



U.S. DEPARTMENT OF HOMELAND SECURITY

**FISCAL YEAR 2011**

**NATIONAL EARTHQUAKE HAZARDS REDUCTION  
PROGRAM (NEHRP)**

**EARTHQUAKE STATE ASSISTANCE  
COOPERATIVE AGREEMENTS**

**GUIDANCE AND APPLICATION KIT**

**JULY 2011**



U.S. DEPARTMENT OF HOMELAND SECURITY

**Title of Opportunity:** Earthquake Hazards Reduction State Assistance Program

**Funding Opportunity Number:**

Region 1: DHS-11-MT-082-001-04

Region 2: DHS-11-MT-082-002-04

Region 4: DHS-11-MT-082-004-04

Region 5: DHS-11-MT-082-005-04

Region 6: DHS-11-MT-082-006-04

Region 7: DHS-11-MT-082-007-04

Region 8: DHS-11-MT-082-008-04

Region 9: DHS-11-MT-082-009-04

Region 10: DHS-11-MT-082-010-04

**CFDA Number:** 97.082

**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, Friday, August 15, 2011**

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# PART I.

## FUNDING OPPORTUNITY DESCRIPTION

### **Background & Authorities:**

As authorized by the *Earthquake Hazards Reduction Act of 1977* (P.L. 95-124) and as required by the *National Earthquake Hazards Reduction Program Reauthorization Act of 2004* (P.L. 108-360), it is the mission of the Federal Emergency Management Agency (FEMA) *National Earthquake Hazards Reduction Program (NEHRP)* "to reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake risk reduction program." In support of this mission, P.L. 108-360 directed FEMA to operate a program of direct assistance to States to accomplish various eligible earthquake safety and mitigation activities. This resulted in the creation of the ***NEHRP Earthquake State Assistance Program (NEHRP ESAP)*** to increase and enhance the effective implementation of earthquake risk reduction at the local level. The FY 2011 NEHRP ESAP is funded under the Department of Defense and Full Year Continuing Appropriations Act, 2011 (Public Law 112-10, Section 2, Division B, Title VI Homeland Security).

### **Purpose & Eligible Activities:**

FEMA proposes to make 33 cooperative agreement awards for an estimated total of \$1,794,865 to select States and territories with moderate to high seismic risks to fund one or more eligible activities that support local establishment of earthquake hazards reduction program and implementation of earthquake safety, mitigation, and resilience activities.

These eligible activities are:

- 1. Develop seismic mitigation plans:** States and territories may use this funding opportunity to develop, update, or enhance their respective seismic mitigation, preparedness, and response plan. This may include funding milestones such as risk analysis (i.e. modeling, loss estimation, etc.), needs assessment, workshops to develop the plan, local plan adoption and training and other actionable and measurable tasks in direct support of this eligible activity.

Any seismic mitigation plan funded under this program shall be in alignment or in support of the State's overall approved Hazard Mitigation Plan to ensure a well-coordinated community risk reduction effort.

- 2. Prepare inventories and conduct seismic safety inspections of critical structures and lifelines:** States and territories may use this funding opportunity

to plan, execute, and manage property inventory and seismic safety inspections of critical structures and lifelines. This may include funding milestones such as planning, training, field data collections and inspections, data analysis and management, report formulation, staffing, and other actionable and measurable tasks in direct support of this eligible activity.

FEMA NEHRP recommends the use of *FEMA 154 Rapid Visual Screening of Buildings for Potential Seismic Hazards* as a method for initiating local building inventory projects and *ATC 20 Post Earthquake Safety Evaluations of Buildings* for seismic safety inspections. If a certain State or territory determines this eligible activity to be a priority under this cooperative agreement, FEMA may be able to provide technical assistance<sup>1</sup> or FEMA 154 or FEMA 154 AND ATC 20 training at no cost to the community except for minimal logistical support<sup>2</sup>.

- 3. Update building codes, zoning codes, and ordinances to enhance seismic safety:** States and territories may use this funding opportunity to plan, develop, update, adopt, and communicate local building codes, zoning codes, and other community development ordinances to enhance seismic safety. This may include funding milestones such as training, staffing, code development, and other actionable and measurable tasks in direct support of this eligible activity.

