



**Funding Opportunity Announcement:
Homeland Security Grant Program - 2015**

**IOWA HOMELAND SECURITY AND EMERGENCY
MANAGEMENT DEPARTMENT**

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1/20/2015

2015 HSGP Funding Opportunity Announcement

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SECTION 1 - GENERAL AND ADMINISTRATIVE INFORMATION

1.01 Grant Overview

As of Jan. 15, 2015, the federal appropriation for 2015 Homeland Security Grant Program (HSGP) has not been made nor has the Federal Notice of Funding Opportunity (NOFO), also referred to as “grant guidance,” been issued. However, in anticipation of continued funding and pass-through requirements, Iowa Homeland Security and Emergency Management Department (HSEMD) is moving forward with the sub-award grant application phase of 2015 HSGP.

HSEMD is the State Administrative Agency (SAA) for HSGP. HSEMD applies for and accepts the federal award from FEMA. As a condition of receiving HSGP funding, Iowa is required to complete an annual capabilities assessment. Iowa’s [Core Capability Assessment](#) identifies resource shortfalls in reaching capability targets for capabilities identified in the National Preparedness Goal (NPG) mission areas of prevention, protection, mitigation, response, and recovery. Results of the assessment have been reviewed by members of Iowa’s Homeland Security Advisory Committee (HSAC). Working with Mark Schouten, Director of HSEMD, capability gaps have been identified and prioritized. Of the many capabilities that were identified with gaps in attaining capability targets, the following were determined to have the highest priority for efforts in filling those gaps:

Operational Communications	Cybersecurity
Operational Coordination	Mass Care Services
Planning	Intelligence and Information Sharing
Public Information & Warning	Mass Search and Rescue
Situational Assessment	Public and Private Services and Resources

The identification of capability gaps is critical to drive funding decisions for 2015 HSGP pass-through grants. The U.S. Department of Homeland Security expects HSGP funds to be prioritized to address identified gaps while sustaining current capabilities.

Please be familiar with the resource documents listed below as they provide guidance and information that will be used during the application process. These documents can be accessed from the IowaGrants.gov website: at the “Welcome to IowaGrants.gov” page select “Grant Opportunities” then “Homeland Security Grant Program – 2015.” Scroll down to “Attachments.”

- [The National Preparedness Goal](#)
- [Iowa Strategy for Homeland Security & Emergency Management 2015 - 2017 \(State Strategy\)](#)

Reference should also be made to the previous year’s Federal grant guidance until the 2015 document is released by FEMA:

- [2014 Homeland Security Grant Program \(HSGP\) Federal Program Funding Opportunity Announcement](#)

1.02 Performance Period

The performance period for sub-awards is projected to be between Oct. 1, 2015, to June 30, 2017. This timeline may change as more information becomes available.

1.03 Eligible Applicants

Eligible applicants include: state government agencies; county, city, municipal, and tribal governments; school districts; councils of government and tribal councils; institutions of higher education; nonprofit organizations including hospitals.

To be eligible, an organization's financial management systems must meet standards outlined in [Title 2 Part 200 of the Code of Federal Regulation \(CFR\), Subpart D, Standards for Financial and Program Management](#).

Eligible applicants may apply on their own behalf or on behalf of Homeland Security regions, other state recognized regions or districts, special teams, and informal alliances of jurisdictions with common regional interests.

1.04 Grant Management: Roles and Responsibilities

When an entity is awarded funds by HSEMD, HSEMD is the "pass-through entity" and the entity receiving the subaward becomes the "subrecipient." Upon accepting funds, **the subrecipient becomes legally and financially responsible**. The subrecipient, or its designated authorized representative, is responsible for decision-making and negotiation by and between the subrecipient and all project partners or co-applicants, if any. The subrecipient is programmatically and fiscally responsible for the administration and management of the federal grant in accordance with published state and federal guidance and laws. Communication to, and from, HSEMD regarding grant matters shall flow through the subrecipient, or its designated authorized representative. See Section 1.05.

Beginning with 2015 HSGP, the subrecipient must comply with **Title 2 PART 200 CFR [UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS](#)**.
This does not apply to grants awarded prior to December 26, 2014.

Often referred to as the "*Uniform Guidance*" or the "*Super Circular*", see Appendix B for information from FEMA about the implementation of Part 200. These new regulations apply equally to both governmental and non-profit organizations.

Subrecipients will be asked to submit procurement policies in compliance with the *Uniform Guidance* prior to incurring costs and submitting a claim.

1.05 Designated Authorized Representative

The designation of an authorized representative is at the discretion of the applicant or subrecipient. If no authorized representative is designated, only the person identified as the Primary Contact for the grant may accept the subaward, execute contracts, make decisions and submit claims or other transactions associated with the grant.

1.06 Available Funds

As of the date this HSEMD funding opportunity was released, the federal allocation to states, including Iowa, had not been made. Therefore, it is not known how much will be available to pass through to support local projects. Applications are being accepted in anticipation of federal funding.

1.07 Schedule and Deadlines

Once current year federal grant guidance and state allocations are published, HSEMD may have 30 to 60 days to submit Iowa's application to FEMA for HSGP funding. **It is necessary to have local applications submitted in IowaGrants.gov prior to the release of federal guidance because local approved projects will be included in the state's application to FEMA.**

Final funding decision by HSEMD will be made after the guidance and state's allocation have been announced by FEMA.

Application deadline: Friday, March 13, 2015 at 4:00 PM.

- HSGP 2015 Application Webinars will be offered. See Section 2 for details.

1.08 Amendments to the HSEMD FOA

HSEMD reserves the right to amend the HSEMD FOA at any time. In the event it becomes necessary to amend, add to, or delete any part of this announcement, a written amendment or revision will be posted on the HSEMD website. Clarifications will be provided as needed.

1.09 Withdrawal of Applications

An applicant desiring to withdraw its application in IowaGrants.gov shall submit notification via email to Annette Mansheim at annette.mansheim@iowa.gov. All applications begun but not SUBMITTED will be withdrawn by HSEMD on the first day after the application submission deadline.

1.10 Pre-Award Costs

All costs of preparing the application are the sole responsibility of the applicant. HSEMD is not responsible for any costs incurred by the applicant which are related to the preparation or delivery of the application or any other activities undertaken by the applicant related in any way to the funding opportunity.

1.11 Multiple Applications

An organization may submit more than one application and may be awarded more than one grant. All matters concerning individual grants must remain separate and distinct for grant management and administration.

1.12 Restrictions on Gifts, Activities or Lobbying

Iowa Code Chapter 68B contains laws which restrict gifts which may be given or received by state employees and requires certain individuals to disclose information concerning their activities with state government. Applicants are responsible for determining the applicability of this chapter to their activities and for complying with these requirements.

In addition, Iowa Code Chapter 722 provides that it is a felony offense to bribe a public official. Refer to the [Uniform Guidance, Subpart E — Cost Principles](#) for Federal restrictions on the use of grant funds for lobbying activities.

