



Exhibit B

SOUTH DAKOTA
HOMELAND SECURITY

Homeland Security Program Grants Administrative Manual

Terms and Conditions



Revised December 2023

Introduction

This manual provides information about two grants administered by the SD Office of Homeland Security: the State Homeland Security Grant and the Non-Profit Homeland Security grant.

The Office of Homeland Security works with state and local law enforcement officials, first responders, schools, fire, emergency medical services, churches, and other stakeholders to assist with projects that will help our state remain prepared to respond to acts of terrorism.

Recommendations for the administration of the grant program are provided by the Homeland Security and Emergency Management Senior Advisory Committee. The Committee includes representatives and subject matter experts from a variety of disciplines, working together to ensure responsible use of grant funding.

The SD Office of Homeland Security is committed to our partners throughout the state, and to the responsibility that we all have to keep South Dakota a safe place to live, work, visit and raise a family.

Please contact the Office of Homeland Security at 605-773-3450 for more information.

This is a live document. Updates to this manual will be posted on the following website http://dps.sd.gov/homeland_security/homeland_security_grants.aspx or upon request to the SD Office of Homeland Security

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State Homeland Security Grant

The Office of Homeland Security receives an annual State Homeland Security Program grant, CFDA #97.067, from the US Department of Homeland Security. Awards under this grant must enhance anti-terrorism security efforts.

The State Homeland Security Program grant requires that 80% of the grant be “passed-through” to local sub-recipients and 20% be used for state projects. Up to 5% of the state portion of the grant can be used for administration costs. There is no required match for the State Homeland Security Grant.

Eligible applicants include public agencies such as county emergency management, sheriff’s offices, police departments, public schools, fire departments, and ambulance services. A portion of the local pass-through is used for statewide special programs including the SD Fusion Center, Special Weapons and Tactics (SWAT) Training, and Taskforce 1.

School security projects are limited to public or private, non-profit schools. Schools can request a school security assessment by contacting the Office of Homeland Security. Examples of projects to increase security in schools are focused on access control: electronic entry systems, video entry, crash bars, door locks, metal detectors, bollards, collapsible gates, intercom systems, panic alarms, lighting, security screening equipment, window tint, and security assessments. Private, non-profit schools may also be eligible to apply for the Non-Profit Homeland Security Grant described below.

State projects include equipment for physical protection of state assets, cybersecurity projects, statewide fire and law enforcement training; and requests for equipment, training, or exercises initiated by state agencies.

Acceptance of a grant award by the applicant signifies understanding that portable assets purchased with Homeland Security funding such as vehicles, UTVs, trailers, portable generators, mobile emergency operating commands, etc., will be made available for deployment statewide when requested under mutual aid or by the State.

The grant application process is competitive. Requests for funding must be fully explained and justified. Applications lacking appropriate justification and lacking a Homeland Security counter-terrorism connection will not be considered.

National Preparedness Goal

Funding from Homeland Security grants must be used for projects that follow the National Preparedness Goal, written by the US Department of Homeland Security, as described below.

The National Preparedness Goal is to develop: *“A secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.”* These risks include events such as terrorist attacks, cyber-attacks, natural disasters, disease pandemics, chemical spills and other manmade hazards, such as active threat.

The National Preparedness Goal can be found at https://www.fema.gov/sites/default/files/2020-06/national_preparedness_goal_2nd_edition.pdf . The Goal describes five mission areas:

Prevention. Prevent, avoid or stop an imminent, threatened or actual act of terrorism.

Protection. Protect our citizens, residents, visitors, and assets against the greatest threats and hazards in a manner that allows our interests, aspirations, and way of life to thrive.

Mitigation. Reduce the loss of life and property by lessening the impact of future disasters.

Response. Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident.

Recovery. Recover through a focus on the timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic and environmental fabric of communities affected by a catastrophic incident.

The Office of Homeland Security uses the federal priorities, the statewide Threat and Hazard Identification and Risk Assessment (THIRA), and the Stakeholders Preparedness Review (SPR) to prioritize funding for projects. In South Dakota, grant applications will be accepted under the following categories:

1. Protecting Soft Targets and Crowded Places

Soft targets and crowded places are typically defined as locations or environments that are easily accessible, attract large numbers of people on a predictable or semi-predictable basis, and may be vulnerable to attacks using simple tactics and readily available weapons. Examples include schools, national monuments, hospitals, sporting arenas, cultural centers, places of worship, and transportation sites.

Projects under this core capability include physical, technological, and computer-generated measures to control admittance and protect soft targets and crowded venues. Projects may include access control, video entry, crash bars, door locks, metal detectors, bollards, collapsible gates, intercom systems, panic alarms, lighting, security screening equipment, window tint, and security assessments. At this time, surveillance cameras are not being funded under this grant.

2. Combating Domestic Violent Extremism

Today the most significant terrorist threat facing the nation comes from lone offenders and small groups of individuals who commit acts of violence motivated by domestic extremist ideological beliefs stemming from a political, religious, social, racial, or environmental nature. Examples of projects include personal protective equipment for 1st responders, protection of critical infrastructure targeted by terrorist groups, training to prevent radicalization, and training to educate the public on misinformation.

3. Community Preparedness and Resilience

Grassroots level activation to provide communities with the awareness and training to be prepared and respond to disasters. Examples include Community Emergency Response Teams (CERT), churches, homeless shelters, food pantries, nonprofit medical providers and senior care facilities. Community level programs can be provided with equipment, training, and exercises to bolster their resilience to all hazards in their community. Generators are allowable for public safety answering points (PSAP) and emergency operations centers (EOC).

Fire departments can apply for equipment to counter structural fire, hazmat mitigation, assist with search and rescue, and specialized equipment (i.e., jaws of life), training, and exercises.

Community preparedness includes support for hazardous materials detection and protection equipment, training for emergency responders including veterinarians, laboratories, and medical providers who detect and respond to hazardous materials and diseases, agriculture and livestock bio-detection and protection equipment.

4. Cybersecurity

Projects under this core capability will protect electronic systems from damage, unauthorized use, and exploitation. Computer systems need to be protected against viruses, malware, ransomware, spyware, etc. Examples of projects in this category are: conduct cybersecurity risk assessments, install intrusion detection systems, provide physical protection of hardware systems in critical infrastructure, and conduct cybersecurity training and exercises.

