



***Cal* OES**

**GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES**

**Fiscal Year 2016**

**TRIBAL EMERGENCY MANAGEMENT  
PERFORMANCE GRANT (EMPG) PROGRAM**

***California Tribal Supplement to the Federal Program Notice  
of Funding Opportunity; or, The State Tribal Guidance***

## Director's Message

California is the leader in emergency management and homeland security, a reputation earned empirically through hard work, dedication, and synergistic partnerships. However; now more than ever, state, local, and tribal governments are expected to do more to protect and prepare the State of California from all-hazards, both natural and human-caused.

In the past several years, state, local, and tribal governments have increased their emergency response and management workload to be responsive to the increased needs of the public and, in part, to higher public safety awareness due to the recent disasters, such as the prolonged drought, Napa earthquake, active shootings and terrorist events, and the third worst fire season in California history. California must be ready to respond to multiple major events, as well as a catastrophic earthquake or flooding event.

A safe and resilient California relies on strong, cohesive leadership and meaningful partnerships between all stakeholders. Protecting lives, property, and the environment in the most populous, diverse state in the nation is not an easy task; but, by enlisting, entrusting, empowering, and encouraging our state, local, and tribal partners, we will achieve our goal of safe and resilient communities.

Given the necessary work that we must all do to ensure California's optimum readiness to withstand or rebound from any hazard, event, or emergency, it is essential that we leverage all available funding streams, including emergency management grant funds, to assist us in our joint mission. To that end, I am pleased to announce the release of the *California Governor's Office of Emergency Services (Cal OES) Fiscal Year 2016 Tribal Emergency Management Performance Grant (EMPG) Program – California Tribal Supplement to the Federal Program Notice of Funding Opportunity; or The State Tribal Guidance*.



MARK S. GHILARDUCCI  
Director

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**NOTICE OF INTEREST (NOI) PROPOSAL REQUIRED DOCUMENTS**

- NOTICE OF INTEREST (NOI) INVESTMENT JUSTIFICATION (IJ) – (REQUIRED)
- NOTICE OF INTEREST (NOI) DETAILED BUDGET SHEET– (REQUIRED)

**COMPLETE APPLICATION SUBAWARD-RELATED DOCUMENTS:<sup>1</sup>**

- FINANCIAL MANAGEMENT FORMS WORKBOOK (FMFW) – (REQUIRED)
- TRIBAL GOVERNING BODY RESOLUTION (GBR) & ADDENDUM TO GBR – (REQUIRED)
- GRANT ASSURANCES – (REQUIRED)
- FY 2016 TRIBAL EMPG APPLICATION CHECKLIST – (REQUIRED)
- INDIRECT COST RATE NEGOTIATION AGREEMENT – (REQUIRED IF APPLICABLE)
- HOW TO SUBMIT A TRIBAL EMPG MODIFICATION REQUEST (INSTRUCTIONAL)
- HOW TO SUBMIT A TRIBAL EMPG REIMBURSEMENT REQUEST (INSTRUCTIONAL)

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<sup>1</sup> All documents are located the Cal OES website at: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>.

<b>Federal Program Guidance</b>	<i>The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2016 Emergency Management Performance Grant Program (EMPG)</i> was published on February 16, 2016. <sup>2</sup>
<b>Information Bulletins</b>	DHS issues <b>Information Bulletins</b> that provide updates, clarification, and requirements throughout the life of the grant. <sup>3</sup>
<b>Grant Management Memorandums</b>	Cal OES periodically issues <b>Grant Management Memorandums (GMMs)</b> . GMMs that provide additional information regarding EMPG funds are located on the Cal OES website. <sup>4</sup>
<b>Purpose of this Subaward &amp; Guidance</b>	The purpose of the Emergency Management Performance Grant (EMPG) Program is to provide federal funds to states to assist state, local, and tribal governments in preparing for all hazards. Funds provided under the EMPG must be used to support activities that contribute to the tribe’s capability to prevent, prepare for, mitigate against, respond to, and recover from emergencies and disasters, whether natural or man-made. This <i>California Tribal Supplement to the Federal Program Notice of Funding Opportunity; or, the State Tribal Guidance</i> will provide the tribes with guidance and forms to apply for, perform, and closeout the FY16 EMPG subaward. This supplemental tribal guide specifies the performance period, objectives, eligible activities, and other subaward-related information and requirements. This document is to supplement <i>The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2016 Emergency Management Performance Grant Program (EMPG)</i> .
<b>Eligible Subaward Subrecipients</b>	<p>The eligible subaward subrecipients are California’s federally-recognized Native American Tribes.</p> <p>(Subrecipients may contract with any other public or private organizations to perform eligible activities on approved projects.)</p> <p><b>Note:</b> Cal OES is the ‘recipient’; the tribe is the ‘subrecipient.’ For a definition of the term subrecipient, refer to 2 Code of Federal Regulations (C.F.R.) § 200.93.</p>
<b>Performance Period</b>	<p>The performance period for FY16 Tribal EMPG is August 1, 2016, through July 31, 2017. <b>All subaward activities must be completed and all grant funds expended within this period.</b></p> <p>After receipt of the Notification of Application Approval document, i.e., the Award Letter, subrecipients may only request reimbursement of Financial Management Forms Workbook (FMFW) approved activities and budgeted items (with the exception of equipment and critical emergency supplies) starting from the date identified on the Award Letter. Procurement of equipment and critical emergency supplies shall occur only after the tribe is in award, <u>and</u> any applicable federal, as well as state, restrictions associated with these items have been met.</p>

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<sup>2</sup> *The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2016 Emergency Management Performance Grant Program (EMPG)* may be viewed and downloaded at: [http://www.fema.gov/media-library-data/1455571902574-a84f5a1b2f450795a70cce1f5ee7b967/FY\\_2016\\_EMPG\\_NOFO\\_FINAL.pdf](http://www.fema.gov/media-library-data/1455571902574-a84f5a1b2f450795a70cce1f5ee7b967/FY_2016_EMPG_NOFO_FINAL.pdf).

