

**The Department of Homeland Security (DHS)  
 Notice of Funding Opportunity (NOFO) FY24 Fall  
 National Dam Safety Program State Assistance Grant**

<b>SUMMARY OVERVIEW OF KEY INFORMATION FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NATIONAL DAM SAFETY PROGRAM (NDSP) STATE ASSISTANCE</b>	
<b>Program Overview</b>	NDSP provides assistance to encourage the establishment and maintenance of effective state programs intended to ensure dam safety, protect human life and property, and improve state dam safety programs. Through risk analysis and risk prioritization methodologies, it informs decision-making on where best to invest limited resources to reduce risk to the public and property associated with dams. State Dam Safety agencies are encouraged to access and apply risk analysis best practices and share critical data analysis with key stakeholders within your emergency management community.
<b>Goals and Objective</b>	<ol style="list-style-type: none"> <li>1. Reduce risks to life and property associated with dams;</li> <li>2. Increase awareness of the benefits and risks associated with dam infrastructure; and</li> <li>3. Advance the state of practice of dam safety and dam risk management.</li> </ol>
<b>Eligible Projects</b>	Eligible activities include but are not limited to inspections of high hazard dams, developing and updating emergency action plans, enforcement actions, outreach programs to increase public awareness, and training of state dam safety staff.
<b>Deadlines</b>	<p>Application Start Date: Nov 6, 2023 at 9 AM ET            Application Submission Deadline: Feb 29, 2024 at 5 PM ET</p> <p>Period of Performance Start Date(s): date of the recipient's federal award            Period of Performance End Date(s): 24 months after award date</p>
<b>Funding Amount</b>	Available Funding for the NOFO: \$26,328,000
<b>Eligible Applicants</b>	States, District of Columbia, and U.S. territories with a state dam safety program that meets the requirements in 33 U.S.C. Section 467f.
<b>Cost Share</b>	There is no Cost Match or Cost Share requirement for this program. However the State Assistance award amount may not exceed the amount of funds committed by the state for dam safety activities.

All entities wishing to do business with the federal government must have a unique entity identifier (UEI). The UEI number is issued by the SAM system. Requesting a UEI using Sam.gov can be found at: [SAM.gov](https://sam.gov) | [Entity Registrations](https://sam.gov).

Grants.gov registration information can be found at: [Register](https://www.grants.gov) | [GRANTS.GOV](https://www.grants.gov).

### Planned UEI Updates in Grant Application Forms:

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

[Planned UEI Updates](https://www.grants.gov) | [GRANTS.GOV](https://www.grants.gov)

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## **A. Program Description**

### **1. Issued By**

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Resilience/Risk Management/National Dam Safety Program (NDSP)

### **2. Assistance Listings Number**

97.041

### **3. Assistance Listings Title**

National Dam Safety Program

### **4. Funding Opportunity Title**

Fiscal year 2024 National Dam Safety Program (NDSP) Fall State Assistance Grant

### **5. Funding Opportunity Number**

DHS-24-MT-041-00-99

### **6. Authorizing Authority for Program**

Section 8 of the National Dam Safety Program Act, as amended, (Pub. L. No. 104-303) (codified as amended at 33 U.S.C. Section 467-467n)

### **7. Appropriation Authority for Program**

Infrastructure Investment and Jobs Act, Division J, Title V, Protection, Preparedness, Response, and Recovery, Federal Emergency Management Agency, Operations and Support (Pub. L. No. 117-58)

### **8. Announcement Type**

Initial

### **9. Program Category**

Mitigation: Risk Analysis

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

### **a. Overview**

NDSP provides assistance to encourage the establishment and maintenance of effective state programs intended to ensure dam safety, protect human life and property, and improve state dam safety programs. Through risk analysis and risk prioritization methodologies, NDSP informs decision-making on where best to invest limited resources to reduce risk to the public and property associated with dams. State Dam Safety agencies are encouraged to access and apply risk analysis best practices and share critical data analysis with key stakeholders within your emergency management community.

The need for dam safety programs is demonstrated through recent events. From 2005 to 2013, 173 dam failures were reported along with an additional 587 incidents that would have become failures had intervention not occurred. For example, on May 19, 2020, extremely heavy rains in Michigan caused the Edenville dam to fail. The water from that failure rushed downstream destroying the Sanford dam. Thankfully no lives were lost, but the resulting

flooding caused the evacuation of 10,000 people, damaged more than 2500 properties and cost more than \$175 million in damage.

With the help of State Assistance grants 81% of high hazard dams nationwide have an Emergency Action Plan.

The [DHS Strategic Plan for Fiscal Years 2020-2024](#) reflects the Department's complex mission and articulates guiding principles to champion relentless resilience. This grant funding supports DHS Goal 3: Secure cyberspace and critical infrastructure; Objective 3.2: Strengthen the security and resilience of critical infrastructure; and Goal 5: Strengthen preparedness and resilience; and Objective 5.1: Build a national culture of preparedness.

The NDSP supports Goals 3 and 5 by providing grant assistance for states to establish, maintain, and improve dam safety programs in accordance with the criteria listed in Section C.2. The program also supports the 2022-2026 FEMA Strategic Plan, Goal 2: Lead Whole of Community in Climate Resilience, Objective 2.3, Empower Risk-Informed Decision Making.

#### **b. Objectives**

The program objectives are:

1. Reduce risks to life and property associated with dams;
2. Increase awareness of the benefits and risks associated with dam infrastructure; and
3. Advance the state of practice of dam safety and dam risk management.

#### **c. Priorities**

To encourage the establishment and maintenance of effective State Dam Safety programs intended to ensure dam safety, to protect human life and property, and to improve state dam safety programs.