5. Operational Communications

Projects under this category follow the SD Public Safety Communication Council statewide plan. Communication equipment is allowable for 1st responders. Homeland Security will not fund radios for highway departments, public works, hospitals, schools, city or county political officials, and other agencies that are not first responders. Examples of allowable expenses: radios compatible with the State Radio system, pagers for 1st responders, programming, radio signal amplifiers, repeaters, and interoperable communication training and exercises.

Radios and repeaters must be state digital P25 compliant and VHF (Very High Frequency) radio waves. If encrypted radios are being requested, the radios must be P25 compliant and must have AES multi-key encryption capability. The minimum standard for AES is the 256-bit encryption. AES is allowed for law enforcement only.

6. Information and Intelligence Sharing

This category is for the SD Fusion Center. National agencies, law enforcement and businesses share intelligence information to identify threats and people involved in terrorism-related activities. Each state, and a number of cities, have a hub for intelligence and information sharing called Fusion Centers; the Fusion Centers are networked together. The SD Fusion Centers illicit reports of suspicious activity from law enforcement agencies across the state. Information is analyzed and may be sent to the network of Fusion Centers. The Fusion Center continually searches for threats using public and non-public information sites.

Section 1: General Requirements

Applications for the State Homeland Security Program grant must be submitted in EDGAR IGX, the South Dakota Department of Public Safety Electronic Grant Management System.

The link to EDGAR IGX is: <https://sddpsigx.intelligrants.com/> .

A. Pre-Risk Assessment

Each applicant, except state agencies, is required by state law to complete a pre-risk assessment as part of the application. For example, schools, fire departments, and counties are not state agencies and are required to complete the pre-risk assessment in EDGAR IGX.

B. Sub-recipient Agreement

Applicants that are offered a grant award will be required to sign an agreement that details terms and conditions as set forth by the State and Federal Governments. Before you incur costs or receive any federal grant funds awarded to you, this agreement must be signed by an authorized signer from your agency and the Director of the South Dakota Office of Homeland Security. Should you incur costs or start a project before the award agreement is signed by the Office of Homeland Security, you will not be reimbursed.

C. Required National Cybersecurity Review (NCSR)

All sub-recipients must complete and submit a NCSR by the end of the calendar year before reimbursement. The NCSR is an anonymous, annual self-assessment designed to measure gaps and capabilities of cybersecurity programs. The assessment is done online between October-December of each calendar year. For more information, see [https://www.fema.gov/IB 439 April 12, 2019](https://www.fema.gov/IB-439-April-12-2019) or visit <https://www.cisecurity.org/ms-isac/services/ncsr/>.

E. Definitions

1. State. *State* refers to the State of South Dakota.
2. SDHLS. *SDHLS* refers to the South Dakota Office of Homeland Security.
3. SHSGP. *SHSGP* refers to State Homeland Security Grant Program.
4. Subaward. *Subaward* refers to an award provided by a pass-through entity (SDHLS) to a sub-recipient.
5. Sub-Recipient. *Sub-Recipient* refers to a non-federal entity that receives a subaward from a pass-through agency (SDHLS), aka grantee, subgrantee
6. Sub-Recipient Agreement. The signatory document that commits grant funds to the sub-recipient and describes terms and conditions.
7. EDGAR IGX. Electronic Database for Grant Application & Reporting is the South Dakota Department of Public Safety's on-line grant management system.

F. Grant Provisions

1. The beginning and end date for the project will be on the award agreement.
2. Any amendments to award agreements must be in writing and approved by SDHLS.
3. Applications can be denied for any reason. For example, applications can be denied if the amount requested is more than the historical regional allocation or the applicant is considered at high risk of compliance with the conditions of grant award.
4. SDHLS retains the right to terminate subawards through the State Homeland Security Grant Program at any time.

G. Legal Provisions

1. Funding Out Clause. Subaward Agreements depend upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the State Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, the Agreement will be terminated by the State. Termination for any of these reasons is not a default by the State nor does it give rise to a claim against the State.
2. Insurance Provision. Sub-recipients agree, at their sole cost and expense, to maintain general liability, worker's compensation, professional liability, and automobile liability insurance during the subaward period as specified in the award.
3. Indemnification. The Grantee agrees to indemnify and hold the State of South Dakota, its officers, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of performing services hereunder. This section does not require the sub-recipients to be responsible for or

- defend against claims or damages arising solely from errors or omissions of the State, its officers, agents or employees.
4. **Governing Law & Venue.** The Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.
 5. **Severability & Non-Waiver.** If any court of competent jurisdiction shall hold any provision of the Agreement unenforceable or invalid, such holding shall not invalidate or render unenforceable any other provision hereof. Failure by the State to strictly enforce any provision of the Agreement shall not operate as a waiver of any provision, right or responsibility contained herein.
 6. **No Sub-Granting or Assigning.** Agreements may not be assigned, nor the funds given to a new or additional sub-grantee, without the express prior written consent of the SDHLS. Agreements may not be amended except in writing, which writing shall be expressly identified as a part hereof and be signed by an authorized representative of each of the parties hereto. Any assignees, sub-grantees, or successors in interest must agree to be bound by all the terms contained within the Agreement and shall be bound hereby to all these terms.
 7. **No Third Parties.** Agreements are intended only to govern the rights and interests of the parties named herein. It is not intended to, does not and may not be relied upon to create any rights, substantial or procedural, enforceable at law by any third party in any matters, civil or criminal.

H. Sub-recipients agree to SD Codified Law 1-56 including the following conditions:

- A conflict of interest policy is enforced within your organization;
- The Internal Revenue Service Form 990 (Return of Organization Exempt from Income Tax) has been filed, if applicable, in compliance with federal law, and is displayed immediately after filing on your website;
- An effective internal control system is employed by your organization; and
- If applicable, your organization follows the federal Single Audit Act, in compliance with 4-11-2.1, and audits are displayed on your website.

Sub-recipients must comply with applicable requirements of all state and federal laws, executive orders, regulations, and policies governing this program including the applicable years' DHS Standard Terms and Conditions.

Section 2: Federal Administrative Requirements

Sub-recipients are **required to follow all Code of Federal Regulations (CFR)** requirements found in 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The most current, complete, and searchable CFR can be found at <https://ecfr.federalregister.gov/>.

The sections below have been included to draw special attention to some of the requirements. Additional SDHLS requirements have been included where applicable.