Based on the lessons learned from historical U.S. disasters and the 2010 Chilean and 2011 Japanese Earthquakes, building codes play a critical role in improving community resilience. Building codes benefit public safety by ensuring that buildings and non-structural elements are built or rehabilitated to a design that would withstand or minimize damages and prevent losses and injuries should an earthquake occur. FEMA highly recommends this eligible activity.

For more information, visit the International Code Council at [www.iccsafe.org](http://www.iccsafe.org).

- 4. Increase earthquake awareness and education:** States and territories may use this funding opportunity to plan, develop, and implement local earthquake awareness and education efforts. This may include funding the development of outreach or marketing plans, educational or informational materials or online tools, staffing, workshops, and other actionable and measurable tasks in direct support of this eligible activity.

FEMA NEHRP recommends that the States and territories consider the earthquake guidance and materials already available on FEMA.gov and NEHRP.gov websites prior to or when developing local earthquake awareness

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<sup>1</sup> Technical assistance may include providing support for ROVER demo, which is an application that would help local and State governments digitize the collection of pre and post seismic vulnerability data of critical buildings. For more information on ROVER, see <http://www.sparisk.com/pubs/ATC67-2008-ROVER-flyer.pdf>.

<sup>2</sup> See National Earthquake Technical Assistance Program (NETAP) for more information: [http://www.fema.gov/plan/prevent/earthquake/training\\_netap.shtm](http://www.fema.gov/plan/prevent/earthquake/training_netap.shtm)

and educational materials. FEMA NEHRP also strongly recommends integration of risk reduction messaging into most or all of the proposed projects under this eligible activity.

- 5. Encourage the development of multi-jurisdictional groups for such purposes:** States and territories may use this funding opportunity to establish and maintain diverse multi-jurisdictional local groups, advisory, boards, and/or committees that can demonstrate measurable support to local community earthquake safety and any of the other eligible activities mentioned above. This may include funding staffing, documentation, meeting logistics, travel, and other actionable and measurable tasks in direct support of this eligible activity.

**NOTE:** Additional FEMA grant resources are available to support and complement other earthquake related activities such as public drills<sup>3</sup>. For more information, visit <http://www.fema.gov/government/grant/index.shtm>.

### **Program Definitions:**

*Cooperative Agreement:* similar to grants, is an award of financial assistance in the form of money, or property in lieu of money, by the federal government to an eligible grantee to support direct services and benefits to the public. However, cooperative agreements require “substantial involvement” from the awarding agency (in this case FEMA) to ensure mutual cooperation and partnership throughout the life of the agreed work plan between the awarding agency (FEMA) and the recipients (States and territories). Substantial involvement is not to be used as a device to provide undue administrative oversight and control.

*Earthquake Mitigation (Risk Reduction):* means any actions taken to reduce the risks to people and property from earthquake and related hazards.

*Resilience:* is broadly defined as the ability to adapt to changing conditions. The Federal Insurance and Mitigation Administration (FIMA) works with many partners at the Federal, State, and local level to facilitate efforts towards achieving resilience from natural hazards. The FIMA works to reduce risk to life and property damage through a variety of grant programs. Mitigation provides a critical foundation on which to reduce loss of life and property by avoiding or lessening the impact of hazardous events. This creates safer communities and facilitates resiliency by enabling communities to return to normal function as quickly as possible after a hazardous event. Mitigation seeks to break out of the cycle of disaster damage, reconstruction, and repeated damage.

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<sup>3</sup> If State determines that they need additional support to conduct earthquake-specific public drills such as ShakeOut, this is an eligible activity under the FEMA Homeland Security Grant Program. For more information, please work with your respective State Homeland Security and/or Emergency Management Agency, Citizen Corps Council, and/or visit <http://www.fema.gov/government/grant/hsgp/index.shtm> for more information.

Mitigating vulnerabilities reduces both the direct consequences and the response and recovery requirements of disasters. For instance, The NEHRP Earthquake State Assistance provides resources that enable States and territories to support and sustain themselves against future earthquake events.

*Program*: means the complete set of approved earthquake hazards reduction activities (described in the State's work plan or program narrative) undertaken by a State, in partnership with FEMA, in a given Federal fiscal year.

*Program performance period*: is the duration of time over which an earthquake hazards reduction program is implemented.