1.13 Contractors

The subrecipient is permitted to contract for the procurement of goods or services required for the project. The subrecipient must not permit any award to any party which is debarred or suspended or is otherwise ineligible from participation in Federal assistance programs under Executive Order 12549, “Debarment and Suspension” and provisions of the *Uniform Guidance*. Search Records at [SAM, System for Award Management](#).

Planned use of contractors by an applicant must be clearly explained in the application. The applicant is fully responsible for all work performed by contractors and must ensure there is no conflict of interest when selecting contractors. Subrecipients and any contractors thereby employed, must comply with all applicable environmental and historic preservation (EHP) laws, regulations, and Executive Orders, in order to draw down HSGP grant funds.

1.14 Supplanting

The purpose of grant funding is to supplement or enhance capabilities. It is not to supplant or reduce local funding requirements for existing capabilities or reduce local costs otherwise budgeted or funded. HSEMD is authorized under *Uniform Guidance* to enforce and applying remedies for non-compliance, including termination of the grant and recoupment of improper payments associated with supplanting. A determination of supplanting may influence both current and future grant funding eligibility under HSGP and other federal grant programs.

1.15 Reference Checks

HSEMD reserves the right to contact any reference to assist in the evaluation of the application, to verify information contained in the application and to discuss the applicant’s qualifications and the qualifications of any subcontractor identified in the application.

1.16 Information from Other Sources

HSEMD is required per *Uniform Guidance* to evaluate an applicant’s risk of non-compliance with Federal statutes, regulations, and terms and conditions of the subaward. To do so, HSEMD reserves the right to obtain and consider information from other sources concerning an applicant such as prior experience with same or similar subawards, results of previous audits, and whether the applicant has new personnel or new or substantially changed systems. Information may be used for purposes of determining appropriate monitoring should funds be granted. HSEMD may impose specific subaward conditions upon a subrecipient as described in *Uniform Guidance §200.207 Specific Conditions*, if deemed necessary.

1.17 Verification of Application Contents

The contents of an application submitted by an applicant are subject to verification. Misleading or inaccurate responses may result in rejection of the application.

1.18 Application Clarification Process

HSEMD may request clarification from applicants for the purpose of resolving ambiguities or questioning information presented in the applications. Clarifications may occur throughout the application process.

1.19 Federal Waivers, Conflict of Interest, and Other Disclosures

Environmental and Historical Preservation (EHP) Review: Some grant-funded activities may trigger the need for an EHP Review. Triggers include building modifications, construction, moving of soil, or equipment installation funded with federal dollars. Applications for projects that may trigger a review may be required to complete and include an EHP survey form. The EHP Survey form is available as part of the application process. For additional information, please see: [Environmental & Historic Preservation Guidance for FEMA Grant Applicants](#).

Other Waivers: Some equipment purchases require a federal waiver as specified in the [Authorized Equipment List \(AEL\)](#). Applicants must check for this requirement when locating required AEL numbers for the application budget worksheet.

Conflict of Interest: Per *Uniform Guidance §200.112*, applicants must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding policy.

Other Disclosures: Per *Uniform Guidance, §200.113* applicants must disclose in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

1.20 Public Records

All information submitted by an applicant will be treated as public information. No application or sections of an application may be submitted as confidential. Refer to Iowa Code Chapter 22.

1.21 Copyrights

By submitting an application, the applicant agrees that HSEMD may copy or print the application for the purpose of facilitating the evaluation of the application or to respond to requests for public records. By submitting the application, the applicant consents to such reproduction and warrants that such copying will not violate the rights of any third party. HSEMD shall have the right to use ideas or adaptations of ideas that are presented in the applications. In the event the applicant copyrights its application, the HSEMD may reject the application as noncompliant.

1.22 Appeals

Only those applications in SUBMITTED status in IowaGrants.gov following the posted deadline will be considered for funding. There is no appeal process for missed application deadlines.

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Applicants may appeal an adverse award decision by filing a written appeal to HSEMD within 10 working days of the Notice to Applicants. Appeals shall be submitted in writing, return receipt requested, to Iowa Homeland Security and Emergency Management Division, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324, ATTN: Annette Mansheim.

Appeals must clearly and fully identify all issues being contested and demonstrate what procedures were not followed. In the event of appeal, HSEMD will continue working with the successful applicant pending the outcome of the appeal.

1.23 Required Reporting

Subrecipients are required to submit the following reports:

Quarterly: Upon award of funding, the successful applicant begins a cycle of quarterly performance reporting that continues throughout the performance period and until grant closeout. Quarterly reporting is a requirement to enable programmatic and financial progress monitoring and reporting to FEMA, the U.S. Department of Homeland Security and Congress.

Exercise: Following each exercise, the subrecipient shall submit an HSEEP Exercise Reporting Form.

Final: A final report describing achieved outcomes and outputs is required for successful completion and closeout of grant activities. The report must include statements that all projects and activities are ended, that final payment was received, and must identify the unexpended amount.

Other: HSEMD may require additional reporting information with written notice.

1.24 Commitment to Award and Accept Funds and Grant Terms and Conditions

The State's pass-through requirement must be met within 45-days of the award date issued by FEMA. HSEMD will issue the Commitment to Award and Accept Funds (CAAF) and the Grant Terms and Conditions (Appendix A) to organizations with approved applications following the State's award notification by FEMA. The CAAF confirms the award amount, performance period dates, and other pertinent grant information. It is completed and signed by the subrecipient and returned within a designated timeframe. The timeline is established to enable HSEMD to meet the 45-day obligation requirement. The Grant Terms and Conditions that follow the CAAF identify federal and state grant requirements and regulations.

SECTION 2 – APPLICATION

2.01 IowaGrants.gov

All applications must be submitted via IowaGrants.gov, www.iowagrants.gov. It is the only means of submitting an application.

Welcome to IowaGrants.gov

Iowa's Funding Opportunity Search and Grant Management System

FUNDING OPPORTUNITIES OFFERED BY IOWA STATE AGENCIES	ELECTRONIC GRANT MANAGEMENT SYSTEM
<p>Grant Opportunities Loan Opportunities Bids/Purchases Licenses/Permits</p> <p><i>You do not need to register for Search access.</i></p>	<p>Iowa Grants.gov allows you to electronically apply for and manage grants received by the state of Iowa. Persons accessing the system for this purpose are required to register.</p> <p>Returning Users Sign In Here</p> <p>New Users Register Here <i>(Registration Instructions)</i></p>

Click "Grant Opportunities" to access grant information.

Click "Returning Users Sign in Here" to log in if you have an [IowaGrants.gov](http://www.iowagrants.gov) account.

Click "New Users Register Here" if you do not have an account.

If you have problems logging in, contact the Service Desk, not HSEMD.

