



SOUTH DAKOTA
HOMELAND SECURITY

Administrative Manual
with
Reimbursement Terms and Conditions



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Introduction

This manual provides information about the State Homeland Security Program grant administered by the South Dakota Office of Homeland Security.

Recommendations for the administration of the grant program are provided by the Homeland Security Senior Advisory Committee. This committee includes representatives from the Animal Industry Board, Attorney General's Office, Chiefs of Police Association, Department of Environment and Natural Resources, Department of Game, Fish, and Parks, Governor's Office of Tribal Relations, Bureau of Information Technology, Homeland Security Regional Managers and Coordinators, Regional Response Teams, SD Department of Agriculture, SD Department of Health, SD Department of the Military, SD Department of Public Safety (Secretariat, Fire Marshall's Office, Emergency Management, Driver Licensing, Emergency Medical Services, Highway Patrol, Homeland Security), SD Fusion Center, Sheriffs Association, State Radio Communications and the US Department of Homeland Security.

The staff of the Office of Homeland Security would be happy to discuss any questions regarding the State Homeland Security Program. Please contact this office for more information.

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General Grant Information

The Office of Homeland Security receives an annual State Homeland Security Grant from the US Department of Homeland Security. The grant requires that 80% of the grant be “passed-through” to local subgrantees and 20% be used for state projects. Up to 5% of the state portion of the grant can be used for administration costs.

Local subgrantees include public and private non-profit agencies such as counties, cities, tribes, and public schools. A portion of the local pass-through is used for statewide special programs including Regional Response Teams, SWAT Training, the SD Fusion Center, and a biannual statewide training.

The funding from the grant can be used for projects that follow the National Preparedness Goal, 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.”

The National Preparedness 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.

There are thirty-one activities, called core capabilities or investments, organized under the mission areas. Each state can adopt up to ten core capabilities to focus efforts on. In South Dakota, grant applications will be accepted under the following core capabilities:

1. **Cybersecurity**

This capability ensures the security of critical information by providing protection against damage, unauthorized use, or the exploitation of electronic communication systems and services.

Examples: equipment, software, training, or exercises that strive to protect public critical infrastructure such as Supervisory Control and Data Acquisition (SCADA) systems, governments, and schools.

2. **Interdiction and Disruption**

This capability enables law enforcement to protect the community by intercepting, delaying, or halting terrorism threats.

Examples: law enforcement equipment such as ruggedized computers and in-car video cameras; surveillance and security equipment to protect critical infrastructure; and law enforcement training and exercises with a Homeland Security nexus.

3. **Operational Communications**

This capability supports the SD Public Safety Communication Council statewide plan. Interoperable communication equipment, training, and exercises assure that public safety agencies can exchange critical information when needed.

Examples: digital radios; programming; radio signal, amplifiers; repeaters; interoperable communication training and exercises.

4. **Operational Coordination**

This capability includes establishing National Incident Management System (NIMS) compliant command, control, and coordination structures to meet basic human needs, stabilize incidents, and transition to recovery.

Examples: Incident Command System (ICS) Training and exercises; emergency operations center or mobile command equipment.

5. **Planning**

This capability includes strategic planning, preparedness meetings and training, as well as resource management including credentialing individuals and team typing.

Examples: Homeland Security meeting and conference expenses; equipment and software for typing, credentialing, and managing resources; counterterrorism records management systems.

6. **Public Information and Warning**

This investment includes delivering timely and accurate information about potential hazards to the whole community.

Examples: warning sirens; telephonic warning systems; and training and exercises to test public information and warning systems.

7. **Risk Management**

This capability protects critical infrastructure by assessing threats and capabilities, providing security measures including equipment, training, and exercises, and preparedness activities for the whole community.

Examples: critical infrastructure assessments; generators for public shelters; surveillance and access control systems; and Citizen Corps Program expenses.

8. **Screening, Search, and Detection**

This capability supports emergency responders including fire departments, veterinarians, laboratories, and medical providers who detect and respond to hazardous materials and diseases.

Examples: fire and rescue equipment, training, and exercises; CBRNE (chemical, biological, radiological, nuclear, and explosive) threat detection and protection equipment and training; agriculture and livestock detection and protection equipment, training, and exercises.

9. **Intelligence and Information Sharing**

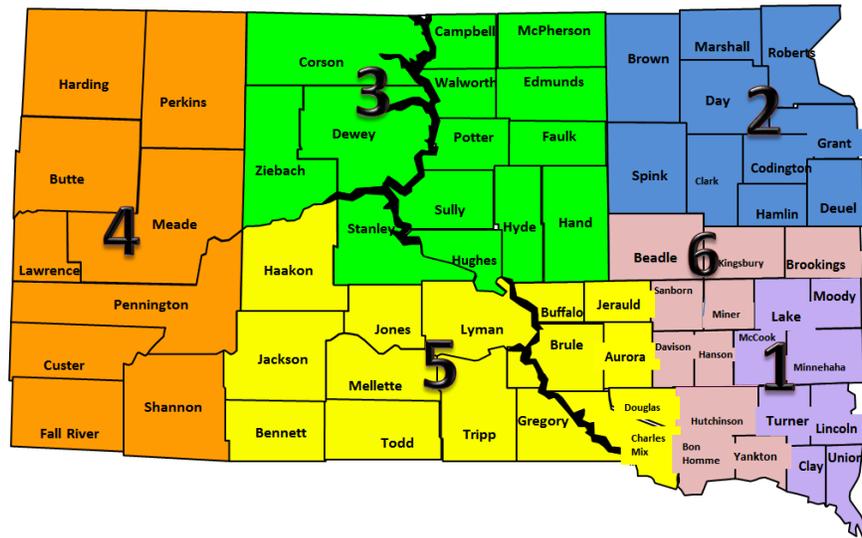
This investment supports the state Fusion Center which is responsible for the exchange of intelligence information between federal, state, local, tribal, and private sectors.