*State and territories*: means each of the 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. They are also referred to as "applicants" or "recipients" in this document.

*State Assistance*: is Federal financial assistance provided by FEMA through the National Earthquake Hazards Reduction Program (NEHRP) to States and territories to develop programs specifically related to earthquake hazards reduction.

*Target Allocation*: is the maximum amount of FEMA earthquake program funds presumably available to an eligible recipient in a fiscal year. The target allocation is not necessarily the amount of funding that a recipient will actually receive from FEMA. Target Allocation represents the planning basis of negotiations between the recipient and its FEMA Regional Office, which will ultimately determine the actual amount of State Earthquake Hazards Reduction Program assistance provided by FEMA.

## PART II.

# AWARD INFORMATION

### **Type of Award**

FEMA anticipates awarding 33 cooperative agreements to the eligible States to support the NEHRP ESAP.

### **Authorizing Statutes**

Department of Defense and Full Year Continuing Appropriations Act, 2011 (Public Law 112-10, Section 2, Division B, Title VI Homeland Security); The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.),, as amended by the National Earthquake Hazards Reduction Act of 2004 (P.L. 108-360), 42 U.S.C. 7701 et seq.; The Homeland Security Act of 2002, as amended, 6 U.S.C. 101 et seq.

### **Period of Performance**

The period of performance of this cooperative agreement is 18 months. Extensions to the period of performance will be considered only through formal written requests to FEMA with specific and compelling justifications as to why an extension is required.

### **Available Funding**

In FY 2011, the total amount of funds distributed under this cooperative agreement will be \$1,794,865.

The FEMA NEHRP ESAP is intended to provide a means for 33 States and territories with moderate to high seismic risks to receive total funding of \$1,794,865 via cooperative agreement to support local earthquake risk reduction programs by implementing one or more eligible activities described in Part I.

### **Substantial Involvement**

Cooperative agreement was determined to be the most suitable mechanism for this funding opportunity, as recipients were identified based on seismic risks levels- and in order for the requirements to be effectively implemented – substantial involvement is required to ensure continuous dialogue, increased partnership, mutual cooperation between FEMA and the recipients in understanding local risks, implementing sound seismic risk reduction strategies, and effective completion of the approved work plan under the cooperative agreement. As part of this substantial involvement, FEMA shall allow for an opportunity to discuss and negotiate the submitted application. This provides the opportunity for both parties to discuss, negotiate, and agree on the details of the tasks, budget, schedule, deliverables, oversight, and execution of the work plan.

Target Allocation: FY10 budget level for EQ State Assistance was \$2.3 million. For FY11, this was reduced by \$505,135 (22%) so overall target allocation for the program is now \$1,794,865 million.

Standard Formula: The formula for distribution is based on "base level funding" portion determined by the program office necessary to run a nominal program PLUS risk portion based on the 2008 U.S. Geological Survey Seismic Hazard Map, the 2009 International Residential Code Seismic Design Categories, and FEMA P-366 HAZUS MH Estimated Annualized Earthquake Losses (AEL) for the United States.

**BASE LEVEL FUNDING + RISK FUNDING = TARGET ALLOCATION PER STATE**

Using the formula above, the \$1,794,865 total program funding is proposed to be distributed to 33 States and territories with moderate to high seismic risks. For FY11, each recipient will receive a base level funding of \$46,000, totaling \$1,518,000. The remaining funding of \$276,865 will be distributed based on each recipient's weighted risk exposure to the earthquake hazard. The following target allocations constitute the overall estimated distribution of the \$1,794,865:

