FY 2019 Emergency Management Performance Grant (EMPG) Application Workshop

September 2019

Today's Topics

1) **EMPG Objective-Overview**
   - Key Changes
   - Allowable Costs
   - Unallowable Costs

2) **EMPG Requirements**
   - Training and Exercise Requirements
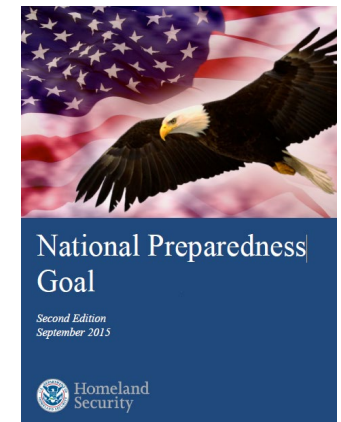   - Match/Cost Sharing
   - Performance Reports

3) **Application Components**

EMPG Objective

To assist state, local, and tribal governments in preparing for all-hazards.

To support a comprehensive, all-hazards emergency preparedness system by building and sustaining the core capabilities contained in the National Preparedness Goal (NPG).

EMPG Objective

The EMPG Program supports investments that improve the ability of jurisdictions to:

- Prevent a threatened or an actual act of terrorism;
- Protect our citizens, residents, visitors, and assets against the greatest threats and hazards;
- Mitigate the loss of life and property by lessening the impact of future disasters;
- Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident; and
- Recover through a focus on the timely restoration, strengthening, and revitalization of infrastructure, housing, and sustainable economy, as well as health, social, cultural, historic, and environmental fabric of communities affected by a catastrophic incident.

EMPG Overview

- FY 2019 EMPG Key Changes

- EMPG Allowable Costs

- EMPG Unallowable Costs

FY 2019 EMPG Key Changes

- The Period of Performance will be 24 months in FY 2019; in FY 2018, the period of performance was 12 months.

- Preparedness Grants Manual (New), in addition to the NOFO.

- The Project Descriptions tab in the FY 2019 Workbook has been removed. Project Descriptions are now incorporated as part of the Project Ledger tab. Match descriptions are incorporated as part of the Match tab.

- Starting in FY 2019, all EMPG Subrecipients' projects must align to the [California Homeland Security Strategy Goals](#).

- All Subrecipients will be required to complete and include the Certification Regarding Lobbying form as part of the application package.

- All Subrecipients should be reporting expenditures and requesting funds at least semi-annually throughout the performance period.

EMPG Allowable Costs

POETE

- Planning
- Organization
- Equipment
- Training
- Exercises

- Maintenance & Sustainment
- Construction & Renovation
- Management & Administration
- Indirect Costs

Resource: FY 2019 FEMA Preparedness Grants Manual, EMPG Appendix Page H-12 to H-20.

POETE Examples

Planning – Emergency Operations Plans

Organization – Staffing costs: salary, overtime, time off, and benefits

Equipment – Interoperable Communications

Training – Travel and tuition expenses

Exercise – Critical Power Failure, Care & Shelter, Chemical Accident

EMPG Allowable Costs

Maintenance & Sustainment

- Maintenance Contracts
- Warranties
- Repair/Replacement Costs
- Upgrades
- User Fees
- Licenses

Maintenance & Sustainment – FMFW Project Ledger

- The following information for pre-existing equipment should be input in the Project Description field:

  - The AEL Number and AEL Title

  - Duration of service:
    - Cannot exceed the Period of Performance

  - Identify consultant / contractor (Consultant Contractor tab)

Project Description

Pay for user fees associated with the County's web-enabled emergency management communications system known as Web EOC.
AEL#: 04AP-05-CDSS
AEL Title: Systems and Tools, ICS
Duration of Service: 7/1/19 to 6/30/21

EMPG Allowable Costs

CONSTRUCTION & RENOVATION *

Primary/main Emergency Operations Center

- **Construction**
  New building or expanding footprint of an existing EOC

- **Renovation**
  Internal improvements to an existing EOC

*Both require written FEMA approval (up to a year long process).

EMPG Allowable Costs

Management & Administration (M&A)

M&A costs are necessary costs incurred in direct support of the grant or as a consequence of the grant.

- Activities directly relating to the management and administration of EMPG

- Financial management and reporting

- May use up to five percent (5%) of the Subaward
  - Reimbursed up to 5% of the total expended federal share at the time of request

EMPG Unallowable Costs

- Unallowable Equipment: Grant funds must comply with IB 426
  - Expenditures for weapons systems, weapons, ammunition, weaponized vehicles, and riot suppression gear
- Costs to support hiring sworn public safety officers for the purposes of fulfilling traditional public safety roles
- Positions or items purchased to supplant appropriated funds
- Activities and projects unrelated to the EMPG Program

Resource: FY 2019 FEMA Preparedness Grants Manual, EMPG Appendix Page H-21.

FY 2019 Emergency Management Performance Grant Program

EMPG REQUIREMENTS:
TRAINING & EXERCISES

Multi-year Training & Exercise Plan (MY-TEP)

- Link to the NPG Core Capabilities

- Be updated & submitted annually

- At a minimum, cover this two-year period: **January 1, 2020 – December 31, 2021**

- Email by September 30, 2019 to:

  - EMPG Program Representative

  - MY-TEP Point of Contact (POC) – at exercise@caloes.ca.gov

Training Feedback Number

- A Training Feedback Number must be obtained at least 30 days prior to the training event.

- A Training Request Form is required to obtain a feedback number.
  - Submit the form to training@caloes.ca.gov

After Action Report/Improvement Plan (AAR/IP)

- Completed by the host of any EMPG-funded exercise

- Submitted, <u>no later than 90 days after completion of the exercise</u>, to:

    1) The HSEEP email address at
       hseep@fema.dhs.gov

    2) Your EMPG Program Representative

- All AAR/IPs must be submitted by
  June 30, 2021

Homeland Security Exercise and
Evaluation Program (HSEEP)

Personnel Training Requirements

All EMPG Program-funded personnel, including M&A staff, and any staff being used for match must:

- Complete training by June 30, 2021

    Required Trainings:

    - National Incident Management System (NIMS) Training
    - FEMA Professional Development Series (PDS)

Training Requirement

NIMS Training:

- IS 100 Intro to ICS
- IS 200 Basic Incident Command System for Initial Response
- IS 700 Intro to NIMS
- IS 800 Intro to NRF

FEMA PDS:

- IS 120.c Intro 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

Personnel Exercise Requirements

All EMPG Program-funded personnel, including M&A staff, and any staff being used for match must:

- Participate in no less than three exercises in the 24-month Period of Performance
- Any level of participation is acceptable
- Each set of Period of Performance exercises must be unique
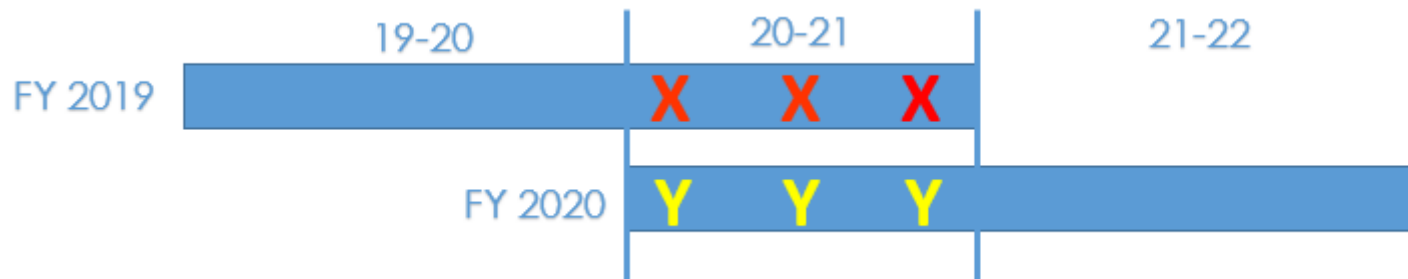
EMPG REQUIREMENT: **MATCH**

Match/Cost Share

A **dollar-for-dollar** cost match is required under the EMPG Program.

Types of Match

- **Cash Match -** Non-federal cash spent for EMPG-eligible activities/projects.

- **In-Kind Match** - The value of something received or provided by a third-party that does not have a cost associated with it. Contributions of the value of property or services in lieu of cash which benefit the EMPG Program. This type of match must be supported with source documentation.