Examples: Operational costs of the Fusion Center.

The Office of Homeland Security and the regional review committees use the statewide Threat and Hazard Identification and Risk Assessment (THIRA) and the State Preparedness Report (SPR) to prioritize funding for projects.

Local Subgrantee Application and Award Process

1. The Office of Homeland Security will provide each of the six regions (as shown below) with a shared award amount based on a minimum base amount for each county and the population of the county. The Regional Coordinator in each region will sign an award agreement within 45 days of the federal notice of grant award. The agreement will specify the funding available for the region and the project period. The agreement will be co-signed by the Director of Homeland Security and kept in the state grant file; a copy will be provided to the Regional Coordinator.



2. Applications must be submitted to the Office of Homeland Security using the electronic application form available on the Office of Homeland Security website or upon request. A deadline for receipt of applications for local projects will be posted on the website.
3. When applications have received preliminary programmatic approval, the applications will be sent to the appropriate coordinator for each region who will share the applications with the County Emergency Managers.
4. A regional review committee will be scheduled by the Regional Coordinator. Each county may have two representatives on the review committee; usually the County Emergency Manager and one law enforcement representative. The committee votes to determine what applications they recommend for funding.
5. The Regional Coordinator will provide the Office of Homeland Security with a Budget Detail Worksheet indicating the projects to be awarded as well as contingency projects.
6. After the Office of Homeland Security provides final approval for the recommended projects, an award agreement will be sent to each subgrantee for signature.
7. Once the agreement is signed and returned to the Office of Homeland Security, the Director of Homeland Security will sign the agreement.
8. Subgrantees will receive a copy of the final completed agreement indicating that projects can go forward, any special conditions, and the award expiration date. If a subgrantee 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 local project. Written documentation of extensions or reallocations will be provided to the subgrantee and maintained in the grant file.

State Subgrantee Application and Award Process

State agencies and other public non-profit agencies that want to do statewide projects may apply for the 20% State funding.

1. Applications must be submitted to the Office of Homeland Security using the electronic application available on the Office of Homeland Security website or upon request.
2. When approved by the Office of Homeland Security, an award agreement will be sent to the applicant for signature.
3. Once the agreement is signed and returned to the Office of Homeland Security, the Director of Homeland Security will sign the agreement.
4. Awardees will receive a copy of the final completed agreement indicating that projects can go forward, special conditions, and the award expiration date. If a subgrantee 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 subgrantee and maintained in the grant file.

Revisions to local or state project awards will be determined by the Office of Homeland Security.

Fiscal Responsibility

1. Reimbursement Request

Projects must be completed by the award expiration date noted on the award agreement.

Reimbursement requests must be submitted to the Office of Homeland Security as soon as possible after the project is completed and within 45 days after the end of the award expiration date.

The following items must be included with the Payment Request Form (available on the Office of Homeland Security webpage):

- A. The Payment Request Form (available on the Office of Homeland Security website or upon request) must have a signature verifying the receipt of the goods or services and project completion date.
- B. Itemized invoices; if invoice isn't itemized please submit the related proposal or quote.
- C. Travel and training receipts for transportation, lodging, registration, and fuel or mileage. Travel reimbursement requests must include departure and return times, meals will be reimbursed at state rates based on departure and return times. For private vehicles, mileage will be calculated by distance traveled.

If an agency does not have its own travel reimbursement form, a Travel Detail Worksheet is available on the Office of Homeland Security website or upon request.

- D. Rosters for all *hosted* trainings and exercises.
- E. An agenda or outline of the curricula for all trainings, conferences, and exercises.

2. Allowable Costs

Allowable costs include, but are not limited to, the following expenses if specific to Homeland Security activities:

- Cost of meetings and conferences if the primary purpose is the dissemination of technical information relevant to Homeland Security. This includes rental of facilities, speaker's fees and other items incidental to such meetings or conferences.
- Travel expenses for grant-related training and exercises.
- Contractor expenses for approved training and exercises.
- Overtime and backfill salaries (for the individuals providing shift coverage for those participating in Office of Homeland Security approved training and exercises).
- Equipment listed as allowable on the AEL as part of a pre-approved project that aligns with the state's investment justifications.
- Public education and outreach relevant to grant-related activities.

3. Travel

Reimbursement for meals, mileage, lodging, and other travel expenses will follow State policy; current allowances are shown below. Non-state employees may not be able to access lodging at rates available to state employees but they are expected to obtain reasonable lodging rates when requesting reimbursement.

| Maximum Meal Allowable | In-State | Out-of-State | When Leaving Before | When Returning After |
|-------------------------------|-----------------|---------------------|----------------------------|-----------------------------|
| Breakfast | \$5.00 | \$8.00 | 5:31 AM | 7:59 AM |
| Lunch | \$9.00 | \$11.00 | 11:31 AM | 12:59 PM |
| Dinner | \$12.00 | \$17.00 | 5:31 PM | 7:59 PM |
| Total Per Day | \$26.00 | \$36.00 | | |

Reasonable expenses for non-alcoholic beverages at meetings, trainings, and exercises are allowable in addition to reimbursement for meals.

