



SOUTH DAKOTA
HOMELAND SECURITY

Grant Administrative Manual

Updated May 2012



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Introduction

This manual provides a guideline for the administration of federal grants issued through the South Dakota Department of Public Safety, Office of Homeland Security.

The Office of Homeland Security administers the State Homeland Security Program grant for South Dakota. Changes have been made by the U.S. Department of Homeland Security for grant programs starting in grant year 2012; a number of separate grant programs have been combined into the State Homeland Security Program. The Buffer Zone, Interoperable Emergency Communications Grant Program, Driver License Security, and Citizen Corps Program are no longer separate grants; the activities and costs for these programs are allowable under the State Homeland Security Program.

The Office of Homeland Security is supported 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, Governor's Office of Tribal Relations, Bureau of Information Technology, Homeland Security Regional Managers and Coordinators, Native American Tribes, 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, Emergency Medical Services, Highway Patrol, Homeland Security), SD Fusion Center, SD National Guard, Sheriffs Association, State Radio Communications and the US Department of Homeland Security.

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

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Section 1

General Grant Information

The Office of Homeland Security provides support to state agencies, law enforcement, counties, cities, tribes, and citizens to protect and recover from acts of terrorism and other catastrophic events.

Homeland Security projects supported through this office focus on building and maintaining protection capabilities across the state, expanding regional collaboration, strengthening interoperable communications, and improving capabilities to detect and respond to hazardous materials and other disasters.

A. Administration of Federal Funds

Federal departments award funds appropriated by Congress to a State Administrative Agency (SAA) or grantee. For purposes of this administrative manual, the SD Office of Homeland Security is the SAA. Recipients of grant awards through this office are referred to as a *subgrantee*, which are typically state agencies and local governments such as counties, cities, and tribes.

Eighty percent (80%) of the funding the SAA receives through State Homeland Security Program grant is passed through to local governments through an application and award process. The SAA monitors the progress of subgrantee projects to measure their progress; ensure compliance with the federal requirements, conditions, and purposes of the grant; identify technical assistance needs; and provide guidance for future projects. A portion of the local pass-through is used for statewide special programs that benefit local agencies. These special programs are agreed upon by local governments through reimbursement agreements.

The following are standard conditions that apply to U.S. Department of Homeland Security grants:

- All federal Department of Homeland Security grant programs must follow the principles of the National Incident Management System (NIMS). NIMS provides standards that ensure compatible equipment, training, and procedures across all responders. Standardization enables independent agencies to work together in an emergency. State Administrative Agencies and subgrantees must be NIMS compliant. Please see the following link for NIMS information <http://www.fema.gov/emergency/nims/AboutNIMS.shtm> .
- Communication and data system equipment acquired through federal Department of Homeland Security grant programs must be interoperable with the State Radio System. This ensures that independent agencies can communicate with each other when necessary.
- Equipment must be defined as *allowable* under the specific grant program on the Federal Emergency Management Administration (FEMA) Authorized Equipment List (AEL) and must be approved by the SAA.

- Subgrantees must be aware of and adhere to all requirements, special conditions and assurances described in this manual. A list of terms and conditions subgrantees must agree to can be found in Appendix A.
- State Homeland Security Grants require that at least 25% of the grant award be expended on law enforcement activities.

B. 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. More information is available at <http://www.fema.gov/plan/ehp/index.shtm> .

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

Subgrantees are required to complete and submit the EHP Screening Form to the SAA with the required photos and other documentation before starting projects that require EHP approval. The SAA will submit the approval request to FEMA; when approval or denial is received, the SAA 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.

C. Publications

When subgrantees develop materials for publication, they must submit a plan for publication and distribution of new self-authored commercial publications to the SAA 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.

