authority for the award. Grant funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. This includes membership dues that goes toward associations, professional societies, or any other organizations that participate in lobbying activities. In addition, Federal funds may not be used to sue the Federal government or any other government entity.

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

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

**F. Other Submission Requirements**

**National Dam Safety Review Board FY 2011 State Evaluation Criteria**

**I. Existing State Dam Safety Program**

- (i) List the number of Full Time Employees (FTEs) including engineers, geologists, hydrologist, technicians, inspectors, and administrative support.

Engineers	
Geologists	
Hydrologists	
Planners	
Technicians	
Inspectors	
Administrative/Clerical	
Others	
<b>Total FTEs</b>	

- a. Did any of the above numbers change from last year’s reporting? If so, please update.

- (ii) [\*\*NDSP Budget Detail Worksheet\*\*](#)

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

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

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

<u>Name/Position</u>	<u>Computation</u>	<u>Cost</u>
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TOTAL \_\_\_\_\_

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

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

<u>Purpose of Travel</u>	<u>Location</u>	<u>Item</u>	<u>Computation</u>	<u>Cost</u>
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TOTAL \_\_\_\_\_

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

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

TOTAL \_\_\_\_\_

**E. Supplies.** List items by type and show the basis for computation. (Note: Organization’s own capitalization policy and threshold amount for classification of supplies may be used). Generally, supplies include any materials that are expendable or consumed during the course of the project. These costs will contribute to the 3 percent M&A cap.

<u>Supply Items</u>	<u>Computation</u>	<u>Cost</u>
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TOTAL \_\_\_\_\_

**F. Consultants/Contracts.** Indicate whether applicant’s formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

**REQUIRED REPORTING INFORMATION FOR CONSULTANT HIRING**

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

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

**REQUIRED INFORMATION FOR CONTRACT APPROVAL**

All contracts require reporting the following information.

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

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

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

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

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

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

<b>Description</b>	<b>Computation</b>	<b>Cost</b>
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**TOTAL** \_\_\_\_\_

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

<u>Budget Category</u>	<u>Federal Amount</u>	<u>Non-Federal Amount</u>
A. Personnel	_____	_____
B. Fringe Benefits	_____	_____
C. Travel	_____	_____
D. Equipment	_____	_____
E. Supplies	_____	_____
F. Consultants/Contracts	_____	_____
G. Other	_____	_____
<b>Total Direct Costs</b>	_____	_____

H. Indirect Costs \_\_\_\_\_

\* TOTAL PROJECT COSTS \_\_\_\_\_

Federal Request \_\_\_\_\_

Non-Federal Amount \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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**II. Number of Dams**

- (i) List both the number of dams (National Dam Safety Program Act definition) included in the National Inventory of Dams that exist in your State and are regulated by your State. Regulated means dams for which your State executes all of the following responsibilities:
  - (a) Inspections;
  - (b) Enforcement; and
  - (c) Permitting authority/responsibility.

	<u>National Inventory</u>	<u>State Regulated</u>
High Hazard Potential Dams	_____	_____
Significant Hazard Potential Dams	_____	_____
Low Hazard Potential Dams	_____	_____

- (ii) If the total number of state regulated dams is not the same as the number of dams in the inventory, provide a brief outline on the type of exempt dams.

**III. Dam Inspections**

- (i) Provide the number of dam safety inspections of State regulated dams during this past calendar year.

High Hazard Potential Dams \_\_\_\_\_

Significant Hazard Potential Dams \_\_\_\_\_

Low Hazard Potential Dams \_\_\_\_\_

- (ii) Provide who is responsible for performing inspections (State personnel or Consultant).

**IV. Remediation Needs and Accomplishments**

- (i) Number of State regulated dams inspected that have been identified to be in need of remediation because of hydraulic/structural deficiencies this past calendar year.

High Hazard Potential Dams \_\_\_\_\_

Significant Hazard Potential Dams \_\_\_\_\_

Low Hazard Potential Dams \_\_\_\_\_

- (ii) Number of State regulated dams that have been remediated (that is construction has been completed) this past calendar year because of hydraulic/structural deficiencies.