**Table 1 FY 2011 NEHRP Earthquake State Assistance Target Allocations**

<b>FEMA REGIONS</b>	<b>STATES</b>	<b>FY11 \$</b>	<b>PERCENT</b>
Region I	ME	\$46,321.42	2.58%
	VT	\$46,206.64	2.57%
		<b>\$92,528.06</b>	<b>5.16%</b>
Region II	NY	\$51,170.51	2.85%
	PR	\$46,000.00	2.56%
	VI	\$46,000.00	2.56%
		<b>\$143,170.51</b>	<b>7.98%</b>
Region III	-	\$0.00	0.00%
		<b>\$0.00</b>	<b>0.00%</b>
Region IV	AL	\$47,365.84	2.64%
	GA	\$47,995.36	2.67%
	KY	\$48,127.36	2.68%
	MS	\$46,834.80	2.61%
	NC	\$47,413.80	2.64%
	SC	\$50,213.87	2.80%
	TN	\$51,145.69	2.85%
			<b>\$339,096.72</b>
Region V	IL	\$49,212.85	2.74%
	IN	\$47,520.92	2.65%
		<b>\$96,733.77</b>	<b>5.39%</b>
Region VI	AR	\$48,333.45	2.69%
	NM	\$47,120.15	2.63%
	OK	\$46,640.82	2.60%
	TX	\$46,779.77	2.61%
		<b>\$188,874.19</b>	<b>10.52%</b>
Region VII	MO	\$49,969.86	2.78%
		<b>\$49,969.86</b>	<b>2.78%</b>
Region VIII	CO	\$46,610.24	2.60%
	MT	\$46,908.51	2.61%

<b>FEMA REGIONS</b>	<b>STATES</b>	<b>FY11 \$</b>	<b>PERCENT</b>
	UT	\$50,864.63	2.83%
	WY	\$46,271.22	2.58%
		<b>\$190,654.60</b>	<b>10.62%</b>
Region IX	AS	\$46,000.00	2.56%
	AZ	\$47,268.60	2.63%
	CA	\$236,329.55	13.17%
	HI	\$49,528.72	2.76%
	NV	\$50,228.37	2.80%
	GU	\$46,000.00	2.56%
		<b>\$475,355.24</b>	<b>26.48%</b>
Region X	AK	\$48,858.79	2.72%
	ID	\$46,436.85	2.59%
	OR	\$57,281.64	3.19%
	WA	\$65,904.77	3.67%
		<b>\$218,482.05</b>	<b>12.17%</b>
<b>TOTAL</b>	<b>33</b>	<b>\$1,794,865.00</b>	<b>100.00%</b>

NOTE: Annual funding is not guaranteed. It is dependent upon final congressional appropriations, available funding, and departmental/agency priorities. State and territorial awardees should plan accordingly.

## PART III.

# ELIGIBILITY INFORMATION

### A. Eligible Applicants

This funding opportunity is a cooperative agreement and is restricted to the following States and territories: Region I – ME, VT, Region II – NY, PR, VI, Region IV – AL, GA, KY, MS, NC, SC, TN, Region V – IL, IN, Region VI, AR, NM, OK, TX, Region VII – MO, Region VIII – CO, MT, UT, WY, Region IX – AS, AZ, CA, HI, NV, GU, Region X – AK, ID, OR, WA.

### B. Cost Sharing

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

### C. Restrictions

This program is restricted to the eligible States and territories as listed above and is subject to the limited funding available.

### 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 NEHRP-Earthquake State Assistance Cooperative Agreement award funds is responsible for determining if sub-awardees have demonstrated sufficient progress in NIMS implementation to disburse awards.

## PART IV.

# APPLICATION AND SUBMISSION INFORMATION

### A. Address to Request Application Package

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

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

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

- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information (Non-construction)
- Standard Form 424B, Standard Assurances (Non-construction)
- Standard Form 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
- Work Plan
- Detail Budget Justification

The program title listed in the CFDA is “*Earthquake Consortia and State Assistance*”  
The CFDA number is **97.082**.

If the States and territories require technical assistance during the application process, see Part VII for FEMA points of contact. Because this is a non-competitive application process, FEMA and the States and territories are permitted to coordinate throughout the development and submission of the application.

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. **Work Plan:** Submit proposed work plan including the following required factors:
  - A **narrative description or summary** of the overall proposal to include relationship of FY11 work plan proposal with the previous year(s) awards (if any)
  - Specific description of **proposed projects (tasks)** to include their **milestones (sub-tasks)**:
    - How they support or comply with the eligible activities described in Part I
    - How much FY11 cooperative agreement funding is targeted for each task (and subtask as necessary) by quarter (**budget**)
    - Expected **measurable outcomes** and **deliverables** by quarter
  - Description of **management strategy** to accomplish the proposed projects to include in-kind contributions, staffing capacity, systems, reporting process, and contact information.