CFR Administrative Requirements:

- 2 CFR Part 200 Subpart D (2 CFR 200.300 through 2 CFR 200.345)

CFR Cost Principles:

- 2 CFR Part 200 Subpart E (2 CFR 200.400 through 2 CFR 200.475)

CFR Audit Requirements:

- 2 CFR Part 200 Subpart F (2 CFR 200.500 through 2 CFR 200.521)

Suspension and Debarment (2 CFR 200.212)

Sub-recipients may not form a new contract, make a new purchase from, or enter into any new business relationship with parties listed on the government wide exclusions database in the System for Award Management (SAM).

Prior to entering into any contract or purchase funded by federal grants expected to exceed or equal \$25,000, a search must be performed using the SAM website: www.sam.gov. A guide to searching for a debarment report is available here: [Debarment Search Guide July 2021](#).

Equipment (2 CFR 200.313)

Title. 2 CFR 200.313(a). Equipment purchased by the sub-recipient with federal award funds is the property of the sub-recipient.

Use. 2 CFR 200.313(c)(1). Equipment must be used by the sub-recipient in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the non-Federal entity must not encumber the property without prior approval of the Federal awarding agency.

Property Records. 2 CFR 200.313(d)(1). Property records must be maintained for all items with a per-unit acquisition cost of \$5,000 or more. Property records must include:

- description of the property
- serial number or other identification number
- source of funding for the property (including the federal award number found on the Grant Sub-Recipient Agreement)
- who holds title
- acquisition date
- cost of the property
- percentage of federal participation in the project costs for the federal subaward under which the property was acquired
- the location
- use
- condition

Note: All equipment must be listed as allowable on FEMA's Authorized Equipment List (AEL), see the following link: www.fema.gov/authorized-equipment-list

Physical Inventory. 2 CFR 200.313(d)(2). A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two years.

Control System. 2 CFR 200.313(d)(3). A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.

Maintenance Procedures. 2 CFR 200.313(d)(4). Adequate maintenance procedures must be developed to keep the property in good condition. For example, generators will receive yearly maintenance and testing under load at a minimum. Warning sirens will receive yearly

maintenance and testing.

Disposition or Transfer. 2 CFR 200.313(e). When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, disposition of the equipment will be made as follows: Items of equipment with a current per-unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.

SDHLS approval is required prior to disposition. An Equipment Disposition Request Form must be submitted to SDHLS for approval at least 30 days prior to the proposed disposition date. Contact the Office of Homeland Security for the form at 605-773-3450.

Items of equipment with a current per-unit fair market value more than \$5,000 may be retained by the sub-recipient, transferred, or sold.

Equipment with an original cost of \$5,000 or more may be transferred to an eligible third party. An Equipment Transfer Form must be submitted to SDHLS within 30 days of the transfer. A sub-recipient cannot transfer equipment to an agency who is not eligible for the grant. Contact the Office of Homeland Security for the form at 605-773-3450.

If sold, the sub-recipient must return a proportionate share of the federal funds from the sale of the equipment. Please contact the SD Office of Homeland Security with specific information.

Procurement (2 CFR 200.317 through 2 CFR 200.326)

General Requirement. Sub-recipients will follow all federal provisions under 2 CFR 200.318 through 2 CFR 200.326 at <https://www.ecfr.gov/>

Procurement Procedures. 2 CFR 200.318(a). The sub-recipient must use its own documented procurement procedures provided that the procurements conform to applicable State and Federal law. If the sub-recipient does not have a procurement policy, they must follow state procurement policy. Agencies must follow the most restrictive procurement rule whether federal, state, tribal, local, or private, non-profit. Because state procurement policy is more restrictive than the federal policy, state procurement policy is described below.

Procurement Policy Summary:

From 0 - \$3,999 One quote for expenses 0-\$3,999 is required with the application to establish the basis of the funding requested. (This varies from the proscribed state procurement policy). Attach the quote in EDGAR IGX on the application budget form.

Between \$4,000 and \$24,999 At least three (3) written quotes **must be** obtained from qualified sources for purchases with an aggregate cost of \$4,000-\$24,999.

Attach three quotes in EDGAR IGX to the application budget form. The amount requested on the grant application **must** be for the lower of the quotes. The quotes provided **must** match the item and quantity requested on the application budget.

State Contract Pricing Exception. One quote from a vendor under state contract, GSA or NASPO contract is sufficient; the cost comparison has already been done. You must contact the vendor on the state contract, confirm that you are eligible for state contract pricing, and request

a quote for the items and quantity you are applying for. The quote must be attached to the application budget form in EDGAR IGX stating "State or GSA, NASPO contract pricing". State contracts are NOT considered quotes and should NOT be uploaded into EDGAR IGX.

Quotes must be provided on vendor letterhead or vendor receipt. Quotes copied from internet pages without vendor information will not be accepted. The sub-recipient must maintain documentation of the quotes in their grant files.

\$25,000 and over. Proposals for goods must be solicited by advertising for competitive sealed bids or competitive sealed proposals. A brief description of the process for obtaining the proposals must be attached to the application budget form in EDGAR IGX.

General services from \$0-24,999 can be negotiated with a vendor when the sub-recipient considers the cost to be reasonable. A brief description of the process for obtaining the negotiated cost must be attached to the application budget form in EDGAR IGX.

Professional services can be negotiated for expenses from \$0 - \$49,999. Services \$50,000 and over must be solicited by advertising for competitive sealed proposals. Attach a brief description of the process for obtaining the proposals to the budget form in EDGAR IGX.

Procurement by Non-Competitive Sources (Sole Source). 2 CFR.320 Sole source purchases are not allowed without prior approval.

Complete a Request for Sole Source Purchase Form and submit it in EDGAR IGX prior to entering into a purchase commitment. The Request for Sole Source Purchase Form link is in EDGAR IGX on the budget page and available upon request.

The approved form must be attached to the sub-recipient's reimbursement request.

There are specific circumstances in which a noncompetitive, sole source procurement can be used. Noncompetitive, sole source procurement can only be awarded if one or more of the following circumstances apply:

- (1) The item is available only from a single source;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
- (3) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
- (4) After solicitation of a number of sources, competition is determined inadequate.

Records Retention (2 CFR 200.333)

Projects will be closed when the award has been expended or at the subaward end date, whichever comes first. Grant records must be retained for three years after the grant is closed.

Equipment records must be retained for the life of the equipment and for three years after final disposition of the equipment.