High Hazard Potential Dams \_\_\_\_\_

Significant Hazard Potential Dams \_\_\_\_\_

Low Hazard Potential Dams \_\_\_\_\_

- (iii) Number of State regulated dams where construction of remediation is ongoing, but not completed at the end of the past calendar year.

High Hazard Potential Dams \_\_\_\_\_

Significant Hazard Potential Dams \_\_\_\_\_

Low Hazard Potential Dams \_\_\_\_\_

**V. Emergency Action Plans (EAP)**

- (i) How many State regulated High Hazard Potential dams have EAPs?

\_\_\_\_\_

- (ii) How many State regulated Significant Hazard Potential dams have EAPs? \_\_\_\_\_

\_\_\_\_\_

- (iii) Have the EAPs submitted meet or exceed the Federal Guidelines for dam safety? Emergency Action Planning for Dam Owners (October 1998).

YES \_\_\_\_\_ NO \_\_\_\_\_

If not, how many comply? \_\_\_\_\_

**VI. Compliance with Basic Criteria found in Public Law 104-303 Section 215 Subsection 8(f) 2A**

Please indicate whether your State dam safety program meets the following criteria authorized by State legislation:

- (i) The authority to review and approve plans and specifications to construct, enlarge, remove, and abandon dams; YES \_\_\_\_\_ NO \_\_\_\_\_

*To "abandon" a dam means to render a it non-impounding by dewatering and filling the reservoir created by that dam with solid materials and by diverting the natural drainway around the site.*

- (ii) The authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications; YES \_\_\_\_\_ NO \_\_\_\_\_

- (iii) A requirement that, on completion of dam construction, State approval must be given before operation of the dam; YES \_\_\_\_\_ NO \_\_\_\_\_

*"State approval" means an authorization to impound water behind the dam.*

- a. The authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; YES \_\_\_\_\_ NO \_\_\_\_\_

*"All dams" means all dams regulated by the state.*

- b. A procedure for more detailed and frequent safety inspections; YES \_\_\_\_\_ NO \_\_\_\_\_

*A "procedure" means a written standard operating practice for when the state would do a more frequent inspection than five years, If the state has authority to do inspections more often than once every five years, then it automatically meets this part*

- (iv) A requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction; YES \_\_\_\_\_ NO \_\_\_\_\_

- (v) The authority to issue notices, when applicable, to require owners of dams to perform Necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary; YES \_\_\_\_\_ NO \_\_\_\_\_

- (vi) Regulations for carrying out the legislation of the State described in this section; YES \_\_\_\_\_ NO \_\_\_\_\_

- (vii) Provisions for necessary funds:

- a. To ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property;  
YES \_\_\_\_\_ NO \_\_\_\_\_
- b. If the owner of the dam does not take action described in sub-clause (a), to take action as expeditiously as practicable;  
YES \_\_\_\_\_ NO \_\_\_\_\_

*“Provision of necessary funds” means the state has funds in place for use in an emergency situation such as an emergency dam repair fund.*

- (viii) A system of emergency procedures to be used if a dam or the failure of the dam is imminent; YES \_\_\_\_\_ NO \_\_\_\_\_

*A “system of emergency procedures” means a written procedure for the dam safety program to follow in an emergency situation and it could include a state requirement for dam owners to have EAPs.*

- (ix) An identification of:
  - a. Each dam the failure of which could be reasonably expected to endanger human life; YES \_\_\_\_\_ NO \_\_\_\_\_
  - b. The maximum area that could be flooded if the dam failed;  
YES \_\_\_\_\_ NO \_\_\_\_\_
  - c. Necessary public facilities that would be affected by the flooding;  
YES \_\_\_\_\_ NO \_\_\_\_\_

*An “identification of” means the authority to require an EAP with an inundation map with identified affected public facilities.*

**(iii) FY 2010 Grant Report**

- A. Please describe below the progress made by your State in meeting the outcomes described in its FY 2010 proposal. Indicate what performance measure(s), as listed in Part I.: Basic Criteria, best describe improvement made by your State’s dam safety program by its participation in the NDSP State Assistance Program.