<sup>3</sup> Information Bulletins may be obtained at: <http://www.fema.gov/grants/grant-programs-directorate-information-bulletins>.

<sup>4</sup> GMMs are located at: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>.

**Match Requirements**

The FY16 Tribal EMPG requires a dollar-for-dollar match. This can be cash or third-party in-kind contributions. Refer to 2 C.F.R. § 200.29 and § 200.306 for specific details.

**Allocations and Methodology**

California will subaward a total of **\$200,263** to the tribes and Tribal Nations that will be distributed on a competitive basis. The tribal allocations were determined using a \$125,000 base award, with remaining funds distributed using per capita figures in the Department of Finance’s Census 2010 report called:

*Table 5-Populations by Race with Two or More Races Detail: April 1, 2010 State of California*<sup>5</sup>

**Indirect Costs**

Indirect costs are allowable under the FY16 EMPG subaward. Subrecipients wishing to claim indirect costs may do so using either of the following two methods:

1. Subrecipients with an indirect cost rate approved by their cognizant federal agency may claim indirect costs based on the established rate. Indirect costs claimed must be calculated using the base approved in the indirect cost Negotiation Agreement. A copy of the approved Negotiation Agreement is required at the time of application.
2. Subrecipients who have never received a negotiated indirect cost rate and receive *less than* \$35 million in *direct* federal funding per year may claim the 10% de minimis indirect cost rate based on Modified Total Direct Costs (MTDC) as described in 2 C.F.R. § 200.68 and Subpart E.

Indirect costs are *in addition to* the M&A allowance, and must be included in the subaward application as a “Project” and reflected in the FMFW on the Indirect Cost Category Ledger if being claimed under the subaward.

**Conflict of Interest**

Subrecipients must disclose to their Cal OES EMPG Program Specialist, in writing, any real or potential conflict of interest as defined by the federal, state, local, or tribal statutes or regulations or their own existing policies, which may arise during the administration of the EMPG award within five days of learning of the conflict of interest.

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<sup>5</sup> This report can be accessed at the following website: [http://www.dof.ca.gov/research/demographic/state\\_census\\_data\\_center/census\\_2010/](http://www.dof.ca.gov/research/demographic/state_census_data_center/census_2010/).

**Subaward  
Timelines / Key  
Dates**

<b>May 10, 2016</b>	<i>California Supplement to the Federal Program Notice of Funding Opportunity; or, The State Tribal Guidance released.</i>
<b>May 31, 2016</b>	<b>Interested tribes must submit Notice of Interest (NOI) to Cal OES.</b>
<b>July 13, 2016</b>	Tribe(s) will be notified of their NOI being selected for funding and instructed to complete the application process.
<b>July 28, 2016</b>	The selected tribes(s) will submit electronic copies of completed FMFW and other application documents to the Cal OES Tribal EMPG Program Specialist for review and vetting
<b>August 11, 2016</b>	<b>The selected tribe(s) will submit, to Cal OES, their completed/vetted application packet(s) for processing by this date.</b>
August 1, 2016	Subrecipient Performance Period Begins.
<b>September 22, 2016</b>	<b>Anticipated date that tribe(s) will be notified of application approval and award.</b>
November 14, 2016	Performance Report due to Cal OES for 8/1/2016 – 10/31/2016.
December 31, 2016	Tribe's Multi-Year Training and Exercise Plan due to Cal OES.
February 14, 2017	Performance Report due to Cal OES for 8/1/2016 – 1/31/2017.
May 14, 2017	Performance Report due to Cal OES for 8/1/2016 – 4/30/2017.
<b>July 31, 2017</b>	<b>Subrecipient performance period ends. All subaward activities must be completed and all grant funds expended.</b>
<b>August 14, 2017</b>	<b>Final Performance Report due to Cal OES for 8/1/2016 – 7/31/2017.</b>
<b>August 14, 2017</b>	<b>Final Reimbursement Request due to Cal OES.</b>
September 30, 2017	Cal OES's Federal Performance Period Ends.

## What's New?

- Restrictions regarding certain AEL equipment, known as “**Controlled Equipment**” went into effect on October 1, 2015, and are applicable to the FY16 EMPG Program. On February 16, 2016, FEMA released an Information Bulletin (IB) on the topic entitled “**Information Bulletin 407: Use of Grant Funds for Controlled Equipment.**”<sup>6</sup> IB 407 provides details on the process and requirements for requesting controlled equipment. FY16 EMPG subrecipients seeking acquisition of controlled equipment using FY16 EMPG funds must complete **FEMA Form 087-0-0-1: Controlled Equipment Request**<sup>7</sup> and submit it to their Cal OES EMPG Program Specialist for review, consideration, and potential approval.