Sub-recipients must maintain organized grant files containing the following information:

- Copy of the project application and signed Sub-Recipient Award agreement.
- Copy of revisions to the original agreement, if any.
- Copies of all reimbursement requests.
- For aggregate purchases of \$25,000 or more, copy of verifications that the vendor was not on the debarred or excluded list at the time the order was placed.
- Copies of the capital asset inventory records for grant-funded equipment if applicable.
- Copies of Equipment Disposal/Transfer Forms for grant-funded equipment if applicable.
- Copies of monitoring reports completed by the South Dakota Department of Public Safety if applicable.
- Copies of Environmental and Historic Preservation approvals from FEMA if applicable.
- Copies of completed audits which are relative to the grant project if applicable.

Federal Funding Accountability and Transparency Act (FFATA) 2 CFR 200.331(b)

To provide the public access to information on Federal spending through USASpending.gov, the State, as a prime awardee of Federal grant funds, is required to report on all subawards issued for \$25,000 or more.

FFATA reporting is not a sub-recipient requirement. It is a requirement of the State. Be aware that if a sub-recipient receives a subaward of \$25,000 or more, the following information will be reported on USASpending.gov:

- Entity Information
- UEI (Unique Entity Identifier)
- Date of Subaward
- Amount of Subaward

Conflict of Interest. 2 CFR 200.318(c)(1). The sub-recipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. Anyone who develops or drafts specifications, requirements, statements of work, or proposals for a purchase or contract must be excluded from bidding or submitting a proposal to compete for the award because such involvement provides an advantage over other bidders. See 2 CFR 200.319(a). All procurement transactions must be conducted in a manner providing full and open competition.

Access to Records (2 CFR 200.336)

FEMA, the Inspector General, the Comptroller General of the United States, and the State, or any of their authorized representatives, have the right of access to any documents, papers, or other records of the sub- recipient which are pertinent to the Federal subaward.

Section 3: State Administrative Requirements

Concurrence with Statewide Projects

Supporting the recommendation of the South Dakota Homeland Security and Emergency Management Senior Advisory Committee, the sub-recipient agrees to use local pass-through funding for the following statewide projects: Fusion Center, SWAT training, and Taskforce 1. The current allocation for statewide projects is \$600,000.

Grant Management System

Sub-recipient agrees to use SDHLS's on-line grant management system (EDGAR IGX) for the application and grant management of subawards including but not limited to the following:

- Maintain current sub-recipient contact information in the system

- Unique Entity Identification (UEI) searchable at www.sam.gov
- Pre-risk Assessment Evaluation
- Each project must focus on an investment justification as described on the application
- Complete and submit required documentation
- Submit reimbursement requests
- Submit required progress reports

Sub-recipient Monitoring

- SDHLS shall monitor the programmatic and financial progress of sub-recipients to assure compliance with local, state and federal requirements and that performance goals are being achieved.
- The sub-recipient understands that SDHLS may enforce any of the remedies for noncompliance allowed by state and federal regulations.
- The closeout of a grant does not affect the SDHLS's responsibility to monitor beyond the performance period end date.

Progress Reports

For equipment purchases or other one-time costs, sub-recipients are no longer required to submit a written progress report. The Office of Homeland Security may request a verbal or written progress report on projects at any time during the project period.

Environmental and Historic Preservation

Projects involving ground disturbance, communication towers, physical security enhancements, and installation of equipment to buildings and structures must meet the requirements of FEMA's Environmental and Historic Preservation (EHP) Program.

Projects that require EHP approval cannot begin until written EHP approval has been received from FEMA.

Sub-recipients are required to complete and submit the EHP Screening Form to the Office of Homeland Security with the required, labeled photos and other documentation. The documentation will be submitted to FEMA for final approval. When approval is received from FEMA, SDHLS will notify the sub-recipient and the project can begin.

SDHLS will send sub-recipients a fillable PDF form and instructions for the EHP review when the grant has been awarded.

Contract Approval

Sub-recipients must obtain written approval from SDHLS prior to execution of contracts funded under this grant.

Reimbursement

Sub-Recipient Agreements will be distributed when the state receives the Federal Notice of Grant Award. The agreements must be signed by the applicant and the Director of Homeland Security to be valid. Equipment or services procured prior to the signing of the agreement will not be reimbursed.

Homeland Security grants are paid on a **reimbursement basis**; if you are awarded a grant, you must pay for the equipment or services. You will be reimbursed up to the amount noted on your subaward. You are responsible for any difference in cost.

All expenses must have prior approval through the Sub-Recipient Agreement or they will not be reimbursed. Equipment and/or services must be received, and the vendor paid prior to requesting reimbursement. Reimbursement requests must be submitted through EDGAR IGX. Projects must be completed by the subaward end date noted on the Agreement; sub-recipients can request a deadline extension by contacting the Office of Homeland Security.

Reimbursement requests must be submitted through the EDGAR IGX system no later than 45 days after project completion or after the subaward end date.

Travel. Reimbursement for meals, lodging, mileage, and other expenses will follow State policy, except where non-state employees are unable to obtain state lodging rates. State rates last updated on July 1, 2019 are shown below.

| In-State | | | |
|--------------------|---------|---------------|--------------|
| Meals | Amount | Leave Before | Return After |
| Breakfast | \$6.00 | 5:31am | 7:59am |
| Lunch | \$14.00 | 11:31am | 12:59pm |
| Dinner | \$20.00 | 5:31pm | 7:59pm |
| Total Per Day | \$40.00 | | |
| Out-of-State | | | |
| Meals | Amount | Leave Before | Return After |
| Breakfast | \$10.00 | 5:31am | 7:59am |
| Lunch | \$18.00 | 11:31am | 12:59pm |
| Dinner | \$28.00 | 5:31pm | 7:59pm |
| Total Per Day | \$56.00 | | |
| Mileage or Fuel | | | |
| Private Vehicle | | \$0.51 /mile | |
| Government Vehicle | | Fuel Receipts | |

For state or local government-owned vehicles, reimbursement will be made for actual fuel usage supported by receipts.

When non-state employees are unable to obtain state rates for lodging, they are expected to obtain reasonable lodging rates. Receipts for lodging are required for reimbursement.

Unallowable travel costs include entertainment charges, tobacco, alcohol or bar charges, laundry charges, visa or passport charges, tips, phone calls, personal hygiene items, in-room movies, magazines, personal transportation (other than to program activities), travel insurance, and credit card fees.

Documentation. Reimbursement requests must include the following documentation:

Itemized invoices. If the invoice is not itemized, then submit the related proposal or quote in addition to the invoice.