### **11. Performance Measures**

The following table provides grant Performance Measures aligned with Program Objectives and Eligible Activities. Applicants may choose **one or more activities** from this list. The state may propose additional activities to support the program objectives; however, applicants must obtain approval from their FEMA Program Officer for inclusion into the workplan. Applicants are to establish Performance Measurement targets for activities submitted for funding under this award. See **Appendix B: Performance Progress Report (PPR) Template**.

<b>Program Objectives</b>	<b>Eligible Activities - Examples</b>	<b>Performance Measure (PM)</b>
1: Reduced risks to life and property associated with dams	1.1 Perform targeted safety inspections of High Hazard (HH) dams/dams of highest consequence.	1.1 The percentage of high hazard potential dams/ dams of highest consequence to life and property, with completed safety inspection. Calculated by the

		number of high hazard potential dams due for inspection over the period of performance.
	1.2 Perform targeted condition assessment and evaluations of reservoirs and HH dams/dams of highest consequence.	1.2 The percentage of high hazard potential dams (of state total dams) with condition assessments entered in the National Inventory of Dams (NID) over the period of performance.
	1.3 Development of new or updated Emergency Action Plan (EAP) of HH dams / dams of highest consequence.	1.3 The percentage of high hazard potential dams (of state total) dams that have new or updated emergency action plans in place over the period of performance.
	1.4 Perform regulatory enforcement actions: Implement enforcement actions to compel the dam owner of an unsafe high hazard potential dam to take action to reduce the risk associated with the dam. Regulatory enforcement actions may include, but not limited to, official notice of violation, civil or criminal penalties, reservoir restrictions, or safe breaching of the dam.	1.4 The percentage of enforcement actions taken against the dam owner with identified dam deficiencies. Calculated by the number of dams with identified dam deficiencies that have received an enforcement action over the period of performance.
2: Increased public awareness of risks associated with dams	2.1 Execution of targeted outreach and messaging strategies to inform the public and stakeholders of dam risks and actions that individuals/organizations/communities need to take.	2.1 Number of new products/targeted outreach activities completed and implemented over the period of performance.
	2.2 Establish and maintain assessment tool for gauging effectiveness of targeted public outreach about hazards and risks associated with dams.	2.2 State implements public awareness outreach assessment tool and collects data to inform improvements to communications and targeted outreach.
3: Improvement and advancement of state dam	3.1 Identification of and applied best practices that advance operations of state dam safety programs (includes software programs that assess,	3.1 Number of applied best practices that advance state dam safety programs (includes software programs that assess,

safety and risk management program.	monitor, model, and analyze potential and real risk).	monitor, model, and analyze potential and real risk).
	3.2 Risk identification analysis and risk prioritization methodologies to inform decision-making in dam rehabilitation or removal projects of High Hazard Potential Dams (HHPD). See note below.*	3.2 Report of eligible HHPD and description of risk prioritization methodology.
	3.3 Implementation of a state dam sector cybersecurity framework consistent with the National Institute of Standards and Technology ( <a href="#">NIST</a> ) Framework for Improving Critical Infrastructure Cybersecurity and guidance from the Cybersecurity and Infrastructure Security Agency ( <a href="#">CISA</a> ).	3.3 Implementation of state dam sector cybersecurity framework.
	3.4 Professional education, workshops, and training on content such as dam operations and safety standards, industry best practices, risk assessment methodologies, and risk communication strategies for dam owners, local officials and EM, and state dam safety staff. See note below.**	3.4 1. Number of stakeholders reached (dam owners, local EM, and officials). 2. Number of and content of trainings, courses, workshops offered. 3. Number of state staff trained.

## NOTE:

\*3.2 All High Hazard Potential Dams pose a risk to lives and/or property, but all risks are not equal. Risk prioritization methodology is an objective means to prioritize the dams that pose the greatest risks.

\*\*3.4 Best practices are

**B. Federal Award Information**

1. Available Funding for the funding opportunity: **\$26,328,000**
2. Projected Number of Awards: **50**
3. Period of Performance: **24 months**

Extensions to the period of performance are allowed. For additional information on period of performance extensions, please refer to Section H of this funding opportunity.

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

4. Period of Performance Start Date(s): **Date the recipient’s federal award is signed**
5. Period of Performance End Date(s): **24 months after award date**
6. Funding Instrument Type: **Grant**

### **C. Eligibility Information**

#### **1. Eligible Applicants**

This funding opportunity is restricted to the state dam safety program for eligible entities meeting the statutory definition of a “state.”

Per Title 33 United States Code Section 467(10), the term “state” means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

#### **2. Applicant Eligibility Criteria**

For a state to be eligible for assistance under this program, a state dam safety program must be authorized by state legislation and working toward meeting specific criteria and budgeting requirements. Eligible state dam safety programs must:

1. Have the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;
2. Have the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;
3. Maintain a requirement that, on completion of dam construction, state approval must be given before operation of the dam;
4. Have the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;
5. Have the authority to require or perform the inspection, at least once every five (5) years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs;
6. Maintain procedures for conducting more detailed and frequent safety inspections, if necessary;
7. Maintain a requirement that all inspections be performed under the supervision of a state-registered professional engineer with experience in dam design and construction;
8. Have the authority to require dam owners to perform necessary maintenance or remedial work, install and monitor instrumentation, improve security, revise operating procedures, or take other actions, including breaching dams when necessary;
9. Maintain regulations for carrying out the state legislation described in this subparagraph;
10. Have access to funds necessary—
  - a. to ensure timely repairs or other changes to, or removal of, a dam to protect human life and property; and

- b. to take appropriate action as expeditiously as practicable if a dam owner does not take action described in 10.a.;
- 11. Maintain emergency procedures to be used if a dam fails or if the failure of a dam is imminent; and
- 12. Identify
  - a. each dam the failure of which could be reasonably expected to endanger human life;
  - b. the maximum area that could be flooded if such dams failed; and
  - c. critical public facilities that would be affected by the flooding.