Account Id Examples:

Public User Account Format

- *firstname.lastname@iowaid*

State Employee Account Formats

- *firstname.lastname@iowa.gov*
- *If you do not have an @iowa.gov account use your email address.*

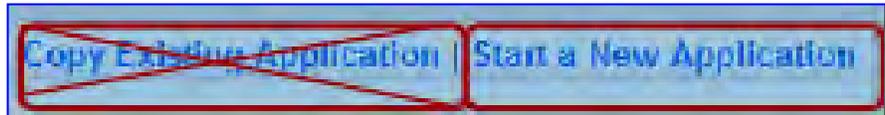
[Need an Account?](#)
[Forgot Password?](#)
[Forgot Id?](#)

Contact the DAS-ITE Service Desk if you need personal assistance.
Email: ITE.Servicedesk@iowa.gov Phone: 515-281-5703 or 1-800-532-1174

2.02 Homeland Security Grant Program - 2015 Application Guide

For step-by-step instructions, open the document [Homeland Security Grant Program - 2015 Application Guide](#) (a PowerPoint) by clicking the link or by following these steps:

- Log in to lowaGrants.gov, then from the Main Menu click “Funding Opportunity.”
- Under the “Opportunity Title,” find and click the blue link called “Homeland Security Grant Program – 2015.”
- Scroll down past “Description” to “Attachments.” Find the *2015 Application Guide, HSEMD* then click on the “File Name” to the right of the title.
- If you experience problems or have questions, please contact: Annette Mansheim at 515-725-3291 or Jim Marwedel at 515-725-3249.
- IMPORTANT: When starting an application, DO NOT select the option “Copy Existing Application.” Always select “Start a New Application.” Some application forms are different from year to year so the copy option does not apply to HSGP applications.



2.03 Funding Guidelines

Project applications must fall into one or more of the solution area categories of planning, organization, exercises, training, and/ or equipment. It is very important to review FEMA’s prior year grant guidance for information about solution areas, personnel, management and administration funding caps. This document is available as an attachment under the Funding Opportunity.

Management & Administration: Unless otherwise specified by the yet-to-be released current year federal guidance, applicants may budget up to 5% of their award for management and administration.

Personnel Costs: Unless otherwise specified by the yet-to-be-released current year federal grant guidance, the overall cap on personnel for the entire federal award is 50 percent. The PRICE Act clarifies what is covered by the cap on personnel costs. To comply, subrecipients should keep track of personnel and personnel-related activities that would contribute to a personnel cap. In general, costs associated with work performed under contract for a specific deliverable DO NOT count against the personnel cap. Examples include instructors hired to teach a specific course, or a consultant hired to facilitate an exercise.

To maximize grant dollars for grant priorities, **Overtime and Backfill costs will no longer be approved or reimbursed.**

Personnel activities that COUNT towards the personnel cost cap include:

- Salaries and personnel costs of intelligence analysts for intelligence and medical fusion center activities;

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- Salaries and personnel costs of planners, equipment managers, exercise coordinators, and/or training coordinators;
- Salaries and personnel costs under the Management and Administration (M&A) category;
- Contract employee costs associated with performing the above activities; and

Because the annual grant award has been trending downward, so is the amount available to fund personnel. HSEMD may prioritize funding of existing positions that are not otherwise fundable over new positions. HSEMD cannot assure continued funding of existing subrecipients at any level.

Food (non-travel status): Food in the form of a meal is an allowable HSGP expense under very strict circumstances. Applicants may budget for projected food/meal costs, however, pre-approval is still required before costs are incurred. See Appendix A (page 35).

2.04 Application Process

The application process will conclude with allocation of available federal funds to local projects that sustain existing capabilities and/or build capabilities in priority gap areas.

Application Assistance: Two webinars will be held to provide technical assistance with the application process. It is recommended that applicants participate in at least one webinar:

Date	Time	2015 Homeland Security Grant Program (HSGP) Application Assistance Webinar
Jan. 23, 2015	9:00 – 10:30 AM	Please register for the date and time that works best for you by clicking this link: https://attendee.gotowebinar.com/rt/5784871886063436033
Feb. 10, 2015	1:30 – 3:00 PM	

The HSGP Application includes the following forms:

- ✓ General Information: Includes Program Area, Funding Opportunity Name and Grant Year, Application Deadline, a system generated ID#, Project Title, Registered Applicant, and Additional Contacts. The Budget Total remains at \$0.00 until the Budget Report form is completed.
- ✓ Cover Sheet – General Information: Includes contact information for the entity that will accept the subaward. The Authorized Official has the authority to accept a Federal award and the Fiduciary Officer serves as the financial manager. It also requires identification of Counties, Congressional Districts, and Iowa Senate Districts involved or affected by the application.
- ✓ Scope of Work: Includes the applicable state goal and objectives; project objectives, project description; relation to NPG; Planning, Organization, Equipment, Training and Exercise details; and other information to provide an overall description of the proposed project – what it is, why it is, and what it will accomplish.
- ✓ Work Plan: Actions & Time: a well thought out project will be managed by accomplishing

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a series of planned actions by target deadlines. Priority actions will be outlined during each quarter of the grant in this form. This overview provides the basis for future quarterly status reports.

- ✓ Application Budget Worksheet: The budget worksheet is an Excel document created as a tool to help applicants develop a meaningful budget and provide detail for funding decisions. All funding requirements that support project objectives and activities defined in the Scope of Work are described with cost calculations shown. Authorized Equipment List (AEL) numbers are required for all proposed equipment expenses.
- ✓ Budget Report: This form consolidates the budget calculations from the Application Budget Worksheet. While it may seem repetitive, it is necessary to be completed to facilitate the drawdown of funds when claims are submitted.
- ✓ Designated Authorized Representative: This form allows the applicant organization's authorized official, a person with signatory authority to accept a federal award, (the subrecipient) to designate up to two other individuals to sign or conduct official grant-related actions on his/her behalf. Without this document, only the actual signatory may execute the grant or actions associated with it. See Section 1.05.
- ✓ Minority Impact Statement: This form is an IowaGrants.gov required form pursuant to 2008 Consolidated Iowa Acts, HF 2393. Under it, all grant applications submitted to the State of Iowa beginning Jan. 1, 2009, shall include a Minority Impact Statement. This is the state's mechanism to require grant applicants to consider the potential impact of the grant project's proposed programs or policies on minority groups.

Applications selected for funding will be asked for additional information to include:

- ❖ Pre-Award Requirements: Information which allows HSEMD to meet Federal Funding Accountability and Transparency Act (FFATA) reporting requirements. It includes the organization's Dun and Bradstreet Data Universal Numbering System (DUNS) Number and reporting of the total compensation of executives.

Note: Organizations should verify that they have a DUNS number. If the applicant has no DUNS number, it must 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 or by going online to www.dnb.com.
- ❖ Assurances, Certifications and Disclosures: Disclosures may be required regarding conflict of interest and violations of Federal criminal law and/or other assurances and certifications.
- ❖ Applicant Risk Assessment: This form asks a series of questions to help HSEMD determine risk per the *Uniform Guidance* Section .331 (b) Evaluation of Risk. HSEMD also considers previous grant performance as a factor.
- ❖ Additional Information: The above information is based on previous grants. Additional application information may be required if new requirements are included in the 2015 grant guidance from FEMA.