Proof of payment. Proof of payment should be in the form of a front-and-back copy of the canceled check, paid credit card statement, or a copy of electronic transfer documentation showing payment has been made to the vendor.

Monitoring form. A monitoring form must be completed for any system or equipment over \$5,000.00. The form is available on the reimbursement page within the EDGAR IGX program.

Travel, training, and exercises.

- Costs must be itemized separately for each traveler (departure and return times, destinations, airfare, lodging; meals, ground transportation to program activities, and other allowable expenses).
- Purpose of travel as it relates to program activities.
- Copy of the agenda or registration form.
- Meals will be reimbursed based on departure and return times; receipts for meals are not required.
- If the sub-recipient does not have an agency required form to summarize travel costs for grant activity participants, the sub-recipient may use the Travel Detail Worksheet available on the SDHLS website at <https://dps.sd.gov/resource-library/TravelDetailWorksheet.pdf-458>
- Rosters of attendees are required for all *hosted* trainings and exercises.
- Exercises that are reimbursed by the Office of Homeland Security must be compliant with the Homeland Security Exercise and Evaluation Program (HSEEP). HSEEP is a national standard for all exercises.

Suspension & Debarment Search Documentation. A copy of the debarment search report generated from www.sam.gov must be included with the reimbursement request for aggregate purchases of \$25,000 or more. A guide to searching for a debarment report is available here: [Debarment Search Guide July 2021](#) .

Radios, Repeaters and Pagers for First Responders

Radios, repeaters and pagers for first responders must be justified in the grant application. The Office of Homeland Security may limit awards for radios, repeaters and pagers based on priority, agency, and funding available. The Office of Homeland Security will not fund radios for highway departments, public works, hospitals, schools, city or county political officials, and other agencies that are not first responders.

Radios and repeaters must be state digital P25 compliant and VHF.

If encrypted radios are being requested, the radios must be P25 compliant and must have AES multi-key encryption capability. The minimum standard for AES is the 256-bit encryption. AES is allowed for law enforcement only.

Each radio registered in the State Radio system has an identification number (ID), the serial number of the radio, and an alias (the agency name). Contact State Radio at 605-773-4635 if you are disposing of radios, adding new radios, or replacing radios. Please provide the radio ID number to delete if you are disposing of a radio. If a new radio has been added or a radio has been programmed to replace an ID number, provide the new radio serial number.

National Incident Management System (NIMS)

Sub-Recipients must adopt and implement NIMS standards as described in this link:

<https://www.fema.gov/national-incident-management-system>

THIRA/SPR

An annual statewide THIRA/SPR (Threat Hazard Identification Risk Assessment/Stakeholders Preparedness Review) is performed each grant year by the SD Office of Homeland Security and the SD Office of Emergency Management. Sub-recipients may be asked for their input on this report.

Security Needs Assessment

Applications for hardening/securing a critical infrastructure may require a security needs assessment conducted by an objective party.

By entering into this Agreement, Sub-Recipient certifies and agrees that it has not refused to transact business activities, it has not terminated business activities, and it has not taken other similar actions intended to limit its commercial relations, related to the subject matter of this Agreement, with a person or entity that is either the State of Israel, or a company doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel to do business, or doing business in the State of Israel, with the specific intent to accomplish a boycott or divestment of Israel in a discriminatory manner. It is understood and agreed that, if this certification is false, such false certification will constitute grounds for the State to terminate this Agreement. Sub-Recipient further agrees to provide immediate written notice to the State if during the term of this Agreement it no longer complies with this certification and agrees such noncompliance may be grounds for termination of this Agreement.

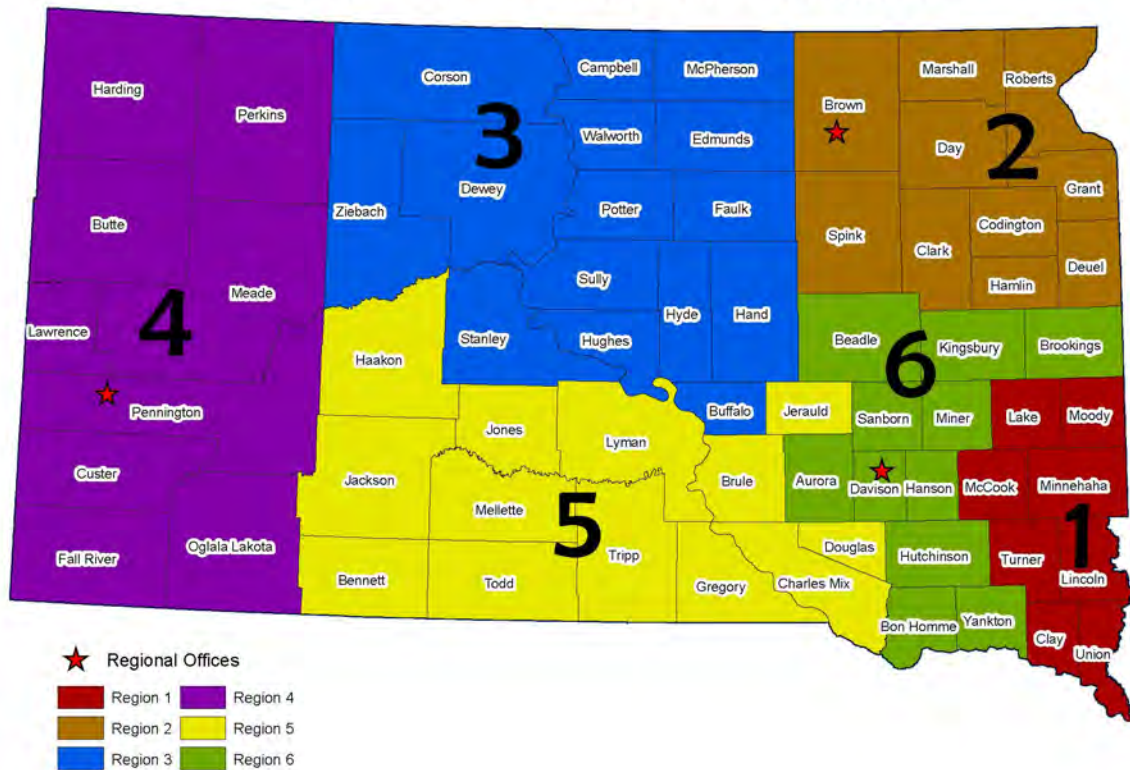
Special Conditions

Special conditions (if any) relating to a grant subaward will be stipulated on the Sub-Recipient Agreement.