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B. Please indicate by checking all that apply how your State plans to expend the FY2011 assistance funds:

State Administrative Overhead	\$ _____
Public Awareness	\$ _____
Dam Owner/Operator Education	\$ _____
Research	\$ _____
Training (over and above the NDSPA Technical Training Program)	\$ _____
Emergency Action Plans	\$ _____
Travel for Inspections of Dams	\$ _____
Contracts (from section (F)(I)(ii))	\$ _____
Personnel (from section (F)(I)(ii))	\$ _____
Personnel w/fringe benefits (from section (F)(I)(ii))	\$ _____
Travel for Conferences	\$ _____

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Signatures

Submitted by:

\_\_\_\_\_  
State

\_\_\_\_\_  
Dam Safety Official Name-Typed or Printed

\_\_\_\_\_  
Title

Signature

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Date

## PART V.

# APPLICATION REVIEW INFORMATION

### A. Review Criteria

The application will be reviewed by FEMA for consistency with the goals and objectives stated in Part I.

### B. Review and Selection Process

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

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

### C. Anticipated Announcement and Award Dates

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

## PART VI.

# AWARD ADMINISTRATION INFORMATION

### A. Notice of Award

Upon approval of an application, the grant will be awarded to the grantee. The date that is done is the “award date.” Notification of award approval is made through the ND Grants system. Once an award has been approved, a notice is sent to the authorized grant official. The Grantee must follow the directions provided in the award notification to properly accept their award documents. The authorized grant official should carefully read the award package.

The period of performance is 12 months and begins on the Project Period/Budget Period start date listed in the award package. Any unobligated funds will be de-obligated at the end of the close-out period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications of why an extension is required. All extension requests must be submitted to FEMA at least 60 days prior to the end of the period of performance and must address:

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

### B. Administrative and National Policy Requirements

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

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

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

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

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

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

**1.3 – Audit Requirements and other Assessments**

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

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

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

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

The Recipient may be paid in advance, or reimbursed by completing the Standard Form (SF) 270, Request for Advance/Reimbursement. In order to download the Standard Form 270, the Recipient may use the following link: <http://www.whitehouse.gov/omb/grants/sf270.pdf>

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

**NOTE: FUNDS WILL NOT BE AUTOMATICALLY TRANSFERRED UPON ISSUANCE OF THE GRANT. GRANTEEES MUST SUBMIT A REQUEST FOR ADVANCE/REIMBURSEMENT (SF-270) WITH SUPPORTING EXPENDITURE INFORMATION IN ORDER FOR THE FUNDS TO BE TRANSFERRED TO THE GRANTEE’S ACCOUNT. A JUSTIFICATION MUST ACCOMPANY ALL ADVANCEMENT REQUEST FOR REVIEW BY THE PROGRAM OFFICE.**

3. **Non-supplanting Requirement.** Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants or grantees may be required to supply documentation

certifying that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

## **2. Administrative Requirements.**

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

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

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

the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part §19.

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

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

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

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

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

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

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

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

- **Rehabilitation Act of 1973.** All recipients of financial assistance will comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. §794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason

- of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity
- receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

For additional detailed information, please refer to the following:

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

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

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

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

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

- **Information Bulletin 345**, *Programmatic Environmental Assessment*, available at <http://www.fema.gov/pdf/government/grant/bulletins/info345.pdf>,
- **Information Bulletin 356**, *EHP Screening Form*, available at <http://www.fema.gov/pdf/government/grant/bulletins/info356.pdf>.

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

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

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

**4.10 – National Flood Insurance Act of 1968.** All recipients of financial assistance will comply with the requirements of Section 1306(c) of the National Flood Insurance Act, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of

water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at 44 CFR Part §63.

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

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

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

**4.14 – Trafficking Victims Protection Act of 2000.** All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. §7104), located at 2 CFR Part §175. This is

implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a sub-recipient —

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

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

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

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

works. The recipient shall affix the applicable copyright notices of 17 U.S.C. §401 or 402 and an acknowledgement of government sponsorship (including award number) to any work first produced under an award.

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

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

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

## **C. Reporting Requirements**

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

explanation of these requirements). Any reports or documents prepared as a result of this grant shall be in compliance with Federal “plain English” policies, directives, etc. Please note that PARS contains edits that will prevent access to funds if reporting requirements are not met on a timely basis.