Note, only dams that meet the definition in 33 U.S.C. Section 467 are eligible for funding under State Assistance.

### 3. Maintenance of Effort (MOE)

Assistance may not be provided to a state under this program for a fiscal year unless the state maintains the aggregate expenditures of the state from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of such expenditures for the two fiscal years preceding the current fiscal year. *See* Section D.9.b Program-Specific Required Information.

### 4. Cost Share or Match

There is no Cost Match or Cost Share requirement for this program. However the State Assistance award amount may not exceed the amount of funds committed by the state for dam safety activities. 33 U.S.C. Section 467j(2)(B)

## D. Application and Submission Information

### 1. Key Dates and Times

- a. *Application Start Date:* **Nov 6, 2023 at 9 AM ET**
- b. *Application Submission Deadline:* **Feb 29, 2024 at 5 PM ET**

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

FEMA's Grants Outcomes System (FEMA GO) automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled "Timely Receipt Requirements and Proof of Timely Submission" in Section D.8.

**FEMA will not review applications that are received after the deadline or consider these late applications for funding.** FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the

applicant's control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

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

A list of FEMA contacts can be found in Section G, "DHS Awarding Agency Contact Information." For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at [femago@fema.dhs.gov](mailto:femago@fema.dhs.gov) or 1-877-585-3242, Monday through Friday, 9 a.m – 6 p.m. Eastern Time (ET).

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

c. **Anticipated Funding Selection Date:** No later than Mar 29, 2024

d. **Anticipated Award Date:** No later than Apr 8, 2024

e. **Other Key Dates**

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

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

By submitting an application, applicants agree to comply with the requirements and the terms and conditions of the award, should they receive an award.

### 3. Address to Request Application Package

Applications are processed through the FEMA GO system. To access the system, go to [FEMAGO - Login](#).

Hard copies of the funding opportunity can be downloaded at [Grants.gov](#) or obtained via email from the Awarding Office points of contact listed in Section G, “DHS Awarding Agency Contact Information” or by TTY (800) 462-7585.

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

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

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

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

- a. Apply for, update, or verify their Unique Entity Identifier (UEI) number and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide an UEI number;
- c. Have an account with [The public’s one account for government. | 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 [Grants Management Modernization \(GMM\) FEMA GO Startup Guide](#);
- f. Submit the complete application in FEMA GO; and
- g. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant’s immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

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

federal award. If an applicant's SAM registration is expired at the time of application, expires during application review, or expires any other time before award, FEMA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

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

## 5. Electronic Delivery

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

## 6. How to Register to Apply

### a. *General Instructions:*

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

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

Organizations must have a UEI number, an EIN, an active System for Award Management (SAM) registration and Grants.gov account to apply for grants.

Application must be submitted in FEMA GO, however, organizations must also have a Grants.gov account to apply for an award under this program. Creating a Grants.gov account can be completed online in minutes, but UEI and SAM registrations may take several weeks. Therefore, an organization's registration should be done in sufficient time to ensure it does not impact the entity's ability to meet required application submission deadlines. Complete organization instructions can be found on Grants.gov here:

[Organization Registration | GRANTS.GOV.](#)

If individual applicants are eligible to apply for this grant funding opportunity, refer to: [Applicant Registration | GRANTS.GOV.](#)

### b. *Obtain a UEI Number:*

All entities applying for funding, including renewal funding, prior to April 4, 2022, 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 | Home](#).

**c. *Obtain Employer Identification Number***

All entities applying for funding must provide an Employer Identification Number (EIN). The EIN can be obtained from the IRS by visiting: [Apply for an Employer Identification Number \(EIN\) Online | Internal Revenue Service \(irs.gov\)](#).

**d. *Create a login.gov account:***

Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account here: [SAM.gov | Home](#).

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

For more information on the login.gov requirements for SAM registration, refer to: [SAM.gov | Home](#).

**e. *Register with SAM:***

All organizations must register with SAM. Failure to register with SAM will prevent your organization from applying. SAM registration must be renewed annually. Organizations will be issued a UEI number with the completed SAM registration.

For more detailed instructions for registering with SAM, refer to: [Step 2: Register with SAM | GRANTS.GOV](#).

Note: As a new requirement per 2 Code of Federal Regulations Section 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 last three years, if applicable.

**I. *ADDITIONAL SAM REMINDERS***

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

It is imperative that the information applicants provide is correct and current. Please ensure that your organization's name, address, and EIN are up to date in SAM and that the UEI

number used in SAM is the same one used to apply for all other FEMA awards. Payment

## II. HELP WITH SAM

The SAM quick start guide for new recipient registration and SAM video tutorial for new applicants are tools created by the General Services Administration (GSA) to assist those registering with SAM. If applicants have questions or concerns about a SAM registration, please contact the [Federal Support Desk](#) or call toll free (866) 606-8220.

### *f. Register in FEMA GO, Add the Organization to the System, and Establish the AOR:*

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

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

- Google Chrome
- Internet Explorer
- Mozilla Firefox
- Apple Safari
- Microsoft Edge

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

## 7. Submitting the Final-Application in FEMA GO

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

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

For additional application submission requirements, including program-specific requirements, please refer to the subsection titled "Content and Form of Application Submission" under Section D.11.