Match Clarification

2 C.F.R. § 200.306;

- To meet matching requirements, the recipient contributions must be verifiable, reasonable, allowable, allocable, necessary under the grant program, and in compliance with all applicable Federal requirements and regulations.

- **"These non-Federal contributions have the same eligibility requirements as the Federal share**." (NOFO, p. 8)

  - All 100% match items must adhere to the same federal requirements that govern their corresponding EMPG-funded projects (EHP, T&E, Procurement, etc.)
  - T&E requirement does not apply to personnel used as in-kind match

Match

EMPG funds must be met **dollar-for-dollar** by the Subrecipient.*

Match Type:

- **100% –** Project is 100% federally funded through the EMPG subaward. Subrecipient must fund a <u>different</u> EMPG-eligible project of equal or greater value.

   Contribution Type:

- Cash Match

- In-Kind Match

- **50% –** Project is 50% federally funded through the EMPG subaward. Subrecipient will share in the cost of the <u>same</u> project, paying for the other half.

   Contribution Type:

- Cash Match

*All non-federal contributions have the same eligibility requirements as the federal share (T&E, EHP, Procurement, etc.).

100% EMPG / 100% Local funds

- ## Example:

Project: 30 Interoperable Radios
Costs: $50,000 (Including tax, shipping, etc.)

EMPG Share
- 100% * $50,000 = $50,000
- EMPG: **$50,000**

Local Share
- 100% * $50,000 = $50,000
- Local Funds: **$50,000**

State Goals	Direct / Subaward	Project	Project Title	Project Description	Funding Source	Discipline	Solution Area	Solution Area Sub-Category	Core Capabilities	Capability Building	Deployable / Shareable	Total Budgeted Cost
												$50,000
Goal #4	Direct	A	Interoperable Radios	Purchase 30 Interoperable radios for the county to use in the event of a disaster.	EMPG	EMG	Equipment	Interoperable Communications Equipment	Operational Communications	Build	Both	50,000

Project	Direct / Subaward	Project Title	Match Description	Discipline	Solution Area	Solution Area Sub-Category	Type of Match	Total Budgeted Match
								$50,000
A	Direct	Interoperable Radios	Project A is 100% cash match from local funds for OES personnel costs.	EMG	Organization	Staffing	Cash Match	50,000

50% EMPG / 50% Local funds

- Example:

Project: 30 Interoperable Radios
Costs: $50,000 (Including tax, shipping, etc.)

EMPG Share
- 50% * $50,000 = $25,000
- EMPG: $25,000

Local Share
- 50% * $50,000 = $25,000
- Local Funds: $25,000

State Goals	Direct / Subaward	Project	Project Title	Project Description	Funding Source	Discipline	Solution Area	Solution Area Sub-Category	Core Capabilities	Capability Building	Deployable / Shareable	Total Budgeted Cost
												$25,000
Goal #4	Direct	A	Interoperable Radios	Purchase 30 Interoperable radios for the county to use in the event of a disaster.	EMPG	EMG	Equipment	Interoperable Communications Equipment	Operational Communications	Build	Both	25,000

Project	Direct / Subaward	Project Title	Match Description	Discipline	Solution Area	Solution Area Sub-Category	Type of Match	Total Budgeted Match
								$25,000
A	Direct	Interoperable Radios	Project A is 50% cost share from local funds.	EMG	Equipment	Interoperable Communications Equipment	Cash Match	25,000

FY 2019 EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM

EMPG REQUIREMENTS:
PERFORMANCE REPORTS

Performance Reports

Subrecipients must submit quarterly Performance Reports on EMPG project status, training and exercise data, and other metrics that are required by FEMA.

FY19 Emergency Management Performance Grant Performance Report

The FY 2019 Emergency Management Performance Grant (EMPG) Performance Report must be updated quarterly with cumulative information.

Part I: General Information
Provide the following required general information.

Jurisdiction:	Utopia County
Date of Report: This date must be after the last day of the quarters for which you are reporting	10/1/2019
Reporting Period:	1st Quarter - July 1 - Sept 30
Subaward Number:	2019-0003

Performance Reports

- List project letters and titles from the FMFW's Project Ledger

- Tasks to be completed

- Status: Not started, On-Time, Complete, Delayed or Cancelled

- Summary of activities to complete the tasks

State Goals	Direct / Subaward	Project	Project Title
	Direct	A	County OES Staff salaries and benefits
	Direct	B	Full scale Exercise – Commercial Plane Crash
	Subaward	C	City of Utopia – Portable Radios

Part II: Grant Activities
Provide the following required general information.

Activity	Tasks To Be Completed	Status	Activity Summary
Project A: County OES Staff Salaries and Benefits	-Participate in exercises and workshops -Coordinator chairs the Utopia County Disaster Council and Utopia County Anti-terrorism Council -Coordinator with outside agencies (e.g., Red Cross) to coordinate services and efforts within Utopia County	On-Time	1st Quarter Support, participate and maintain the OA's emergency management capabilities needed for grant management, training, project management and emergency planning efforts.

Performance Reports

Part III: Personnel Funding Data

- Personnel S&B calculated by totaling EMPG dollars allocated to staffing throughout the FMFW including the Match tab
- The number of emergency management personnel on the FMFW's Personnel tab

Part III: Personnel Funding Data

Report data on Emergency Management Personnel identified on the Financial Management Forms Workbook's (FMFW) Personnel Tab that are|funded with EMPG funds.

Metric	Total
Identify the total amount of EMPG and matching funds allocated to personnel salaries and benefits.	$193,674
Identify the total number of emergency management personnel supported by EMPG funds (listed in the FMFW/Personnel Tab).	5

Performance Reports

- Part IX: Self-certifying Regarding 100% Match Activities

Part IX: Self-certifying Regarding 100% Match Activities

To meet matching requirements, the subrecipient contributions must be verifiable, reasonable, allowable, allocable, necessary under the grant program, and in compliance with all applicable Federal requirements and regulations. These non-Federal contributions have the same eligibility requirements as the Federal share.

Match Activities	Yes	No	N/A
Check the box if all Match activities are in compliance with applicable Federal requirements and regulations for T&E, EHPs, Procurement, etc.	☐	☐	☐
If no, please explain: ☐			

FY 2019 EMPG Performance Report Submission Instructions

- Submit an electronic copy via email to your EMPG Program Representative for review at least 7 days before the due date.

- They will provide feedback and direct the Subrecipient to submit the signed final electronic copy.
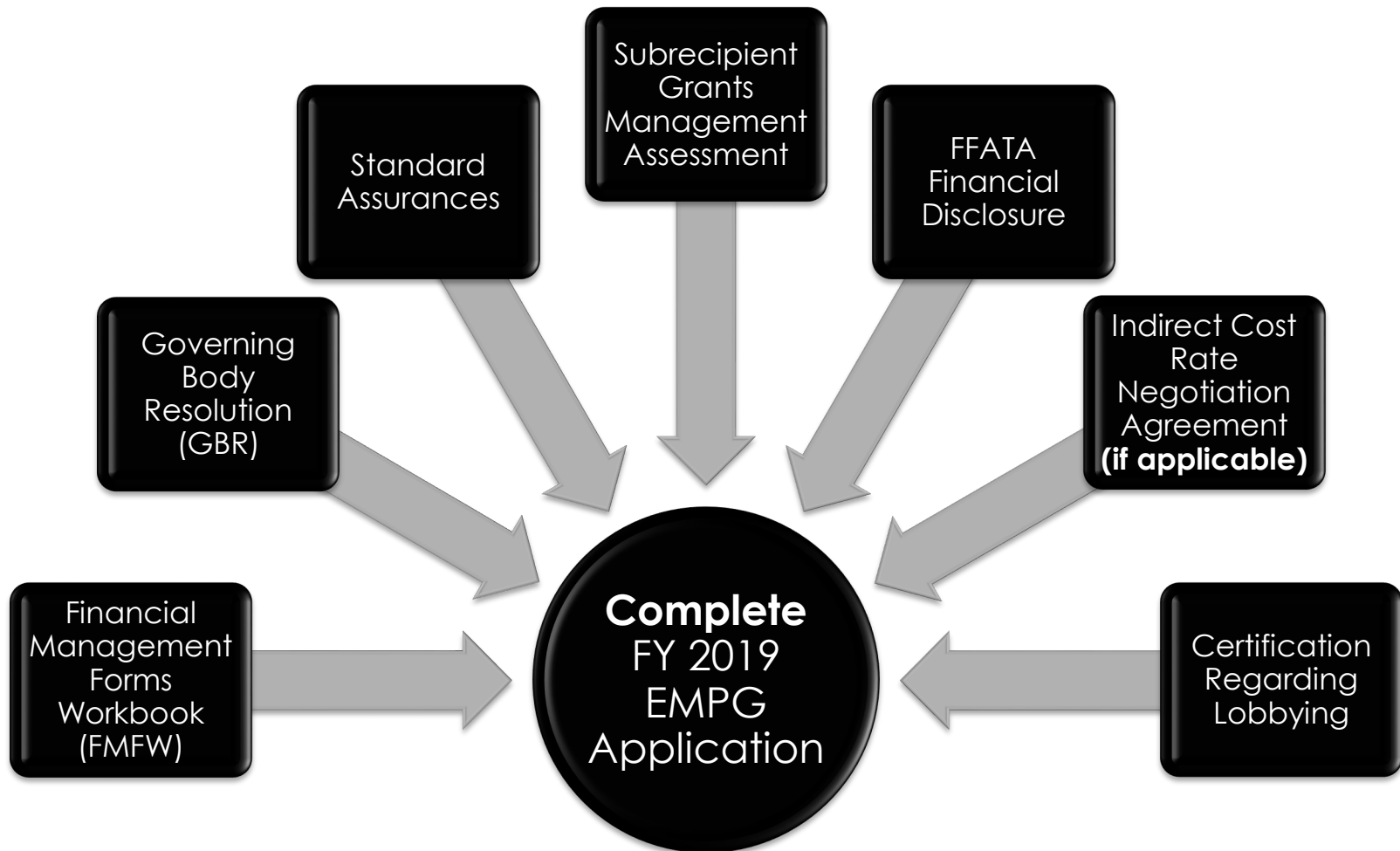
FY 2019 Emergency Management Performance Grant Program
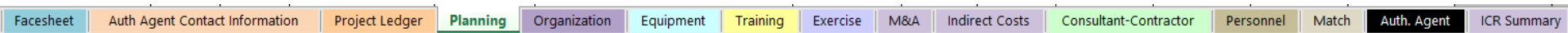
APPLICATION COMPONENTS

