

**The Department of Homeland Security (DHS)**

**Notice of Funding Opportunity (NOFO)**

**Fiscal Year 2025 Emergency Food and Shelter National Board Program**

Fraud, waste, abuse, mismanagement, and other criminal or noncriminal misconduct related to this program may be reported to the Office of Inspector General (OIG) Hotline. The toll-free numbers to call are 1 (800) 323-8603 and TTY 1 (844) 889-4357.

**Contents**

- 1. Basic Information..... 4
  - A. Agency Name..... 4
  - B. NOFO Title ..... 4
  - C. Announcement Type ..... 4
  - D. Funding Opportunity Number..... 4
  - E. Assistance Listing Number ..... 4
  - F. Expected Total Funding ..... 4
  - G. Anticipated Number of Awards..... 4
  - H. Expected Award Range ..... 4
  - I. Projected Application Start Date..... 4
  - J. Projected Application End Date..... 4
  - K. Anticipated Funding Selection Date ..... 4
  - L. Anticipated Award Date..... 4
  - M. Projected Period of Performance Start Date ..... 4
  - N. Projected Period of Performance End Date ..... 4
  - O. Executive Summary ..... 4
  - P. Agency Contact ..... 5
- 2. Eligibility ..... 6
  - A. Eligible Entities/Entity Types ..... 6
  - B. Project Type Eligibility ..... 6
  - C. Requirements for Personnel, Partners, and Other Parties ..... 6
  - D. Maximum Number of Applications ..... 6
  - E. Additional Restrictions..... 6
  - F. References for Eligibility Factors within the NOFO..... 7
  - G. Cost Sharing Requirement..... 7
  - H. Cost Share Description, Type and Restrictions ..... 7
  - I. Cost Sharing Calculation Example..... 7
  - J. Required Information for Verifying Cost Share ..... 7
- 3. Program Description ..... 7
  - A. Background, Program Purpose, and Program History ..... 7
  - B. Goals and Objectives..... 7
  - C. Program Rationale..... 8
  - D. Federal Assistance Type..... 8
  - E. Performance Measures and Targets ..... 8
  - F. Program-Specific Unallowable Costs ..... 8

<b>G.</b>	General Funding Requirements .....	8
<b>H.</b>	Indirect Costs (Facilities and Administrative Costs) .....	9
<b>I.</b>	Administrative Allowance .....	9
<b>J.</b>	Pre-Award Costs .....	9
<b>K.</b>	Beneficiary Eligibility .....	9
<b>L.</b>	Participant Eligibility .....	10
<b>M.</b>	Authorizing Authority .....	10
<b>N.</b>	Appropriation Authority .....	10
<b>O.</b>	Budget Period .....	10
<b>P.</b>	Prohibition on Covered Equipment or Services .....	10
<b>4.</b>	Application Contents and Format .....	10
<b>A.</b>	Pre-Application, Letter of Intent, and Whitepapers .....	10
<b>B.</b>	Application Components .....	10
<b>C.</b>	Program-Specific Required Documents and Information .....	10
<b>D.</b>	Post-Application Requirements for Successful Applicants .....	11
<b>5.</b>	Submission Requirements and Deadlines .....	11
<b>A.</b>	Address to Request Application Package .....	11
<b>B.</b>	Application Deadline .....	13
<b>C.</b>	Pre-Application Requirements Deadline .....	13
<b>D.</b>	Post-Application Requirements Deadline .....	13
<b>E.</b>	Effects of Missing the Deadline .....	13
<b>6.</b>	Intergovernmental Review .....	14
<b>A.</b>	Requirement Description and State Single Point of Contact .....	14
<b>7.</b>	Application Review Information .....	14
<b>A.</b>	Threshold Criteria .....	14
<b>B.</b>	Application Criteria .....	14
<b>C.</b>	Financial Integrity Criteria .....	14
<b>D.</b>	Supplemental Financial Integrity Criteria and Review .....	14
<b>E.</b>	Review and Selection Process .....	15
<b>F.</b>	Merit Review Process .....	15
<b>G.</b>	Final Selection .....	15
<b>8.</b>	Award Notices .....	15
<b>A.</b>	Notice of Award .....	15
<b>B.</b>	Pass-Through Requirements .....	15
<b>C.</b>	Note Regarding Pre-Award Costs .....	16
<b>D.</b>	Obligation of Funds .....	16
<b>E.</b>	Notification to Unsuccessful Applicants .....	16
<b>9.</b>	Post-Award Requirements and Administration .....	16
<b>A.</b>	Administrative and National Policy Requirements .....	16
<b>B.</b>	DHS Standard Terms and Conditions .....	17
<b>C.</b>	Financial Reporting Requirements .....	17
<b>D.</b>	Programmatic Performance Reporting Requirements .....	17
<b>E.</b>	Closeout Reporting Requirements .....	19
<b>F.</b>	Disclosing Information per 2 C.F.R. § 180.335 .....	20
<b>G.</b>	Reporting of Matters Related to Recipient Integrity and Performance .....	20

H.	Single Audit Report.....	21
I.	Monitoring and Oversight .....	21
J.	Program Evaluation.....	21
K.	Additional Performance Reporting Requirements .....	22
L.	Termination of Federal Award.....	22
8.	Effects of Suspension and Termination.....	24
M.	Best Practices .....	24
N.	Payment Information.....	24
	<b>Submission Process</b> .....	25
O.	Immigration Conditions .....	26
10.	Other Information .....	26
A.	Period of Performance Extension.....	26
B.	Other Information.....	26

**1. Basic Information**

<b>A. Agency Name</b>	U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Office of Response and Recovery (ORR)/Recovery Directorate/Individual Assistance Division
<b>B. NOFO Title</b>	Fiscal Year 2025 Emergency Food and Shelter National Board Program
<b>C. Announcement Type</b>	Initial
<b>D. Funding Opportunity Number</b>	DHS-25-DAD-024-00-99
<b>E. Assistance Listing Number</b>	97.024
<b>F. Expected Total Funding</b>	\$117,000,000.00
<b>G. Anticipated Number of Awards</b>	1 award
<b>H. Expected Award Range</b>	\$117,000,000.00
<b>I. Projected Application Start Date</b>	8/1/2025 12:00 a.m. Eastern Time (ET)
<b>J. Projected Application End Date</b>	8/15/2025 5:00 p.m. Eastern Time (ET)
<b>K. Anticipated Funding Selection Date</b>	Not applicable.
<b>L. Anticipated Award Date</b>	No later than September 15, 2025
<b>M. Projected Period of Performance Start Date</b>	10/01/2025
<b>N. Projected Period of Performance End Date</b>	9/30/2027
<b>O. Executive Summary</b>	<p>The Emergency Food and Shelter Program (EFSP) supplements the work of local social service organizations within the United States and its territories, both public and nonprofit, to help people in need of emergency assistance. The program serves more than 2,500 local jurisdictions that convene Local Boards, helping to fund approximately 10,000 to 12,000 public and nonprofit Local Recipient Organizations (LRO).</p> <p>By statute, EFSP is governed by a National Board that sets the program’s policies and procedures and determines funding allocations to local communities across the country as well as eligible</p>