**Note:** Acquisition of the controlled equipment may **NOT** occur **PRIOR** to the subrecipient receiving a FEMA Grants Program Directorate (GPD) approval from their Cal OES EMPG Program Specialist, as well as satisfying all other controlled equipment associated requirements and certifications. Failure to comply may result in disallowance of costs, increased monitoring, and termination of subaward.

## EMPG Program Emphasis

The FY16 EMPG Program will focus on building, sustainment, and delivery of all-hazards emergency management capabilities in the following areas:

- Planning
- Organization
- Equipment Acquisitions
- Training
- Exercises
- EOC Construction and Renovation
- Maintenance and Sustainment

The FY16 EMPG Program plays an important role in the implementation of the **National Preparedness System (NPS)**<sup>8</sup> by supporting the development and sustainment of core capabilities. Core capabilities are essential for the execution of each of the five mission areas outlined in the National Preparedness Goal (NPG). The development and sustainment of these core capabilities are not exclusive to any single level of government or organization, but rather require the combined effort of the whole community. The FY16 EMPG Program supports all core capabilities in the Prevention, Protection, Mitigation, Response, and Recovery mission areas based on allowable costs.

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<sup>6</sup> Information Bulletin No. 407 can be located at: <https://www.fema.gov/media-library/assets/documents/114557>

<sup>7</sup> FEMA Form 087-0-0-1 can be located at: <https://www.fema.gov/media-library/assets/documents/115708>

<sup>8</sup> The National Preparedness System can be located at: <http://www.fema.gov/national-preparedness-system>

## How to Apply for Subaward

Federally-recognized Native American Tribes interested in applying for FY16 EMPG funding must submit the required Notice of Interest (NOI) documents to Cal OES by the submission deadline of May 31, 2016.

Cal OES will establish a panel that will review and rate the NOI submissions. After the ranking has been completed; the applicant or applicants, identified from the NOI submissions to continue in the application process, will be invited to submit a complete application packet. At which point, the funding opportunity will no longer be competitive and the applicant(s) will be able to receive assistance from Cal OES in the development of their complete subaward application packet.

For further information regarding these or any other EMPG-related processes, contact Program Specialist, Cheryl McCorkle, at [cheryl.mccorkle@caloes.ca.gov](mailto:cheryl.mccorkle@caloes.ca.gov).

## Scoring Criteria

The Tribal EMPG Program is a competitive subaward with established scoring criteria. Subject to Cal OES discretion, subawards may be offered to the top-scoring Notice of Interest (NOI) submittal(s) until all the allocated funding is awarded. NOI submissions will be scored as follows:

- Is a description of the current emergency management system included? 4 points maximum
- Is a description of how this funding would improve the current emergency management system included? 4 points maximum
- Is the Standardized Emergency Management System/National Incident Management System (SEMS/NIMS) incorporated into the emergency management system? 4 points maximum
- Are the areas of coordination with city and/or county included? 4 points maximum
- Do the Emergency Management Performance Grant (EMPG) eligible activities [Planning, Organization, Equipment Acquisitions, Training, Exercises, Emergency Operations Center (EOC) Renovation/Construction, Maintenance and Sustainment, Management and Administration (M&A), and Indirect Costs] match the activities proposed to be completed with the subaward funds? 4 points maximum
- Do the associated tasks realistically explain how activities identified to occur within the performance period timeline are to be accomplished? 4 points maximum
- Is each activity associated with a Cal OES Goal and with a National Preparedness Goal Core Capability and Mission Area? 4 points maximum
- Are specific details of how the cost sharing/match requirement will be met included? 4 points maximum
- Are details included of how the required EMPG Program-funded personnel's training and exercise requirements will be met; including the development of a Multi-Year Training and Exercise Plan (MY-TEP)? 4 points maximum

**Scoring  
Criteria,  
Continued**

- Is a list of equipment to be purchased, number of items, and Authorized Equipment List (AEL) Numbers and Titles included? 4 points maximum
- Is a breakdown of proposed funding by eligible activity identified in the provided matrix? 4 points maximum
- Have all required Notice of Interest (NOI) documents, both the Investment Justification and Detailed Budget Sheet, with all applicable areas completed, been submitted? 4 points maximum

**Scoring  
Legend**

The scoring legend, identified below, will be utilized for the scoring of NOI submissions.

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0 Points	ABSENT	The response does not address the specific question or, a response was not provided.
1 Point	UNSATISFACTORY	The response is incomplete and does not adequately address the question. The information presented does not provide a good understanding of applicant’s intent, does not give the detailed information requested of the applicant, and/or does not adequately support the proposal or the intent of the program.
2 Points	SATISFACTORY	The response addresses the question and provides a good understanding of the applicant’s intent. The response adequately supports the proposal and the intent of the program.
3 Points	ABOVE AVERAGE	The response is above average and provides a clear and detailed understanding of the applicant’s intent. The response presents a persuasive argument that supports the proposal and the intent of the program.
4 Points	EXCELLENT	The response is outstanding; with clear, detailed, and relevant information. The response presents a compelling argument that supports the proposal and the intent of the program.

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**Purpose of  
Notice of  
Interest  
(NOI)**

The purpose of the Notice of Interest (NOI) process is to solicit and obtain proposed tribal emergency management projects from interested and eligible applicants seeking competitive funding from the FY16 Tribal EMPG. The NOI process will allow Cal OES the opportunity to evaluate the applicant’s proposal for EMPG funding while at the same time eliminate the necessity of the applicant to incur the effort and expense related to the development of a complete application. The eligible NOIs received by the submission deadline will be read, evaluated, and scored by a panel to determine which of the interested applicants will be selected to continue in the subaward application process.