**NOTE: A recommended Work Plan Template is provided under Part VIII of this document. States and territories are encouraged to use these templates to support the effective submission of their application.**

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

Application submissions must be received no later than **11:59 PM Eastern, August 15, 2011**. Only applications made through [www.grants.gov](http://www.grants.gov) will be accepted.

If a State or territory is not able to submit application by the deadline due to significant and/or compelling reasons, FEMA shall be notified in writing immediately so reasonable and appropriate processes for extension may be considered. Note that late submission is not permissible, highly discouraged, and may prevent applicant from participating in the program.

### **D. Intergovernmental Review**

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

### **E. Funding Restrictions**

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

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

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

This cooperative agreement is strictly limited to funding the accomplishment of one or more of the eligible activities described in Part I. Any costly purchase of equipment and expenditures related to earth science and building construction or rehabilitation are not allowed. See <http://www.fema.gov/government/grant/index.shtm> for other funding opportunities.

Additionally, decisions on funding restrictions may include consideration of the recipient's performance on previous cooperative agreement awards. A limited or conditional award may be taken until recipient can provide documentation of positive performance progress. See Part VI for more information.

For more details regarding eligible and ineligible expenditures under this cooperative agreement, see 44 CFR Part 361.7-361.8.

## PART V.

# APPLICATION REVIEW INFORMATION

### A. Review Criteria

Once a complete application package has been submitted via Grants.gov as described in Part IV, each FEMA Regional Office will review submissions from their respective States and territories. At a minimum, both the Regional Earthquake Program Manager and Regional Grants Specialist shall consider the following criteria during the review process:

1. *Completeness* of the required application documents
  - a. All forms submitted?
  - b. All required information answered?
2. *Compliance* with the requirements of the cooperative agreement (i.e. FY11 NEHRP Earthquake State Assistance Guidance, 44 CFR Part 13, and State-specific requirements for management of cooperative agreements)
3. *Reasonableness* of the proposed work plan (i.e. Smart, Measurable, Achievable, Realistic, and Timely - SMART)

FEMA Headquarters will provide policy guidance, coordination support, and programmatic oversight throughout the process.

### B. Review and Selection Process

Cooperative agreements require substantial involvement from the awarding agency (FEMA). To ensure continuous dialogue, increased partnership, and mutual cooperation, the FEMA Regional Office shall allow for an opportunity to discuss and negotiate with the State or territory their submitted application. This provides the opportunity for both parties to discuss, negotiate, and agree on the details of the tasks, budget, schedule, and deliverables of the proposed work plan<sup>4</sup>.

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

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<sup>4</sup> If part of the work plan is to conduct "training," there may be an opportunity to fund such training under NETAP program so applicants can maximize limited funding for other local seismic mitigation priorities or projects instead. For more information, see NETAP at [http://www.fema.gov/plan/prevent/earthquake/training\\_pubs.shtm](http://www.fema.gov/plan/prevent/earthquake/training_pubs.shtm).

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

If revision of the work plan or required forms is required as a result of the negotiation process, these documents may be re-submitted directly by email to the Regional Earthquake Program Manager and Grants Specialist. This review and negotiation process may continue until a *complete, compliant, and reasonable* application is met and approved by FEMA Regional Earthquake Program Manager and Grants Specialist.

Regardless of the Region-specific concurrence process for completing awards, the final approval of applications will be made by the Regional Award Official. The FEMA Regional Offices will negotiate awards and work plans with each State.

The Regions and the States and territories shall maintain cooperative agreement records. All copies of critical documentation such as application, award, and reports shall also be provided to the FEMA Headquarters Program Manager.

### **C. Anticipated Announcement and Award Dates**

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

## PART VI.

# AWARD ADMINISTRATION INFORMATION

### A. Notice of Award

Award packages for FY11 NEHRP Earthquake State Assistance Program include an award letter, FEMA Form 76-10A, and Articles of Agreement, which must be signed by the Applicant and returned to FEMA for approval before funds can be obligated. Upon approval of an application, the cooperative agreement will be awarded to the recipient. The date on which this action takes place is considered the “award date.” Once an award has been approved, a notice is sent to the authorized official.

Conditional award may be processed for recipients with special circumstances (i.e. performance issues, capacity gaps, incomplete documentation, etc.). Applicant shall satisfy the requirements of the FY11 NEHRP Earthquake State Assistance Program requirements prior to receiving final award and funding obligation.