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

All applications must be completed in FEMA GO by the application deadline. FEMA GO automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative (AOR) role that submitted the application will

also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission on the date and time that FEMA GO received the application.

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

## **9. Content and Form of Application Submission**

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

The following forms or information are required to be submitted in the FEMA GO program. The Standard Forms (SF) are also [SF-424 Family | 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**
- **Indirect Cost Agreement or Proposal** if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see Section D.13 of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

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

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

#### **1. Grant summary page: Program-specific information**

- a. Label summary document: *[Insert State Name]* [NDSP 2023 BIL SOW]
- b. Include the following grant information in the summary document:
  - Grant name and fiscal year:
  - Federal amount requested: *[Insert Dollar Value \$]* \_\_\_\_\_
  - Name of state contact for program results: (name, email, phone number)
  - Name of finance contact: (name, email, phone number)
  - Period of Performance: (Start-end)
- c. Maintenance of Effort (MOE): Provide aggregate expenditures of the state from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of such expenditures for the two fiscal years preceding the current fiscal year.

2. **Scope of Work (SOW)** narrative that describes the eligible tasks and activities that will be completed within the period of performance.
3. **Milestone Quarterly Work Plan** that demonstrates timeline for SOW completion aligned with performance metrics (template may be requested from FEMA Regional Program Officer).
4. **Letter from State Official:** MOE requirement documentation must be submitted on official letterhead, signed by the authorized official, that reports aggregate expenditures of the State from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of such expenditures for the two fiscal years preceding the current fiscal year (See **Appendix A:** Letter template)
5. **Detailed budget** associated with SOW deliverables and performance measures.

The budget narrative and budget worksheets are critical elements of the budget. These documents help the recipient justify the need for each line item and cost estimates. They explain how the costs relate to the programmatic goals for the project and support the budget by showing the basis of computation. The budget narrative and basis of computation must be related to and include all costs necessary to complete each of the proposed activities in the work plan. FEMA uses the budget narrative/justification and basis of computation submitted by the applicant to review the funding amounts listed in the project narrative/SOW, the SF-424, and confirm that award costs are allowable, allocable, reasonable, and necessary.

## 10. Intergovernmental Review

An intergovernmental review may be required. Applicants must contact their state's Single Point of Contact (SPOC) to comply with the state's process under [eCFR :: 24 CFR 570.612 - Executive Order 12372](#).

## 11. Funding Restrictions and Allowable Costs

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

In general, the Cost Principles establish standards for the allowability of costs, provide detailed guidance on the cost accounting treatment of costs as direct or administrative costs, and set forth allowability principles for selected items of cost. More specifically, except as otherwise stated in this funding opportunity, the terms and condition of an award, or other program materials, costs charged to awards covered by this funding must be consistent with the Cost Principles for Federal Awards located at 2 Code of Federal Regulations Part 200,

Subpart E. In order to be allowable, all costs charged to a FEMA award or applied to the cost share must be reasonable in nature and amount and allocable to the particular FEMA award.

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

As part of those requirements, grant recipients and subrecipients may only use federal funds or funds applied to a cost share for the purposes set forth in this funding opportunity and the terms and conditions of the award, and those costs must be consistent with the statutory authority for the award.

Grant funds may not be used for matching funds for other federal grants/cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the federal government or any other government entity.

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

Recipients and subrecipients of FEMA federal financial assistance are subject to the prohibitions described in section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018) and 2 Code of Federal Regulations Sections 200.216, 200.327, 200.471, and Appendix II to 2 Code of Federal Regulations Part 200. Beginning Aug. 13, 2020, the statute – as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

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

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

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

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

- Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

## **I. REPLACEMENT EQUIPMENT AND SERVICES**

FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of this funding opportunity.

## **II. DEFINITIONS**

Per section 889(f)(2)-(3) of the [National Defense Authorization Act 2019](#) and 2 Code of Federal Regulations Section 200.216, covered telecommunications equipment or services means:

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

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by the entities listed in the definition of "covered telecommunications equipment or services." See 2 Code of Federal Regulations Section 200.471.

### **b. Pre-Award Costs**

Pre-award costs are **NOT allowed**.

### **c. Management and Administration (M&A) Costs**

M&A costs are **NOT allowed** under this program

### **d. Indirect Facilities & Administrative (F&A) Costs**

Indirect costs are allowable under this program as described in 2 Part 200, including 2 Code of Federal Regulations Section 200.414. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not

required by 2 Code of Federal Regulations Part 200 to have a negotiated indirect cost rate agreement but are required by 2 Code of Federal Regulations Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to the FEMA Grants Management Specialist for further instructions. Applicants who wish to use a cost allocation plan in lieu of an indirect cost rate must also reach out to the FEMA Grants Management Specialist for further instructions.

**e. *Other Direct Costs***

Allowable Costs:

Cost Principles

Costs charged to this award must be consistent with the Cost Principles for Federal Awards located at 2 Code of Federal Regulations Part 200, Subpart E.

Direct Costs

Planning

Planning related costs are allowed under this program.

Personnel

Personnel time dedicated toward state dam safety activities are an eligible cost.

Training

Training related costs are allowed under this program.

Exercises

Exercise related costs are allowed under this program.

Equipment

Equipment costs are allowed under this program.

Travel

*Domestic*

Domestic travel costs are allowed under this program as described in this funding opportunity.

*International*

International travel is not an allowable cost under this program unless approved in advance by FEMA.

Construction and Renovation

Construction and renovation costs are not allowed under this program.

Funds will not be made available for obligation, expenditure, or drawdown until the applicant's budget (to include Indirect Cost Agreement, if applicable) and budget narrative have been approved by FEMA and the grant award accepted by the recipient.