## Notice of Interest (NOI) Components

The Notice of Interest (NOI) components consist of the following two documents:

1. Notice of Interest (NOI) Investment Justification
2. Notice of Interest (NOI) Detailed Budget Sheet

## Notice of Interest (NOI) Submission Process

The complete NOI submission packet, consisting of the NOI Investment Justification and the NOI Detailed Budget Sheet must be submitted, as an e-mail attachment, to Cal OES Program Specialist, Cheryl McCorkle, at [cheryl.mccorkle@caloes.ca.gov](mailto:cheryl.mccorkle@caloes.ca.gov).

The NOI submission packet must be received by Cal OES **no later than May 31, 2016, 11:59 PM PST**. Late submissions will be disqualified.

If you have any questions regarding the NOI submission requirements or process please do not hesitate to contact the Program Specialist.

**Note:** Due to the competitive nature of the NOI process, during the NOI development and submission phase, only technical questions pertaining to NOI requirements, or submission processes, or other technical EMPG-related inquiries can be answered by the Program Specialist.

## Tribal Responsibilities

Upon selection, the applicant's responsibilities are to:

1. Submit a finalized FMFW application, both electronic copy and hard copy, to their Cal OES EMPG Program Specialist by **August 11, 2016**, along with all other required application components.  
**Note:** An electronic copy of the proposed FMFW and other required application documents shall be submitted for Program Specialist review and vetting **prior** to submission of signed hard copy original. The electronic copy of the FMFW and other required application documents should be submitted for Cal OES review by no later than **July 28, 2016**.
2. Comply with all terms and conditions contained in the Grant Assurances submitted with the FY16 EMPG application.
3. Prepare and submit timely Performance Reports for the duration of the performance period.
4. Maintain financial management systems that support subaward activities in accordance with 2 C.F.R. § 200.302.
5. Submit revision requests to Cal OES and obtain approval **prior** to incurring any associated expenditures; if changes are required after the initial subaward. Further details are included, in this Guidance, under "Subaward Modifications."
6. Deobligate unexpended subaward funds to Cal OES after all work has been completed and reimbursements have been disbursed.
7. Maintain property, programmatic, and financial records in accordance with the 2 C.F.R. Part 200 record retention requirements.
8. Comply with the audit requirements in 2 C.F.R. Part 200 Subpart F—Audit Requirements.
9. Complete all EMPG requirements associated with federal and state objectives; including but not limited to, staff training and exercises.
10. Submit all subaward-related paperwork including: Performance Reports, Reimbursement Requests, Modification Requests, and Amendments, by the identified due dates.
11. Comply with 2 C.F.R. Part 200, and FEMA Grant Programs Directorate (GPD) Policies.
12. Comply with DHS FY 2016 EMPG Program NOFO and the Cal OES FY 2016 Tribal EMPG Program - California Tribal Supplement to the Federal Program NOFO, as applicable.

## **Application Documents**

**After being selected, the following application components will need to be completed:<sup>9</sup>**

1. Financial Management Forms Workbook (FMFW)
2. Tribal Governing Body Resolution (GBR)
3. Addendum to Governing Body Resolution
4. Grant Assurances
5. FY16 Tribal Emergency Management Performance Grant Application Checklist
6. Indirect Cost Rate Negotiation Agreement; if applicable\*

\*If claiming indirect costs at a federally-approved rate, then you must provide a copy of your approved indirect cost rate Negotiation Agreement – see Indirect Costs on page 2 of this Guidance.

## **Governing Body Resolution (GBR)**

The GBR appoints agents authorized to execute any actions necessary under this subaward. Universal GBRs can be used for up to three years as long as the majority of the original approving Board members (three out of five) are still currently on the Board. If past GBRs are going to be utilized for present applications, then the tribe will still need to submit a copy with their application. Universal GBRs are strongly encouraged; this refers to a GBR that does not identify a specific subaward amount, specific subaward year(s), and does not identify a specific grant program by name.

## **Addendum to Governing Body Resolution**

For each person or position appointed by the governing body, submit the following information to Cal OES, along with the Resolution, **on the applicant's letterhead:**

- Name
- Title
- Jurisdiction
- E-Mail Address
- Street Address, City, & Zip Code
- Phone and Fax Number(s)

**Note:** Changes identifying the Authorized Agent can be made if and when necessary. If the GBR identifies the Authorized Agent by name, a new Resolution and corresponding Addendum to the GBR are needed when any changes are made. If the GBR identified the Authorized Agents by position and/or title, changes can be made by only submitting a new Addendum to the GBR. Cal OES will not accept signatures of an Authorized Agent's designee.

## **Official Written Correspondence**

For the EMPG Program, all official written correspondence from Cal OES will be mailed to the payment mailing address, identified on the Grant Subaward Face Sheet, and addressed to the Authorized Agent who signed the Grant Subaward Face Sheet.

## **Grant Assurances**

The Grant Assurances form lists the requirements to which a tribe will be held accountable. Tribes are required to file a new Grant Assurances form with the FY16 EMPG application. **Failure to comply with any of the Grant Assurances may result in suspension, termination, or a reduction of grant funds.**

The State may suspend or terminate subaward funding, in whole or in part; or other measures may be imposed for any of the following reasons:

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<sup>9</sup> Application documents are located on the Cal OES website on the Emergency Management Performance Grant page at: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>.