Reimbursement for mileage or fuel can be made at the following rates.

| Mileage/Fuel |
|--|
| Private Vehicle – reimbursement at a maximum of \$0.37 per mile |
| Government Vehicles – reimbursement for fuel costs with receipts |

The subgrantee is responsible to ensure that all travel submitted for reimbursement is eligible under the appropriate year grant guidance. If the subgrantee does not have an agency required form to summarize travel costs for grant activity participants, the subgrantee may use the SD Office of Homeland Security, Travel Detail Worksheet form available on the SD Office of Homeland Security website at

http://dps.sd.gov/homeland_security/homeland_security_grants.aspx .

Documentation for travel must include:

- a. Unit cost for each traveler (departure and return times; destinations; airfare; lodging; meals, ground transportation to program activities, and other allowable expenses).
- b. Purpose of travel as it relates to program activities.
- c. Copy of the agenda or registration form.
- d. If cost is for a group training or exercise, a roster of attendees is required.
- e. Meals will be reimbursed based on departure and return times; receipts for meals are not required.
- f. Unallowable: 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, credit card fees.

4. Reimbursement

Allowable expenses are paid on a reimbursement basis. A Payment Request Form available on the SD Office of Homeland Security website at http://dps.sd.gov/homeland_security/homeland_security_grants.aspx must accompany appropriate documentation for reimbursement.

5. Basic Principles on Unallowable Costs

Costs that are not allowable include, but are not limited to, the following:

- Firearms, ammunition, explosive devices, munitions (distraction devices, grenades)
- Recurring costs such as licenses, wireless fees, internet fees, wireless cards
- General use software, computers, and related equipment
- Non-ruggedized laptops or tablets for in-vehicle use
- Two way radios not compatible with State Radio System with the exception of pagers with talk feature
- General use uniforms or firefighting bunker gear
- Basic duty gear (belts, holsters, pouches)
- Door installation/replacement not directly related to Homeland Security mission
- Construction or remodeling
- Security cameras and access control for new construction
- Critical infrastructure improvements that have not had a security assessment
- Surveillance camera systems not remotely accessible by law enforcement
- Automated external defibrillators (AED) for non-EMS entities
- "Thank you" Gifts/Souvenirs/Awards/Dinners
- General use software, computers, website development, and related equipment
- General use vehicles, fuel, licensing fees and operational costs
- Vehicle registration fees
- Public safety personnel costs for duties that aren't specific to Homeland Security
- Equipment not listed on the AEL
- Insurance policies
- Mileage for vehicles purchased with federal grant funds (actual fuel costs are allowable)
- Program income, i.e., generating income as a result of the grant funded activities
- Magnetic signage for vehicles
- Costs incurred in order to comply with local or state requirements

Purchasing Policies

1. Compliance with State and Federal Purchasing Policies

Local governments and schools must follow their purchasing procedures provided they are compliant with the federal Code of Federal Regulations (CFR) and federal Office of Management and Budget (OMB) policies. Federal purchasing guidelines apply to all expenditures, including but not limited to, contracts and leases, equipment, services, and supplies. Please see Appendix A for specific state policies and federal regulations.

In all cases, selection of other than the lowest bidder must be fully justified. All transactions, whether on state or federal contracts or competitively bid, without regard to dollar value, will be conducted to provide maximum open and free competition.

2. Parties Excluded from Federal Procurement Programs

The Office of Homeland Security cannot reimburse for projects that use vendors that are debarred, suspended, or proposed for debarment. These vendors are listed on the federal Excluded Parties List System (EPLS) website www.sam.gov. **Before** a subgrantee makes a purchase from a vendor for a project that costs \$25,000 or more, it is advised that the subgrantee search the www.sam.gov website to assure that the vendor has not been excluded from receiving federal funds.

For projects \$25,000 or more, subgrantees must include a “print screen” or other valid documentation from the search results of the www.sam.gov website with the reimbursement request showing that the vendor is not excluded from receiving federal funding.

3. Competitive Bidding and Purchasing

A. Subgrantees are required to avoid conflicts of interest and noncompetitive practices which may restrict or eliminate competition. Anyone who develops or drafts specifications, requirements, statements of work and/or Requests for Proposal (RFP) for a proposed 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. Please see the following link for more information on Purchasing: [44 CFR 13.36 Procurement](#).

B. Items Requiring Federal Approval

Although items may be on federal and/or state contracts, subgrantees must receive prior written approval from the Office of Homeland Security and the federal awarding agency for those items which require prior federal approval (e.g. vehicles, boats, helicopters, and similar large purchases).

C. Purchasing Items From Federal and State Contract Lists

If an item(s) is purchased from the U.S. General Services Administration (GSA) Schedule 70 or GSA Schedule 84 or a state contract, no additional bidding is required unless permission to procure is required by federal guidance (e.g. vehicles, boats, helicopters, and similar large purchases).