SECTION 3 – APPLICATION REVIEW PROCESS

3.01 Review Criteria

A successful application must include:

- **Scope of Work:** All requested information is completed to clearly convey in measurable terms what is to be achieved and how it builds or sustains core capabilities, if capabilities are deployable, or otherwise shared, and state outcomes per applicable solution areas (planning, training, exercise, etc.). Responses must align with the Work Plan: Actions and Timeline and the Budget Worksheet.
- **Work Plan: Actions and Timeline:** includes detailed action steps by quarter that can be realistically completed within the grant performance period and within budget. The actions should demonstrate how project objectives will be achieved. Responses must align with the Scope of Work and Budget Worksheet.
- **Budget Worksheet:** provides all requested financial detail including descriptions, calculations, and reasonable, allowable expenses that align with project scope of work and work plan. **Any and all proposed equipment must be listed with the corresponding AEL # included in the description.** Data must align with Scope of Work and Work Plan: Actions and Timeline.

Review criteria include:

- **Eligibility** – is the project eligible under the grant?
- **Applicability** – is the project applicable to the goals of the State Strategy and Capabilities Assessment?
- **Priority** – does the project sustain existing capabilities or address a capability identified as a priority by the Homeland Security Advisory Committee (HSAC)?
- **Collaboration** – is the project supported by multiple partners?
- **Feasibility** – can the project be accomplished as written?
- **Impact** – does the project have statewide or regional impact?

3.02 Review Process

Phase I – Technical Review: The first phase will involve a preliminary screening by the HSEMD staff of an applicant's compliance with the mandatory requirements for submitted applications. Applications which fail to satisfy technical requirements may be eliminated from the application review. HSEMD reserves the right to waive minor variances at the discretion of the SAA. A successful pre-application must:

- Meet eligibility requirements as specified in Section 1.03.
- Be complete in its entirety and be submitted via IowaGrants.gov by the posted deadline.

Phase II – Review Team: Applications determined to be compliant with technical requirements will advance to the second phase of evaluation. Applications are sorted into similar-typed project groups and assigned to a specialized review team. Each team member individually evaluates assigned applications in accordance with review criteria. Each team then meets to compile results and develop the review team's recommendations of priority projects and funding allocations.

Phase III – Compliance Review for Monitoring Purposes:

As stated in Section 1.16, Information from Other Sources, HSEMD is required per Uniform Guidance to evaluate an applicant’s risk of non-compliance with Federal statutes, regulations, and terms and conditions of the subaward. To do so, HSEMD may consider an applicant’s prior experience with same or similar subawards, results of previous audits, and whether the applicant has new personnel or has new or substantially changed systems. Results of this review may be used for purposes of determining appropriate monitoring of the applicant should funds be granted. HSEMD may impose specific subaward conditions upon a subrecipient as described in *Uniform Guidance §200.207 Specific Conditions*, if deemed necessary.

Phase IV – HSEMD Compilation and Selection: Team recommendations are compiled for presentation to the SAA and may be reviewed by HSAC. The SAA may revisit and consider any available information including submitted applications; individual, team, and HSAC comments, review results and recommendations; previous funding allocations; reference information; and any other information received pursuant to the application process.

The SAA makes the final decision on which projects will be awarded funds and the amount of the financial award.

In the event that applications received do not address priority needs, meet requirements, or provide sufficient information to provide indication of success, the SAA reserves the right to seek additional applications or re-release the Funding Opportunity Announcement.

Notice to Applicants: Notification of Award Decisions

After final funding decisions are approved by the SAA, a list of projects and funding allocations will be distributed to all applicants via e-mail. This will occur after FEMA releases the state’s allocation and grant guidance for the current year. The SAA’s obligation amount is subject to change if, for example, the actual award amount to Iowa is different than the amount of the original allocation announced by FEMA.

The status of submitted applications not selected for funding will be changed from “Submitted” to “Not Approved” in IowaGrants.gov which will trigger an automatic message notification to the applicant. Applicants not selected for funding are not otherwise notified.

Revisions to Approved Applications: applications selected for funding may be “negotiated” or returned for revisions, if needed. Project scope of work, budget and timeline may be revised to align with the obligated amount of funding or other provisions. Applications must be re-submitted and approved before funds are actually awarded. See Section 1.24, Commitment to Award & Accept Funds and Grant Terms & Conditions. See also Appendix A.

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**APPENDIX A: DRAFT Commitment to Award and Accept Funds
with DRAFT Grant Terms & Conditions**

Commitment to Award and Accept Funds							
Federal Program CFDA Name	Homeland Security Grant Program (HSGP)			Pass-Through Entity and State Administering Agency	Iowa Homeland Security and Emergency Management Department (HSEMD)		
CFDA Number:	97.067			Subrecipient Grant Identification Number	HSGP-2015-SHSP-XX		
Federal Grant Year:	2015			Subrecipient Name and Address	Name of Person Name of Organization Address 1 Address 2 City, Iowa 00000-0000		
Total Federal Award	\$0.00			Applicable MOU?	No		
Federal Award Identification Number (FAIN)	EMW-2015-SS-			Subrecipient DUNS Number	000000000		
Federal Awarding Agency	U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA)			Subrecipient Prior Award Amount	\$0.00		
Federal Award Date				Amount Awarded This Action + or (-)	\$0.00		
Indirect Cost Rate	From FEMA			Total Funds Obligated	\$0.00		
Cost Share Requirement	No Match Requirement						
Research & Development (R&D)	Non-R&D						
Sub-Grant Performance Period	Start Date: End Date:						
Federal Award Project Description							
Sub-Grant Project Grant Title				Project Title Goes Here			
HSEMD Grant Project Officer				Annette Mansheim; Email annette.mansheim@iowa.gov ; Phone (515) 725-3291			
Approved Budget	Planning	Training	Exercise	Equipment	Organization	M&A	Totals
Personnel							
Travel							
Supplies							
Contractual							
Construction							
Other							
Indirect							
Totals							
State of Iowa Administering Agency Approval of Award							
Authorized Official:				Signature of Authorized Official:			
Angela Chen, Division Administrator Planning and Financial Services Division, HSEMD Work phone: (515) 725-3214 E-mail -- Angela.Chen@iowa.gov				_____			
				Award Date:			

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Subrecipient Acceptance	
<p>Deadline for Execution: Subrecipient recognizes that this document must be signed, dated and delivered to HSEMD by Sept. 24, 2015. Failure to do so will result in termination of this commitment. Sending scanned copy via e-mail is acceptable.</p>	
<p>I, acting as the authorized authority on behalf of the subrecipient, have read and understand the attached Grant Terms & Conditions, including but not limited to Appendix 1, Assurances and Certifications. By signing below, the subrecipient agrees to: (1) accept the stated award; (2) comply with the Grant Terms & Conditions in its entirety for the administration, implementation, and closeout of all grant activities; and (3) expend funds only upon approved scope of work, within the approved timeline and budget, all of which are located in the approved IowaGrant.gov application and included herein by express reference.</p>	
<p>Print below: Authorized Subrecipient Official (name/title):</p>	<p>Signature of Authorized Subrecipient Official:</p> <p>_____</p> <p>Date:</p>
<p>Print Below: Subrecipient's Authorized Representative</p>	<p>Signature of Subrecipient's Authorized Representative</p> <p>_____</p> <p>Date:</p>
<p>Administering Agency's Unique Revenue Accounting Code for this project:</p>	
<p>Administering Agency's Unique Expense Accounting Code for this project:</p>	