## Grant Assurances, Continued

- Failing to expend funds in a timely manner consistent with the subaward milestones, Guidance, and assurances
- Failing to comply with the requirements or statutory objectives of federal or state law
- Failing to make satisfactory progress toward the goals or objectives set forth in the subaward application
- Failing to follow subaward requirements or special conditions
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding
- Failing to submit required reports on time
- Providing false certification in the application, other report, or document
- Failing to submit a Reimbursement Request

**Before taking action, the State will provide the subrecipient reasonable notice of intent to impose corrective measures and will make every effort to resolve the problem informally.**

## NIMS Adoption

In accordance with the Homeland Security Presidential Directive (HSPD)-5, Management of Domestic Incidents, the adoption and implementation of the National Incident Management System (NIMS) is a requirement to receive federal preparedness assistance, through grants, contracts, and other activities. This certifies that the tribe will complete the NIMS Implementation Tool, is working on their metrics, and has adopted and implemented NIMS.

For further details and/or assistance regarding NIMS-related matters contact Cindy Shipley at [cynthia.shipley@caloes.ca.gov](mailto:cynthia.shipley@caloes.ca.gov), (916) 845-8753.

## Application Due Date

After the selection process has been completed, the complete application packet must be submitted and **received** by Cal OES no later than 5:00pm on **August 11, 2016**.

## Application Submittal

The completed original hard copy of the FMFW and all other application components must be mailed with original signatures, with enough time to be received by Cal OES's Grants Management Section by the application due date. Signatures should be completed in ink. Tribes will also submit an electronic copy of the completed FMFW to their Program Specialist. All application materials must be **received** by Cal OES Grants Management Section by **August 11, 2016, at 5:00pm**.

**Note:** To streamline the process, electronically submit the completed FMFW to your EMPG Program Specialist **prior** to submitting a signed hard copy, in order to identify any corrections or adjustments that may need to be addressed. The electronic copy of the FMFW should be submitted for Cal OES review by no later than **July 28, 2016**. Work closely with your **Program Specialist**<sup>10</sup> to ensure that all application documents are complete and accurate. Further, EMPG Program Specialists (Grants Management Staff) are available to assist in any EMPG-related matters. If the application is received with errors or is incomplete, this will cause a delay in receiving your Notification of Application Approval letter during September 2016. Subrecipients must receive the Notification of Application Approval letter prior to drawing down any grant funds.

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<sup>10</sup> Emergency Management Grants Unit contact information: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx> under the heading of Regional Assignments.

**EMPG Program Specialist**

Cheryl McCorkle [cheryl.mccorkle@caloes.ca.gov](mailto:cheryl.mccorkle@caloes.ca.gov), (916) 845-8415

**Mailing Address**

Cal OES  
Emergency Management Grants Unit (EMGU)  
Attention: Cheryl McCorkle  
3650 Schriever Avenue  
Mather, CA 95655

**Approval of Application**

Cal OES will notify the tribe in writing, of the approved application, subaward amount, and performance period. Subrecipient reimbursements will not be made until all required application components have been approved by the State.

**Applicable Laws & Regulations**

A tribe must ensure that local and internal departments are aware of the following laws, regulations, and guidance documents that apply to this subaward:

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended
- Title 2 C.F.R. Part 200
- California Emergency Services Act, Chapter 7 of Division 1 of Title 2 of the Government Code – which provides the legal basis for Emergency Management activities in California
- Government Code Section 8607 – which describes the Standardized Emergency Management System
- *California Supplement to the Federal Program Notice of Funding Opportunity; or, The State Tribal Guidance, provided by Cal OES*
- *The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2016 Emergency Management Performance Grant Program (EMPG).*
- FEMA Grant Program Directorate (GPD) Policies

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

FEMA is legally required to consider the potential impacts of all grant-funded projects on environmental resources and historic properties. For the EMPG Program, and other preparedness grant programs, this is accomplished through FEMA's Environmental Planning and Historic Preservation (EHP) review. Any project with the potential to impact natural or biological resources, or historic properties, or involves installation, or that involves Emergency Operation Center construction and renovation cannot be initiated until FEMA has completed the required EHP compliance review.

Subrecipients that implement projects prior to receiving EHP approval from FEMA risk de-obligation of funds. Subrecipients who are proposing communication tower projects are encouraged to complete their Federal Communication Commission (FCC) EHP process prior to preparing their EHP review materials for the Grants Program Directorate (GPD), and to include their FCC EHP materials with their submission to GPD. EMPG Program projects that involve the installation of equipment; ground-disturbing activities; new construction, including communication towers; or modification/renovation of existing buildings or structures must undergo a FEMA EHP review.

**Environmental  
Planning and  
Historic  
Preservation  
(EHP)  
Compliance,  
Continued**

**Note:** EHP review requests may require that a confidential California Historical Resources Information System (CHRIS) report be provided to FEMA.<sup>11</sup>

Furthermore, for those proposed construction or renovation projects that are part of larger projects funded from a non-FEMA source (such as an Emergency Operation Center that is part of a larger proposed public safety complex), a FEMA EHP review must be completed before the larger project is initiated.

For these types of projects, subrecipients must complete the FEMA EHP Screening Form (OMB Number 1660-0115/FEMA Form 024-0-01)<sup>12</sup> and submit it, with all supporting documentation, to Cal OES.