1. Information on items that are on state contracts can be found on the South Dakota Office of Purchasing website at www.state.sd.us/boa/opm/ . Items purchased through South Dakota state surplus are exempt from any additional bidding process.
 2. Subgrantees including state agencies and local governments who perform their own purchasing must include the federal and/or state contract number on the invoice when submitting for reimbursement.
- D. Pre-approval must be requested for any contracts to ensure compliance with state and federal purchasing and contract guidelines and that required federal clauses are incorporated. Monitoring the contractor for compliance and performance is the responsibility of the subgrantee.
- E. Sole Source Purchasing

Use of sole source Purchasing is discouraged. If, after completion of the competitive bidding process, only one responsive bid is received (less than two complete competitive bids received), then this is a sole source Purchasing (based on 44 CFR § 13.36). All sole source purchases require prior written approval of the Office of Homeland Security.

4. Purchasing Policy

Local governments and schools should use their own purchasing policy; if the subgrantee is not a local government or school, they must use the State Purchasing Policy. The SD Department of Legislative Audit provides guidance to local governments as a guide for purchasing, please see:

http://legislativeaudit.sd.gov/General%20resources/general_resources_all.htm

The following is an outline of the State Purchasing Policy. Copies of any required proposals or bids should be kept in the grant file.

Goods and Services

- a. Agencies may make purchases of goods or services that do not exceed \$4,000 and are not available on a state contract by using their best discretion to obtain the best value for the taxpayers;
- b. Agencies may make purchases of goods or services between \$4,000 and \$25,000, not available on a state contract, by obtaining three written proposals.
- c. Agencies may make purchases of goods or services exceeding \$25,000 by advertising for competitive sealed proposals in compliance with South Dakota Codified Law 5-18.
- d. Agencies may make purchases of goods or services from active contracts that have been awarded by any government entity by competitive sealed bids or proposals, or any contract that was competitively solicited and awarded by any government entity within the previous twelve months.
- e. Make purchases from contracts issued by the United States General Services Administration (GSA) that are open to state and local government purchasing.

Printing

- a. Printing less than \$1,000 can be purchased from one quote.
- b. Printing \$1,000 - \$25,000 requires written proposals from at least three (3) qualified sources. Proposals must include shipping. Justification will be required if the lowest quote is not accepted.
- c. Printing greater than \$25,000 requires the agency to advertise for competitive sealed proposals.

5. Documentation

All documentation of Request for Proposals, bids, and proposals must be maintained in the subgrantee's files. Documentation must be made available to the Office of Homeland Security or any of its authorized representatives upon request.

6. Equipment

Under federal Department of Homeland Security grant guidelines, equipment must be listed as "allowable" on the Approved Equipment List (AEL) available at the following link:

<https://www.llis.dhs.gov/knowledgebase/authorized-equipment-list-ael> .

7. Maintenance, Warranties and Service of Equipment

- a. Grant funds may be used for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees for equipment that has been purchased with federal funds if approved by the Office of Homeland Security.
- b. Supplanting is not allowed by federal law. Maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees previously purchased with State and or local funds cannot be replaced, supplanted, with Federal grant funding.

8. Marking Equipment

Subgrantees will mark equipment purchased with funding from the SD Office of Homeland Security with a U.S. Department of Homeland Security identifier.

Equipment items that must be marked include:

- Vehicles and Trailers
- Generators
- Communication towers
- Other equipment that can feasibly be marked

Equipment that does not require marking includes:

- Portable communications equipment such as radios and phones
- Search and rescue equipment
- Decontamination equipment
- Personal protection equipment
- Hand tools
- Disposable equipment

Training and Exercises

1. General

Funded training and exercises must have a Homeland Security nexus.

See previous sections regarding procedures for engaging professional services for trainings and exercises.

2. HSEEP National Exercise Standard

Exercises help organizations to understand their capabilities so that strengths and areas for improvement are identified, corrected, and shared as appropriate prior to a real incident.

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.

3. Reimbursement for Training and Exercises

A. The subgrantee that *hosts* a training event must use standard purchasing procedures for professional services and provide:

1. An agenda or course curricula that describes the Homeland Security justification
2. Name and contact information of the instructor(s)
3. Legible class roster with each individual's affiliation
4. Make a portion of class participant slots open to other jurisdictions
5. Course evaluations must be available upon request by the Office of Homeland Security

B. To be reimbursed for attending *independent training events*, the subgrantee must provide documentation of the event including:

1. agenda or syllabus that describes the Homeland Security justification
2. copy of the registration or invitation letter showing the instructor(s) contact information
3. Travel Payment Detail form or local equivalent form with any required receipts
4. signed Payment Request Form

Records Management

1. Documentation

Grant records must be kept for a minimum of three years after the grant closes unless superseded by federal or state statute. Equipment records must be maintained for the life of the equipment and after disposition of the equipment for three years.

Equipment valued at \$5,000 or more at time of purchase is considered a capital asset and subject to specific federal property regulations. Subgrantees must maintain a capital asset inventory system for items that cost \$5,000 or more purchased with federal funds.

2. Federal Grant Property Requirements

Property records (including equipment) must be maintained that include:

- description of the property
- serial number or other identification number
- source of property
- who holds title
- acquisition date
- cost of the property
- percentage of Federal participation in the cost of the property
- location
- use and condition of the property
- disposition data including the date of disposal and sale price of the property.

At least once every two years, the subgrantee is required to perform a physical inventory of the property and reconcile the results with the property records. As described above, equipment must be marked with a U.S. Department of Homeland Security identifier.

A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.

Mileage logs must be maintained for vehicles purchased with federal funds.

The subgrantee is responsible for providing proper training to those assigned to use equipment purchased with federal funds.

Adequate maintenance procedures must be developed to keep the property in good condition.