Local Projects

The Office of Homeland Security will provide each of the six regions (as shown below) with an award amount based on a minimum base amount for each county and the population of the county.

South Dakota OEM / HLS Regions



When applications have received preliminary programmatic approval through the SD Office of Homeland Security, the applications will be made available to the six regional review committees to review. All grant funding is subject to the federal priorities established by the US Department of Homeland Security.

Each of the six regions will hold a meeting to review and prioritize the applications. At least 30 percent (30%) of grant funding appropriated to the State must be used for law enforcement terrorism prevention activities.

The Office of Homeland Security requires membership of the regional review committees to include one county emergency manager and one law enforcement official from each county. While the county emergency manager has knowledge of overall disaster and emergency response needs for the county, specific needs of law enforcement agencies are better known to law enforcement agencies. Therefore, requiring a law enforcement official to be present to

decide on projects that will receive funding ensures that the overall law enforcement requirement is met and the highest priority projects for law enforcement are approved. This does not imply that law enforcement projects should be arbitrarily approved as the process is competitive. Each region is provided with a law enforcement minimum dollar amount.

After the committee has met to discuss applications for projects, the regional coordinator will provide the Office of Homeland Security with a list of prioritized projects.

An award agreement for approved projects will be sent to each sub-recipient for signature through the EDGAR IGX system. Applicants whose projects were not funded will be notified. Once the agreement is signed by the applicant and returned to the Office of Homeland Security, the Director of Homeland Security will sign the agreement.

Sub-recipients will be able to access a copy of the final completed agreement indicating that projects can go forward, any special conditions, and the award expiration date in the EDGAR IGX system. If a sub-recipient does not complete the project by the end of the project period specified on the award agreement, an extension request can be made to the Office of Homeland Security in writing.

Regional Projects

If a region elects to use their allocation for a regional project (example: radios), 20% of their allocation must be set aside for other local projects.

State Projects

State funding (20% of the grant) is available for statewide projects. State agencies and other public, non-profit agencies may apply through the EDGAR IGX system.

When approved by the Office of Homeland Security, an award agreement will be sent to the applicant for signature electronically through the EDGAR IGX system.

Once the agreement is electronically signed and returned to the Office of Homeland Security, the Director of Homeland Security will sign the agreement.

Awardees will be able to access a copy of the final completed agreement indicating that projects can go forward, special conditions, and the award expiration date in the EDGAR IGX system. If a sub-recipient does not complete the project by the end of the project period specified on the award agreement, the Director of Homeland Security will either extend the project period or reallocate the funding award to another state project. Written documentation of extensions or reallocations will be provided to the sub-recipient and maintained in the grant file.

Allowable and Unallowable Costs

1. Allowable Costs

Costs that are allowable include, but are not limited to, the following expenses if specific to Homeland Security activities:

- Access control systems such as electronic locks, video entry, door locks, metal detectors, and panic buttons. Projects in school buildings must be reviewed by the State Fire Marshal to ensure they meet NFPA Fire Codes and state laws on school fire safety.
- Alarm systems
- Backup generators and transfer switches for PSAPs or EOCs only
- Cost of hosting planning meetings, trainings, and exercises. The primary purpose must be the distribution of technical information relevant to Homeland Security
- Fire service equipment and PPE for hazmat or technical rescue (must meet applicable NFPA standards whenever possible)
- Overtime and backfill salaries for the individuals providing shift coverage for those participating in Homeland Security approved planning meetings, training, and exercises.
- Pagers for 1st responders
- Surveillance /Security camera systems, replacements, or additions to existing systems (software/AI is not an allowable expense and must be paid for by agencies)
- Radios and repeaters P25 compliant with the State Radio system
- Security camera systems are allowable in grant year 2024 forward
- Ballistic shields are allowable for Tactical Entry or SWAT Teams, with prior federal approval.
- Travel expenses incurred while traveling away from your duty station for Homeland Security related planning meetings, training, or exercises
- Warranties and service plans for equipment bought at the time of purchase of the equipment can be reimbursed if cost is reasonable. Extended warranties and service plans (after initial purchase) for equipment cannot be reimbursed.

2. Unallowable Costs

The following list describes items that Homeland Security will **not** fund. This list is not comprehensive but includes commonly requested items.

- Automated external defibrillators (AED) for non-EMS entities
- Basic duty gear (belts, holsters, pouches)
- Basic firefighting bunker gear or other general use uniforms
- Construction or remodeling
- Door installation/replacement not directly related to Homeland Security mission
- Extended warranties, service agreements, service/maintenance fees purchased after the initial purchase of equipment cannot be reimbursed.
- Firearms, ammunition, explosive devices, munitions (distraction devices, grenades)
- General use software, computers, equipment, or office furniture
- Maintenance or repair on vehicles, boats, trailers, or other equipment
- Non-ruggedized laptops or tablets for in-vehicle use
- Normal duty or response duty personnel time
- Radios and repeaters not compatible with State Radio System
- Radios for highway departments, schools, hospitals, or other non-first responder entities
- Recurring costs such as licenses, wireless fees, internet fees, wireless cards
- Replacement of items previously funded through Homeland Security (exceptions on case-by-case basis)
- Research and development projects
- Security equipment for new construction
- Warning Sirens

Nonprofit Security Grant Program (NSGP)

South Dakota receives a grant for nonprofit agencies at high risk of a terrorist attack. Applications are submitted through the EDGAR IGX system for this grant beginning in 2024. To register in the EDGAR IGX system, go to <https://sddpsigx.intelligrants.com/> and follow the prompts. Instructions are posted in EDGAR IGX.

The opening and closing dates for the nonprofit application are variable due to the federal release of the notice of funding opportunity for this grant. The US Department of Homeland Security provides a form called the Investment Justification (IJ) for the non-profit applications usually in early spring. When the IJ is available, agencies can apply for the nonprofit grant in EDGAR IGX. The closing date will be posted on EDGAR IGX.

Nonprofit organizations can contact the SD Office of Homeland Security at 605-773-3450 to obtain application information and verify the application deadline.

Eligible nonprofit applicants must meet the following criteria:

- Organization must be in South Dakota.
- Security improvements must be for a building owned by the organization and occupied at the time of application.
- Meet the description under section 501(c)(3) of the Internal Revenue Code of 1986 (IRC) and be exempt from tax under section 501(a) of such code; and
- Be able to demonstrate, through the application, that the organization is at high risk of a terrorist attack.