The period of performance is 18 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 written requests to FEMA with specific and compelling justifications why an extension is required. All extension requests must be submitted to FEMA at least 60 days prior to the end of the period of performance and must address:

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

### B. Administrative and National Policy Requirements

The recipient and any sub-recipient(s) must, in addition to the assurances made as part of the application, comply and require each of its subcontractors employed in the

completion of the project to comply with all applicable statutes, regulations, executive orders, OMB Circulars, terms and conditions of the award, and the approved application.

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

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

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

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

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

### 1.3 – Audit Requirements and other Assessments

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

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

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

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

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) IN ORDER FOR THE FUNDS TO BE TRANSFERRED TO THE GRANTEE’S ACCOUNT.**

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

**4. Administrative Requirements.**

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

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

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

- **Title IX of the *Education Amendments of 1972 (Equal Opportunity in Education Act)*.** All recipients of financial assistance will comply with the requirements of Title IX of the *Education Amendments of 1972* (20 U.S.C. §1681 *et seq.*), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part §19.
- ***Age Discrimination Act of 1975*.** All recipients of financial assistance will comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.
- ***Americans with Disabilities Act of 1990*.** All recipients of financial assistance will comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12101–12213).

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

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

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

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

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

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

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

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

For additional detailed information, please refer to the following:

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

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

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

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

- **Information Bulletin 329**, *Environmental Planning and Historic Preservation Requirements for Grants*, available at <http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf>,
- **Information Bulletin 345**, *Programmatic Environmental Assessment*, available at <http://www.fema.gov/pdf/government/grant/bulletins/info345.pdf>,
- **Information Bulletin 356**, *EHP Screening Form*, available at <http://www.fema.gov/pdf/government/grant/bulletins/info356.pdf>.

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

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

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

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

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

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

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

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

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

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

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

**4.17 – Copyright.** All recipients of financial assistance will comply with requirements that publications or other exercise of copyright for any work first produced under Federal financial assistance awards hereto related unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this award,

including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the recipient grants the government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for government purposes in all such copyrighted works. The recipient shall affix the applicable copyright notices of 17 U.S.C. §401 or 402 and an acknowledgement of government sponsorship (including award number) to any work first produced under an award.

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

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

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

In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

## C. Reporting Requirements

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

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

FFRs must be filed electronically via SmartLink or by email to the FEMA Region according schedule below:

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. Program Performance Reports – required semi-annually

States and territories shall submit program performance report **at least semi-annually** to their respective FEMA Regional office to demonstrate progress in meeting agreed upon work plan under the cooperative agreement. Some Regions may require quarterly reporting depending on the results of the negotiation process, the performance of the recipient, and/or the Region-specific process for grants and cooperative agreement reporting.

It is recommended that reports be submitted electronically via email at an agreed time and date that is determined during the negotiation process depending on the performance period and schedule of the work plan.

Regions are held accountable for funds expended through NEHRP Earthquake State Assistance and must require the States and territories to document work so that progress can be tracked.

States and territories receiving cooperative agreement funding under NEHRP Earthquake State Assistance shall cooperate with the Regions by submitting documentation or other evidence that demonstrates completion of approved activities no later than the agreed submission time and date.

All copies of the report shall also be sent to the FEMA Headquarters Program Manager. See Part VII for FEMA Contact Information.

The recommended Program Performance Report Template is provided in Part VIII of this document.

- 3. Financial and Compliance Audit Report.** Recipients that expend \$500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO's *Government Auditing Standards*, located at <http://www.gao.gov/govaud/ybk01.htm>, and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, located at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY 2011 assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

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

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

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

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

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

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

## PART VII.

# FEMA CONTACTS

**FEMA Regions:** FEMA Regions will provide fiscal support, including pre- and post-award administration and technical assistance, to the cooperative agreement program included in this solicitation. For a comprehensive list of Regional contacts, please go to <http://www.fema.gov/about/contact/regions.shtm>.