EMPG Application Components

Subrecipient Grants Management Assessment

Standard Assurances

FFATA Financial Disclosure

Governing Body Resolution (GBR)

Indirect Cost Rate Negotiation Agreement **(if applicable)**

Financial Management Forms Workbook (FMFW)

Complete FY 2019 EMPG Application

Certification Regarding Lobbying

- Contains all EMPG project information and financial data.

- Each tab of the FMFW must be included with the initial application package.

| Facesheet | Auth Agent Contact Information | Project Ledger | Planning | Organization | Equipment | Training | Exercise | M&A | Indirect Costs | Consultant-Contractor | Personnel | Match | Auth. Agent | ICR Summary |

- If a tab will not be used, indicate "N/A" on the tab in Row 14.

	Project ▼	Direct / Subaward	Course Name	Funding Source
11				
12				
14			N/A	
15				

Verify SAM Registration is Active

- Valid DUNS Number(s) and EIN/TIN are required

- **All** non-Federal entities who **create** a new account in SAM.gov must mail an original, signed notarized letter to the Federal Service Desk <u>within 60 days</u> of activation and must use the notarized letter templates from <u>fsd.gov.</u>

- The registration process may take up to four weeks.

- Must renew registration **annually**. Annual renewal does not require a notarized letter unless the Entity Administrator changes.

- Steps for updating your existing SAM entity registration can be found <u>here.</u>

Authorized Agent Information

- Authorized Agent named at the bottom of the Face Sheet will receive all correspondence pertaining to the Subaward.

- Use the same titles that are on the Governing Body Resolution for the Face Sheet, Authorized Agent Contact Information and Authorized Agent tabs (and on all the application components).

FMFW Changes

- **Funding Source / Discipline** hardcoded [All Tabs]

Funding Source	Discipline
EMPG	EMG

- **Add Row / Delete Row** buttons added [All Tabs]

ADD ROW	DELETE ROW

- **Row Size Auto** merged with **Formula Reset** [All tabs]

FORMULA RESET

- **New Request/Mod Item** added [AA Contact Info tab]

NEW REQUEST	NEW MOD ITEM

- **CFDA #** is now **ALN**; hardcoded [AA tab]

ALN:	EMPG 97.042

- **Expenditure Period** now **Performance Period**; auto-populates from Facesheet [AA tab]

07/01/2019	through	06/30/2021
(Beginning Performance Period Date)		(Ending Performance Period Date)

FMFW – Project Ledger

FY 2018 Project Descriptions Tab:

Project	NPG Mission Area	NPG Core Capabilities	Project Description	Match Description	Need	Project Milestone & Justifications
Project A	Response	Planning	Happy County will hire a consultant to update their EOP over the course of FY18. This will ensure that the county's all-hazards response planning effort incorporates current authorities, resources, and roles.	Project A is 100% cash match from local funds for the Emergency Manager's salary.	Happy County must update their EOP to address changing needs, include updated information, and revise annexes.	At the 6 month mark, this project will be 50% complete and $12,500 funds will be expended. At the 12 month mark, this project will be 100% complete and $25,000 funds will be expended.

FY 2019 Project Ledger:

| State Goals	Direct / Subaward	Project	Project Title	Project Description	Funding Source	Discipline	Solution Area	Solution Area Sub-Category	Core Capabilities	Capability Building	Deployable / Shareable	Total Budgeted Cost
												$25,000
Goal #6	Direct	A	Happy County EOP Update	Happy County will hire a consultant to update their EOP over the course of FY19. This will ensure that the county's all-hazards response planning effort incorporates current authorities, resources, and roles.	EMPG	EMG	Planning	Develop and Enhance Plans, Protocols, Programs, and Systems	Planning	Sustain	N/A	25,000

FMFW – Match Tab

FY 2018 Project Descriptions Tab:

Project	NPG Mission Area	NPG Core Capabilities	Project Description	Match Description	Need	Project Milestone & Justifications
Project A	Response	Planning	Happy County will hire a consultant to update their EOP over the course of FY18. This will ensure that the county's all-hazards response planning effort incorporates current authorities, resources, and roles.	Project A is 100% cash match from local funds for the Emergency Manager's salary.	Happy County must update their EOP to address changing needs, include updated information, and revise annexes.	At the 6 month mark, this project will be 50% complete and $12,500 funds will be expended. At the 12 month mark, this project will be 100% complete and $25,000 funds will be expended.

FY 2019 Match Tab:

Project	Direct / Subaward	Project Title	Match Description	Discipline	Solution Area	Solution Area Sub-Category	Type of Match	Total Budgeted Match
								$25,000
A	Direct	Happy County EOP Update	Project A is 100% cash match from local funds for the Emergency Manager's salary.	EMG	Planning	Develop and Enhance Plans, Protocols, Programs, and Systems	Cash Match	25,000
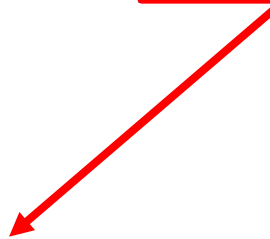
Application Submission

- Submit your draft application for review at least 2 weeks prior to the due date.

- The reviewed, signed **hard copy** of the complete application packet must be received by Cal OES no later than **December 6, 2019.**

Questions?

What's on the Menu?

1. Program Guidance Updates
2. Key Points of Investment Justifications
3. FY 2020 HSGP Advance Applications/FMFW

Updates to the Guidance

DHS issues **Information Bulletins** (IBs) to provide updates, clarifications, and new requirements throughout the life of the grant.

Cal OES issues **Grant Management Memoranda** (GMMs) which provide additional information and requirements regarding HSGP funds.

Information Bulletins

- IB 439 – Supplemental Cybersecurity IJ NCSR
- IB 436 – Unaccompanied Children
- IB 432 – Training Course and Approval
- IB 431 – HSGP Fusion Centers
- IB 426 – Controlled Equipment Recession
- IB 421a – Clarification on PRICE Act
- IB 412 – LETPA
- IB 379 – Expedite Expenditures
- IB 336 – Maintenance

NOFO/Program Appendix

- **Notice of Funding Opportunity (NOFO)**
  Streamlined to provide guidance regarding the development and submission of an application directly to FEMA

- **FEMA Preparedness Grants Manual**
  Developed to guide applicants and recipients of grant funding on how to manage their grants and other resources

Key Changes

Nationwide Cybersecurity Review (NCSR):

- Is a no-cost, anonymous, and annual self-assessment designed to measure gaps and capabilities of state, local, tribal, territorial, nonprofit, and private sector agencies' cybersecurity programs

- Beginning with FY19 HSGP, NCSR is a required assessment for <u>all</u> Subrecipients of SHSP and UASI funding to be completed between <u>October</u> and <u>December 2019</u>

Key Changes

NCSR cont.

- Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent should complete NCSR

- If there is no CIO or CISO, most senior cybersecurity professional should complete NCSR

Key Changes

NCSR cont.

- Registration required for portal access
  - Center for Internet Security (NCSR)
- NCSR Portal
  - RSA Archer Suite Portal for NCSR
- Takes approx. 2-3 hours to complete
- Deadline to Cal OES – **December 16, 2019**

Key Changes

NCSR cont.

- On behalf of your Subrecipients:
  - Ensure you receive certification that NCSR is complete
  - AA certifies to Cal OES that all subrecipients completed NCSR (list S/R and date completed)
  - Keep records

Federal	DHS FEMA
State	Cal OES
Local	County / UASI
Subrecipient of Local	City A / City B / City C
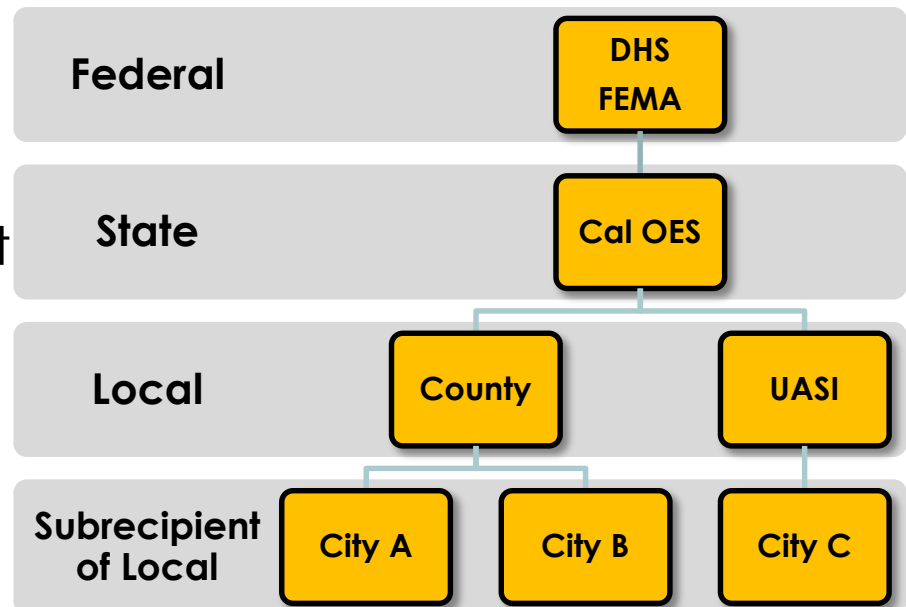
Key Changes

NCSR cont.

- Cal OES Subrecipients:
  - Submit PDF verifying own NCSR completion
  - AA must certify in writing, on behalf of Subrecipients at next tier, NCSR was completed (list Subrecipients and date completed in a spreadsheet)

- Additional guidance to be released

- IB 439 – Supplemental Guidance for Cybersecurity Investments

Key Changes

Allowable Cost Matrix (NOFO Pg 21)

Matrix updated with allowable activities under HSGP

Allowable Program Activities	SHSP	UASI	OPSG
Allowable Planning Costs			
Developing hazard/threat-specific annexes	Y	Y	N
Developing and implementing homeland security support programs and adopting ongoing DHS/FEMA national initiatives	Y	Y	N
Developing related terrorism and other catastrophic event prevention activities	Y	Y	N
Developing and enhancing plans and protocols	Y	Y	N
Developing or conducting assessments	Y	Y	N
Hiring of full- or part-time staff or contract/consultants to assist with planning activities	Y	Y	N
Materials required to conduct planning activities	Y	Y	N
Travel/per diem related to planning activities	Y	Y	Y
Overtime and backfill costs (in accordance with operational Cost Guidance)	Y	Y	Y
Issuance of WHTI-compliant Tribal identification cards	Y	N	N

State Supplement

- "California Supplement to the Federal Notice of Funding Opportunity"

- Complements the annual Notice of Funding Opportunity from FEMA, including the new FEMA Preparedness Grants Manual

- Highlights Cal OES policies and requirements

State Supplement

Certification Regarding Lobbying:

- Subrecipients will be required to complete and include the <u>Certification Regarding Lobbying Form</u> as part of the application package to certify lobbying activities as stipulated by the Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352

- Posted on the Cal OES website

State Supplement

Personnel Cap:

- State Homeland Security Program (SHSP) and Urban Area Security Initiative (UASI) funds may be used for personnel costs, totaling up to 50% of each fund source

- Subrecipient may request this requirement be waived by DHS/FEMA, via Cal OES

- Requests for personnel cap waivers must be submitted separately for each fund source in writing to the Program Representative on official letterhead

State Supplement

Personnel Cap cont.

- The waiver must address the following information:

  -Documentation explaining why the cap should be waived; and

  -A <u>budget</u> **and** <u>method</u> of calculation of personnel costs both in <u>percentages</u> of the Grant Award **and** in <u>total dollar amount</u> (waivers must be calculated separately for SHSP and UASI and include salary, fringe benefits, and any M&A costs).

State Supplement

Personnel Cap cont.

Example:

HSGP FY2018				
Total SHSP Award	$ 100,000.0			
Total UASI Award	$ 100,000.0			
Total HSGP Award	$ 200,000.0			
Employee	**$SHSP**	**%SHSP**	**$UASI**	**%UASI**
A	$ 10,000	10%	$ -	0%
B	$ 15,000	15%	$ 5,000	5%
C	$ 20,000	20%	$ 5,000	5%
D	$ 25,000	25%	$ 5,000	5%
Total	**$ 70,000**	**70%**	**$ 15,000**	**15%**

State Supplement

EOC Requirements/Form

- Originally tied to another federal grant program administered by Cal OES

- Subrecipients are no longer required to submit an EOC form for projects related to an EOC

- EOC Hold Trigger in FMFW - Removed

Operational Overtime

What is Op OT?

- Costs associated with increased security measures
  - Critical Infrastructure Sites
  - High Risk Location
  - Enhance public safety during mass gatherings/high profile events
- **Must be approved in advance** by DHS/FEMA.
- Requests must be submitted to Cal OES at least <u>60 days in advance</u> prior to the event.

Operational Overtime

How to Submit Requests for Op OT:

- Complete the <u>Request for Operational Overtime</u> form for all funding

- If using HSGP funds prior to FY18 and reprioritization $$
  - Aligns with IB 379

- If using FY18 and FY19 HSGP funds
  - Explain how the request meets the criteria of one or more of the Authorized Op OT Categories (page A-17 FY19 NOFO);
  - Addresses the threat environment relative to event/activity requiring Op OT and describe how the Op OT is responsive to the threat.
  - Identify Special Event Assessment Rating (SEAR 1- 4)

Operational Overtime

- Wait for DHS approval – may take more than 90 days
  - FEMA will consult/coordinate requests with DHS Office of Cyber & Infrastructure Analysis and/or the Office of Intelligence and Analysis
- Post-event OP OT will only be considered on a case-by-case basis when there are demonstrated exigent circumstances that prevented submission of the request in advance

Operational Overtime

"For Official Use Only"

If explaining the threat will require the sharing of classified information, the letter should state as such.