	<p>uses of the funds. FEMA chairs the National Board, with membership that includes individuals nominated by six national nonprofit organizations named in the statute: American Red Cross, Catholic Charities USA, The Jewish Federations of North America, National Council of the Churches of Christ in the USA, The Salvation Army, and United Way Worldwide.</p>
<p><b>P. Agency Contact</b></p>	<p><b>a. Program Office Contact</b>  Recovery Directorate, Individual Assistance Division  500 C Street, SW, Sixth Floor  Washington, DC 20742-3100  (202) 646-2500  <a href="mailto:EFSP@fema.dhs.gov">EFSP@fema.dhs.gov</a></p> <p><b>b. FEMA Grants News</b>  This channel provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. FEMA Grants News Team is reachable at <a href="mailto:fema-grants-news@fema.dhs.gov">fema-grants-news@fema.dhs.gov</a> OR (800) 368-6498, Monday through Friday, 9:00 a.m. – 5:00 p.m. ET.</p> <p><b>c. Grant Programs Directorate (GPD) Award Administration Division</b>  GPD’s Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. AAD can be contacted at <a href="mailto:ASK-GMD@fema.dhs.gov">ASK-GMD@fema.dhs.gov</a>.</p> <p><b>d. Civil Rights</b>  Consistent with Executive Order 14173 <i>Ending Illegal Discrimination &amp; Restoring Merit-Based Opportunity</i>, the FEMA Office of Civil Rights is responsible for ensuring compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA. They are reachable at <a href="mailto:FEMA-CivilRightsOffice@fema.dhs.gov">FEMA-CivilRightsOffice@fema.dhs.gov</a>.</p> <p><b>e. Environmental Planning and Historic Preservation</b>  The FEMA Office of Environmental Planning and Historic Preservation (OEHP) provides guidance and information about the EHP review process to FEMA programs and recipients and subrecipients. Send any inquiries regarding compliance for FEMA grant projects under this NOFO to <a href="mailto:FEMA-OEHP-NOFOQuestions@fema.dhs.gov">FEMA-OEHP-NOFOQuestions@fema.dhs.gov</a>.</p> <p><b>f. FEMA GO</b></p>

	<p>For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at <a href="mailto:FEMAGO@fema.dhs.gov">FEMAGO@fema.dhs.gov</a> or (877) 585-3242, Monday through Friday, 9:00 a.m. – 6:00 p.m. ET.</p> <p><b>g. Payment Information</b></p> <p>FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. Payment requests are submitted through FEMA GO.</p>
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**2. Eligibility**

<b>A. Eligible Entities/Entity Types</b>	<p>Only the following entities or entity types are eligible to apply.</p> <p><b>a. Applicants</b> The National Board is the sole eligible recipient of federal funds for EFSP.</p> <p><b>b. Subapplicants</b> Not applicable. See Section 2.E Additional Restrictions below.</p>
<b>B. Project Type Eligibility</b>	Not applicable.
<b>C. Requirements for Personnel, Partners, and Other Parties</b>	Not applicable.
<b>D. Maximum Number of Applications</b>	Not applicable.
<b>E. Additional Restrictions</b>	<p>EFSP is administered at the community level. By statute, the National Board sets the program’s policies and procedures and designates localities (which are cities and counties in need) to constitute Local Boards for the purpose of determining how program funds allocated to the locality will be distributed. Local Boards and State Set-Aside Committees (SSA) determine which LROs within their jurisdictions are to be awarded funds and the National Board disburses the funds directly to the LROs.</p> <p>LROs are the primary subrecipients of EFSP grant funding. Local Boards and SSAs may receive EFSP administrative funds and thus also are subrecipients.</p>

	<p>Organizations that receive EFSP funds from the National Board are subject to guidance issued by the National Board (see <a href="#">EFSP Website</a>).</p> <p>Applicants/subapplicants or recipients/subrecipients are required to certify their compliance with federal statutes, DHS directives, policies, and procedures.</p>
<b>F. References for Eligibility Factors within the NOFO</b>	Not applicable.
<b>G. Cost Sharing Requirement</b>	There is no cost share requirement.
<b>H. Cost Share Description, Type and Restrictions</b>	Not applicable.
<b>I. Cost Sharing Calculation Example</b>	Not applicable.
<b>J. Required Information for Verifying Cost Share</b>	Not applicable.

**3. Program Description**

**A. Background, Program Purpose, and Program History**

EFSP was established on March 24, 1983, with the signing of the *Job Stimulus Bill*, Pub. L. No. 98-8. Congress was reacting to demands from charitable organizations across the country to help supplement local food and shelter providers dealing with increasing demand for their services. Later, EFSP was authorized under the *Stewart B. McKinney Homeless Assistance Act* (Pub. L. No. 100-77, signed into law on July 22, 1987, and subsequently reauthorized under Pub. L. No. 100-628, signed into law on November 7, 1988). Pub. L. No. 106-400, enacted October 30, 2000, renamed the *Stewart B. McKinney Homeless Assistance Act* as the *McKinney-Vento Homeless Assistance Act*. Generally, Congress funds EFSP through annual appropriation acts.

**B. Goals and Objectives**

Funds made available under this notice will supplement the work of local social service organizations within the United States and the U.S. territories, both public and nonprofit, to help people in need of emergency food and shelter assistance. In accordance with the authorizing statute, grants to the National Board may be used:

- (1) to supplement and expand ongoing efforts to provide shelter, food, and supportive services for homeless individuals with sensitivity to the transition from temporary shelter to permanent homes, and attention to the special needs of homeless individuals with mental and physical disabilities and illnesses, and to facilitate access for homeless individuals to other sources of services and benefits;

- (2) to strengthen efforts to create more effective and innovative local programs by providing funding for them; and
- (3) to conduct minimum rehabilitation of existing mass shelter or mass feeding facilities, but only to the extent necessary to make facilities safe, sanitary, and bring them into compliance with local building codes.

The National Board, by statute, determines goals, objectives, and priorities for the program and allocates funding to local communities accordingly to fulfill the statutory purpose of the funds.

#### **C. Program Rationale**

EFSP assists people with emergency economic needs such as food and shelter to stabilize and become self-reliant.