If the grantee or subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

When original or replacement equipment acquired under a grant or subgrantee is no longer needed for the original project or program or for other activities is currently or previously supported by Federal agency, disposition of the equipment will be made as follows:

- a. Items of equipment with an original per-unit fair market value of less than \$5,000 may be sold, transferred, or disposed of with no further obligation to the Office of Homeland Security.

- b. Items of equipment with a current per-unit fair market value in excess of \$5,000 may be sold, transferred, or disposed of. If sold, the subgrantee must return a proportionate share of the federal funds from the sale of the equipment.
- c. Within 30 days of sale, transfer, or disposal of equipment with an original cost of \$5,000 or more, the subgrantee must submit a copy of the Equipment Disposal/Transfer Form to the Office of Homeland Security.
- d. The form is available at the Office of Homeland Security website at http://dps.sd.gov/homeland_security/homeland_security_grants.aspx . A copy of the form must be retained in the subgrantee grant file for three years after the disposition of the equipment.

C. Grant Files

The Office of Homeland Security and subgrantees must maintain accounting records in accordance with generally accepted accounting principles, which will ensure that federal and any matching funds are accounted for adequately. The minimum requirements for such records are explained below.

In addition to complying with regular accounting principles followed by the subgrantee, the subgrantee must maintain an organized grant file with the following information:

1. A copy of the project application and agreement with written approval from the Office of Homeland Security.
2. Copy of revisions to original agreement if any.
3. Copies of all reimbursement requests.
4. For items \$25,000 and above, copies of verification that individual or agencies are not on the debarred or excluded parties list. A print screen from www.sam.gov showing the name of the vendor and no exclusions is recommended.
5. Copies of the grant funded capital asset inventory and Equipment Disposal/Transfer Forms (or local agency equivalent transfer forms).
6. Copies of monitoring reports completed by the Office of Homeland Security.
7. Copies of Environmental and Historic Preservation approvals from FEMA, if applicable.(see special conditions, page 20)
8. Copies of completed audits which are relative to the grant project. Subgrantees who expend \$500,000 or greater in federal funds in a fiscal year are required to comply with the Single Audit Compliance regulation in OMB Circular A-133.

Monitoring

The following is the monitoring policy of the SD Department of Public Safety.

1. Office-Based Monitoring

An annual report will be generated by the Department of Public Safety summarizing grant funds passed through to subgrantees. This report will be used to identify subgrantees required to complete office-based monitoring.

A. Grant Monitoring Questionnaire

1. Sent out annually to subgrantees.
2. Selection will be based on total amount of grant funds received. Subgrantees receiving over \$100,000 in grant funds will be selected.
3. Other selections may be made based on previous audit findings or other instances of non-compliance.
4. Initial monitoring letter and grant monitoring questionnaire will be sent to selected subgrantees throughout the year.

B. Grant Monitoring Questionnaire Follow-up

1. A letter may be sent to sub-grantees with any follow-up questions, clarification, and/or policy testing.

C. Office-Based Monitoring Completion Letter

1. A letter will be sent to subgrantees to notify them that the office-based monitoring has been completed.
2. If needed, the letter will indicate if an on-site equipment visit will be performed that year.
3. Recommendations for the subgrantee may be made based on follow-up.

2. Equipment Monitoring

State and local equipment projects to be monitored will be selected based on the county the equipment is located in. Each county will be selected once every three years, on a rotating schedule. Other selections may be made based on previous audit findings or other instances of non-compliance. Equipment will be selected from the DPS Equipment Database.

A. Asset Verification Questionnaire

1. To be completed by the subgrantee

B. Asset Verification Form

1. To be completed by the Department of Public Safety. A visit will be scheduled to physically verify the equipment on-site.

C. Equipment Monitoring Completion Letter

1. A letter will be sent to the subgrantee after the Asset Verification Questionnaire and Asset Verification Form have been received, and all follow-up questions have been resolved.
2. Recommendations for the subgrantee may be made based on follow-up.

Monitoring Policies Specific to School Projects

The Department of Public Safety (DPS), as a federal grantee, is responsible for monitoring sub-recipients to ascertain all responsibilities are fulfilled. Future monitoring activities may be in the form of information requests or on-site visits (arranged in advance).

1. **Property records.** *(44 CFR Part 13, Subpart C, § 13.32 (d) (1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.)* School security systems often consist of a number of individual components that do not meet the criteria to be considered a capital asset. It may be necessary to develop separate property records that meet the above requirement. Please note the property records should notate the system was purchased with Homeland Security grant funds, and the percentage of Federal participation in the total cost of the system.
2. **Property Inventory.** *(44 CFR Part 13, Subpart C, § 13.32 (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.)* Documentation must be maintained that shows grant property is inventoried at least every two years.
3. **Safeguarding Property.** *(44 CFR Part 13, Subpart C, § 13.32 (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 shall be investigated.)* Documentation should be available detailing safeguards in place to prevent loss, damage, or theft.
4. **Maintenance Procedures.** *(44 CFR Part 13, Subpart C, § 13.32 (d) (4) Adequate maintenance procedures must be developed to keep the property in good condition.)* Documentation should be available showing maintenance procedures for grant property.
5. **Records Retention.** *(44 CFR Part 13, Subpart C, § 13.42 (b) Length of retention period. (1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (c) of this section. 44 CFR Part 13, Subpart C, § 13.42 (c) Starting date of retention period - (2) Real property and equipment records. The retention period for real property and equipment records starts from the date of the disposition or replacement or transfer at the direction of the awarding agency.)* Records relating to grant equipment must be retained for three years following the disposition of the equipment.
6. **Asset Disposal.** *(44 CFR Part 13, Subpart C, § 13.32 (e) Disposition. When original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:*
 - a. *Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.*
 - b. *Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.)*

Records should be maintained itemizing any system components that are disposed of. The Office of Homeland Security should be notified when it is deemed that the original system is no longer functional or no longer needed.