UASI Updates

- By December 31, 2019, States, territories and high-risk Urban Areas complete a Threat and Hazard Identification and Risk Assessment (THIRA) and Stakeholder Preparedness Review (SPR) for all 32 core capabilities

- Beginning in 2019, a THIRA must be submitted every three years

- SPR will continue on an annual basis

UASI Updates

- Investments concerning communications must include the words "emergency communications" in the name to ease identification
- UASI Final Applications to Cal OES, must:
  - Include the Urban Area footprint
  - Include the Roster of UAWG Members
  - Ensure projects tie to a State Investment

FY19 & PROPOSED FY20 HSGP INVESTMENT JUSTIFICATIONS	CA HOMELAND SECURITY STRATEGY GOALS
1. **Strengthen Capabilities of the State Threat Assessment System**	1. Enhance Information Collection, Analysis, and Sharing, in Support of Public Safety Operations across California
8. **Strengthen Information Sharing and Collaboration**	
2. **Protect Critical Infrastructure and Key Resources**	2. Protect Critical Infrastructure and Key Resources from All Threats and Hazards
	9. Strengthen Food and Agriculture Preparedness
3. **Enhance Cybersecurity**	3. Strengthen Security and Preparedness across Cyberspace
4. **Strengthen Emergency Communications Capabilities Through Planning, Governance, Technology and Equipment**	4. Strengthen Communications Capabilities Through Planning, Governance, Technology, and Equipment
5. **Enhance Medical and Public Health Preparedness**	7. Improve Medical and Health Capabilities
6. **Preventing Violent Extremism Through Multi-Jurisdictional/Inter-Jurisdictional Collaboration and Coordination**	10. Prevent Violent Extremism through Multi-Jurisdictional / Inter-Jurisdictional Collaboration and Coordination
7. **Enhance Community Resilience, Including Partnerships With Volunteers and Community Based Organizations and Programs**	5. Enhance Community Preparedness
9. **Enhance Multi-Jurisdictional/Inter-Jurisdictional All-Hazards Incident Planning, Response & Recovery Capabilities**	6. Enhance Multi-Jurisdictional / Inter-Jurisdictional All-Hazards Incident Catastrophic Planning, Response, and Recovery Capabilities
	8. Enhance Incident Recovery Capabilities
10. **Homeland Security Exercise, Evaluation, and Training Programs**	11. Enhance Homeland Security Exercise, Evaluation, and Training Programs

Investment Justification Guidance

The State of California
Guidance for Writing FY 2019
Homeland Security Investment
Justification Projects

Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

October 2018

- Defining and Developing Projects
- Aligning Projects to California's Investment Justification Areas
- Aligning Projects to Core Capabilities

IJ #1: Strengthen the Capabilities of the State Threat Assessment System

- Only projects with a direct nexus to the state's **six fusion centers** fall under this IJ. **STATE'S FUSION CENTER IJ**

  - Fusion center intelligence analyst salaries
  - Fusion center cybersecurity analyst salaries
  - Fusion center critical infrastructure protection analyst salaries

Fusion Center Requirements

- Fusion Center Projects must align to and reference performance areas of the annual Fusion Center Assessment

- Fusion Center Projects will be reviewed by DHS Office of Intelligence and Analysis

- Fusion Center Analysts must have qualifications that meet or exceed competencies identified in the Common Competencies for State, Local, and Tribal Intelligence Analysts.

- Cal OES Director's Letter, dated March 16, 2016

IJ #4: Strengthen Emergency Communications Capabilities Through Planning, Governance, Technology, and Equipment

- Mobile/Portable Radios

- 911 Dispatch Systems

- Integrated Public Alert and Warning Systems

- Communication Towers

- Public Information Officer training

Emergency Communications

- Projects must be compliant with SAFECOM Guidance (updated annually)
- Emergency Communication Projects will be reviewed by:
  - Statewide Interoperability Coordinator (SWIC) at Cal OES; and
  - DHS Office of Emergency Communications
- Emergency Communications Guidance
  - FY 2019 Preparedness Grant Manual Appendix A-42

Emergency Communications

- Projects must align with the Statewide Communication Interoperability Plan (SCIP)

- Identify the SCIP Goal # within the Project Description

- Example:

  Purchase (6) dual-band handheld radios for the city Police Department to enhance interoperability with other public safety agencies (SCIP Goal #3)

California Statewide Communications Interoperability Plan (Cal-SCIP)

SAFECOM Category	Cal-SCIP Goal
Governance	1. Streamline interoperability planning efforts
	2. Review, update, ensure consistency, and distribute policies and procedures as necessary, to all levels and disciplines (including IT)
Technology	3. Develop a common interoperability platform that leverages existing technology and infrastructure, and provides a migration toward emerging technologies*
	4. Encourage collaboration between Operational Areas and provide opportunities to demonstrate innovative interoperability solutions
	5. Leverage CASM and similar shared resources
Training & Exercises	6. Develop a framework and regularly test interoperability equipment across all disciplines and encourage local adoption
	7. Provide interoperable communications training opportunities using qualified instructors*
	8. Establish a working group to oversee all-hazards communications unit certification
Outreach & Information Sharing	9. Maintain and enhance outreach program to leverage interoperability-related activities, including social media*
	10. Develop a mechanism for succession planning*
	11. Promote CASM and similar shared resources
Life-Cycle Funding	12. Continue to identify a sustainable funding mechanism to support the following priorities*: • Training • SWIC position • CalSIEC efforts • Planning Area support

California Statewide Communications Interoperability Plan (Cal-SCIP)

IJ #6: Prevent Violent Extremism Through Multi-Jurisdictional/Inter-Jurisdictional Collaboration and Coordination

- Community-led efforts
- Aimed at improving coordination and collaboration among stakeholders
- To raise awareness
- For the indicators of homegrown violent extremism or domestic terrorism
- Through training and education initiatives, counter violent extremism messaging, building community trust, and strengthening intervention programs
- To mitigate the threat of violent extremism

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IJ #10: Homeland Security Exercise, Evaluation, and Training Programs

- This investment area is about training and exercise **infrastructure**, and <u>not specific trainings and exercises</u>.

- Projects include:

  - Training and Exercise Program staff.

  - Equipment for multi-purpose training and exercise facilities.

  - Multi-year training and exercise plan updates or conferences.

FY2020 Advance Application

- FMFW v1.20 will be available on the Cal OES website

- Subrecipients should begin planning now in order to meet Advance Application due date

- Please identify/report any construction or renovation projects

- M&A - scalable project

FY2020 Advance Application

Why do we need Scalable Projects?

- 700+ HSGP-Funded Projects in California
- Federal Application due within 45-60 Days of Notice of Funding Opportunity announcement
- Manual data entry

How to identify scalable projects

Proj. #	Project Title	Project Description
001	Swift Water Rescue Team Support	Support for multi-agency swift water rescue response training and equipment to maintain safe response. Teams are adding new members requiring basic swift water rescue technical training and current members require recurring perishable skills training. Teams are also in the need of equipment to maintain response capability.
002	Emergency Operations Center Training	Provide training in Emergency Operations Center functions and response operations/protocols in order to ensure that all staff is capable and confident in their respective roles while in the Emergency Operations Center.
003	Purchase Radios	Purchase portable radios to replace old and outdated radios or so supplement existing radio stock. Radio accessories
004	Multi Discipline Rescue Response Vehicle	A Multi-disciplinary rescue vehicle equipped to transport the marine unit equipment such as the Zodiac boat and dive unit equipment throughout the county. Additionally the vehicle will be equipped with communication gear to be used in conjunction with the United States Coast Guard, National Park Service, and other regional Marine Units, and local Fire and Law agencies. This will be a regional asset.

Changes to FY2020 FMFW

- EOC Hold Trigger – removed
- Performance Bond Hold Trigger – added

	Acquisition Date	Noncompetitive Procurement over $250k	Hold Trigger	

ARL
Aviation or Watercraft
EHP
EHP / Aviation or Watercra...
Performance Bond
Performance Bond / Aviat...
No Hold Indicated

Changes to FY2020 FMFW

- EHP Hold Trigger – added for Training and Exercise Ledgers

Training   Exercise

Changes to FY2020 FMFW

- Personnel Ledger – no longer used

Consultant-Contractor	Personnel	Match	Auth. Agent

FY2020 Advance Application Timeline (estimated)

Estimated Dates	Activity
January 31, 2020	Subrecipient Advance Applications Due to Cal OES
February 1, 2020	Anticipated release of NOFO
February 20, 2020	Final Allocations Released
March 2, 2020	Subrecipient revisions to scalable projects due to Cal OES
March 31, 2020	Submission of SAA Application

Questions?

*No copyright infringement is intended

FY 2019 EMPG & HSGP General Session

September 2019

General Session

Focus on topics relevant to both EMPG & HSGP:

- Public Alert and Warning

- Indirect Cost

- FEMA Preparedness Grants Manual

- Procurement

FY 2019 EMPG AND HSGP GENERAL SESSION

Public Alert and Warning

Public Alert & Warning

The State of California Alert & Warning Guidelines were approved and adopted by the SEMS Advisory Board on January 24, 2019, Per Senate Bill (SB) No. 833. This is defined as follows:

- On or before, July 1, 2019, Cal OES, in conjunction with certain agencies and associations, shall develop guidelines for alerting and warning the public of an emergency.
- Cal OES may impose conditions upon city and/or county applications for any voluntary grant funds that have a connection to emergency management performance requiring operation of alert and warning activities consistent with the guidelines.
- Within 6 months of the guidelines being available, Cal OES shall develop an alert and warning training.