#### **D. Federal Assistance Type**

Grant

#### **E. Performance Measures and Targets**

The National Board, by statute, determines goals, objectives, and priorities for the program and allocates funding to local communities accordingly to fulfill the statutory purpose of the funds. The following are units of measure for activities allowed by the statutory purpose of the funds:

- (1) nights of lodging and meals provided with EFSP funds;
- (2) number of effective and innovative local programs created with EFSP funds; and
- (3) number of existing mass shelter or mass feeding facilities minimally rehabilitated to make them safe, sanitary, and bring them into compliance with local building codes.

Information regarding these measures will be provided by the National Board in accordance with Section 9.D.3.

#### **F. Program-Specific Unallowable Costs**

Organizations that receive EFSP funds from the National Board are subject to guidance issued by the National Board (*see* [EFSP Website](#)).

#### **G. General Funding Requirements**

Costs charged to federal awards (including federal and non-federal cost share funds) must comply with applicable statutes, rules and regulations, policies, this NOFO, and the terms and conditions of the federal award. This includes, among other requirements, that costs must be incurred, and products and services must be delivered within the budget period. [2 C.F.R. § 200.403\(h\)](#).

Recipients may not use federal funds or any cost share funds for the following activities:

1. Matching or cost sharing requirements for other federal grants and cooperative agreements (*see* [2 C.F.R. § 200.306](#)).
2. Lobbying or other prohibited activities under 18 U.S.C. § 1913 or [2 C.F.R. § 200.450](#).

3. Prosecuting claims against the federal government or any other government entity (see 2 [C.F.R. § 200.435](#)).

#### **H. Indirect Costs (Facilities and Administrative Costs)**

Indirect costs are NOT allowed.

#### **I. Administrative Allowance**

Costs of administration are allowable under the authorizing statute for the program. *See* McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11344.

The National Board may use up to 3.5 percent of the total amount of the award for its administrative costs, and the National Board may assign a portion of its administrative allowance for subrecipient management and administration. However, the combined total of funds retained by the National Board and the amount assigned to subrecipients for administrative costs shall not exceed 3.5 percent of the total award.

All travel charged to the administrative allowance, whether by or on behalf of the National Board in direct support of the grant or by subrecipients, must comply with [2 C.F.R. § 200.475 -- Travel costs](#).

#### **J. Pre-Award Costs**

Pre-award costs are allowable only with the prior written approval of FEMA and if they are included in the award agreement. To request pre-award costs, a written request must be included with the application and signed by the Authorized Representative of the National Board. The written request must outline what the pre-award costs are for, including a detailed budget break-out of pre-award costs from the post-award costs and a justification for approval.

#### **K. Beneficiary Eligibility**

The intent of EFSP is for the purchase of food and shelter, to supplement and expand current available resources and not to substitute or reimburse ongoing programs and services or to start new programs. EFSP is a needs-based program for which clients (beneficiaries) must qualify. The National Board does not set client eligibility criteria although Local Boards may choose to set such criteria. Per [42 U.S.C. § 11343 \(a\)\(1\)](#), funds should be used with sensitivity to the transition from temporary shelter to permanent homes, attention to the specialized needs of homeless individuals with mental and physical disabilities and illness and to facilitate access for homeless individuals to other sources of services and benefits. [42 U.S.C. § 11301\(b\)\(3\)](#) places special emphasis on elderly persons, people with disabilities, families with children, Indian tribal members, and veterans.

This NOFO and any subsequent federal awards create no rights or causes of action for any beneficiary.

**L. Participant Eligibility**

Not applicable.

**M. Authorizing Authority**

Section 311 of the *McKinney-Vento Homeless Assistance Act of 1987* (Pub. L. No. 100-77, as amended) (42 U.S.C. § 11341)

**Appropriation Authority**

*Full-Year Continuing Appropriations and Extensions Act, 2025* (Pub. L. No. 119-4), Title VII, Department of Homeland Security

**N. Budget Period**

There will be only a single budget period with the same start and end dates as the period of performance.

**O. Prohibition on Covered Equipment or Services**

Recipients, sub-recipients, and their contractors or subcontractors must comply with the prohibitions set forth in Section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019, which restrict the purchase of covered telecommunications and surveillance equipment and services](#). Please see 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200, and [FEMA Policy #405-143-1 - Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services](#) for more information.

**4. Application Contents and Format**

**A. Pre-Application, Letter of Intent, and Whitepapers**

Not applicable.

**Application Content and Format**

Electronic submission via FEMA GO is required.

**B. Application Components**

The following forms or information are required to be submitted via FEMA GO (the Standard Forms (SF) are available at [Forms | Grants.gov](#)):

- SF-424, Application for Federal Assistance
- Grants.gov Lobbying Form, Certification Regarding Lobbying
- SF-424A, Budget Information (Non-Construction)
- SF-424B, Standard Assurances (Non-Construction)
- SF-LLL, Disclosure of Lobbying Activities

**C. Program-Specific Required Documents and Information**

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

- A detailed budget that outlines planned or expected use of the National Board's administrative allowance by budget object code, including amounts or percentages the

National Board plans to assign to Local Boards and State Set-Aside Committees as allowed in Section 3.I.

- A budget narrative that:
  - Describes the National Board’s methodology for charging administrative expenses to the administrative allowances for all open awards, including those for humanitarian relief (i.e., prorate against all open awards, first-in-first-out, etc.);
  - Includes position descriptions for all positions charged to the grant, the positions’ roles in supporting the grant, and the percentage of time the positions dedicate to the grant; and
  - Describes how the amounts charged to the administrative allowance under the annual fee agreement with United Way Worldwide (e.g., rent, information technology, accounting/HR services, management services) by the National Board’s secretariat and fiscal agent are determined.

**D. Post-Application Requirements for Successful Applicants**  
Not applicable.

### **5. Submission Requirements and Deadlines**

**A. Address to Request Application Package**

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

Steps Required to Apply For An Award Under This Program and Submit an Application:

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

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

Per [2 C.F.R. § 25.110\(a\)\(2\)\(iv\)](#), if an applicant is experiencing exigent circumstances that prevents it from obtaining an UEI number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible. Contact [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov) and provide the details of the exigent circumstances.

How to Register to Apply:

General Instructions:

Registering and applying for an award under this program is a multi-step process and requires time to complete. Below are instructions for registering to apply for FEMA funds. Read the instructions carefully and prepare the requested information before beginning the registration process. Gathering the required information before starting the process will alleviate last-minute searches for required information.

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

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

Obtain a UEI Number:

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

Obtain Employer Identification Number:

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

Create a login.gov account:

Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account at: [https://secure.login.gov/sign\\_up/enter\\_email?request\\_id=34f19fa8-14a2-438c-8323-a62b99571fd](https://secure.login.gov/sign_up/enter_email?request_id=34f19fa8-14a2-438c-8323-a62b99571fd).