**f. *Detection Equipment Eligible for Purchase with National Dam Safety Program Grants***

Under the National Dam Safety Program (NDSP) grants, the purchase of technology supporting State dam safety programs is an allowable expense. Unmanned aerial systems also known as drones or controlled equipment, are authorized for purchase using NDSP SA grant

funds. The recipient is required to comply with Department of Homeland Security (DHS) and FEMA policies to ensure detection equipment meets allowable limits, approved manufacturers, conformity to record-keeping requirements, and is of minimal impact to general civil rights and liberties.

All applications to purchase detection equipment will be reviewed by FEMA, the DHS Privacy Office, and the DHS Office for Civil Rights and Civil Liberties.

Applicable policies include:

[FEMA Policy 207-22-0002](#), *Prohibited or Controlled Equipment Under FEMA Awards*, which outlines requirements for FEMA grant recipient and subrecipients who wish to submit a UAS purchase request to FEMA

[DHS Policy Memo 119-08](#), *DHS Small Unmanned Aircraft Systems (sUAS) Cybersecurity Guidance*, which restricts DHS component procurement of drones to those that have been cleared by DHS Office of Chief Information Security Officer and includes Blank Purchase Agreement information for DHS component drone purchases

DHS Acquisition Alert Memorandum 20-09 *Prohibition on Unauthorized Procurement of Small Unmanned Aircraft Systems*, which restricts procurement to drone models that have been cleared by the Department of Defense under their [Blue UAS program](#)

Further information on national orders, statutes and policies shaping detection equipment purchase policies can be found in: [Executive Order 14074](#), *Executive Order on Advancing effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, Department of Homeland Security (DHS) [Information Bulletin 414](#): Civil Rights Review Process for Controlled Equipment Requests; [Pub. L. No. 115-232 \(2018\)](#); [Public Law 112-95, Section 331\(8\)](#)—UAS definition; public safety concerns in the [FAA Modernization and Reform Act of 2012](#); and civil rights and civil liberties protection in [Executive Order 03727 \(2015\)](#).

## **E. Application Review Information**

### **1. Application Evaluation Criteria**

#### **a. Programmatic Criteria**

Applications will be reviewed to ensure conformance with the Eligibility Criteria in Section C, consistency with the Program Objectives of the National Dam Safety Program (NDSP) in Section A, consistency with the Application and Submission criteria in Section D, and costs are necessary and reasonable for the performance of the Federal award. Applicants that do not meet eligibility or application submission requirements will be removed from consideration. FEMA will review submitted scopes of work and milestone workplans for approval or discuss recommended modifications of the planned activities given the circumstances for that individual state (e.g., delinquent inspections, revised EAPs, or need for inspections). FEMA will review the state's MOE letter submitted with the application. States unable to document state-appropriated funds will be deemed ineligible to participate.

**b. *Financial Integrity Criteria***

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

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

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

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

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

**2. Review and Selection Process**

Applications will be reviewed and recommended for funding by FEMA Regional Offices. Once the complete application package is submitted in FEMA GO, the appropriate FEMA Regional Office will review the application and scope of work for eligibility. The FEMA Regional Office validates proposed activities aligned with program priorities and performance measures, and the costs are reasonable.

Applicants will be evaluated and selected for funding based on the following:

- i. The applicant has the authority and demonstrates the ability to fulfill the National Dam Safety Program requirements.
- ii. The applicant's proposed work plan employs sound concepts and techniques, and realistic timetables. Proposed projects are deliverable, sustainable, and compatible with the goals of the National Dam Safety Program.
- iii. The applicant proposes complete, reasonable, and cost-effective costs in relation to proposed projects and tasks.

If the application and work plan are deemed eligible by the Regional Office, it is recommended for award.

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

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

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

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

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

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

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

In addition to the requirements in this section and in the funding opportunity, FEMA may place specific terms and conditions on individual awards in accordance with 2 Code of Federal Regulations Part 200.

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

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

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

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

As the Nation works towards achieving the [National Preparedness Goal](#), it is important to continue to protect the civil rights of individuals. Recipients and subrecipients must carry out their programs and activities, including those related to the building, sustainment, and delivery of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations.

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

The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. These terms and conditions can be found in the [DHS Standard Terms and Conditions](#). Additional information on civil rights provisions is available on FEMA's [External Civil Rights Division](#) webpage.

Monitoring and oversight requirements in connection with recipient compliance with federal civil rights laws are also authorized pursuant to Title 44 Code of Federal Regulations Part 7.

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

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

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

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

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be

completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies.

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

### 3. Reporting

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

#### a. *Financial Reporting Requirements*

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

Recipients must report obligations and expenditures through the [Federal Financial Report form \(SF-425\)](#) to FEMA.

Recipients must file the FFR electronically using FEMA GO.

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

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

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

Reporting Period	Report Due Date
Oct.1 – Dec. 31	Jan. 30
Jan. 1 – March 31	April 30
April 1 – June 30	July 30
July 1 – Sept. 30	Oct.30

#### b. *Programmatic Performance Reporting Requirements* PERFORMANCE PROGRESS REPORT (PPR)

Grant recipients are responsible for providing performance reports on a quarterly basis.

Performance reports must be submitted quarterly throughout the period of performance, including partial calendar quarters, as well as in quarters where no grant award activity occurs.

Performance Progress Reports (PPR) report on percentage of work completed on activities and deliverables funded by this grant. The PPR should be submitted in pdf file format, due within 30 days after each reporting period and uploaded into FEMA GO.

**NEW:** Grant recipients are to use the PPR template exhibited in **Appendix B**. The fillable PPR template is available through your FEMA Regional Program Officer.