Public Alert & Warning Guidelines

The Statewide Alert and Warning Guidelines provides the minimum expectations for jurisdictions and designated alerting authorities to implement an alert and warning program within the State of California. The Alert and Warning Guidelines address the critical components of an effective and comprehensive alert and warning program, including:

- Roles and Responsibilities;
- When and How to Issue a Public Alert or Warning;
- Methods and Technologies;
- Messaging;
- Alerting Coordination;
- Training Requirements; and
- System Testing and Exercise Requirements.

Public Alert & Warning Guidelines Cont.

Assembly Bill (AB) No.1877

- Cal OES must create a library of translated emergency notifications and a translated style guide, to be used when issuing emergency notifications to the public.

- Six months after the library is launched, Cal OES may impose conditions upon city and/or county applications for any voluntary grant funds that have a connection to emergency management performance requiring the designated alerting authority to translate emergency notifications.

Public Alert & Warning Guidelines Cont.

- Costs associated with alert and warning activities are allowable under both HSGP and EMPG Programs.

- Cal OES strongly encourages Subrecipients to consider how use of this funding may ensure that their jurisdictions' alert and warning activities are consistent with the guidelines developed Pursuant to SB 833 of the 2018 Legislative Session.

Public Alert & Warning Guidelines Cont.

- The State of California Alert & Warning Guidelines are available at: www.calalerts.org.

- Any questions regarding the guidelines can be sent to CalAlerts@caloes.ca.gov.

Indirect Cost

Indirect Costs

May be claimed using:

Federally Approved Rate

- The applicant has an approved indirect cost rate with their cognizant Federal agency
- At the time of application, a copy of the approved rate (a fully executed, agreement negotiated with the applicant's cognizant Federal agency) is required

De Minimis Rate

- Subrecipients may claim the 10% De Minimis Rate if they:
- Have never received a negotiated indirect cost rate
- Receive less than $35M in direct federal funding per year

Indirect Costs
Grant Subaward Face Sheet

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES
GRANT SUBAWARD FACE SHEET

The California Governor's Office of Emergency Services (Cal OES), makes a Grant Subaward of funds set forth to the following:

1. Subrecipient: _____ 1a. DUNS #: _____

2. Implementing Agency: _____ 2a. DUNS #: _____

3. Implementing Agency Address: _____ _____ _____
                                                     Street   City   Zip+4

4. Location of Project: _____ _____ _____
                                City   County   Zip+4

5. Disaster/Program Title: _____ 6. Performance Period: _____ to _____

7. Indirect Cost Rate: ☐ N/A; ☐ 10% de Minimis; ☐ Federally Approved ICR; _____

Grant Year	Fund Source	A. State	B. Federal	C. Total	D. Cash Match	E. In-Kind Match	F. Total Match	G. Total Project Cost
Select	8. Select						$0	$0

Indirect Cost Rates applied to Cal OES grants must be identified on the Face Sheet <u>and</u> can only be requested at the time of initial application.

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Indirect Costs-ICR Summary

		PERIOD (Month/Yr. through Month/Yr.):	7/2019-6/2021
		INDIRECT COST RATE FOR PERIOD:	10.00%
		ICR Base:	10% De Minimis

DIRECT COSTS	Total Costs	Less Distorting Costs	Costs Applicable to ICR
Planning	40,000		40,000
Organization	5,000		5,000
Training	0		–
Exercise	3,000		3,000
M&A	0		–
			–
			–
			–
Sub-Total Eligible Direct Costs	48,000	–	48,000

SUBAWARDS	Total Costs	Less Excluded Subaward Costs	Costs Applicable to ICR
Happy City	60,000	35,000	25,000
			–
			–
			–
			–
			–
			–
			–
			–
			–
			–
			–
			–
			–
			–
			–
Sub-Total Eligible Subaward Costs	60,000	35,000	25,000

TOTAL DIRECT COSTS	73,000
Total Allowable Indirect Costs	7,300
Total Budgeted Indirect Costs	6,300

SELECTION SELECTION SELECTION
ROW ROW ROW
NEW MOD ITEM NEW MOD REQUEST

Indirect Costs–ICR Summary

ICR Summary Tab

TOTAL DIRECT COSTS	73,000
Total Allowable Indirect Costs	7,300
Total Budgeted Indirect Costs	6,300

Project Ledger

Project Title	Project Description	Budgeted Cost
Indirect Costs	Indirect Costs for Grant-Related activities	6,300

Indirect Costs Tab

Activity	Funding Source	Solution Area Sub-Category	ICR Base	Rate	Budgeted Cost
Indirect Costs	EMPG	Facilities & Administration	10% De Minimis	10.00%	6,300

Preparedness Grants Manual (BSIR, Conflict of Interest, EHP, Records Retention)

BSIR Overview

- The Biannual Strategy Implementation Report (BSIR) is a federal reporting requirement of EMPG and HSGP that:

  - Describes how expenditures support Planning, Organization, Equipment, Training, and Exercise
  - Shows progress of implementation for projects
  - Identifies alignment of projects to core capabilities

- The BSIR is used to measure performance. Performance Measurements are requirements under 2 C.F.R., Part 200

BSIR Overview Cont.

- Reporting cycle for the BSIR is every 6 months:
    - Summer BSIR: January 1 through June 30
    - Winter BSIR: July 1 through December 31

- Assists Cal OES to meet reporting requirements identified by the DHS/FEMA

- BSIR is used to determine feasibility and effectiveness of grant projects

Project Milestones

Based on feedback from FEMA, the following criteria are required when developing project milestones:

- Minimum of 3 milestones per project
- Limit of 4 milestones per project
- Provide anticipated dates for each milestone
- Milestones should cover the life of the project

Exercise

- Develop/Design Exercise by xx/yy
- Conduct Exercise by xx/yy
- Hold Meeting for Hot Wash and After Action Report (AAR) by xx/yy
- Submit AAR/IP by xx/yy

Equipment

- Identify Equipment Specifications by xx/yy
- Solicit Bids/Draft RFB by xx/yy
- Select Vendor & Execute Contract by xx/yy
- Receive Equipment by xx/yy

Planning

- Schedule & Conduct Planning Meetings by xx/yy
- Draft plan by xx/yy
- Schedule & Conduct Final Planning Meeting by xx/yy
- Finalize updates to the plan by xx/yy

Sufficient Milestone

1) Create Exercise Plan by October, 2019

2) Complete EHP and submit to Cal OES by November, 2019

3) Conduct exercise by January, 2020

4) Prepare/submit After Action Report by March, 2020

4) Prepare/submit After Action Report by March, 2020

1. Create Exercise Plan by October, 2019

2. Complete EHP and submit to Cal OES by November, 2019

3. Conduct exercise by January, 2020

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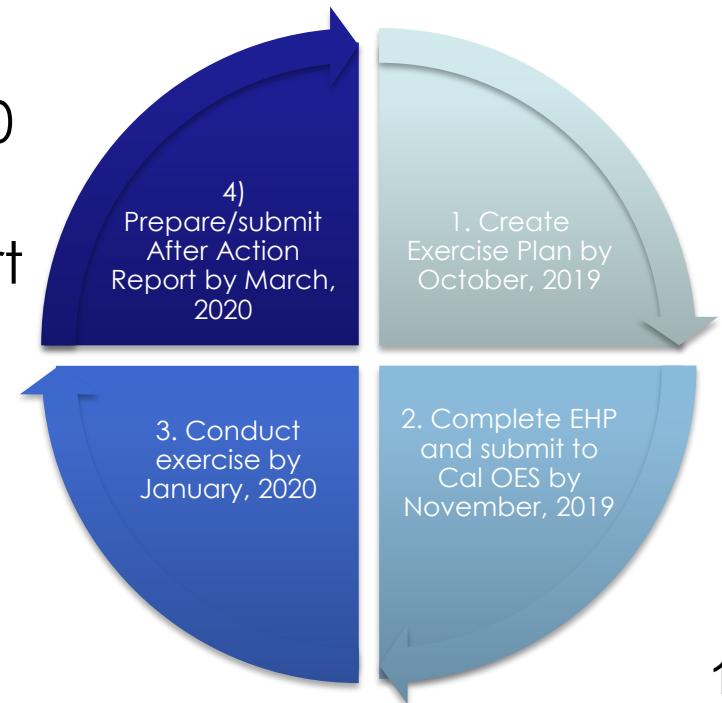
Conflict of Interest

Requirement
2 C.F.R. § 200.318(c)(1);

- *No employee, officer, or agent must 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.*

Conflict of Interest Cont.