The applicant must self-identify their organization as:

- a. Ideology-based/Spiritual/Religious
- b. Educational
- c. Medical, or
- d. Other

The nonprofit grant provides funding to improve physical security and planning, training & awareness, and exercises. Examples of allowable projects:

- Physical security enhancements such as access control at entrances, panic buttons, intrusion detectors, fire protection, security lighting, warning signs
- Surveillance /Security camera systems, replacements, or additions to existing systems (software/AI is not an allowable expense and must be paid for by agencies)
- Security screening equipment for people and baggage such as metal detectors
- Perimeter access control such as fencing, gates, barriers, etc.
- Active shooter training
- Security training for employees
- Public awareness/preparedness campaigns
- Response exercises
- Development of security plans and protocols, emergency contingency plans, and evacuation/shelter in place plans

Sub-recipient Agreement

Applicants that are offered a grant award will be required to sign an agreement that details terms and conditions as set forth by the State and Federal Governments. Before you incur costs or receive any federal grant funds awarded to you, this agreement must be signed by an authorized signer from your agency and the Director of the South Dakota Office of Homeland Security. Should you incur costs or start a project before the award agreement is signed by the Office of Homeland Security, you will not be reimbursed.

Sub-recipients are **required to follow all Code of Federal Regulations (CFR)** requirements found in 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The most current, complete, and searchable CFR can be found at <https://ecfr.federalregister.gov/> .

The sections below have been included to draw special attention to some of the requirements. Additional SDHLS requirements have been included where applicable.

CFR Administrative Requirements:

- 2 CFR Part 200 Subpart D (2 CFR 200.300 through 2 CFR 200.345)

CFR Cost Principles:

- 2 CFR Part 200 Subpart E (2 CFR 200.400 through 2 CFR 200.475)

CFR Audit Requirements:

- 2 CFR Part 200 Subpart F (2 CFR 200.500 through 2 CFR 200.521)

Records Retention (2 CFR 200.333)

Projects will be closed when the award has been expended or at the subaward end date, whichever comes first. Grant records must be retained for three years after the grant is closed.

Equipment records must be retained for the life of the equipment and for three years after final disposition of the equipment.

Sub-recipients must maintain organized grant files containing the following information:

- Copy of the project application and signed Sub-Recipient Award agreement.
- Copy of revisions to the original agreement, if any.
- Copies of all reimbursement requests.
- For aggregate purchases of \$25,000 or more, copy of verifications that the vendor was not on the debarred or excluded list at the time the order was placed.
- Copies of the capital asset inventory records for grant-funded equipment if applicable.
- Copies of Equipment Disposal/Transfer Forms for grant-funded equipment if applicable.
- Copies of monitoring reports completed by the South Dakota Department of Public Safety if applicable.
- Copies of Environmental and Historic Preservation approvals from FEMA if applicable.
- Copies of completed audits which are relative to the grant project if applicable.

Federal Funding Accountability and Transparency Act (FFATA) 2 CFR 200.331(b)

To provide the public access to information on Federal spending through USASpending.gov, the State, as a prime awardee of Federal grant funds, is required to report on all subawards issued for \$25,000 or more.

FFATA reporting is not a sub-recipient requirement. It is a requirement of the State. Be aware that if a sub-recipient receives a subaward of \$25,000 or more, the following information will be reported on USASpending.gov:

- Entity Information
- UEI (Unique Entity Identifier)
- Date of Subaward
- Amount of Subaward

Conflict of Interest. 2 CFR 200.318(c)(1). The sub-recipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. Anyone who develops or drafts specifications, requirements, statements of work, or proposals for a purchase or contract must be excluded from bidding or submitting a proposal to compete for the award because such involvement provides an advantage over other bidders. See 2 CFR 200.319(a). All procurement transactions must be conducted in a manner providing full and open competition.

Access to Records (2 CFR 200.336)

FEMA, the Inspector General, the Comptroller General of the United States, and the State, or any of their authorized representatives, have the right of access to any documents, papers, or other records of the sub-recipient which are pertinent to the Federal subaward.

Grant Management System

Sub-recipient agrees to use SDHLS's on-line grant management system (EDGAR IGX) for the application and grant management of subawards including but not limited to the following:

- Maintain current sub-recipient contact information in the system
- Unique Entity Identification (UEI) searchable at www.sam.gov
- Risk Assessment
- Each project must focus on an investment justification as described on the application
- Complete and submit required documentation
- Submit reimbursement requests

Environmental and Historic Preservation

Projects involving ground disturbance, communication towers, physical security enhancements, and installation of equipment to buildings and structures must meet the requirements of FEMA's Environmental and Historic Preservation (EHP) Program.

Projects that require EHP approval cannot begin until written EHP approval has been received from FEMA.

Sub-recipients are required to complete and submit the EHP Screening Form to the Office of Homeland Security with the required, labeled photos and other documentation. The documentation will be submitted to FEMA for final approval. When approval is received from FEMA, SDHLS will notify the sub-recipient and the project can begin.

SDHLS will send sub-recipients a fillable PDF form and instructions for the EHP review when the grant has been awarded.

Contract Approval

Sub-recipients must obtain written approval from SDHLS prior to execution of contracts funded under this grant.

Reimbursement

Sub-Recipient Agreements will be distributed when the state receives the Federal Notice of Grant Award. The agreements must be signed by the applicant and the Director of Homeland Security to be valid. Equipment or services procured prior to the signing of the agreement will not be reimbursed.

Homeland Security grants are paid on a **reimbursement basis**; if you are awarded a grant, you must pay for the equipment or services. You will be reimbursed up to the amount noted on your subaward. You are responsible for any difference in cost.

Documentation

Reimbursement requests must include the following documentation:

Itemized invoices. If the invoice is not itemized, then submit the related proposal or quote in addition to the invoice.

Proof of payment. Proof of payment should be in the form of a front-and-back copy of the canceled check, paid credit card statement, or a copy of electronic transfer documentation showing payment has been made to the vendor.

To apply for the nonprofit grant, submit the following in EDGAR IGX.

1. Proof of Non-Profit 501(c)3 status

Submit a copy of the organizations 501(c)3 determination letter with the following exception. Churches, mosques, and synagogues are considered automatically exempt if they meet the requirements of IRS section 501(c)3, therefore, they are not required to submit a determination letter.

2. Mission Statement

Submit a Mission Statement of the organization on official letterhead, stating the purpose of the organization (who, what, and why), and any policies or practices that may elevate the organization's risk of a terrorist attack.