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

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

Register with SAM:

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

For more detailed instructions for registering with SAM, refer to

<https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>.

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

Register in FEMA GO, Add the Organization to the System, and Establish the AOR:

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

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

Google Chrome;  
Mozilla Firefox;  
Apple Safari; and  
Microsoft Edge.

Applicants using tablet type devices or other browsers may encounter issues with using FEMA GO.

Submitting the Final Application:

Applicants will be prompted to submit the standard application information and any program-specific information required. Standard Forms (SF) may be accessed in the Forms tab under the [SF-424 family on Grants.gov](#). Applicants should review these forms before applying to ensure they are providing all required information.

After submitting the final application, FEMA GO will provide either an error message, or an email to the submitting AOR confirming the transmission was successfully received.

**B. Application Deadline**  
08/15/25 5:00 p.m. ET

**C. Pre-Application Requirements Deadline**  
Not applicable.

**D. Post-Application Requirements Deadline**  
Not applicable.

**E. Effects of Missing the Deadline**

All applications must be completed in FEMA GO by the application deadline. FEMA GO automatically records proof of submission and generates an electronic date/time stamp when FEMA GO successfully receives an application. The submitting AOR will receive via email the official date/time stamp and a FEMA GO tracking number to serve as proof of timely submission prior to the application deadline.

**Applicants experiencing system-related issues have until 3:00 p.m. ET on the date applications are due to notify FEMA.** No new system-related issues will be addressed after this deadline. Applications not received by the application submission deadline will not be accepted.

#### **6. Intergovernmental Review**

##### **A. Requirement Description and State Single Point of Contact**

An intergovernmental review is not required.

#### **7. Application Review Information**

##### **A. Threshold Criteria**

Not applicable.

##### **B. Application Criteria**

In accordance with EFSP's authorizing statute, the National Board is the only eligible applicant for EFSP funds and FEMA is required to award the full amount appropriated by Congress to the National Board. However, the National Board must meet all the application requirements set forth in this notice before EFSP funds are awarded.

##### **C. Financial Integrity Criteria**

Before making an award, FEMA is required to review OMB-designated databases for applicants' eligibility and financial integrity information. This is required by [the Payment Integrity Information Act of 2019 \(Pub. L. No. 116-117, § 2 \(2020\)\)](#), [41 U.S.C. § 2313](#), and [the "Do Not Pay Initiative" \(31 U.S.C. 3354\)](#). For more details, please see [2 C.F.R. § 200.206](#).

Thus, the Financial Integrity Criteria may include the following risk-based considerations of the applicant:

1. Financial stability.
2. Quality of management systems and ability to meet management standards.
3. History of performance in managing federal award.
4. Reports and findings from audits.
5. Ability to effectively implement statutory, regulatory, or other requirements.

##### **D. Supplemental Financial Integrity Criteria and Review**

Before making an award expected to exceed the simplified acquisition threshold (currently a total federal share of \$250,000) over the period of performance:

1. FEMA is required by [41 U.S.C. § 2313](#) to review or consider certain information found in SAM.gov. For details, please see [2 C.F.R. § 200.206\(a\)\(2\)](#).
2. An applicant may review and comment on any information in the responsibility/qualification records available in SAM.gov.

3. Before making decisions in the risk review required by [2 C.F.R. § 200.206](#), FEMA will consider any comments by the applicant.

**E. Review and Selection Process**

In accordance with EFSP’s authorizing statute, the National Board is the only eligible applicant for EFSP funds and FEMA is required to award the full amount appropriated by Congress to the National Board. Prior to awarding the funds, FEMA will review the application for completeness and reasonableness to ensure the National Board meets all application requirements set forth in this NOFO.

**F. Merit Review Process**

Not applicable.

**G. Final Selection**

Not applicable.

**8. Award Notices**

**A. Notice of Award**

The Authorized Organization Representative should carefully read the federal award package before accepting the federal award. The federal award package includes instructions on administering the federal award as well as terms and conditions for the award.

By submitting an application, applicants agree to comply with the prerequisites stated in this NOFO and the material terms and conditions of the federal award, should they receive an award.

FEMA will provide the federal award package to the applicant electronically via FEMA GO. Award packages include an Award Letter, Summary Award Memo, Agreement Articles, and Obligating Document. An award package notification email is sent via the grant application system to the submitting AOR.

Recipients must accept their awards no later than 45 days from the award date. Recipients shall notify FEMA of their intent to accept the award and proceed with work via the FEMA GO system.

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

**B. Pass-Through Requirements**

The National Board must disburse award funds before the expiration of the 3-month period beginning on the date the funds became available to it. *See McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11345.* For purposes of EFSP, disbursed means allocated to local jurisdictions and SSAs by the National Board after the National Board gathers and uses the most recent national population, unemployment, and poverty data to develop and use formulas or some other mechanism(s) to identify and select jurisdictions of highest need for food and shelter

assistance; determines the amount to be distributed to each; and notifies those qualifying jurisdictions of that amount.

**C. Note Regarding Pre-Award Costs**

Even if pre-award costs are allowed, beginning performance is at the applicant and/or sub-applicant's own risk.

**D. Obligation of Funds**

Funds are obligated upon award.

**E. Notification to Unsuccessful Applicants**

Not applicable.

**9. Post-Award Requirements and Administration**

**A. Administrative and National Policy Requirements**

Presidential Executive Orders

Recipients must comply with the requirements of Presidential Executive Orders related to grants (also known as federal assistance and financial assistance), the full text of which are incorporated by reference.

In accordance with Executive Order 14305, Restoring American Airspace Sovereignty (June 6, 2025), and to the extent allowed by law, eligible state, local, tribal, and territorial grant recipients under this NOFO are permitted to purchase unmanned aircraft systems, otherwise known as drones, or equipment or services for the detection, tracking, or identification of drones and drone signals, consistent with the legal authorities of state, local, tribal, and territorial agencies. Recipients must comply with all applicable federal, state, and local laws and regulations, and adhere to any statutory requirements on the use of federal funds for such unmanned aircraft systems, equipment, or services.

Subrecipient Monitoring and Management

Pass-through entities must comply with the requirements for subrecipient monitoring and management as set forth in 2 C.F.R. §§ 200.331-333.