The PPR includes a summary page and status and percentage completed toward funded activities. Additional reporting information may be requested by FEMA to assess the progress of an award.

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

#### **i. CLOSEOUT REPORTING**

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

- i. The final request for payment, if applicable.
- ii. The final FFR (SF-425).
- iii. The final progress report detailing all accomplishments, including a narrative summary of the impact of those accomplishments throughout the period of performance. The final report/document should be labeled: state, award number, fiscal year, and date. Include the state recipient point of contact (POC) name and contact information on the final report.
- iv. Other documents required by this funding opportunity, terms and conditions of the award, or other FEMA guidance.

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

After the prime award closeout reports have been reviewed and approved by FEMA, a closeout notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for at least three years from the date of the final FFR. The record retention period may be longer, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in 2 Code of Federal Regulations Section 200.334.

The recipient is responsible for refunding to FEMA any balances of unobligated cash that FEMA paid that are not authorized to be retained per 2 Code of Federal Regulations Section 200.344(d).

## **II. ADMINISTRATIVE CLOSEOUT**

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

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

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

In addition, if an award is administratively closed, FEMA may decide to impose remedies for noncompliance per 2 Code of Federal Regulations Section 200.339, consider this information in reviewing future award applications, or apply special conditions to existing or future awards.

### **d. *Additional Reporting Requirements***

#### **I. DISCLOSING INFORMATION PER 2 CODE OF FEDERAL REGULATIONS SECTION 180.335**

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

- i. Are presently excluded or disqualified;
- ii. Have been convicted within the preceding three years of any of the offenses listed in 2 Code of Federal Regulations Section 180.800(a) or had a civil judgment rendered against it or any of the recipient's principals for one of those offenses within that time period;

- iii. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses listed in 2 Code of Federal Regulations Section 180.800(a); or
- iv. Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

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

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

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

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

## **III. SINGLE AUDIT REPORT**

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

The audit must be performed in accordance with the requirements of U.S. Government Accountability Office's (GAO) Government Auditing Standards, located at <https://www.gao.gov/yellowbook/overview>, and the requirements of Subpart F of 2 Code of Federal Regulations Part 200, located at [eCFR :: 2 CFR Part 200 Subpart F -- Audit Requirements](#).

## **4. Monitoring and Oversight**

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

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

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

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

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

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

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

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

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

**Jena'i Jordan**

National Dam Safety Program

Federal Emergency Management Agency

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

#### **b. *FEMA Grants News***

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

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

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

#### **d. *FEMA Regional Offices***

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

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

FEMA Regional Office contact information is available at [Regions, States and Territories | FEMA.gov](#).

<b>Region</b>	<b>Dam Safety Program Officer</b>	<b>Phone/email</b>	<b>Regional Grants Management Staff</b>	<b>Phone/email</b>

1	Robert Maclean	<a href="mailto:robert.maclean@fema.dhs.gov">robert.maclean@fema.dhs.gov</a> (617) 697-5547	Tracy Narbeth	<a href="mailto:tracy.narbeth@fema.dhs.gov">tracy.narbeth@fema.dhs.gov</a> (617) 306-9492
2	Stephanie Gootman	<a href="mailto:stephanie.gootman@fema.dhs.gov">stephanie.gootman@fema.dhs.gov</a> (202) 802-3137	George W. Hogan III	<a href="mailto:George.Hoganiii@fema.dhs.gov">George.Hoganiii@fema.dhs.gov</a> (212) 680-8599
3	Kristen Jones	<a href="mailto:kristen.jones@fema.dhs.gov">kristen.jones@fema.dhs.gov</a> (267) 896-1116	Mark Lockett	<a href="mailto:mark.lockett@fema.dhs.gov">mark.lockett@fema.dhs.gov</a> (215) 435-5256
4	Katy Goolsby-Brown & John Plisich	<a href="mailto:katy.goolsby-brown@fema.dhs.gov">katy.goolsby-brown@fema.dhs.gov</a> (770) 220-8811  <a href="mailto:john.plisich@fema.dhs.gov">john.plisich@fema.dhs.gov</a> (770) 220-5380	Ceporia McMillian	<a href="mailto:ceporia.mcmillian@fema.dhs.gov">ceporia.mcmillian@fema.dhs.gov</a> (202) 717-7096
5	Daniel Ryan	<a href="mailto:daniel.p.ryan@fema.dhs.gov">daniel.p.ryan@fema.dhs.gov</a> (312) 408-4432	Jason Kirkman	<a href="mailto:Jason.kirkman@fema.dhs.gov">Jason.kirkman@fema.dhs.gov</a> (312) 852-5580
6	Bart Moore	<a href="mailto:bart.moore@fema.dhs.gov">bart.moore@fema.dhs.gov</a> (940) 232-4010	David McCoy	<a href="mailto:David.McCoy3@fema.dhs.gov">David.McCoy3@fema.dhs.gov</a> (940) 383-7324
7	Dawn Livingston	<a href="mailto:dawn.livingston@fema.dhs.gov">dawn.livingston@fema.dhs.gov</a> Office: (816) 283-7055 Mobile: (816) 810-1609	Shelly Kirk	<a href="mailto:Shelly.Kirk@fema.dhs.gov">Shelly.Kirk@fema.dhs.gov</a> (816) 809-3279
8	Jamie Prochno	<a href="mailto:jamie.prochno@fema.dhs.gov">jamie.prochno@fema.dhs.gov</a> (202) 924-0516	Dan Carlson	<a href="mailto:Dan.Carlson@fema.dhs.gov">Dan.Carlson@fema.dhs.gov</a> (303) 235-4825
9	Scott Nielsen	<a href="mailto:scott.nielsen@fema.dhs.gov">scott.nielsen@fema.dhs.gov</a> (510) 219-4510	Edita Billingsley	<a href="mailto&gt;Edita.billingsley@fema.dhs.gov">Edita.billingsley@fema.dhs.gov</a> (510) 627-7209