**Note:** Subrecipients should submit the FEMA EHP Screening Form for each applicable project as soon as possible. However, to ensure that ample time exists to allow for the FEMA EHP review and approval process, as well as the subsequent execution of the subaward-funded project, all subrecipient EHP-related documents must be received by Cal OES no later than **December 31, 2016**. Exceptions to this due date will be at the discretion of Cal OES, based on exceptional circumstances and/or compelling justification.

Refer to FEMA GPD EHP Policy Guidance FP-108-023-1 (located at: <https://www.fema.gov/media-library/assets/documents/85376>) and IB 404 (located at: <http://www.fema.gov/grants/grant-programs-directorate-information-bulletins>) for further details on EHP requirements. The EHP Screening Form can be downloaded at: <https://www.fema.gov/media-library/assets/documents/90195>.

**Forward completed EHP documents electronically to the Cal OES EMPG Program Specialist.**

The following activities would not require the submission of the FEMA EHP Screening Form: planning and development of policies or processes; management and administrative or personnel actions; classroom-based training; tabletop and functional exercises; and acquisition of mobile and portable equipment (not involving installation).

Projects initiated without proper EHP review will not be funded. Projects that were initiated or completed before an EHP review was concluded, and using EMPG Program funds, will be deobligated. To avoid unnecessary delays in starting a project, subrecipients are encouraged to pay close attention to the reporting requirements for an EHP review.

**Federally  
Mandated  
Objective  
Information**

**Validating Capabilities, Priority Objective, and Performance Measures<sup>13</sup>**

To address the EMPG priorities, an objective has been identified and given a set of performance measures and associated reporting requirements to determine how effective subrecipients are in utilizing EMPG Program funding to prepare for all hazards, and advance a whole community approach. With these measures, subrecipients must evaluate their progress toward achieving the stated objectives in the quarterly EMPG Performance Report and in compliance with all reporting requirements.

<sup>11</sup> Information regarding CHRIS can be obtained at: [http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068).

<sup>12</sup> The FEMA EHP Screening Form can be located at: <https://www.fema.gov/media-library/assets/documents/90195>.

<sup>13</sup> The Federally Mandated Objectives can be located in *The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2016 Emergency Management Performance Grant Program (EMPG)*, Appendix A-FY 2016 EMPG Program Priorities, pages 25-30 at: [http://www.fema.gov/media-library-data/1455571902574-a84f5a1b2f450795a70cce1f5ee7b967/FY\\_2016\\_EMPG\\_NOFO\\_FINAL.pdf](http://www.fema.gov/media-library-data/1455571902574-a84f5a1b2f450795a70cce1f5ee7b967/FY_2016_EMPG_NOFO_FINAL.pdf).

**Validating  
Capabilities  
Objective:  
Develop and  
Maintain Multi-  
Year TEPs**

**Subrecipient Requirements:**

1. All subrecipients are required to develop a Multi-Year (MY) Training and Exercise Plan (TEP) that incorporates linkages to the NPG core capabilities and update it annually. The MY-TEP should encompass the period of January 1, 2017 – December 31, 2018.
2. The MY-TEP must be submitted to the Cal OES Exercise Division POCs and the EMPG Program Specialist by December 31, 2016.

**Note:** MY-TEPs shall be e-mailed to Cal OES Exercise Division Points of Contact (POCs), with a copy to their EMPG Program Specialist (Grant Management Staff) no later than **December 31st** each year. Exercise POCs listed below are available for assistance, if needed, in any exercise-related matters.

- Southern Region – Steve Nunez: [steve.nunez@caloes.ca.gov](mailto:steve.nunez@caloes.ca.gov)
- Inland Region – Kevin Leisher: [kevin.leisher@caloes.ca.gov](mailto:kevin.leisher@caloes.ca.gov)
- Coastal Region – Kevin Leisher: [kevin.leisher@caloes.ca.gov](mailto:kevin.leisher@caloes.ca.gov)

**Measurement Method:**

- Submission to Cal OES of an updated MY-TEP.

**Reporting:**

- Subrecipients must report in the EMPG Performance Report their compliance with submitting an updated MY-TEP to Cal OES.

**Validating  
Capabilities  
Objective:  
Exercise**

1. All EMPG Program-funded personnel **shall participate in no less than three exercises in a 12-month period.** This 12-month period shall be the subaward performance period of August 1, 2016 – July 31, 2017. EMPG Program-funded personnel are any personnel paid at any percentage with EMPG funding, including M&A staff. There is no specific requirement for level of “participation” in the exercises; so, observation and attendance satisfies the objective. The exercises can be of any type (e.g., discussion-based or operations-based) within the performance period (see <https://www.fema.gov/media-library/assets/documents/32326>).
2. An After Action Report/Improvement Plan (AAR/IP) must be completed by the host of each EMPG-funded exercise and submitted to [hseep@fema.dhs.gov](mailto:hseep@fema.dhs.gov), and a copy sent to your EMPG Program Specialist within ninety (90) days after the completion of an exercise.
3. A summary of all collected corrective action items and the tracking of their implementation shall be reported as part of the EMPG quarterly reporting.

Additional information and guidance related to AAR/IPs and the National Exercise Program (NEP) Base Plan can be found on the Homeland Security Exercise and Evaluation Program (HSEEP) website at <https://www.fema.gov/media-library/assets/documents/32326>.

**Note:** It is acceptable to submit an Exercise Summary Report for Seminars and Workshops in lieu of a full AAR/IP. E-mail the copies of the AAR/IPs to your EMPG Program Specialist.