Federal Award Specific Terms and Conditions:

1. The National Board must update its guidance for the program regularly (i.e., annually) and post it to [EFSP Website](#).
2. The authorizing statute for EFSP at [42 U.S.C. § 11342](#) allows the National Board to retain interest earned on the balance of any grant for reallocation; however, that allowance does not apply to subrecipients and any interest earned by subrecipients must be returned to the National Board. Funds, including returned funds, interest earned by the National Board, and interest earned by subrecipients, may only be reallocated by the National Board while the National Board's POP for the grant is open and may only be reallocated within the original/earning grant. Any funds, including returned funds and interest earned, not reallocated by the National Board while its POP is open must be returned to FEMA.

**B. DHS Standard Terms and Conditions**

A recipient under this funding opportunity must comply with the DHS Standard Terms and Conditions in effect as of the date of the federal award. The DHS Standard Terms and Conditions are available online: [DHS Standard Terms and Conditions | Homeland Security](#). For continuation awards, the terms and conditions for the initial federal award will apply unless otherwise specified in the terms and conditions of the continuation award. The specific version of the DHS Standard Terms and Conditions applicable to the federal award will be in the federal award package.

A recipient under this funding opportunity must comply with the FY 2025 Department of Homeland Security Standard Terms and Conditions, v. 3 (Apr. 18, 2025), with the exception Paragraph C.IX (Communication and Cooperation with the Department of Homeland Security and Immigration Officials) and paragraph C.XVII(2)(a)(iii) (Anti-Discrimination Grant Award Certification regarding immigration). Paragraphs C.IX and C.XVII(2)(a)(iii) do not apply to any federal award under this funding opportunity. The FY 2025 Department of Homeland Security Standard Terms and Conditions, v. 3 (Apr. 18, 2025) are available at [www.dhs.gov/publication/dhs-standard-terms-and-conditions](http://www.dhs.gov/publication/dhs-standard-terms-and-conditions).

**C. Financial Reporting Requirements**

1. Recipients must report obligations and expenditures through a federal financial report. The Federal Financial Report (FFR), also known as Standard Form 425 (SF-425), is available online at: [SF-425 OMB #4040-0014](#).
2. Recipients must submit the FFR quarterly within 30 calendar days after the end of each full reporting period following acceptance of the award and throughout the period of performance (POP).
3. The FFR must be submitted through FEMA GO.
4. FEMA may withhold future federal awards and cash payments if the recipient does not submit timely FFRs or the FFRs submitted demonstrate lack of progress or provide insufficient detail.
5. The following reporting periods and due dates apply for the quarterly FFR:

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

**D. Programmatic Performance Reporting Requirements**

1. A Programmatic Performance Report (PPR) must be submitted quarterly within 30 calendar days after the end of each full reporting period following acceptance of the award and throughout the POP.

2. The PPR must be submitted through FEMA GO.
3. Recognizing that not all activities occur every quarter, the following information shall be reported in the quarterly PPR (for the quarter and cumulatively for the grant):

#### **National Board Activities**

- Total number of jurisdictions (counties or cities) and SSAs allocated funding;
- Total allocation amount to each jurisdiction and SSA;
- Total number and dollar amount of allocations not claimed or accepted within 90 days;
- Total number of Local Board and SSA plans received by the initial submission deadline;
- Total number of Local Board and SSA plans not received by the initial submission deadline;
- Total number of Local Board and SSA plans approved;
- Total number of Local Boards and SSAs determined to be non-operational;
- Total number of Local Boards and SSAs re-established;
- Name and total award to each LRO;
- Total number of awarded LROs;
- Total funds paid to LROs;
- Total number of interim reports/second payment requests received;
- Total funds reclaimed for reallocation to other jurisdictions or SSAs in need;
- Total funds approved for reallocation;
- Average time for National Board to 1) reclaim and 2) reallocate funds;
- Total number of final reports received from funded jurisdictions and SSAs;
- Total number of final reports reconciled;
- Total number of compliance issues requiring resolution and total number resolved; and
- Any other relevant information as determined by the National Board.

#### **Provision of Services by Subrecipients**

##### ***Before final reports are received report total estimated expenditures for:***

- Other Foods and Served Meals
- Other Shelter
- Rent/Mortgage
- Utilities Assistance

##### ***After final reports are received report:***

- Number of meals provided;
- Number of nights of lodging provided;
- Number of rent/mortgage payments made;
- Number of utility payments made;
- Number of effective and innovative local programs created with EFSP funds;
- Number of existing mass shelter or mass feeding facilities minimally rehabilitated to make them safe, sanitary, and bring them into compliance with local building codes; and

- Number(s) of other eligible service(s), as determined by the National Board.

**Administrative Allowance Expenditures**

- Expenditures by the National Board of its administrative allowance by the following budget cost categories:
  - Personnel
  - Fringe Benefits
  - Travel
  - Equipment
  - Supplies
  - Contractual
- Total amount of the administrative allowance assigned to 1) Local Boards and 2) SSAs as allowed in Section 3.I.

**Accomplishments**

A narrative shall be provided with each quarterly PPR reporting the overall accomplishments in the quarter and the impacts of those accomplishments. The narrative shall also include a summary of any trips undertaken during the quarter and describe observations made and recommendations resulting from the trip.

4. The following reporting periods and due dates apply for the quarterly PPR:

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

**E. Closeout Reporting Requirements**

Within 120 calendar days after the end of the period of performance, or after an amendment has been issued to close out a federal award, recipients must submit the following:

1. The final request for payment, if applicable.
2. The final FFR including National Board Activities, Provision of Services by Subrecipients, and Administrative Allowance Expenditures as described in Section 9.D. above and a qualitative narrative summary detailing all accomplishments and the impact of those accomplishments.
3. Other documents required by this NOFO, terms and conditions of the federal award, or other FEMA guidance.

After FEMA approves these reports, it will issue a closeout notice. The notice will indicate the period of performance as closed, list any remaining funds to be de-obligated, and address the record maintenance requirement. Unless a longer period applies, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other

circumstances outlined in [2 C.F.R. § 200.334](#), this maintenance requirement is three years from the date of the final FFR.

Also, pass-through entities are responsible for closing out those subawards as described in [2 C.F.R. § 200.344](#); subrecipients are still required to submit closeout materials within 90 calendar days of the subaward period of performance end date. When a subrecipient completes all closeout requirements, pass-through entities must promptly complete all closeout actions in time for the recipient to submit all necessary documentation and information to FEMA during the closeout of their prime award. The recipient is responsible for returning any balances of unobligated or unliquidated funds that have been drawn down that are not authorized to be retained per [2 C.F.R. § 200.344\(e\)](#).

#### Administrative Closeout

Administrative closeout is a mechanism for FEMA to unilaterally execute closeout of an award. FEMA will use available award information in lieu of final recipient reports, per [2 C.F.R. § 200.344\(h\)-\(i\)](#). It is an activity of last resort, and if FEMA administratively closes an award, this may negatively impact a recipient's ability to obtain future funding.