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Iowa Homeland Security & Emergency Management Department

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GRANT TERMS AND CONDITIONS

APPENDIX 1: NON-EXCLUSIVE LIST OF APPLICABLE FEDERAL REGULATIONS

Following is a non-exclusive list of federal regulations commonly applicable to FEMA grants:

1. **Acknowledgement of Federal Funding from Department of Homeland Security** – 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.
2. **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.
3. **Best Practices for Collection and Use of Personally Identifiable Information (PII)** – All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf and http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_template.pdf, respectively.
4. **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.
5. **Debarment and Suspension** – All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarment or suspending those persons deemed irresponsible in their dealings with the Federal government.
6. **Drug-Free Workplace Regulations** – All recipients of financial assistance will comply with the requirements of the Drug-Free Workplace Act of 1988 (41 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 2 CFR 3001.
7. **Duplication of Benefits** – State, Local and Tribal Recipients must comply with 2 CFR Part §225, Appendix A, paragraph (C)(3)(c), which provides that any cost allocable to a particular Federal award or cost objective

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under the principles provided for in this authority may not be charged to other Federal awards to overcome fund deficiencies.

8. **False Claims Act and Program Fraud Civil Remedies** – All recipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.
9. **Federal Debt Status** – All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.
10. **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.
11. **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. §2225(a), all recipients must 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.
12. **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 in 31 U.S.C. § 1352.
13. **Non-supplanting Requirement** – Recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.
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 - (a) Engages in severe forms of trafficking in persons during the period of time that the award is

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in effect; (b) Procures a commercial sex act during the period of time that the award is in effect; or (c) 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.

15. **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.
16. **Use of DHS Seal, Logo and Flags** – All recipients of financial assistance must obtain DHS's 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.
17. **DHS Specific Acknowledgements and Assurances** – All recipients must acknowledge and agree—and require any subrecipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.
 - a. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
 - b. 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.
 - c. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
 - d. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
 - e. 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.
 - f. 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. The United States has the right to seek judicial enforcement of these obligations.

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18. **Incorporation by Reference of Funding Opportunity Announcement** – The Funding Opportunity Announcement for this program is hereby incorporated into your award agreement by reference. By accepting this award, the recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained in the Funding Opportunity Announcement.
19. **Acceptance of Post Award Changes** – In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.
20. **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.
21. **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).
22. **Title VI of the 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.
23. **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 § 100.201).
24. **Limited English Proficiency (Civil Rights Act of 1964, Title VI)** – All recipients must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin

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Discrimination Affecting Limited English Proficient Persons, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

25. **SAFECOM** – Recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.
26. **Title IX of the Education Amendments of 1972** – 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.
27. **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.
28. **The Federal Funding Accountability and Transparency Act of 2006** – The Federal Funding Accountability and Transparency Act (FFATA) ensures that the public can access information on all entities and organizations receiving Federal funds. Central to the law was the development of www.USASpending.gov, a publically available website with searchable information on each Federal grant. Prime recipients are responsible for reporting contract information over \$25,000 and the compensation of an organization's top five executive officers when more than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000 annually is required.

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ELECTRONIC CODE OF FEDERAL REGULATIONS



e-CFR Data is current as of January 6, 2015

[Title 2](#) → [Subtitle A](#) → [Chapter II](#) → [Part 200](#)

TITLE 2—Grants and Agreements

Subtitle A—OFFICE OF MANAGEMENT AND BUDGET GUIDANCE FOR GRANTS AND AGREEMENTS

CHAPTER II—OFFICE OF MANAGEMENT AND BUDGET GUIDANCE

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Appendix	Appendix XI to Part 200 —Compliance Supplement

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2015 HSGP Funding Opportunity Announcement

Iowa Homeland Security & Emergency Management Department

2015 Grant Terms & Conditions

GRANT TERMS AND CONDITIONS

APPENDIX 3: Personal Activity Report

Being developed.

DRAFT

2015 HSGP Funding Opportunity Announcement

Iowa Homeland Security & Emergency Management Department

2015 Grant Terms & Conditions

GRANT TERMS AND CONDITIONS

APPENDIX 4: PRE-APPROVAL REQUEST INSTRUCTIONS FOR FOOD (NON-TRAVEL)

Using federal grant funds to provide food to people attending meetings or conferences is highly scrutinized by the federal awarding agency. Costs are subject to reimbursement to the agency should expense be deemed unnecessary or unreasonable. Therefore, Iowa's Homeland Security and Emergency Management Department (HSEMD) has implemented a two-step process for approval and payment.

Step 1: Pre-approval. HSEMD must pre-approve planned food expenditures prior to costs being incurred or food expenditures will not be reimbursed. HSEMD will consider pre-approval of food during an event such as a meeting, workshop, training, exercise or conference associated with the implementation of the project scope of work when it is documented that food costs are necessary and reasonable. **Complete and submit the Pre-Approval Form to your grant project officer.** Pre-approval to incur costs does not guarantee reimbursement of expenses.

Step 2: Payment Request Approval. Payment requests that include pre-approved food costs must be on a reimbursement basis only. Advance payments will not be approved. All required documentation must be submitted with the claim. Pre-approval to incur costs does not guarantee reimbursement if the documentation does not support the expenditure or if actual events were substantially different than what was pre-approved.

It is the subrecipient's responsibility to submit the following documentation with your claim to receive reimbursement for food:

1. Signed Pre-Approval Form
2. Invoice
3. Payment verification
4. Final, distributed event agenda with timeline
5. For meetings: signed minutes that document meeting start and end time
6. Participant sign-up sheet to include:
 - a. Printed name of person in attendance
 - b. Signature of person in attendance
 - c. Name of the organization, association or agency they represent
 - d. Miles traveled to attend event

Non-Allowable Expenses: Subrecipients should not request pre-approval or seek reimbursement for food items such as breakfast, donuts/rolls, break food, refreshments, snacks, or beverages (other than with a meal) even if this had been prior approved in your scope of work and budget. Alcohol is not an allowable expense under any circumstances. HSEMD will not pre-approve or provide reimbursement for these types of expenditures.

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Iowa Homeland Security & Emergency Management Department

2015 Grant Terms & Conditions

**GRANT TERMS AND CONDITIONS
PRE-APPROVAL REQUEST FORM FOR FOOD (NON-TRAVEL)**

Date of Event	
Projected outcome of event that supports project scope of work.	
Attach or enter outline of event activities to include timeline. Minimum amount of time for an event requiring a meal is five hours.	
Describe intended audience. Include projected number of people to attend and location/distance from where they are traveling.	
Are all participants required to attend the working session scheduled during the meal break?	
Itemized food budget.	
Explain why the provision of food is necessary. Explain why there are no other options for scheduling this event without providing food. Explain why people cannot leave to purchase food or why other arrangements don't work. Explain why this is the only viable, cost-efficient means to conduct the event.	