10	Ted Perkins	<a href="mailto:dwight.perkins@fema.dhs.gov">dwight.perkins@fema.dhs.gov</a> (425) 301-6247	Kim Penfold	<a href="mailto:kim.penfold@fema.dhs.gov">kim.penfold@fema.dhs.gov</a> (425) 487-4760
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**e. *Equal Rights***

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

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

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

**2. Systems Information**

**a. *Grants.gov***

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

**b. *Payment and Reporting System (PARS)***

FEMA uses the [Payment and Reporting System \(PARS\)](#) for financial reporting, invoicing, and tracking payments. FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. If you have questions about the online system, please call the Customer Service Center at (866) 927-5646 or email [ask-GMD@fema.dhs.gov](mailto:ask-GMD@fema.dhs.gov).

**c. *FEMA GO***

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

**H. Additional Information**

**1. Termination Provisions**

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

**a. *Noncompliance***

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

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

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

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

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

**2. Program Evaluation**

Recipients and subrecipients are encouraged to incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 ([Evidence Act](#)), [Pub. L. No. 115-435 \(2019\)](#) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act Section 101 (codified at 5 U.S.C. Section 311). Evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation.

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

**3. Period of Performance Extensions**

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

All extension requests must address the following:

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

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

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

Recipients should submit all proposed extension requests to FEMA for review and approval at least 90 days prior to the end of the POP to allow sufficient processing time.

#### **4. Disability Integration**

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

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

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

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

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

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

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

For conflicts of interest under grant-funded procurements and contracts, refer to the section on Procurement Integrity and 2 Code of Federal Regulations Sections 200.317 – 200.327.

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

or territorial statutes or regulations governing conflicts of interest in the making of subawards.

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

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

## 6. Procurement Integrity

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

The below highlights the federal procurement requirements for FEMA recipients when procuring goods and services with federal grant funds. FEMA will include a review of recipients' procurement practices as part of the normal monitoring activities. **All procurement activity must be conducted in accordance with federal procurement standards at 2 Code of Federal Regulations Sections 200.317 – 200.327.** Select requirements under these standards are listed below. The recipient and any of its subrecipients must comply with all requirements, even if they are not listed below.

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

All other non-federal entities, such as tribes (collectively, non-state entities), must have and use their own documented procurement procedures that reflect applicable [state, tribal, territorial and local government](#) laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 Code of Federal Regulations Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 Code of Federal Regulations Section 200.319 and the required procurement methods at Section 200.320.

**a. *Important Changes to Procurement Standards in 2 Code of Federal Regulations Part 200***

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

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

See 2 Code of Federal Regulations Sections 200.216, 200.471, and section D.11.a of this funding opportunity NOFO regarding prohibitions on covered telecommunications equipment or services.

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

Among the requirements of 2 Code of Federal Regulations Section 200.319(b) applicable to all non-federal entities other than states, in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a non-federal entity develop its grant application, project plans, or project budget. This

prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the non-federal entity.

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

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

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

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

Under 2 Code of Federal Regulations Section 200.318(c)(1), non-federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.** Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The

standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity.

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

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

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

**I. GENERAL SERVICES ADMINISTRATION SCHEDULES**

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

Information about GSA programs for states, tribes, and local governments, and instrumentalities thereof, can be found at [GSA Programs for States and Local Governments](#) and [GSA Buy Through Us Purchasing Programs](#).

For tribes, local governments, and their instrumentalities that purchase off of a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, tribes, local governments, and their instrumentalities will still need to follow the other rules under 2 Code of Federal Regulations Sections 200.317 – 200.327, such as solicitation of minority businesses, women’s business enterprises, small businesses, or labor surplus area firms (Section 200.321), domestic preferences (Section 200.322), contract cost and price (Section 200.324), and required contract provisions (Section 200.327 and Appendix II).

**II. OTHER SUPPLY SCHEDULES AND PROGRAMS**

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

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

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

#### ***d. Procurement Documentation***

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

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

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
  - Responses to solicitations, such as quotes, bids, or proposals;
  - Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
  - Contract documents and amendments, including required contract provisions; and
  - Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.
- Additional information on required procurement records can be found on pages 24-26 of the [PDAT Field Manual](#).

## **7. Record Retention**

### ***a. Record Retention Period***

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

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

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

**b. *Types of Records to Retain***

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

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

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

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

## **8. Actions to Address Noncompliance**

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

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

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

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

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

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

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

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

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

## 9. Audits

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

Additionally, non-federal entities must comply with the single audit requirements at 2 Code of Federal Regulations Part 200, Subpart F. Specifically, non-federal entities, other than for-profit subrecipients, that expend \$750,000 or more in federal awards during their fiscal year must have a single or program-specific audit conducted for that year in accordance with Subpart F. 2 Code of Federal Regulations Section 200.501. A single audit covers all federal funds expended during a fiscal year, not just FEMA funds. The cost of audit services may be allowable per 2 Code of Federal Regulations Section 200.425, but non-federal entities must select auditors in accordance with 2 Code of Federal Regulations Section 200.509, including following the proper procurement procedures. For additional information on single audit reporting requirements, see section F under the header "Single Audit Report" within the subsection "Additional Reporting Requirements" or other applicable document.