#### Additional Reporting Requirements

#### **F. Disclosing Information per 2 C.F.R. § 180.335**

Before entering into a federal award, the applicant must notify FEMA if it knows that the applicant or any of the principals (as defined at [2 C.F.R. § 180.995](#)) for the federal award:

1. Are presently excluded or disqualified;
2. Have been convicted within the preceding three years of any of the offenses listed in § 180.800(a) or had a civil judgment rendered against you for one of those offenses within that time period;
3. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with the commission of any of the offenses listed in § 180.800(a); or
4. Have had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.

This requirement is fully described in [2 C.F.R. § 180.335](#).

Additionally, [2 C.F.R. § 180.350](#) requires recipients to provide immediate notice to FEMA at any time after entering a federal award if:

1. The recipient learns that either it failed to earlier disclose information as required by 2 C.F.R. § 180.335;
2. Due to changed circumstances, the applicant or any of the principals for the federal award now meet the criteria at 2 C.F.R. § 180.335 listed above.

#### **G. Reporting of Matters Related to Recipient Integrity and Performance**

[Appendix XII to 2 C.F.R. Part 200](#) states the terms and conditions for recipient integrity and performance matters used for this funding opportunity.

If the total value of all active federal grants, cooperative agreements, and procurement contracts for a recipient exceeds \$10,000,000 at any time during the period of performance:

1. The recipient must maintain the currency of information reported in SAM.gov about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII;
2. The required reporting frequency is described in paragraph 4 of Appendix XII.

#### **H. Single Audit Report**

A recipient expending \$1,000,000 or more in federal awards (as defined by [2 C.F.R. § 200.1](#)) during its fiscal year must undergo an audit. This may be either a single audit complying with [2 C.F.R. § 200.514](#) or a program-specific audit complying with [2 C.F.R. §§ 200.501](#) and [200.507](#). Audits must follow [2 C.F.R. Part 200, Subpart F](#), 2 C.F.R. § 200.501, and the U.S. Government Accountability Office (GAO) [Generally Accepted Government Auditing Standards](#).

#### **I. Monitoring and Oversight**

Per [2 C.F.R. § 200.337](#), DHS and its authorized representatives have the right of access to any records of the recipient or subrecipient pertinent to a Federal award to perform audits, site visits, and any other official use. The right also includes timely and reasonable access to the recipient's or subrecipient's personnel for the purpose of interview and discussion related to such documents or the Federal award in general.

Pursuant to this right and per [2 C.F.R. § 200.329](#), DHS may conduct desk reviews and make site visits to review and evaluate project accomplishments and management control systems as well as provide any required technical assistance. Recipients and subrecipients must respond in a timely and accurate manner to DHS requests for information relating to a federal award.

#### **J. Program Evaluation**

Title I of the Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115-435 (2019) (Evidence Act), [PUBL435.PS](#) urges federal agencies to use program evaluation as a critical tool to learn, improve delivery, and elevate program service and delivery across the program lifecycle. Evaluation means "an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency." Evidence Act, § 101 (codified at 5 U.S.C. § 311). OMB A-11, Section 290 (Evaluation and Evidence-Building Activities) further outlines the standards and practices for evaluation activities. Federal agencies are required to specify any requirements for recipient participation in program evaluation activities (2 C.F.R. § 200.301). Program evaluation activities incorporated from the outset in the NOFO and program design and implementation allow recipients and agencies to meaningfully document and measure progress and achievement towards program goals and objectives, and identify program outcomes and lessons learned, as part of demonstrating recipient performance (2 C.F.R. § 200.301).

As such, recipients and subrecipients are required to participate in a Program Office (PO) or a DHS Component-led evaluation, if selected. This may be carried out by a third-party on behalf

of the PO or the DHS Component. Such an evaluation may involve information collections including but not limited to, records of the recipients; surveys, interviews, or discussions with individuals who benefit from the federal award, program operating personnel, and award recipients; and site visits or other observation of recipient activities, as specified in a DHS Component or PO-approved evaluation plan. More details about evaluation requirements may be provided in the federal award, if available at that time, or following the award as evaluation requirements are finalized. Evaluation costs incurred during the period of performance are allowable costs (either as direct or indirect) in accordance with [2 C.F.R. § 200.413](#).

Recipients and subrecipients are also encouraged, but not required, to participate in any additional evaluations after the period of performance ends, although any costs incurred to participate in such evaluations are not allowable and may not be charged to the federal award.

#### **K. Additional Performance Reporting Requirements**

EFSP does not have additional performance reporting requirements.

#### **L. Termination of Federal Award**

1. Paragraph C.XL of the FY 2025 DHS Standard Terms and Conditions, v.3 sets forth a term and condition entitled “Termination of a Federal Award.” The termination provision condition listed below applies to the grant award and the term and condition in Paragraph C.XL of the FY 2025 DHS Standard Terms and Conditions, v.3 does not.
2. Termination of the Federal Award by FEMA  
FEMA may terminate the federal award in whole or in part for one of the following reasons identified in 2 C.F.R. § 200.340:
  - a. If the recipient or subrecipient fails to comply with the terms and conditions of the federal award.
  - b. With the consent of the recipient, in which case FEMA and the recipient must agree upon the termination conditions. These conditions include the effective date and, in the case of partial termination, the portion to be terminated.
  - c. If the federal award no longer effectuates the program goals or agency priorities. Under this provision, FEMA may terminate the award for these purposes if any of the following reasons apply:
    - i. If DHS/FEMA, in its sole discretion, determines that a specific award objective is ineffective at achieving program goals as described in this NOFO;
    - ii. If DHS/FEMA, in its sole discretion, determines that an objective of the award as described in this NOFO will be ineffective at achieving program goals or agency priorities;
    - iii. If DHS/FEMA, in its sole discretion, determines that the design of the grant program is flawed relative to program goals or agency priorities;

- iv. If DHS/FEMA, in its sole discretion, determines that the grant program is not aligned to either the DHS Strategic Plan, the FEMA Strategic Plan, or successor policies or documents;
- v. If DHS/FEMA, in its sole discretion, changes or re-evaluates the goals or priorities of the grant program and determines that the award will be ineffective at achieving the updated program goals or agency priorities; or
- vi. For other reasons based on program goals or agency priorities described in the termination notice provided to the recipient pursuant to 2 C.F.R. § 200.341.
- vii. If the awardee falls out of compliance with the Agency's statutory or regulatory authority, award terms and conditions, or other applicable laws.