Submitted by:

--	--

Subrecipient Name/Title/Date

Signature

Approved by:

--	--

HSGP Project Office Name/Date

Signature

--	--

HSGP Grant Manager Name/Date

Signature

This approved form must be included with your claim for reimbursement.

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APPENDIX B: FEMA Information Bulletin #400

U.S. Department of Homeland Security
Washington, DC 20472



FEMA

Grant Programs Directorate Information Bulletin

**No. 400
12/23/14**

MEMORANDUM FOR: All State Administrative Agency Heads
All State Administrative Agency Points of Contact
All Urban Areas Security Initiative Points of Contact
All State Homeland Security Directors
All State Emergency Management Agency Directors
All Eligible Regional Transit Agencies
All Private Sector Transportation Security Partners
All Public and Private Sector Port Security Partners
All Tribal Nation Points of Contact

FROM: Brian E. Kamoie
Assistant Administrator for Grant Programs
Federal Emergency Management Agency

SUBJECT: FEMA's Implementation of 2 C.F.R. Part 200, the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Super Circular" or "Omni Circular")

This Information Bulletin (IB) provides guidance and information regarding FEMA's implementation of Title 2, Part 200 of the Code of Federal Regulations (C.F.R.), the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Super Circular" or "Omni Circular"). FEMA's Grant Programs Directorate (GPD) would like to remind our partners that the Department of Homeland Security adopted 2 C.F.R. Part 200 on December 19, 2014 in an Interim Final Rule that will be effective on December 26, 2014. Now that DHS has adopted 2 C.F.R. Part 200, these new regulations will apply to all new FEMA grant awards that are made on or after December 26, 2014. The new regulations will supersede 44 C.F.R. Part 13, and the Office of Management and Budget (OMB) Circulars A-21, A-87, A-89, A-102, A-110, A-122, A-133, and sections of A-50 for all FEMA awards made on or after December 26, 2014.

This IB applies to the following grant programs:

- Assistance to Firefighters Grant Program (AFG)
 - Assistance to Firefighters Grants (AFG)
 - Staffing for Adequate Fire & Emergency Response Grants (SAFER)
 - Fire Prevention and Safety Grants (FP&S)
- Emergency Management Performance Grants (EMPG) Program
- Homeland Security Grant Program (HSGP)

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- State Homeland Security Grant Program (SHSP)
- Urban Areas Security Initiative (UASI)
- Operation Stonegarden (OPSG)
- Tribal Homeland Security Grant Program (THSGP)
- Nonprofit Security Grant Program (NSGP)
- Intercity Passenger Rail Security Grant Program (IPR)
- Port Security Grant Program (PSGP)
- Transit Security Grant Program (TSGP)

The following provides information regarding 2 C.F.R. Part 200 and provides a high level summary of some of the substantive changes that will impact all non-Federal entities that receive awards or subawards under the above listed programs.

Background on 2 C.F.R. Part 200 (the Super Circular):

2 C.F.R. Part 200 is an OMB reform of regulations that apply to federal financial assistance, streamlining the language from eight existing OMB circulars into one consolidated set of guidance in the code of Federal regulations.

- In the past, each Federal agency published its own administrative grant regulations in different volumes of the Code of Federal Regulations (C.F.R.).
- For FEMA, these requirements were found primarily in 44 C.F.R. Part 13 (for state, local, and tribal governments) and 2 C.F.R. Part 215 (for schools, hospitals, and other provide non-profit entities), among others.

The Super Circular is aimed at eliminating duplicative or almost duplicative language, and is intended to make compliance with the regulations less burdensome for recipients and subrecipients of federal financial assistance. OMB also intended the reform to reduce the number of audit findings that resulted more from unclear guidance than from actual non-compliance.

2 C.F.R. Part 200 provides guidance on the *administrative* aspects of federal grants (e.g. how grants are awarded, managed, audited, and closed-out). Administrative requirements associated with FEMA grants *will be* affected by the Super Circular. The Super Circular does NOT change the *programmatic substance* of FEMA's financial assistance programs. For example, 2 C.F.R. Part 200 will not change:

- Eligibility criteria for non-disaster grant programs;
- The statutory purposes and objectives of FEMA's non-disaster grant programs; and
- The statutorily-allowable costs and activities under FEMA's non-disaster grant programs.

Effective Date for 2 C.F.R. Part 200

The Super Circular will apply to non-disaster grants that FEMA awards on or after December 26, 2014. With the exception of the audit requirements in Subpart F, the Super Circular will not apply retroactively to existing FEMA non-disaster awards. For existing FEMA non-disaster grants awarded before December 26, 2014, recipients and subrecipients should continue to

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follow the applicable legacy regulations identified in the terms and conditions of their award packages.

The effective date for the audit requirements in 2 C.F.R. Part 200 is not tied to the date any specific federal awards were made. Instead, the effective date for the audit requirement depends on when the recipient's or subrecipient's fiscal year began that is subject to the audit. States, local governments, Indian Tribes, institutions of higher education, and non-profit organizations that are required to perform a single or program-specific audit under the *Single Audit Act* will follow the audit requirements in Subpart F of 2 C.F.R. Part 200 for audits of their fiscal years that begin on or after December 26, 2014. For audits of fiscal years that began prior to December 26, 2014, these non-federal entities will continue to follow the audit requirements outlined in OMB Circular A-133.

OMB has stated that recipients and subrecipients who wish to implement entity-wide system changes now, in order to comply with the new requirements of 2 C.F.R. Part 200 after the effective date, will not be penalized for doing so.

Applicability of 2 C.F.R. Part 200 to Classes of Recipients and Subrecipients

The legacy OMB Circulars and regulations on Uniform Administrative Requirements and Cost Principles applied to different non-federal entities, all depending on what type of entity was concerned. For example, 44 C.F.R. Part 13 provided the Uniform Administrative Requirements only for States, local governments, and Indian Tribes that were recipients or subrecipients of FEMA awards. Similarly, OMB Circular A-110 (2 C.F.R. Part 215) provided the Uniform Administrative Requirements for awards and subawards to Institutions of Higher Education, Hospitals, and other non-profits.

The new Super Circular located at 2 C.F.R. Part 200 provides one set of Uniform Administrative Requirements, Cost Principles, and audit requirements for federal awards and subawards to all non-Federal entities. "Non-Federal entities" are states, local governments, Indian Tribes, institutions of higher education, or nonprofit organizations that carry out federal awards. For-profit entities are also subject to 2 C.F.R. Part 200, Subparts A through E. For-profit entities are NOT subject to Subpart F.

NOTE: Of particular significance, the new regulations will apply equally to both governmental and non-profit organizations. Non-profit organizations – whether as direct recipients or as subrecipients of Federal awards – will no longer be required to follow a different set of rules (which has often led to confusion in the past).

Highlights of Substantive Changes in 2 C.F.R. Part 200

2 C.F.R. Part 200 consists of six (6) subparts and eleven (11) separate appendices. Recipients and subrecipients of FEMA awards are strongly encouraged to review 2 C.F.R. Part 200 in its entirety, because it does contain substantive changes. This section contains a brief overview of some of the substantive changes in 2 C.F.R. Part 200, but it is not intended to be an exhaustive discussion of all of the changes in the new regulation. This section is for informational purposes only. Recipients and subrecipients of FEMA awards must continue to follow the terms and

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conditions of their individual awards. To the extent the terms and conditions of an individual award conflicts with this summary, the terms and conditions of the award control.