The objectives of single audits are to:

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

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

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

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

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

## **10. Payment Information**

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

Payment requests are submitted through FEMA GO.

## 11. Whole Community Preparedness

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

[Whole Community](#) includes:

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

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

1. Involving people in the development of national preparedness documents.
2. Ensuring their roles and responsibilities are reflected in the content of the materials.

## 12. Appendices

A: Letter Template: Affirming Maintenance of Effort (MOE)

B: Quarterly Performance Progress Report Template (PPR)– Required template for quarterly reports

**Appendix A**

## Letter Template: Affirming Maintenance of Effort (MOE)

## Official Letterhead

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*State agency*

Date

Street Address

City, ST ZIP Code

Dear [regional NDSP POC]:

FEMA Grant -(FYXX National Dam Safety Program; MAINTENANCE OF EFFORT  
(MOE)

The [state] Dam Safety Program understands that assistance may not be provided to a state under this program for a fiscal year unless the state maintains the aggregate expenditures of the state from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of such expenditures for the two fiscal years preceding the current fiscal year.

Below I affirm the following:

*(Below is an example of the correct submission for the required aggregate expenditures documentation)*

**2023 (or current FY):** \$314,352.00 Non-Federal Dam Safety state appropriations

**2022 (or previous FY):** \$314,352.00 Non-Federal Dam  
Safety state appropriations

**2021 (or 2 FY previous):** \$264,352.00 Non-Federal Dam  
Safety state appropriations

**Average of two fiscal years preceding the current fiscal year:**  
\$289,352.00 Non-Federal Dam Safety state appropriations.

Submitted by:

[Name Authorized Official]

[Signature]

## Appendix B

### Performance Progress Report (PPR) Template: Part 1 Summary Sheet

PPR Templates are available through your Regional Program Officer

NDSP SA QUARTERLY REPORT SUMMARY SHEET	
<b>Award/Grant #:</b>	
<b>Period of Performance:</b>	_____
<b>Federal Award Amount:</b>	_____
	_____
Name of State Agency:	
Mailing Address, City, State, and Zip:	
_____	
Authorized Signatory/Name:	
	_____
	Phone: _____
	Email: _____
	_____
Report Contact & Title (if <i>not</i> the Authorized Signatory):	
_____	
	Phone: _____
	Email: _____
Reporting Quarter:	
Amount of award funds drawn down:	_____
Amount of award funds remaining:	_____
Date report submitted in FEMA GO:	_____
	_____

**By signing below, I certify that the information contained in this report is true and correct to the best of my knowledge.**

\_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date

Number of eligible activities requested funding? \_\_\_\_\_

*(Reference Eligible Activity Examples in table on page 5 in the funding opportunity)*

**NOTE: Respond to each section; use N/A if it doesn't apply at this time.**

### **1. PROGRESS AND RESULTS.**

*Briefly describe the progress made toward the achievement of activities and/or products in the FEMA approved Workplan.*

### **2. CHALLENGES.**

*Describe ANY significant challenges experienced related to the funded project during this quarter and whether completion of work is on schedule; a description of any problems, delays, or adverse conditions that will impair the ability to meet the timelines in approved the workplan.*

### **3. AGENCY/ORGANIZATIONAL CHANGES.**

*Describe any organization/staff changes that will impact implementation of funded Workplan.*

### **4. FINANCIAL NARRATIVE**

*Explain any cost over-runs or major variances between the approved budget and financial statements being submitted with this report (if applicable).*

## **5. CHANGE REQUEST APPROVALS**

*Currently do you anticipate submitting a request for an amendment to budget and/or scope of work or extension to POP? Yes /No If yes, explain.*

## **PART 2**

## **6. Have you completed and updated the QUARTERLY MILESTONE PERFORMANCE REPORT? Yes/No**

### **Required reporting:**

Percent % towards of completion on ALL approved funded project activities during the quarter.

## **7. FINANCIAL STATEMENTS.**

Note you will be providing financial statements and/or expenditure supporting documentation (SF425) for this grant quarter.

a. Expense Statement of ACTUALS for each quarterly report.

## Performance Progress Report (PPR) Template: Part 2 - Milestone Worksheet

PPR Templates are available through your Regional Dam Safety Program Officer

An example of how to fill in the fields is provided here.

NDSP SA Workplan and Quarterly Milestones			State Agency:		Date Completed										
<b>Instructions: Column C is the list of FEMA approved activities and deliverables in your workplan.</b> <b>Report and validate actual % completed in ACTUALS column.</b>			Reporting POC:												
			Award#:												
			Period of Performance - 12 mo												
			Period of Performance												
		July-Sept 23		Oct-Dec 23		Jan-March 24		April-June 24		July-Sept 24		Jan-March 25		Apr-June 25	
		FY Q4		FY Q1		FY Q2		FY Q3		FY Q4		FY Q1		FY Q2	
		Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
Quarterly Progress Reports due			10/30/2023		1/30/2024		4/30/2024		7/30/2024		10/30/2024				
Enter ALL Deliverables and Milestones per FEMA approved Scope															
Approved funded eligible activities/products		Performance Metric - Drop down													
Ex	Complete inspection of 20% high priority dams	PM 1.1 Safety Inspections	0%		0%		10%		40%		100%				
Ex	Update 10% of HHPD EAPs (for 10 of State's 100 dams)	PM 1.3 New and/or Updated EAPs	0%		0%		40%		80%		100%				
Ex	Issue 100% of enforcement actions (State has 3 deficient dams)	PM 1.4 Enforcement Actions													
		PM 3.1 Applied Best Practices													
		Performance Metric													
		Performance Metric													
1		Performance Metric													
2		Performance Metric													