**Validating  
Capabilities  
Objective:  
Exercise,  
Continued**

A summary of all collected corrective action items and a tracking of their implementation shall be reported as part of the EMPG quarterly reporting. FEMA encourages the use of the HSEEP.

**Exercise Division staff are available for assistance with any exercise-related questions or matters.**

**Measurement Method:**

- Percent of exercises participated by the tribe's EMPG-funded personnel.
- Submission of an AAR/IP completed by the host of the EMPG-funded exercises.

**Reporting:**

- Subrecipients must report quarterly in the EMPG performance report, the percent completed of the exercise requirements for the EMPG-funded personnel.
- Subrecipients must submit AAR/IPs for each EMPG-funded exercise, if the exercise is hosted by the subrecipient. AAR/IPs will be completed by the host of the exercise. Participants do not have to individually complete an AAR/IP.

**Validating  
Capabilities  
Objective:  
Training**

Training activities supported with EMPG Program funds should strategically align to the NPG Core Capability identified in the MY-TEP. To ensure the development of a professional emergency management workforce, all EMPG Program-funded personnel shall complete 11 training requirements and record proof of completion. EMPG Program-funded personnel are any personnel paid at any percentage with EMPG funding; this includes M&A staff funded by EMPG Program funds. **All EMPG Program-funded personnel shall complete the following training requirements by July 31, 2017.**

National Incident Management System (NIMS) Training:

- IS 100.b Introduction to Incident Command System (ICS)
- IS 200.b ICS for Single Resources and Initial Action Incident
- IS 700.a National Incident Management System, An Introduction
- IS 800.b National Response Framework, An Introduction

FEMA Professional Development Series (PDS):

- IS 120.a Introduction to Exercises
- IS 230.d Fundamentals of Emergency Management
- IS 235.c Emergency Planning
- IS 240.b Leadership and Influence
- IS 241.b Decision Making and Problem Solving
- IS 242.b Effective Communication
- IS 244.b Developing and Managing Volunteers

**Validating  
Capabilities  
Objective:  
Training,  
Continued**

The aforementioned courses are available on-line at no cost from the FEMA Emergency Management Institute (EMI) at the following links:

<http://training.fema.gov/IS/NIMS.aspx> & <http://training.fema.gov/is/searchis.aspx?search=PDS>

**Note:** The “G” course series and classroom-based equivalents can be used as an alternate to satisfy these training requirements. Past completion of the above courses (or qualifying equivalent) is considered acceptable in meeting this requirement. Recorded proof of completion, such as certificates of completion, must exist and be kept on file by the subrecipient and be made available for review upon request.

**Measurement Method:**

- Percent of EMPG Program-funded personnel completing the previously identified 11 required training courses.

**Reporting:**

Subrecipients are required to share with Cal OES a MY-TEP that includes an exercise plan and schedule, and a plan for training personnel. **Information related to MY-TEPs can be obtained by consulting Cal OES’s Exercise Division POC.**

- Submission of a list of EMPG Program-funded personnel along with the training and dates completed is to be included in the EMPG Program quarterly Performance Reports.

**Training  
Feedback  
Number**

In order for EMPG Program funds to be utilized for training-related purposes, subrecipients must first obtain a Training Feedback Number. Training Feedback Numbers must be obtained no later than thirty (30) days prior to the training event. To be considered for a Training Feedback Number, subrecipients must complete a Training Request Form and submit it electronically to Cal OES.

Training Request Forms can be obtained at the following link:

<https://w3.calema.ca.gov/WebPage/trainreq.nsf/TrainRequest?OpenForm>

For Training Request Form or Training Feedback Number assistance contact Johnie Garrett at [john.garrett@caloes.ca.gov](mailto:john.garrett@caloes.ca.gov).

**Subcontracts**

In accordance with 2 C.F.R. § 200.326 Contract Provisions, any time funds are given to a contractor the subrecipient’s contracts must contain the applicable provisions described in Appendix II to 2 C.F.R. Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. The tribe must monitor and ensure that the contractors are adhering to all applicable federal and state laws. The tribe must not make or permit any award (subaward or contract) at any tier to any party that is debarred, suspended, or otherwise excluded from, or ineligible for participation in federal assistance programs, such as the EMPG. Subrecipients must obtain documentation of eligibility prior to any subaward of EMPG funds and be prepared to present supporting documentation to monitors.

**System for  
Award  
Management  
(SAM)**

The System for Award Management (SAM) includes information regarding entities debarred, suspended, proposed for debarment, excluded or disqualified under the non-procurement common rule, or otherwise declared ineligible from receiving federal contracts, certain subcontracts, and certain federal assistance and benefits. Contractor disbarment verification can be obtained from the following website: <https://www.sam.gov>.

## Maintenance and Sustainment

The use of EMPG funds for maintenance contracts, warranties, repair or replacement costs, upgrades, licenses, and user fees are allowable under all active and future grant awards, unless otherwise noted. With the exception of maintenance plans purchased incidental to (i.e., at the same time and under the same subaward award as) the original purchase of the system or equipment, the period covered by a maintenance agreement or warranty plan must not exceed the period of performance of the specific grant funds used to purchase the plan or warranty, and address the requirements identified in FEMA Information Bulletin (IB) 379.

## Unallowable Costs

- Expenditures for weapons systems and ammunition.
- Costs to support the hiring of sworn officers for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities.
- Activities unrelated to the completion and implementation of the EMPG Program.