Subpart A – Acronyms and Definitions

There are 98 terms that have specific defined meanings under the new Super Circular. Please make sure to consult these definitions as many of these terms are new and affect how other provisions of the Super Circular should be interpreted.

Examples of new terms include:

- Recipient – meaning a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include subrecipients. NOTE: the term “recipient” replaces the term “grantee.”
- Subrecipient – meaning a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. NOTE: The term “subrecipient” replaces the term “subgrantee.”
- Pass-through Entity – means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program. NOTE: many States and State Administrative Agencies will be considered “pass-through entities” under the new regulation.

Subpart B – General Provisions

- **§ 200.112 Conflict of Interest**

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

The recipient or pass-through entity must disclose to FEMA, in writing, any real or potential conflict of interest as defined by the Federal, state, local, or tribal statutes or regulations or their own existing policies that may arise during the administration of the federal award. Recipients and pass-through entities must disclose any real or potential conflicts to their Program Analyst within five days of learning of the conflict of interest. Similarly, subrecipients must disclose any real or potential conflict of interest to the pass-through entity as required by the Recipient’s conflict of interest policies, or any applicable State, local, or tribal statutes or regulations.

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

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- **§200.113 Mandatory disclosures**

Recipients and subrecipients must disclose, in a timely manner and in writing to FEMA and/or its pass-through entity, all violations of Federal criminal law involving fraud, bribery, or gratuity potentially affecting the Federal award.

Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards

Most of the content in Subpart C of the Super Circular refers to the *FEMA's roles and responsibilities* in administering its Federal awards.

- **§200.203 Notices of Funding Opportunities –**

FEMA will issue Notices of Funding Opportunities (NOFOs) for all of its non-disaster grant programs. The NOFO will replace the legacy Funding Opportunity Announcement (FOA), which FEMA has historically used to announce funding opportunities for its non-disaster grant programs.

- **§200.204 Federal awarding agency review of merit proposals**

For *competitive* non-disaster grants and cooperative agreements, FEMA will design and execute a merit review process for applications so that applicants will know the process FEMA uses to select applications for funding. The merit review process for each individual non-disaster grant program will be specifically described in the program's NOFO.

- **§200.205 Federal awarding agency review of risk posed by applicants**

Before making any awards, the federal awarding agency must review information available through OMB- designated repositories of government-wide eligibility qualifications or financial integrity information. FEMA will not make awards to entities listed within the Excluded Parties List System located on SAM.gov, or to entities who are otherwise disqualified from receiving a federal award.

For competitive grants or cooperative agreements, FEMA will conduct an additional review to evaluate the risk posed by applicants before they receive federal awards. FEMA may consider some or all of the factors listed in 2 C.F.R. § 200.205(c) when conducting this review, in addition to other factors. The factors considered during the risk review process for each competitive non-disaster grant program will be specifically described in the program's NOFO.

- **§200.207 Specific Conditions**

Based on FEMA's review of merit proposals and risk, FEMA may impose specific conditions on awards. Conditions may include additional project monitoring, financial reporting, establishing additional prior approvals, and the other conditions listed in 2 C.F.R. § 200.207.

Subpart D – Post-Federal Award Requirements Standards for Financial and Program Management

Much of the content in Subpart D of the Super Circular refers to the *recipients' and subrecipients' roles and responsibilities* in administering their Federal awards. However, some portions of Subpart D also refer to the *FEMA's roles and responsibilities* in administering its Federal awards.

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- **§200.307 Program Income**

Income from royalties and license fees for copyrighted materials, inventions, and patents is now included in the definition of program income. Additionally, FEMA may now negotiate agreements with recipients regarding appropriate uses of income earned after the period of performance of the Federal award ends.

- **§200.308 Revision of Budget and Program Plans**

This section sets the requirements for when recipients must report deviations from their approved budgets and program plans. This section also sets the requirements for when recipients must request prior approval from FEMA to make changes to their approved budgets. This section also establishes when FEMA may waive the prior approval requirements set forth in this section. Please note that per the terms of this section, FEMA may no longer waive the prior approval requirements for construction projects. You are strongly encouraged to read this section carefully.

- **§200.309 Period of Performance**

A non-Federal entity may charge to their FEMA award only those allowable costs incurred during the award's stated period of performance. Pre-award costs will generally require prior approval from FEMA to be charged to the award. Recipients should review their specific program NOFOs for program specific requirements related to pre-award costs. Post-award costs – that is, costs that are incurred after the award's period of performance ends – are not chargeable to the award and will be disallowed.

- **§200.313 Equipment**

Many of the requirements related to the use, management, and disposition of equipment purchased with FEMA grant dollars remain similar to the legacy requirements in 44 C.F.R. Part 13. But, there are some new requirements and clarifications related to grant-funded equipment:

Title – Title to grant-funded equipment will continue to be held by the recipient or subrecipient who purchase the equipment. The regulation establishes, however, that this title is a conditional title, meaning that the title is conditioned on the recipient or subrecipient complying with the use, management, and disposition requirements for equipment in 2 C.F.R. § 200.313, and all other 2 C.F.R. Part 200 requirements related to property management that are applicable to equipment.

Encumbering Equipment- Additionally, recipients and subrecipients may not encumber grant-funded equipment without prior approval from FEMA or the pass-through entity. Recipients with specific questions about encumbering equipment should refer to their program NOFO or contact their Program Analyst.

- **§200.314 Supplies**

FEMA retains an interest in any unused supplies exceeding \$ 5,000 in total aggregate value upon termination or completion of the project or program if they are not needed for any other Federal award. The non-Federal entity must compensate FEMA for its share of the supplies in compliance with 2 C.F.R. § 200.313 & 200.314.

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As long as FEMA retains an interest in supplies, the non-Federal entity must not use the supplies to provide services to other organizations for a fee that is less than private companies charge for equivalent services.

▪ **§200.329 Reporting on Real Property**

FEMA retains an interest in grant-funded real property until the non-Federal entity disposes of the property in compliance with FEMA's instructions. The pass-through entity or subrecipient is required to submit a report in writing on the status of any grant-funded real property. The reporting requirements recipients and sub-recipients must follow will be outlined in the NOFOs or award documents for non-disaster grants that fund real property. Recipients with specific questions regarding the reporting requirements should contact their Program Analyst.

▪ **§200.317 - § 200.326 Procurement Standards for Federal Awards**

All recipients and subrecipients of FEMA non-disaster grants must follow the applicable procurement standards located at 2 C.F.R. §§ 200.317 – 200.326. In general, the application of these requirements is briefly summarized below. However, procurement is a complex topic and recipients and subrecipients are strongly encouraged to very carefully review the procurement requirements in the new regulation. Recipients with specific questions about the procurement requirements should contact their Program Analyst.