Special Conditions

Applications will be accepted during open application periods for local projects, normally in early summer, or as funding becomes available. Applications for state projects will be accepted on an ongoing basis. The application form is available at the SD Office of Homeland Security website or upon request.

State and federal requirements for Homeland Security grant awards are described in Appendix A: Terms and Conditions. Special conditions and time frames may be applied to grant awards. Some special conditions are described below:

1. Environmental Planning and Historic Preservation Compliance

Projects involving ground disturbance, communication towers, physical security enhancements, new construction, renovation, and modifications to buildings and structures will be required to meet the requirements of FEMA's Environmental Planning and Historic Preservation (EHP) Program.

Projects that require EHP approval will receive conditional approval until EHP requirements are fulfilled. Work on a project work cannot begin until written EHP approval has been received from FEMA.

Subgrantees are required to complete and submit the EHP Screening Form to the Office of Homeland Security with the required photos and other documentation before starting projects that require EHP approval. When approval is received from FEMA, the Office of Homeland Security will notify the subgrantee and the project can begin if approved.

The EHP Screening Memo Form is available on the SD Office of Homeland Security website at http://dps.sd.gov/homeland_security/homeland_security_grants.aspx or upon request.

2. School Safety

Project that involve school buildings such as door locks and other access control systems must be reviewed by the State Fire Marshal to ensure the features of the plan are in compliance with fire safety laws.

3. Publications

When subgrantees develop materials for publication, they must submit a plan for publication and distribution of new self-authored commercial publications to the Office of Homeland Security before materials are developed if they will be paid for with federal funds.

All materials produced from grant award activities shall contain an acknowledgement of the federal and state awarding agency funding assistance. For example, if the federal awarding agency is the federal Department of Homeland Security, all materials shall prominently contain the following statement:

This document was prepared under a grant from the U.S. Department of Homeland Security and the South Dakota Office of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security or the State of South Dakota.

Forms and Resources

Applications and other resources relative to Homeland Security grant programs are available on the following website: http://dps.sd.gov/homeland_security/homeland_security_grants.aspx

Additional federal grant regulations and policies relevant to Homeland Security grants are available at the following links.

Federal OMB Circulars may be viewed on the Office of Management and Budget website at http://www.whitehouse.gov/omb/circulars_default/

The Code of Federal Regulations may be viewed on the Electronic Code of Federal Regulations website at <http://www.gpoaccess.gov/cfr/>

The following website accesses to the FEMA Authorized Equipment List: <https://www.llis.dhs.gov/knowledgebase/authorized-equipment-list-ael> .

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Appendix A



SOUTH DAKOTA
DEPARTMENT
OF PUBLIC SAFETY

prevention — protection — enforcement

HOMELAND SECURITY

State Homeland Security Grant Program Reimbursement Terms and Conditions

Updated October 2013

A. General Terms

1. Award Information

The CFDA number for is 97.067.

2. Match

There is no match requirement under this agreement.

3. Amendment Provision

Any amendments to awards must be in writing.

4. Termination Provision

The South Dakota Office of Homeland Security retains the right to terminate awards through the State Homeland Security Grant program for cause at any time.

5. Insurance Provision

Recipients agree, at their sole cost and expense, to maintain adequate general liability, worker's compensation, professional liability, and automobile liability insurance during the award period.

6. Default Provision

This agreement will be terminated by the State if the Legislature fails to appropriate funds or grant expenditure authority. Termination for this reason is not a default by the State nor does it give rise to a claim against the State.

B. Recipient Responsibilities:

1. Recipient will adhere to the Homeland Security Grant Administrative Manual (Manual) issued by the SD Office of Homeland Security.

The manual is available at the Office of Homeland Security website at http://dps.sd.gov/homeland_security/homeland_security_grants.aspx or upon request from the State.

2. DUNS Number

Recipients must provide a DUNS number to the State to receive funding under this agreement. See <http://fedgov.dnb.com/webform> or call 866-705-5711 to obtain a DUNS number. Any subawards must provide a DUNS number.

3. NIMS Compliant

All Recipients of Homeland Security grant funds must be NIMS compliant, i.e., follow the National Incident Management System standards.