## Supplanting

Grant funds must be used to supplement existing funds, not replace (supplant) funds that have been appropriated or budgeted for the same purpose through non-federal sources. In the event that supplanting is suspected, the subrecipient will be required to supply documentation demonstrating or certifying that a reduction in non-federal resources occurred for reasons other than the receipt, or expected receipt, of federal funds.

## Accessibility of Records

The Federal Department of Homeland Security (DHS), the DHS Office of Inspector General, the Comptroller General of the United States, Cal OES, and any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records which are pertinent to the subaward, in order to make audits, monitoring reviews, examinations, excerpts, and transcripts. The right of access is not limited to the required retention period but shall last as long as the records are retained. Refer to 2 C.F.R. § 200.336 for more information about accessibility of records.

## Reimbursement of Eligible Costs

The EMPG is a reimbursement grant and therefore no cash advances are permitted under the EMPG. The EMPG funds will be disbursed on a reimbursement basis, using the FMFW.

Follow the **FMFW instructions for Reimbursement Requests**<sup>14</sup> and submit the signed forms to your EMPG Program Specialist.

Payment will be made within 30 days after the Grants Management Section receives a valid and complete Reimbursement Request. It is strongly recommended that copies of all documents adding up to the total of each Reimbursement Request be retained to make verification by monitors and/or auditors easier. Cal OES may require submittal of these documents at any time.

## Sole Source Procurement

To be eligible for reimbursement, sole source (or noncompetitive) procurements exceeding the *simplified acquisition threshold* (which is established by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 and is currently set at \$150,000) require Cal OES *prior* written approval.

**Note:** This method of procurement must be approved by your local Purchasing Agent prior to submitting a request for Cal OES approval. A copy of the Purchasing Agent's approval must be included with the Cal OES submission; additional documentation supporting the procurement effort may also be requested for review by Cal OES.

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<sup>14</sup> The Reimbursement Request instructions are located at: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx> under Tutorials.

## **Subaward Modifications**

Post award budget, scope, and other modifications must be requested using the Cal OES FMFW and be signed by the subrecipient's Authorized Agent. A hard copy must be submitted to Cal OES, and approved by Cal OES's Grants Management Section, **prior** to initiating any revised scope of work or incurring the associated expenditures.

The tribes may submit modifications to Cal OES **once per quarter** during the performance period. Exceptions to allow more modifications during a quarter will be made at Cal OES discretion and will be based on exceptional circumstances and/or compelling justification. Failure to submit modifications and receive approval prior to expenditure could result in a reduction or disallowance of that part of the subaward.

**Instructions on how to submit a Modification Request** are available at the link identified in the footnote.<sup>15</sup>

## **Performance Reports**

Subrecipients must prepare and submit Performance Reports to the State for the duration of the subaward performance period, or until all grant activities are completed and the subaward is formally closed by Cal OES. The reports must include the progress made on identified activities, as well as other required information and data. Failure to submit a Performance Report could result in subaward reduction, termination, or suspension.

Subrecipients must also complete a Biannual Strategy Implementation Report (BSIR) using the DHS/FEMA Grants Reporting Tool (GRT). To obtain access to the online GRT, log on to their website at [www.reporting.odp.dhs.gov](http://www.reporting.odp.dhs.gov). To create a new account, follow the instructions that read, "If you need to register for an account, please click here." For additional assistance with the GRT, contact: Gina Avelar at [gina.avelar@caloes.ca.gov](mailto:gina.avelar@caloes.ca.gov), (916) 845-8647.

## **Closeout**

The State will close a subrecipient subaward after:

- Receiving a subrecipient Performance Report indicating that all approved work has been completed, and all funds have been disbursed
- Completing a review to confirm the accuracy of reported information
- Reconciling actual costs to awards, modifications, and payments

If the closeout review and reconciliation indicates that the subrecipient:

- Is owed additional funds, the State will send the final payment automatically to the subrecipient
- Did not use all funds received, the State will issue a deobligation amendment, invoice, or letter to recover unused funds
- Did not expend all obligated subaward funds, the State will require that a Grant Award Amendment be completed to deobligate the unspent funds and revert them back to the State

## **Records Retention**

Specific requirements for record retention can be found in 2 C.F. R. § 200.333. In the Grant Closeout Letter, the State will notify the subrecipient of the start of the record retention period for all programmatic and financial subaward-related records.

## **Final Subaward Report**

Cal OES will review the tribe's final Performance Report for compliance with all subaward conditions. The final Performance Report is due to Cal OES by August 14, 2017, and will serve as the final subaward report.

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<sup>15</sup> The Modification Request instructions are located at: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx> under Tutorials.

## **Audit Requirements**

The tribes must comply with the audit requirements contained in 2 C.F.R Part 200, Subpart F—Audit Requirements.

## **Monitoring Subaward Performance**

The State may perform periodic reviews of the tribe's subaward performance. The Monitoring Division is actively conducting monitoring visits, both desk review and on-site, among subrecipients. These reviews may include, but are not limited to:

- Comparing actual subaward activities to those approved on the Financial Management Forms Workbook
- Confirming compliance with:
  - Grant Assurances
  - Information provided on the Performance Reports
- Reviewing and monitoring financial and administrative records

To provide support and guidance, Grants Management Staff will be intermittently conducting on-site programmatic and financial reviews of tribe's EMPG Program-related activities.