Regional Earthquake Program Managers are responsible for the direct program oversight and regular technical coordination with the recipient. For contact information, please go to: [http://www.fema.gov/plan/prevent/earthquake/hq\\_regions.shtm](http://www.fema.gov/plan/prevent/earthquake/hq_regions.shtm)

**FEMA Headquarters:** Designated national program manager is responsible for the development of this guidance, consistent implementation, overall nationwide program oversight and coordination, and regional support.

Claudette Fetterman  
NEHRP/Earthquake State Assistance Program Manager (Lead)  
Building Science Branch, Risk Reduction Division  
DHS/FEMA Federal Insurance and Mitigation Administration  
Email: [Claudette.fetterman@dhs.gov](mailto:Claudette.fetterman@dhs.gov)  
Office: 202-646-4344

Wendy Phillips  
NEHRP/Earthquake State Assistance (Co-Lead)  
Building Science Branch, Risk Reduction Division  
DHS/FEMA Federal Insurance and Mitigation Administration  
Email: [Wendy.phillips@dhs.gov](mailto:Wendy.phillips@dhs.gov)  
Office: 202-646-2810

**PART VIII.**  
**RECOMMENDED WORK PLAN & REPORT**  
**TEMPLATES**

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**FEMA**

## **FY11 EARTHQUAKE STATE ASSISTANCE WORK PLAN**

*[Insert Agency Name]*

*[State of \_\_\_\_\_]*

### **Narrative Description**

#### **I. Local Earthquake Risk**

*Insert description of the local earthquake risk.*

#### **II. Goals and Target Outcomes**

*Insert description of the State's goals and target outcomes in addressing earthquake risk.*

#### **III. Project Proposals**

*Insert detailed narrative description of proposed projects to meet goals and target outcomes above. Project proposals must be in alignment with the eligible activities mentioned in Part I and the performance period and funding terms in Part II.*

**IV. Tasks, Schedule, Budget & Deliverables <sup>55</sup>:**

Based on the narrative above, insert details in table format specific tasks, subtasks, schedule, budget, and deliverables for this proposal. See sample below.

<b>Projects &amp; Tasks</b>	<b>Schedule</b>	<b>Budget</b>	<b>Measurable Deliverable</b>
<b>Project 1: Enhance State Hazard Mitigation Plan by developing Seismic Mitigation Plan Annex.</b>			
<i>Task 1: Create a team of planning and earthquake experts to support the development and adoption of local seismic mitigation plan</i>	Dec 2011	\$35,000	1 Project Team
<i>Sub-Task 1: Hire consultants</i>			
<i>Sub-Task 2: Schedule planning workshops</i>			
<i>Task 2: Write and develop the Seismic Mitigation Plan Annex</i>	Mar 2011	\$10,000	1 Draft Seismic Mitigation Plan Annex
<i>Task 3: Integration of Seismic Mitigation Plan Annex into the State Hazard Mitigation Plan</i>	Jun 2011		1 State Hazard Mitigation Plan with Seismic Mitigation Plan Annex
<i>Task 4: Outreach and Education</i>	Sep 2011	\$10,000	200 Fact Sheets and 1 Workshop
<b>Project 2:</b>			
<i>Task 1</i>			
<i>Task 2</i>			
<i>Task 3</i>			
<b>Project 3:</b>			
<i>Task 1</i>			
<i>Task 2</i>			
<i>Task 3</i>			
<b>Total</b>		\$	

<sup>55</sup> States can use this table as an attachment every time a Program Performance Report is submitted to FEMA as required in Part VI. This table enables the States and FEMA to view a snapshot of the tasks, budget, schedule, and deliverables.



**FEMA**

**Project Management Strategy:**

*Based on the proposed projects above, insert information below regarding the State or designated agency's strategy for accomplishing tasks. This should include statements about the overall work plan's 1) compliance with the requirements of the cooperative agreement, 2) reasonableness of the proposed work plan (i.e. Smart, Measurable, Achievable, Realistic, and Timely (SMART), 3) brief credentials of the project manager and/or team and the processes involved in accomplishing the work plan, 4) financial management controls, 5) potential challenges and how project manager is going to ensure continued performance, and 6) coordination with FEMA and reporting process.*

**Contact Information;**

*[Insert name, position, agency, address, email, office phone, and cell phone of the project manager (and his/her back up) responsible for implementing and managing this work plan].*