### 3. Termination of a Subaward by the Pass-Through Entity

The pass-through entity may terminate a subaward in whole or in part for one of the following reasons identified in 2 C.F.R. § 200.340:

- a. If the subrecipient fails to comply with the terms and conditions of the federal award.
- b. With the consent of the subrecipient, in which case the pass-through entity and the subrecipient must agree upon the termination conditions. These conditions include the effective date and, in the case of partial termination, the portion to be terminated.
- c. If the pass-through entity's award has been terminated the pass-through recipient will terminate its subawards.

### 4. Termination by the Recipient or Subrecipient

The recipient or subrecipient may terminate the federal award in whole or in part for the following reason identified in 2 C.F.R. § 200.340: Upon sending FEMA or pass-through entity a written notification of the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if FEMA or pass-through entity determines that the remaining portion of the federal award will not accomplish the purposes for which the federal award was made, FEMA or pass-through entity may terminate the federal award in its entirety.

### 5. Impacts of Termination

- a. When FEMA terminates the federal award prior to the end of the period of performance due to the recipient's material failure to comply with the terms and conditions of the federal award, FEMA will report the termination in SAM.gov in the manner described at 2 C.F.R. § 200.340(c).
- b. When the federal award is terminated in part or its entirety, FEMA or pass-through entity and recipient or subrecipient remain responsible for compliance with the requirements in 2 C.F.R. §§ 200.344 and 200.345.

## 6. Notification requirements

FEMA or the pass-through entity must provide written notice of the termination in a manner consistent with 2 C.F.R. § 200.341. The federal award will be terminated on the date of the notification unless stated otherwise in the notification.

## 7. Opportunities to Object and Appeals

Where applicable, when FEMA terminates the federal award, the written notification of termination will provide the opportunity and describe the process to object and provide information challenging the action, pursuant to 2 C.F.R. § 200.342.

## 8. Effects of Suspension and Termination

The allowability of costs to the recipient or subrecipient resulting from financial obligations incurred by the recipient or subrecipient during a suspension or after the termination of a federal award are subject to 2 C.F.R. 200.343.

## M. Best Practices

While not a requirement in the DHS Standard Terms and Conditions, as a best practice: Entities receiving funds through this program should ensure that cybersecurity is integrated into the design, development, operation, and maintenance of investments that impact information technology (IT) and/ or operational technology (OT) systems. Additionally, “The recipient and subrecipient must take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information.” 2 C.F.R. § 200.303(e).

## N. Payment Information

Recipients will submit payment requests in FEMA GO for FY25 awards under this program.

### **Instructions to Grant Recipients Pursuing Payments**

FEMA reviews all grant payments and obligations to ensure allowability in accordance with [2 C.F.R. § 200.305](#). These measures ensure funds are disbursed appropriately while continuing to support and prioritize communities who rely on FEMA for assistance. Once a recipient submits a payment request, FEMA will review the request. If FEMA approves a payment, recipients will be notified by FEMA GO and the payment will be delivered pursuant to the recipients SAM.gov financial information. If FEMA disapproves a payment, FEMA will inform the recipient.

### **Processing and Payment Timeline**

FEMA must comply with regulations governing payments to grant recipients. See [2 C.F.R. § 200.305](#). For grant recipients other than States, [2 C.F.R. § 200.305\(b\)\(3\)](#) stipulates that

FEMA is to make payments on a reimbursement basis within 30 days after receipt of the payment request, unless FEMA reasonably believes the request to be improper. For state recipients, [2 C.F.R. § 200.305\(a\)](#) instructs that federal grant payments are governed by Treasury-State Cash Management Improvement Act (CMIA) agreements ("Treasury-State agreement") and default procedures codified at [31 C.F.R. part 205](#) and [Treasury Financial Manual \(TFM\) 4A-2000, "Overall Disbursing Rules for All Federal Agencies."](#) See [2 C.F.R. § 200.305\(a\)](#).

Treasury-State agreements generally apply to "major federal assistance programs" that are governed by [31 C.F.R. part 205, subpart A](#) and are identified in the Treasury-State agreement. [31 C.F.R. §§ 205.2, 205.6](#). Where a federal assistance (grant) program is not governed by subpart A, payment and funds transfers from FEMA to the state are subject to [31 C.F.R. part 205, subpart B](#). Subpart B requires FEMA to "limit a funds transfer to a state to the minimum amounts needed by the state and must time the disbursement to be in accord with the actual, immediate cash requirements of the state in carrying out a federal assistance program or project. The timing and amount of funds transfers must be as close as is administratively feasible to a state's actual cash outlay for direct program costs and the proportionate share of any allowable indirect costs." [31 C.F.R. § 205.33\(a\)](#). Nearly all FEMA grants are not "major federal assistance programs." As a result, payments to states for those grants are subject to the "default" rules of [31 C.F.R. part 205, subpart B](#).

If additional information is needed, a request for information will be issued by FEMA to the recipient; recipients are strongly encouraged to respond to any additional FEMA request for information inquiries within three business days. If an adequate response is not received, the request may be denied, and the entity may need to submit a new reimbursement request; this will re-start the 30-day timeline.

### **Submission Process**

All non-disaster grant program reimbursement requests must be reviewed and approved by FEMA prior to drawdowns.

For all non-disaster reimbursement requests (regardless of system), please ensure submittal of the following information:

1. Grant ID / Award Number
2. Total amount requested for drawdown
3. Purpose of drawdown and timeframe covered (must be within the award performance period)
4. Subrecipient Funding Details (if applicable).
  - Is funding provided directly or indirectly to a subrecipient?
    - If **no**, include statement "This grant funding is not being directed to a subrecipient."
  - If **yes**, provide the following details:

- The name, mission statement, and purpose of each subrecipient receiving funds, along with the amount allocated and the specific role or activity being reimbursed.
  - Whether the subrecipient’s work or mission involves supporting aliens, regardless of whether FEMA funds support such activities.
  - Whether the payment request includes an activity involving support to aliens.
  - Whether the subrecipient has any diversity, equity, and inclusion practices.
5. Supporting documentation to demonstrate that expenses are allowable, allocable, reasonable, and necessary under [2 CFR part 200](#) and in compliance with the grant’s NOFO, award terms, and applicable federal regulations.

**O. Immigration Conditions**

A recipient under this funding opportunity must comply with the FY 2025 Department of Homeland Security Standard Terms and Conditions, v. 3 (Apr. 18, 2025), with the exception Paragraph C.IX (Communication and Cooperation with the Department of Homeland Security and Immigration Officials) and paragraph C.XVII(2)(a)(iii) (Anti-Discrimination Grant Award Certification regarding immigration). Paragraphs C.IX and C.XVII(2)(a)(iii) do not apply to any federal award under this funding opportunity. The FY 2025 Department of Homeland Security Standard Terms and Conditions, v. 3 (Apr. 18, 2025) are available at [www.dhs.gov/publication/dhs-standard-terms-and-conditions](http://www.dhs.gov/publication/dhs-standard-terms-and-conditions).