4. Projects that may have an environmental impact require programmatic approval from the SD Office of Homeland Security and Environmental and Historic Preservation (EHP) program; please see the federal EHP policy at: <http://www.fema.gov/plan/ehp> . EHP approval is required for projects that disturb ground, require installation, or have other environmental, historic, or cultural impact.
5. Recipients agree with the recommendation of the Senior Advisory Committee to use local pass-through funding for four statewide projects: Fusion Center, SWAT training, Regional Response Team expenses, and Homeland Security Conference. The total for these projects is \$600,000 from annual State Homeland Security Grants.
6. Recipients must submit reimbursement requests summarized on the Payment Request Form provided by the State with invoices, receipts, and other documentation as needed to support the reimbursement request. The Payment Request Form must be signed, affirming that the items or services have been received.
7. Recipients agree to only purchase equipment listed in the FEMA *Authorized Equipment List*. To access the FEMA *Authorized Equipment List*, see <https://www.ilis.dhs.gov/knowledgebase/authorized-equipment-list-ael> .
8. Recipients will retain title of any equipment purchased with funding through the SD Office of Homeland Security, safeguarding all such property, and assure that it is used solely for authorized purposes unless otherwise transferred to another agency as per the SD Office of Homeland Security policy. A physical inventory of grant funded equipment purchased for \$5,000 or more must be taken and the results reconciled with the property records at least once every two years. Equipment can be transferred to another agency or disposed of only with the written permission of the Office of Homeland Security and documented on the Equipment Transfer Form or an equivalent form approved by the State.
9. Recipients are required by federal law to retain records of equipment purchased for \$5,000 or more until the equipment is sold, transferred, or disposed of.
10. Recipients of federal funded equipment are responsible for providing proper training and technical support to those that are assigned to use any equipment purchased through this program.
11. Food, beverages, and mileage or fuel may be reimbursed according to State policy for approved Homeland Security work-related activities.
12. Recipients must use reimbursement forms developed by the SD Office of Homeland Security (or equivalent county forms approved by the State) and provide other documentation as requested.

13. No employee, officer, or agent of the Recipient shall participate in selection, award, or administration of a contract supported by Federal funds if a conflict of interest would be involved.
14. Federal law prohibits the SD Office of Homeland Security from paying vendors listed on the General Services Administration's list of Parties Excluded from Federal Procurement Programs. This policy prohibits contracts, purchases, or business relationships with any individual or business entity that is listed by a federal agency as debarred, suspended, or proposed for debarment for projects \$25,000 or more. To check on a vendor's status, please see www.sam.gov.
15. Supplanting is not allowed. The recipient agrees that funds will be used to supplement existing funding for program activities and not to replace those funds, which have been appropriated for the same purpose.
16. Recipients must have a written local purchasing policy provided that the policy conforms to applicable Federal law. If there is no local policy, recipients must follow the State purchasing policy; please see the Homeland Security Administrative Manual for more information.
17. Recipients must provide a cost analysis to the State for sole source purchases of \$100,000 or more.
18. Recipients must obtain written approval from the State prior to execution of contracts funded with Homeland Security Grant funds.
19. Applications for hardening/securing a critical infrastructure must undergo a security needs assessment by an objective party.
20. Recipients agree to provide the Comptroller General of the United States and the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. In addition, recipients must establish a proper accounting system in accordance with generally acceptable accounting principles.
21. Recipients agree to maintain all records and other information relevant to Homeland Security Grant Program awards for a period of three (3) years after the grant period ends. Records will be retained until all issues are resolved.
22. Recipients must comply and require each of its subcontractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders, OMB circulars, and terms and conditions of the award.

A non-exclusive list of regulations applicable to U.S. Department of Homeland Security grants is shown below.

Standard Financial Requirements.

A. Administrative Requirements

- a. 44 CFR Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*
- b. 2 CFR Part 215, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* (formerly OMB Circular A-110)
- c. 44 CFR part 10, Environmental Considerations

- B. Cost Principles
 - a. 2 CFR Part 225, *Cost Principles for State, Local, and Indian tribal Governments* (formerly OMB Circular A-87)
 - b. 2 CFR Part 220, *Cost Principles for Educational Institutions* (formerly OMB Circular A-21)
 - c. 2 CFR Part 230, *Cost Principles for Non-Profit Organizations* (formerly OMB Circular A-122)
 - d. Federal Acquisition Regulations (FAR), Part 31.2 *Contract Cost Principles and Procedures, Contracts with Commercial Organizations*
- C. Audit Requirements
 - a. OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*
- D. Duplication of Benefits
 - a. There may not be a duplication of any Federal assistance, per 2 CFR part 225, Basic Guidelines Section C.3 (c). Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and FAR Part 31.2.

Federal Funding Accountability and Transparency Act (FFATA)

- A. Direct recipients and subaward recipients must comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), as amended by section 6202(a) of the Government Funding Transparency Act of 2008 (Public Law 110-252).
- B. FFATA requires disclosure to the public of federal spending through a single searchable database, www.USAspending.gov .
- C. New federal awards of \$25,000 or more as of October 1, 2010, are subject to FFATA requirements.
 - a. Subawards greater than \$25,000 must provide name of awardee, amount, funding agency, CFDA federal grant number, descriptive award title, location of awardee, Dun & Bradstreet DUNS number of awardee, and
 - b. Compensation and name of top five executives if 1) 80% of more of annual gross revenues are from federal awards and \$25,000,000 or more in annual gross revenues are from federal awards, and 2) compensation information is not already available through reporting to the Securities and Exchange Commission.
 - c. Classified information is exempt as are contracts with individuals.
 - d. Recipients of SD Office of Homeland Security reimbursement agreements are required to provide to the State all information required by FFATA.

Certifications and Assurances.

- A. *Lobbying. 31 U.S.C. §1352, Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions* – Prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal

agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. FEMA and DHS have codified restrictions upon lobbying at 44 CFR Part 18 and 6 CFR Part 9.