3. Vulnerability/Risk Assessment

Submit a vulnerability/risk assessment specific to the location/facility for which the nonprofit organization is applying. The assessment must address the threats, vulnerabilities, and consequences of a terrorist attack to the facility. Currently, there are no specific requirements for the vulnerability assessment. Risk assessments can be performed by law enforcement, an independent agency specializing in risk assessments, an emergency manager, a US Department of Homeland Security representative, or someone familiar with the facility. All requests for security improvements must be identified in the assessment.

4. Investment Justification (IJ) Application Narrative and Budget

The IJ must be completed in the format provided in EDGAR IGX.

The IJ is the application narrative form used to explain your proposed projects and the budget requested for each project. All questions must be answered completely.

The grant is competitive; points are awarded for each question on the IJ. Extra points are given to organizations that have not received prior year NSGP funding. Awards under this grant are decided at the federal level.

5. Quotes for Proposed Projects

One quote is required for projects \$0 - \$3,999 and three quotes are required from separate vendors for projects \$4,000 and over. The lowest quote must be used unless there is sufficient justification why the organization cannot do so.

Conflict of Interest rules apply to all phases of the grant including quotes.

The CFDA for the NSGP grant is #97.008.

FY 2024 DHS STANDARD TERMS AND CONDITIONS

The Fiscal Year (FY) 2024 Department of Homeland Security (DHS) Standard Terms and Conditions apply to all new federal awards of federal financial assistance (federal awards) for which the federal award date occurs in FY 2024 and flow down to subrecipients unless a term or condition specifically indicates otherwise. For federal awards that may involve continuation awards made in subsequent FYs, these FY 2024 DHS Standard Terms and Conditions will apply to the continuation award unless otherwise specified in the terms and conditions of the continuation award. The United States has the right to seek judicial enforcement of these terms and conditions.

All legislation and digital resources are referenced with no digital links. These FY 2024 DHS Standard Terms and Conditions are maintained on the DHS website at www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

A. Assurances, Administrative Requirements, Cost Principles, Representations, and Certifications

- I. Recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non- Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the federal awarding agency.

B. Recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in effect as of the federal award date and located at 2 C.F.R. Part 200 and adopted by DHS at 2 C.F.R. § 3002.10. General Acknowledgements and Assurances

All recipients and subrecipients must acknowledge and agree to provide DHS access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R. § 200.337.

- I. Recipients must cooperate with any DHS compliance reviews or compliance investigations.
- II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities and personnel.
- III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements required by law, federal regulation, Notice of Funding Opportunity, federal award specific terms and conditions, and/or federal awarding agency program guidance.
- V. Recipients must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receiving the Notice of Award for the first award under which this term applies. Recipients of multiple federal awards from DHS should only submit one completed tool for their organization, not per federal award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active federal award, not every time a federal award is made. Recipients must submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in these DHS Standard Terms and

FY 2024 DHS STANDARD TERMS AND CONDITIONS

Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension to the 30-day deadline if the recipient identifies steps and a timeline for completing the tool. Recipients must request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

C. Standard Terms & Conditions

I. Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal award funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal award funds.

II. Activities Conducted Abroad

Recipients must coordinate with appropriate government authorities when performing project activities outside the United States obtain all appropriate licenses, permits, or approvals.

III. Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (codified as amended at 42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

IV. Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

V. Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) as part of carrying out the scope of work under a federal award are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

VI. Civil Rights Act of 1964 – Title VI

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352 (codified as amended at 42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 7.

FY 2024 DHS STANDARD TERMS AND CONDITIONS

VII. Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284 (codified as amended at 42 U.S.C. § 3601 *et seq.*) which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex, as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

VIII. Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

IX. Debarment and Suspension

Recipients must comply with the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689 set forth at 2 C.F.R. Part 180 as implemented by DHS at 2 C.F.R. Part 3000. These regulations prohibit recipients from entering into covered transactions (such as subawards and contracts) with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

X. Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

XI. Duplicative Costs

Recipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, recipients may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.

XII. Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (codified as amended at 20 U.S.C. § 1681 *et seq.*), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 19.

XIII. Energy Policy and Conservation Act

Recipients must comply with the requirements of the Energy Policy and Conservation Act,

FY 2024 DHS STANDARD TERMS AND CONDITIONS

Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 *et seq.*), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

XIV. False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729-3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

XV. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

XVI. Federal Leadership on Reducing Text Messaging while Driving

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving recipient-owned, recipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Recipients are also encouraged to conduct the initiatives of the type described in Section 3(a) of E.O. 13513.

XVII. Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: [Certificated Air Carriers List | US Department of Transportation, https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list](https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list)) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

XVIII. Hotel and Motel Fire Safety Act of 1990

Recipients must ensure that all conference, meeting, convention, or training space funded entirely or in part by federal award funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a.

XIX. John S. McCain National Defense Authorization Act of Fiscal Year 2019

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

XX. Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

FY 2024 DHS STANDARD TERMS AND CONDITIONS

XXI. Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification. Per 6 C.F.R. Part 9, recipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on Grants.gov as the Grants.gov Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).

XXII. National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 *et seq.*) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

XXIII. Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

XXIV. Non-Supplanting Requirement

Recipients of federal awards under programs that prohibit supplanting by law must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.

XXV. Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.

XXVI. Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 *et seq.* and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth at 37 C.F.R. § 401.14.

XXVII. Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section

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6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

XXVIII. Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

XXIX. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of the federal award, then the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated by reference.

XXX. Reporting Subawards and Executive Compensation

For federal awards that equal or exceed \$30,000, recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation set forth at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated by reference.

XXXI. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

- (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

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Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements.

- (a) When the Federal agency has determined that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:
 - (1) applying the domestic content procurement preference would be inconsistent with the public interest;
 - (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
 - (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#).

Definitions

The definitions applicable to this term are set forth at 2 C.F.R. § 184.3, the full text of which is incorporated by reference.

XXXII. SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. The SAFECOM Guidance is updated annually and can be found at [Funding and Sustainment | CISA](#).

XXXIII. Terrorist Financing

Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.

XXXIV. Trafficking Victims Protection Act of 2000 (TVPA)

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated by reference.

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XXXV. Universal Identifier and System of Award Management

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated reference.

XXXVI. USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

XXXVII. Use of DHS Seal, Logo and Flags

Recipients must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS component (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.

XXXVIII. Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections at 10 U.S.C § 470141 U.S.C. § 4712.