Procurements by States: When procuring property and services under a Federal award, a state recipient or subrecipient must comply with the requirements of 2 C.F.R. § 200.317. The regulation at 2 C.F.R. § 200.317 requires a state recipient or subrecipient to follow the same policies and procedures it uses for procurements from its non-Federal funds, and also requires it to comply with 2 C.F.R. § 200.322 (Procurement of Recovered Materials) and ensure that every purchase order or other contract it issues under a Federal award includes the clauses required by 2 C.F.R. § 200.326 (Contract Provisions).

Procurements by Non-Federal Entities that Are Not States: All non-Federal entities that are not states who are recipients and subrecipients of Federal awards will follow 2 C.F.R. §§ 200.318 - 200.326 when procuring property and services under a Federal award.

NOTE: For Non-Profit Organizations, Institutions of Higher Education, and Hospitals: Non-profit organizations, institutions of higher education (as defined at 20 U.S.C. § 1001), and hospitals that were previously subject to the procurement standards set forth at 2 C.F.R. Part 215, are now subject to the procurement standards set forth at 2 C.F.R. §§ 200.318 – 200.326. These requirements differ from previous requirements and the impacted non-Federal entity should familiarize itself with these new standards.

▪ **§200.331 Requirements for Pass-Through Entities**

Pass-through entities have additional responsibilities when administering subawards, many of which are highlighted in this interim guidance and listed below. This IB does not provide an exhaustive list and pass-through entities must adhere to all of the requirements in 2 C.F.R. Part 200.

All pass-through entities must:

- (a) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes information required in 2 C.F.R. § 200.331.

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- (b) Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described 2 C.F.R. § 200.331.
- (c) Consider imposing specific subaward conditions upon a subrecipient, if appropriate, and notify subrecipient, as described in 2 C.F.R. § 200.207.
- (d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include the requirement found in 2 C.F.R. § 200.331.
- (e) Verify that every subrecipient is audited as required by 2 C.F.R. Subpart F— Audit Requirements when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 C.F.R. § 200.501.
- (f) Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.
- (g) Consider taking enforcement action against noncompliant subrecipients as described in 2 C.F.R. § 200.338.

- **§200.338 Remedies for Noncompliance**

FEMA may apply specific award conditions, as outlined in 2 C.F.R. § 200.207, if it is necessary to address a risk posed by an applicant or recipient, including, but not limited to, an applicant's history of failing to comply with the terms of a Federal award or failure to meet expected performance goals. These specific conditions may include, but are not limited to, requiring technical or management assistance, additional financial or programmatic reports and project monitoring, and payments as reimbursements rather than advance payments.

If those additional conditions do not remedy a recipient's non-compliance, additional remedies are available, including:

- (a) Temporarily withholding cash payments;
- (b) Disallowing costs;
- (c) Wholly or partially suspending or terminating the award;
- (d) Suspension or debarment proceedings;
- (e) Withholding further Federal awards for the project or program; and
- (f) Any other remedies legally available.

- **§200.339 Termination**

FEMA or the pass-through entity may terminate a Federal award in whole or in part:

- If a non-Federal entity fails to comply with the terms and conditions of the award;
- For cause; and
- With the consent of the non-Federal entity.

Additionally, the Federal award may be terminated by the non-Federal entity, if they send written notification setting forth the reasons for termination, the effective date, and the

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portion to be terminated in the case of partial termination. The award may be wholly terminated where FEMA or the pass-through entity determines an award modified by a partial termination will not accomplish the purposes for which it was made.

▪ **§200.340 Notification of Termination Requirement**

In the event that FEMA or the pass-through entity terminates a Federal award in whole or in part, FEMA or the pass-through entity must provide a written notice of termination to the non-Federal entity whose award is being terminated.

▪ **§200.343 Closeout**

FEMA or the pass-through entity will close out the Federal award when it determines that all applicable administrative actions and all required work of the Federal award have been completed by the non-Federal entity. FEMA will include specific information on award closeout for non-disaster grant programs in the program NOFOs.

NOTE: This requirement imposes a *new* requirement on recipients who make subawards. Pass-through entities are now required to closeout subawards when they are completed.

▪ **§200.333 Retention Requirements for Records**

Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report.

New Exception: When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period, non-Federal entities must keep records for more than the three year period.

Subpart E – Cost Principles

2 C.F.R. Part 200, Subpart E establishes cost principles that recipients and subrecipients will use, in addition to the guidance contained in their NOFOs and award documents, to determine allowable costs under their non-disaster grant awards. States, local governments, Indian Tribes, Institutions of Higher Education, and other non-profits will use these cost principles in connection with their non-disaster grant awards. The new cost principles continue to provide general guidance on what costs are allowable, reasonable, and allocable to Federal awards. In addition, the cost principles continue to contain specific guidance on selected items of cost. Some of these selected items of cost that recipients and subrecipients may find useful include:

- Alcoholic beverages
- Audit services
- Bonding costs
- Compensation – personnel services
- Compensation – fringe benefits
- Conferences
- Entertainment Costs
- Goods or services for personal use
- Pre-award costs
- Termination Costs

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- Travel Costs

FEMA recommends all FEMA award recipients and subrecipients review the new cost principles carefully.

NOTE: The new cost principles in Subpart E do NOT apply to hospitals who are recipients or subrecipients of FEMA non-disaster grant awards. Hospitals will continue to follow the cost principles located at 45 C.F.R. Part 74.

Subpart F – Audit Requirements

States, local governments, Indian Tribes, institutions of higher education, and non-profit organizations that are required to perform a single or program-specific audit under the *Single Audit Act* will follow the audit requirements in Subpart F of 2 C.F.R. Part 200 for audits of their fiscal years that begin on or after December 26, 2014. For audits of fiscal years that began prior to December 26, 2014, these non-federal entities will continue to follow the audit requirements outlined in OMB Circular A-133.

Note that the audit threshold in Subpart F has changed. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year.

Additional Resources

The Super Circular is currently located in the Code of Federal Regulations at 2 C.F.R. Part 200. It can be located at the following link:

http://www.ecfr.gov/cgi-bin/text-id.x?SID=6ff1948306752298f4e1d604ec4abc51&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

You may also view the Department of Homeland Security's Interim Final Rule adopting the Super Circular in the Federal Register at 79 FR 75871. Here is a link to the DHS Interim Final Rule:

<http://www.gpo.gov/fdsys/pkg/FR-2014-12-19/pdf/2014-28697.pdf>

FEMA will be conducting web-based training to its recipient partners throughout the coming year. A webinar was presented on Thursday, December 18, 2014; the link for the webinar is located at www.fema.gov/grants. Another webinar will be presented on January 7, 2015 at 3:00PM EST and will be located at <https://icpd.adobeconnect.com/supercircular-jan7/>. If you have any questions regarding 2 CFR Part 200, please don't hesitate to contact your FEMA Program Analyst or the Centralized Scheduling and Information Desk at askcsid@dhs.gov or 1-800-368-6498. FEMA is interested in providing our stakeholders with additional webinars focused on subject-specific grants administration topics. If you have ideas or suggestions for what topics you would like FEMA to focus on, please let us know.

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