- B. *Drug-free Workplace Act, as amended, 41 U.S.C. §701 et seq.* – Requires the recipient to publish a statement about its drug-free workplace program and give a copy of the statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. Also, place(s) where work is being performed under the award (i.e., street address, city, state, and zip code) must be maintained on file. The recipient must notify the Grants Officer of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. For additional information, see 44 CFR Part 17.
- C. *Debarment and Suspension* – Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarring or suspending those persons that deal in an irresponsible manner with the Federal government. The recipient must verify that contractors or subrecipients are not excluded from receiving federal support by searching on the Excluded Parties List database at www.sam.gov . It is recommended that the Recipient print and retain a copy of the search results in their grant file to document compliance with this requirement.
- D. *Federal Debt Status* – The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (OMB Circular A-129) (Refer to SF 424, item number 17) 58
- E. *Hotel and Motel Fire Safety Act of 1990* – In accordance with section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, 15 U.S.C. §2225. Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes.

Compliance with Federal Civil Rights Laws and Regulations.

- A. *Title VI of the Civil Rights Act of 1964, as amended, 42. U.S.C. §2000 et. seq.* – Provides that no person on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with Limited English Proficiency (LEP). (42 U.S.C. §2000d et seq.)
- B. *Services to Limited English Proficient (LEP) Persons.* Recipients of FEMA financial assistance are required to comply with several Federal civil rights laws, including Title VI of the *Civil Rights Act of 1964*, as amended. These laws prohibit discrimination on the basis of race, color, religion, natural origin, and sex in the delivery of services. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI, 57 recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The grantee is encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and

activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. For additional information, see <http://www.lep.gov>.

- C. Title VIII of the Civil Rights Act of 1968 (42 E.S.C. 3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply.
- D. Equal Employment Opportunity. Compliance is required with E.O. 11246, "Equal Employment Opportunity", as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor".
- E. *Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §1681 et. seq.* – Provides that no person, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.
- F. *Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794* – Provides that no otherwise qualified individual with a disability in the United States, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or subject to discrimination in any program or activity receiving Federal financial assistance.
- G. *The Age Discrimination Act of 1975, as amended, 20 U.S.C. §6101 et. seq.* – Provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes. The grantee is also required to submit information, as required, to the DHS Office for Civil Rights and Civil Liberties concerning its compliance with these laws and their implementing regulations.
- H. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Environmental Planning and Historic Preservation Compliance

FEMA is required to consider the potential impacts to the human and natural environment of projects proposed for FEMA grant funding. FEMA, through its Environmental Planning and Historic Preservation (EHP) Program, engages in a review process to ensure that FEMA-funded activities comply with various Federal laws including: *National Environmental Policy Act; National Historic Preservation Act; Endangered Species Act; the Clean Water Act; and Executive Orders on Floodplains (11988), Wetlands (11990), and Environmental Justice (12898).*

The goal of these compliance requirements is to protect our nation's water, air, coastal, wildlife, agricultural, historical, and cultural resources, as well as to minimize potential adverse effects to low-income and minority populations. Any project with the potential to

impact natural or biological resources or historic properties cannot be initiated until FEMA has completed the required EHP review. Any projects that have been initiated prior to EHP approval will result in a non-compliance finding and will not be eligible for funding. Please see the Manual for more information.

Royalty-free License

Recipients are advised that FEMA reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (a) the copyright in any work developed under an award or sub-award; and (b) any rights of copyright to which an award recipient or sub-recipient purchases ownership with Federal support. Award recipients must agree to consult with FEMA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

FEMA GPD Publications Statement

Recipients are advised that all publications created with funding under any grant award shall prominently contain the following statement: "This document was prepared under a grant from the Federal Emergency Management Agency's Grant Programs Directorate (FEMA/GPD) within the U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA/GPD or the U.S. Department of Homeland Security."

Equipment Marking

Recipients and subrecipients will mark equipment purchased with funding from the SD Office of Homeland Security with a U.S. Department of Homeland Security identifier to the extent possible. Please see Manual for more information.

Disadvantaged Business Requirement.

Recipients are advised that, to the extent that recipients of a grant use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.

National Preparedness Reporting Compliance.

The *Government Performance and Results Act of 1993* (Public Law 103-62) requires that the Department of Homeland Security collect and report performance information on all programs. Award recipients must agree to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within their grant agreement. This includes any assessments, audits, or investigations conducted by DHS, the Office of the Inspector General, or the Government Accountability Office (GAO).

28 CFR Part 23 Guidance.

FEMA requires that any information technology system funded or supported by these funds comply with 28 CFR Part 23, *Criminal Intelligence Systems Operating Policies*, if this regulation is determined to be applicable.

Freedom of Information Act (FOIA).

FEMA recognizes that much of the information submitted in the course of applying for funding under this program or provided in the course of its grant management activities may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the *Freedom of Information Act* (FOIA), 5 U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office, and may likely fall within one or more of the available exemptions under the Act. The recipient is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment, and strategic planning process. The grantee should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information.

Protected Critical Infrastructure Information (PCII).

The PCII Program, established pursuant to the *Critical Infrastructure Act of 2002* (Public Law 107-296) (CII Act), created a framework which enables members of the private sector, States, local jurisdictions, and tribal nations to voluntarily submit sensitive information regarding critical infrastructure to DHS. The Act provides statutory protection from public disclosure and civil litigation for CII that is validated as PCII. When validated as PCII, the information can only be shared with government employees who complete the training requirement, who have homeland security duties, and a need to know. For additional information about PCII or the accreditation process, please contact the DHS PCII Program Office at pcii-info@dhs.gov .