2 C.F.R. § 200.319;

- *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.*

  - *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.*

Conflict of Interest Cont.

- Under 2 C.F.R. § 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.

- Must ensure that personnel are informed about conflict of interest procedures.

- Must ensure that personnel, procurement and purchasing policies are followed *(in compliance with 2 C.F.R. §§ 200.317 – 200.326)* and personnel that have supplemental employment or financial interest in decisions may not participate in the process.

- Should actively perform contract monitoring to ensure that purchasing decisions are not conducted with a conflict of interest.

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Environmental Planning & Historic Preservation (EHP)

- All FEMA-funded activities and programs must comply with Federal EHP regulations

- All projects/activities triggering EHP must receive prior DHS/FEMA written approval

- Completed EHP Screening Forms should be submitted to Cal OES as early as possible.

Environmental Planning & Historic Preservation (EHP)

What Triggers EHP Review?

- Equipment
  - Any Installation, even indoor
  - Towers/Antennas; Construction/Renovation
- Training/Exercise
  - Recognized facility for same purpose
  - Site/Facility approved previously

Environmental Planning & Historic Preservation (EHP)

What Is the EHP Process?

- FEMA Policy 108-023-1 released new rules

- Screening Forms are submitted to Cal OES

- Cal OES will check & track for prior approvals

- Cal OES submits to FEMA; notifies Subrecipient of FEMA's request for additional info or approval

Environmental Planning & Historic Preservation (EHP)

- Updated EHP Screening Form expires 4/30/20

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

ENVIRONMENTAL AND HISTORIC PRESERVATION SCREENING FORM

OMB Control Number: 1660-0115
Expiration: 4/30/2020

Paperwork Burden Disclosure Notice

- Screening Memos must include
  - detailed project information, photographs
  - explain the goals and objectives of the project
  - supporting documentation, maps, previous studies

Records Retention

3 years from the date of the Subrecipient's final BSIR submittal showing all grant funds have been expended.

Records Retention
Exceptions!

- If any litigation, claim, or audit is started before the three year retention period expires, records must be retained *until all matters are resolved*.

  NOTE: Closed grants can still be monitored within the retention period

Records Retention
Exceptions!

- When notified in writing by FEMA, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or Cal OES to extend the retention period.

- Records for real property and equipment must be retained for three years *after final disposition*.

Records Retention

- If documents are retained longer than the required retention period, FEMA, the DHS OIG, GAO, and pass-through entity have the right to access these records.

- *Reference* 2 C.F.R. §§ 200.333, 200.336.

Procurement

Procurement

- Focus on Procurement – DHS/FEMA
- Procurement issues are the most common OIG finding
- New procurement references in Preparedness Grants Manual-Procurement Integrity
  - Competition and Conflicts of Interest
  - Supply Schedules and Purchasing Programs
  - Documentation and Record Retention

Federal Procurement Thresholds

Effective for **any purchase** made with an open subgrant award after June 20, 2018

- Micro-purchase threshold was increased from $3,500 to $10,000

- Simplified acquisition threshold was increased from $150,000 to $250,000

Procurement Thresholds

All procurement transactions funded by Federal awards must be conducted in a manner providing full and open competition

- Small Purchase Procedures

- Sealed Bids

- Competitive Proposals

- Noncompetitive Proposals

Procurement Thresholds

Determine the most economical and/or advantageous approach

Must make independent estimates before receiving bids or proposals

Price reasonableness must be established

Procurement Requirements

Defining competition:

- Two or more responsible bidders who independently submit priced offers that satisfy the subrecipient contract requirement

- More bidders = better pricing

Procurement Requirements

Noncompetitive Procurement:

Single Source

- No competition is intended

- Available from only one source

- No market to help set price or estimate cost

- Must obtain cost breakdown & perform cost analysis

- Profit must be negotiated separately from cost

Procurement Requirements

Noncompetitive Procurement:

Inadequate Competition

- Different from single source

- Solicitation yielded a proposal from only one source

- Limited market to set price or estimate cost

- Must obtain cost breakdown & perform cost analysis

- Profit must be negotiated separately from cost

Procurement Thresholds

Cost or Price Analysis is mandated

2 CFR 200.323:

- Projects $\geq$ $250,000 must perform a cost or prices analysis

- Method & degree are situation-specific

    – Unique product or service

Procurement Requirements

Cost or Price Analysis must be submitted when Cal OES Noncompetitive Procurement Request Form is required.

Profit must be negotiated separately.

Include analysis to ensure Federal grants funds are being used correctly and responsibly.

Procurement Requirements

Price Analysis:

- Essentially a price comparison

- Evaluation of a proposed price (i.e., lump sum) without looking at the separate cost estimates and proposed profit.

Procurement Requirements

Price Analysis:

- Review the benefits of each offering

- Availability of product or service on the open market

- Review alternatives for similar benefits

Procurement Requirements

When is Price Analysis required:

- During the review of multiple quotes

- Sealed bids – awarded to responsive & responsible bidder with lowest price (2 CFR 200.320 (c))

Procurement Requirements

Price analysis has four basic components:

- Analysis of any existing price history
- Comparing price to internal projections
- Comparing competitive bids from multiple vendors
- Using existing catalog or government prices

Procurement Requirements

How to conduct a Price Analysis:

- Compare prices received in response to the solicitation to one another

- Compare prices received with prices under existing contracts

- Compare prices proposed in the past for the same or similar items/services

Procurement Requirements

Cost Analysis: Reviewing all elements of the cost to determine reasonableness and best value

- Used to verify the accuracy of the costs and pricing information

- Used to verify the costs comply with cost principles
  - 2 CFR Part 200 Subpart F

Procurement Requirements

When is a Cost Analysis required?

- Procurements >$250,000; non-federal entity is required to evaluate cost proposals (labor, material, overhead, profit) of their proposed price/cost

- Noncompetitive; when single source $\geq$ $250,000 subrecipient must obtain:

  - Complete cost breakdown

  - Analysis supporting fair & reasonable proposed price/cost

  - Negotiate Profit Separately (For All Noncompetitive Procurements)

Procurement Requirements

When is a Cost Analysis required? (cont.)

- When soliciting sealed bids and:

  - you receive only one, and

  - it differs substantially from your independent estimate of the contract price

Procurement Requirements

How to conduct a Cost Analysis?

- Verify the accuracy of the cost and pricing

- Evaluate cost reasonableness using three tests:

  - Allowable – check the cost principles, guidance, etc.

  - Allocable – logically related to or required in the contract performance

  - Reasonable

- Every Cost Analysis requires

  - Profit negotiated as a separate element of cost

Procurement Requirements
Cost or Price Analysis?

Cost Analysis	Price Analysis
Using RFP process	Using Sealed Bid process
Complex procurement with multiple factors evaluated	Obtaining quotes
Based on Value – price is considered with other factors	Responsible bidders conforming to material, terms and conditions
	Based on lowest price

Procurement Requirements

Noncompetitive procurement exceeding the simplified acquisition threshold requires prior written approval from Cal OES

- Requires prior approval from local purchasing agent
  - Part of Cal OES Request for Noncompetitive Procurement Authorization form
- Cal OES may request additional information

Procurement Requirements

Common Procurement Problems

- Time constraints – poor planning

- Incomplete request form – missing signatures

- Brand name identified in scope

- Geographical preferences

- Inadequate cost or prices analysis

Terrorism-Related Training

Terrorism Liaison Officer - Basic training courses must be conducted by Fusion Center staff.

Does not apply to contractors who:

- Work full time on a regular basis, and

- Perform day-to-day work, and

- Part of fusion center workforce

<u>All</u> other training must be competed.

Terrorism-Related Training

Subrecipients must submit the Cal OES Request for Noncompetitive Procurement Authorization form

Advance approval is required.