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

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

FFRs must be filed manually to GPD contact referenced on Part VII:

Reporting periods and due dates:

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

## **2. Progress Reports.**

The Recipient shall submit quarterly performance reports within 30 days after the end of each period. Reports are due on, October 30, January 30, April 30 and July 30.

The report shall consist of a comparison of actual accomplishments to the approved project objectives and performance measures. Copies of Performance Reports must be submitted through the ND Grants system and the Program Officer listed in Part VII of the FY2011 grant guidance language

### **Final Report**

The recipient shall submit two error free color laser copies of a report to the Grants Management Specialist and the Program Officer listed in section VII within 30 days after the expiration of the grant. The final report is due ninety (90) days after the end of the performance period. This report shall document and summarize the results of the entire project. The report shall provide a qualitative assessment of the impact this effort had related to emergency responder roadway operational safety public education and outreach, as well as documentation of met performance measures.

The final report must be submitted in both Print and Web Publishing as outlined below:

**For Print Publishing:**

In accordance with Department of Homeland Security (DHS) guidelines and as described in InfoGram #00-08 dated April 17, 2000.

Preferred desktop publishing programs are QuarkXpress or Adobe Pagemaker; for illustrations, Adobe Illustrator or Macromedia Freehand. For image manipulation, use Adobe Photoshop. Files shall be pre-flighted. The recipient must submit a completed GPO Form 952, for all files.

In addition, a PDF Press Optimized file must be prepared.

**Web Publishing:**

The recipient must follow the technical standards described in 36 CFR Part 1194.22 and the Department of Justice guidance document Web-based Intranet and Internet Information and Applications (6/2/01). Deliverables shall be submitted separately in both PDF and Text (\*.txt) formats.

36 CFR Part 1194, Electronic and Information Technology Accessibility Standards, Part 1194.22, Subpart B – Technical Standards, Web-Based Intranet and Internet Information and Applications (Volume 65, No. 246, Page 80525 – December 21, 2000) is attached.

The U.S. Department of Justice guidance document Web-based Intranet and Internet Information and Applications, June 21, 2001 is available for view and download free of charge via the following U.S. Department of Justice webpage: <http://www.access-board.gov/sec508/guide/index.htm>.

PDF (screen optimized). Tagged PDF files must be created with Acrobat 6.0 using the smallest file size or Standard conversion settings. The files must be reviewed using the Acrobat Accessibility Checker and screen reader software such as JAWS to ensure they are properly tagged and fully accessible. PDF files must be considered optimized if they receive zero errors in the Full Accessibility Checker and contain:

- Logical reading order;
- Alternate text descriptions for images;
- Scanned documents with accessible text. Hard copy pages scanned to PDF must be saved as Image+Hidden Text, optically recognized, and tagged;

- Links and navigation aids. Include bookmarks for all items in the table of contents and hypertext links on references to web site addresses, e-mail addresses, tables of content, figures and tables; and
- Specified document language.

The PDF file cannot be larger than 5 MB. If the file is larger than 5 MB, it must be broken up into chapters or sections that will be posted together as separate downloads. For the convenience of broadband users and those who wish to avoid multiple downloads, the document must be supplied in its original single file format.

All files must be placed on a CD-ROM or Iomega Zip Disk formatted for PC.

**Financial and Compliance Audit Report.** Recipients that expend \$500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO's *Government Auditing Standards*, located at <http://www.gao.gov/govaud/ybk01.htm>, and *OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations*, located at <http://www.whitehouse.gov/omb/circulars>. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY2011 assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

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

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

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

The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance

with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

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

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

## PART VII.

# FEMA CONTACTS

- 1. Grant Programs Directorate (GPD).** FEMA Grant Administration and Assistance Division (GAAD) will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation. Additional guidance and information can be obtained by contacting FEMA's Enterprise Service Desk at 1-888-457-3362 or via e-mail to [NDGrants@fema.gov](mailto:NDGrants@fema.gov).
- 2. Program Office Contact.** The FEMA PO responsible for the *technical monitoring* of the stages of work and technical performance of the activities described in the program narrative statement.

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