## NEHRP EARTHQUAKE STATE ASSISTANCE PERFORMANCE PROGRESS REPORT TEMPLATE

Reporting requirements must be met throughout the life of the NEHRP - Earthquake Hazards Reduction State Assistance made available to the States (*refer to the program guidance and the special conditions found in the award package for a full explanation of these requirements*). In addition to the Federal Financial Report (required quarterly) and the Financial and Compliance Audit Report (for recipients that expend \$500K for the fiscal year), the Earthquake Hazards Reduction State Assistance Program require **quarterly progress reports** due by the 30<sup>th</sup> (or the first working day following, if the 30<sup>th</sup> falls on a weekend) following the completion of the quarter. See quarterly reporting due dates below:

- **January 30:** 1<sup>st</sup> Quarter Report (October 1 – December 31)
- **April 30:** 2<sup>nd</sup> Quarter Report (January 1 – March 31)
- **July 30:** 3<sup>rd</sup> Quarter Report (April 1 – June 30)
- **October 30:** 4<sup>th</sup> Quarter Report (July 1 – September 30)

**NOTE:** *Reports covered for each quarter may vary by State depending on when they received their official award, start of their performance period, and/or schedule of their projects as delineated in their approved work plan.*

The States must submit their quarterly reports to the FEMA Regional Earthquake Manager and Grants Management Specialist to ensure progress on funded and approved activities under the NEHRP - State Assistance Program. These reports must describe the following:

- **Work completed** (i.e. project, activity, deliverables, and/or milestone, etc.) by quarter
- **Funding** available and expended (or not expended and for what reasons) by quarter
- **Schedule** of project, activity, deliverable, and/or milestone and if they are on target
- If delayed or not on target with their project, funding, and schedule, must include **State's strategy for reducing or eliminating further delays** to make sure that they are on target in accomplishing projects/activities as detailed in their approved work plan
- General **summary** of their 1) quarterly progress (previous and current) and 2) overall status of the State's approved work plan

Quarterly reports are critical programmatically and financially to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria as detailed in the State's approved work plan are being met. These also help in monitoring and documenting the successes of the program and maintaining effective dialogue, partnership, and coordination between FEMA and the States on seismic projects under the NEHRP State Assistance Program.



<b>Award #</b>	<b>FEMA #</b>	<b>FIPS #</b>	<b>Months Covered</b>	<b>Report #</b>
<b>Project Name</b>				
<b>Grantee POC Name</b>			<b>Project Completion Date</b>	
<b>Grantee POC Email</b>			<b>Grantee POC Phone</b>	

1. **Overview** *(Provide brief overview of the goals/activities as detailed in the State’s approved work plan for the quarter):*

2. **Points of Major Interest:**

**(a) Task Name Here** *(Provide task name here for the project, activity, deliverable, and/or milestone being accomplished for the quarter):*

- (1) **Budget** *(Describe funding available for the project, activity, deliverable, and/or milestone scheduled for the quarter as well as funds expended or not expended and for what reasons):*
- (2) **Schedule** *(Describe if project, activity, deliverable, and/or milestone is being accomplished as detailed in the approved work plan’s timeline):*
- (3) **Performance** *(Describe what deliverables or products have been completed as detailed in the approved work plan):*
- (4) **Risk Mitigation** *(If delayed or not on target with their project/activities/milestones/deliverables, funding, and schedule, describe State’s strategy for reducing or eliminating further delays to make sure that they get back on track in accomplishing projects/activities as detailed in their approved work plan):*

**(b) Task Name Here:**

- (1) **Budget** *(Describe funding available for the project, activity, deliverable, and/or milestone scheduled for the quarter as well as funds expended or not expended and for what reasons):*
- (2) **Schedule** *(Describe if project, activity, deliverable, and/or milestone is being accomplished as detailed in the approved work plan’s timeline):*
- (3) **Performance** *(Describe what deliverables or products have been completed as detailed in the approved work plan):*
- (4) **Risk Mitigation** *(If delayed or not on target with their project/activities/milestones/deliverables, funding, and schedule, describe State’s strategy for reducing or eliminating further delays to make sure that they get back on track in accomplishing projects/activities as detailed in their approved work plan):*

3. **Summary** *(Provide brief summary of 1) overall quarterly progress and 2) overall status of the State’s approved work plan)*