If Fusion Center intends to use a contracted, external subject-matter expert to instruct any portion of a terrorism-related training course, the expert instructor must be contracted through full and open competition

Schedules & Cooperative Purchasing

- Improper Procurements attribute to most OIG audit findings

- FEMA has elaborated on the procurement process and for ordering from the General Services Administration (GSA) schedules in the NOFO

Schedules & Cooperative Purchasing

- Schedules
  - California Multiple Award Schedules (CMAS)
  - GSA Multiple Award Schedules
    - 70 – IT related
    - 84 – Security, Fire & Law Enforcement
- Cooperative Multi-State Contracting

Cooperative Procurement

- Joint Solicitation
  - Two or more agencies aggregate their needs into a single solicitation
  - Provides clear understanding of volume and service requirements
  - Yields lower pricing based on volume
- Piggybacking
  - Use of contract by another agency that was not part of the original solicitation

Schedules

When using Schedules you must following ordering procedures in Federal Acquisition Regulation

(FAR) 8.4

  - Applicable to orders for supplies or services placed against Federal Supply Schedules contracts
  - Orders placed *using procedures of 8.4* are considered to be issued using full and open competition

Schedules

When using Schedules …

- – You must receive multiple quotes
- – You can ask for
  - Spot Discounts
  - Price Reductions

Schedules

FAR States Multiple Quotes Required

>Micro-purchase but less than Simplified Acquisition Threshold

8.405-1(c) *"Shall place orders with the schedule contractor that can provide the supply or service that represents the best value"*

• Survey at least three schedule contractors

≥ Simplified Acquisition Threshold

8.405-1(d) *"Each order shall be placed on a competitive basis"*

Schedules

Determining Best Value

- Consider Price

- Consider Other Factors
  - Past Performance
  - Special features
  - Trade-in
  - Probably life compared to comparable item
  - Warranty
  - Maintenance availability
  - Environmental & energy efficiency
  - Delivery terms

Schedules

Minimum Documentation

1. Schedule contracts considered
2. Description of supply or service purchased
3. Amount Paid
4. When ≥ Simplified Acquisition Threshold, evidence of compliance with ordering procedures
5. The basis for the award decision

Frequent Compliance Issues with Cooperative Purchasing:

- Lack of full and open competition;
- Failure to follow the federal requirements for the procurement method selected;
- Lack of affirmative steps to encourage socioeconomic contracting;
- Specifying geographic preference (and thus restricting competition);
- Failing to include required federal contract provisions in contracts secured through a cooperative purchasing program, including for purchase orders; and
- An absence of a cost or price analysis when utilizing a cooperative purchasing agreement.

Examples of Procurement Documentation

1. Copy of solicitation package (RFP)
2. Copy of public notification(s)
3. Bidder's list
4. Agenda/Minutes Bidders Conference
5. Written responses to clarifying questions
6. Copy of each proposal received
7. Rating & Scoring sheets
8. Rational for selection/rejection of any offeror
9. Determination of demonstrated performance/capability
10. Document of rational for selection if offeror was not highest score/ranking in evaluation process
11. Copy of any submitted protests & resolution of each
12. Price/cost analysis

FEMA Required Contract Provisions

- [Procurement Disaster Assistance Team](#)

- Contract Provisions Template

- Section 12 of the "FEMA Procurement Under Grants Field Manual Supplement"

FEMA Clarification on Purchase Orders

- A Purchase Order is considered a contract.

- All contracts procured with federal funds must have the required contract provisions.

- Purchase Orders **MUST** have all of the required contract provisions

FEMA Clarification on Period of Performance

- All work that is grant funded must be completed within the performance period

- All services that are grant funded must be completed within the performance period

- All equipment that is grant funded must be received within the performance period

Resources

PRICING GUIDE FOR RECIPIENTS AND SUBRECIPIENTS UNDER THE UNIFORM RULES (2 C.F.R. PT. 200)

PFLD-FISCAL PDAT
FEMA OFFICE OF CHIEF COUNSEL

MAY 1, 2016

June 21, 2016

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

PROCUREMENT GUIDANCE FOR RECIPIENTS AND SUBRECIPIENTS UNDER
2 C.F.R PART 200 (UNIFORM RULES)
SUPPLEMENT TO THE PUBLIC ASSISTANCE
PROCUREMENT DISASTER ASSISTANCE TEAM (PDAT) FIELD MANUAL

1. PURPOSE. This document provides guidance for Non-Federal Entity ("NFE") recipients and subrecipients of Federal financial assistance awarded by the Federal Emergency Management Agency ("FEMA") when using that assistance to finance procurements of property and services. The guidance provided by this document only applies to Federal financial assistance (e.g., grants and cooperative agreements) subject to the procurement standards of the government-wide *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, at 2 C.F.R. §§ 200.317 to 200.326, which were adopted by the Department of Homeland Security ("DHS"). *See* 2 C.F.R. Part 3002.

2. AUTHORITY. FEMA provides Federal assistance through various financial assistance programs under the authority of various Federal laws. NFEs that are recipients and subrecipients of Federal financial assistance provided by FEMA under these programs are generally required to comply with the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Rules") at 2 C.F.R. Part 200, as adopted by DHS at 2 C.F.R. Part 3002. Chapter I, ¶ 3 of this document contains a detailed list of these programs and authorizing statutes.

3. WAIVER. FEMA may waive any provisions of this document to the extent permitted by Federal law or regulation.

4. DATES OF APPLICABILITY

   a. With one exception identified in Sec. 4.b., below, financial assistance associated with emergencies or major disasters declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"), the procurement standards at 2 C.F.R. §§ 200.317 to 200.326 are the default standards that apply to those grants associated with emergencies or major disasters declared on or after December 26, 2014. *See* 79 Fed. Reg. 75871, 75872 (Dec. 19, 2014). For awards made by FEMA, or for emergency or major disasters declared, prior to December 26, 2014 (this includes awards associated with prior emergencies or disasters, but not started until after this date), Federal financial assistance awards are governed by the Uniform Administrative Requirements at either 44 C.F.R. Part 13 (for state, local, and Indian tribal governments) or 2 C.F.R. Part 215 (for institutions of higher education, hospitals, and other nonprofit organizations), depending upon the type of entity.

- Procurement webinar series
- Top 10 procurement mistakes
- Checklists & Templates
- Link to FAR & Part 200
- + More

[Procurement disaster assistance team](#)

Resources

- Required Contract Provisions Template

CONTRACT PROVISIONS TEMPLATE

FEMA Office of Chief Counsel

Procurement Disaster Assistance Team

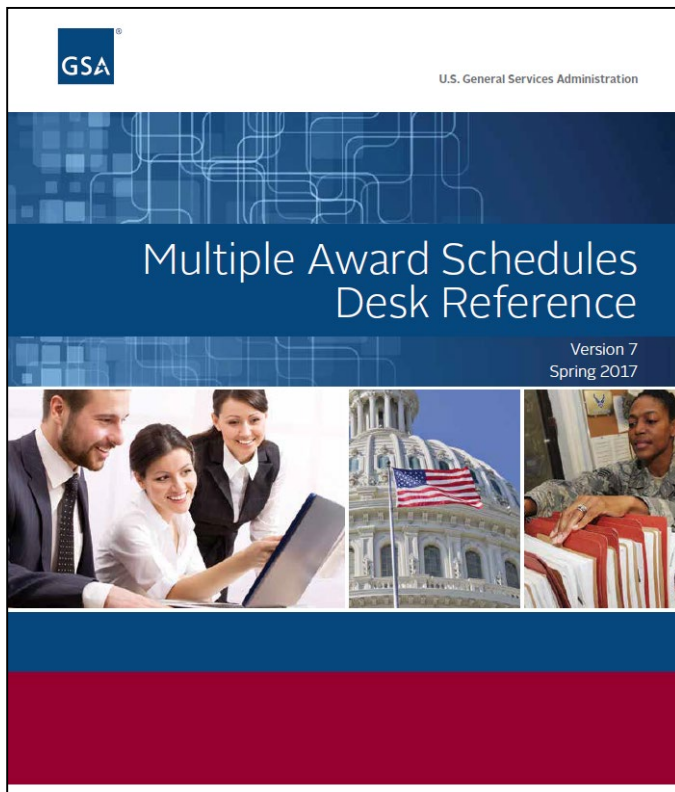[PDAT Contract Provisions Template (PDF)](#)

Resources

Examples of FAR content:
- Competition Requirements
- Procuring under Schedules
- Market Research
- Contractor Qualifications
- Proposal Analysis Techniques
- Negotiating Contracts
- Types of Contracts

Federal Acquisition Regulation (FAR)

Resources

[Multipe Award Schedules Desk Reference (PDF)](#)

Questions