**10. Other Information**

**A. Period of Performance Extension**

Extensions to the period of performance are allowed. Recipients should consult with their FEMA point of contact for requirements related to a performance period extension.

**B. Other Information**

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

FEMA is required to consider effects of its actions on the environment and historic properties to ensure that activities, grants and programs funded by FEMA, comply with federal EHP laws, Executive Orders, regulations, and policies.

Recipients and subrecipients proposing projects with the potential to impact the environment or cultural resources, such as the modification or renovation of existing buildings, structures, and facilities, and/or new construction and/or replacement of buildings, structures, and facilities, must participate in the FEMA EHP review process. This includes conducting early engagement to help identify EHP resources, such as threatened or endangered species, historic properties, or communities with environmental sustainable concerns; submitting a detailed project description with supporting documentation to determine whether the proposed project has the potential to impact EHP resources; and, identifying mitigation measures and/or alternative courses of action that may lessen impacts to those resources.

FEMA is sometimes required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies. FEMA may recommend mitigation measures and/or alternative courses of action to lessen impacts to EHP resources and bring the project into EHP compliance.

EHP guidance is found at [Environmental Planning and Historic Preservation](#). The site contains links to documents identifying agency EHP responsibilities and program requirements, such as implementation of the National Environmental Policy Act and other EHP laws, regulations, and Executive Orders. DHS and FEMA EHP policy is also found in the [EHP Directive & Instruction](#).

All FEMA actions, including grants, must comply with National Flood Insurance Program (NFIP) criteria or any more restrictive federal, state, or local floodplain management standards or building code ([44 C.F.R. § 9.11\(d\)\(6\)](#)). For actions located within or that may affect a floodplain or wetland, the following alternatives must be considered: a) no action; b) alternative locations; and c) alternative actions, including alternative actions that use natural features or nature-based solutions. Where possible, natural features and nature-based solutions shall be used. If not practicable as an alternative on their own, natural features and nature-based solutions may be incorporated into actions as minimization measures.

The GPD EHP screening form is located at [https://www.fema.gov/sites/default/files/documents/fema\\_ehp-screening\\_form\\_ff-207-fy-21-100\\_5-26-2021.pdf](https://www.fema.gov/sites/default/files/documents/fema_ehp-screening_form_ff-207-fy-21-100_5-26-2021.pdf).

### **b. Procurement Integrity**

When purchasing under a FEMA award, recipients and subrecipients must comply with the federal procurement standards in [2 C.F.R. §§ 200.317 – 200.327](#). To assist with determining whether an action is a procurement or instead a subaward, please consult [2 C.F.R. § 200.331](#).

For detailed guidance on the federal procurement standards, recipients and subrecipients should refer to various materials issued by FEMA’s Procurement Disaster Assistance Team (PDAT). Additional resources, including an upcoming trainings schedule can be found on the PDAT Website: <https://www.fema.gov/grants/procurement>.

Under [2 C.F.R. § 200.317](#), when procuring property and services under a federal award, States (including territories) and Indian Tribes, must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states and Indian Tribes must now follow [2 C.F.R. § 200.321](#) regarding socioeconomic steps, [200.322](#) regarding domestic preferences for Procurements and [2 C.F.R. § 200.327](#) regarding required contract provisions. Local government and nonprofit recipients or subrecipients must have and use their own documented procurement procedures that reflect applicable State, Local, Tribal, and Territorial (SLTT) laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200.

#### 1. Important Changes to Procurement Standards in 2 C.F.R. Part 200

On April 22, 2024, OMB updated various parts of Title 2 of the Code of Federal Regulations, among them the procurement standards. These revisions apply to all FEMA awards with a federal award date or disaster declaration date on or after October 1, 2024, unless specified otherwise. The changes include updates to the federal procurement standards, which govern how FEMA award recipients and subrecipients must purchase under a FEMA award.

More information on OMB's revisions to the federal procurement standards can be found in [Purchasing Under a FEMA Award: 2024 OMB Revisions Fact Sheet](#).

## 2. Competition and Conflicts of Interest

[2 C.F.R. § 200.319\(b\)](#), applicable to local government and nonprofit recipients or subrecipients, requires that contractors that develop or draft specifications, requirements statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a recipient or subrecipient develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the recipient or subrecipient.

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

In addition to organizational conflicts of interest, situations considered to be restrictive of competition include, but are not limited to:

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

Under [2 C.F.R. § 200.318\(i\)](#), local government and nonprofit recipients or subrecipients are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such conflicts of interest would arise when the employee, officer or agent, any**

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

Under [2 C.F.R. 200.318\(c\)\(2\)](#), if the local government and nonprofit recipient or subrecipient has a parent, affiliate, or subsidiary organization that is not a SLTT government, the recipient or subrecipient must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the recipient or subrecipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The recipient or subrecipient must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.

### 3. Supply Schedules and Purchasing Programs

Generally, a recipient or subrecipient may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement.

Information about GSA programs for states, Indian Tribes, and local governments, and their instrumentalities, can be found at [Purchasing Resources and Support for State and Local Governments.pdf](#)

### 4. Procurement Documentation

Per [2 C.F.R. § 200.318\(i\)](#), local government and nonprofit recipients or subrecipients are required to maintain and retain records sufficient to detail the history of procurement covering at least the rationale for the procurement method, selection of contract type, contractor selection or rejection, and the basis for the contract price. States and Indian Tribes are reminded that in order for any cost to be allowable, it must be adequately documented per [2 C.F.R. § 200.403\(g\)](#).

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

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

- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.

### ***c. Mandatory Disclosures***

The non-Federal entity or applicant for a federal award must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. ([2 C.F.R. § 200.113](#))

### ***e. Adaptive Support***

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

### ***f. Record Retention***

#### **1. Record Retention Period**

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

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

#### **2. Types of Records to Retain**

FEMA requires that recipients and subrecipients maintain the following documentation for federally funded purchases:

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

### ***g. Actions to Address Noncompliance***

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

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

If the noncompliance is not able to be corrected by imposing additional conditions or the recipient or subrecipient refuses to correct the matter, FEMA may take other remedies allowed under [2 C.F.R. § 200.339](#).

#### **h. Audits**

FEMA grant recipients are subject to audit oversight from multiple entities including the DHS OIG, the GAO, the pass-through entity, or independent auditing firms for single audits, and may cover activities and costs incurred under the award. Auditing agencies such as the DHS OIG, the GAO, and the pass-through entity (if applicable), and FEMA in its oversight capacity, must have access to records pertaining to the FEMA award.