Section 2

South Dakota Homeland Security Investments

A. National Preparedness Goal

The U.S. Department of Homeland Security issued the National Preparedness Goal in September 2011. The Goal describes 31 core capabilities necessary to manage threats and hazards that jeopardize the security of the United States. The core capabilities cover the five Homeland Security mission areas: prevention, protection, mitigation, response, and recovery. The core capabilities can overlap more than one mission area.

Beginning in grant year 2012, each state may select up to ten core capabilities as their funding *investments*. South Dakota has chosen nine investments essential to the state. All projects funded with State Homeland Security Program funding will fall under an investment. The South Dakota investments are described below.

1. Cybersecurity

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

Examples: equipment and software that protects electronic communication systems; cybersecurity training and exercises; and personnel (includes contractors) for protection of public critical infrastructure such as Supervisory Control and Data Acquisition (SCADA) systems.

2. Interdiction and Disruption

This investment enables law enforcement to intercept terrorism threats and conduct counterterrorism operations.

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

3. Operational Communications

This investment supports the SD Public Safety Communication Council statewide plan, State Radio compatible equipment, training, and exercises that assure that public safety agencies can exchange critical information when needed.

Examples: digital State Radio compatible radios; radio signal amplifiers; repeaters; interoperable communication training and exercises; and narrowbanding.

4. Operational Coordination

This investment includes establishing NIMS compliant command, control, and coordination structures to meet basic human needs, stabilize incidents, and transition to recovery.

Examples: ICS Training; EMI professional development training; emergency operations center or mobile command equipment; and incident command structure training and exercises.

5. Planning

This investment includes strategic planning, preparedness reports, 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; and 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 investment protects critical infrastructure by providing threat assessments, ACAMS assessments, security equipment and training, and Citizen Corps Program activities.

Examples: risk and vulnerability training and assessments; generators for public shelters and critical infrastructure; security equipment; and Citizen Corps Program expenses.

8. Screening, Search, and Detection

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

Examples: fire and rescue equipment, training, and exercises; CBRNE 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: Personnel and equipment needed to operate the Fusion Center.

Section 3

Subgrantee Application Process

The Office of Homeland Security makes application materials available to all county and tribal emergency managers, county commissions, tribal boards, law enforcement associations, and other interested parties. The application materials are available on the Office of Homeland Security website or upon request.

A. Application and Programmatic Award Process

1. As per grant requirements, at least 25% of the grant awards must be for law enforcement projects. The Office of Homeland Security will provide each region with a minimum funding allocation for law enforcement and an allocation for discretionary projects. Law enforcement projects can also be funded with discretionary funding.
2. Counties and tribes will be provided with training and resources from the SD Office of Homeland Security to assist with selection of appropriate projects for their community.
3. Project applications from counties and tribes will be submitted to a regional review committee for funding consideration.
4. Each county and tribe may have two representatives on the review committee; one representative must be a law enforcement representative.
5. The regional committee votes to determine what applications they recommend for funding.
6. The Regional Coordinators will schedule the regional review committee meetings.
7. Regional committees will forward the project applications recommended for funding to the Office of Homeland Security for final review. Projects will be reviewed to assure compliance with federal requirements.
8. Counties and tribes who are awarded funding will be asked to sign an agreement stating that they will follow federal and state terms and conditions (Appendix A).
9. Once the agreement is signed and returned to the Office of Homeland Security, the Director of Homeland Security will sign the agreement.
10. Counties and tribes will receive a copy of the final completed agreement indicating that projects can go forward.

- B.** If the project involves ground disturbance, installation of equipment, or involves any other Environmental or Historic Preservation (EHP) issues, the emergency manager or project manager must submit a request for EHP approval to the SD Office of Homeland Security before the project begins. Once EHP approval is received, the project can go forward.

Section 4

Grant Award Limitations

A. Donations or Contribution of Funds

Federal grant award subgrantees are not authorized to donate or contribute funds as per 2 CFR Part 225 (OMB Circular A-87) which states,

Donations and contributions rendered. Contributions or donations, including cash, property, and services, made by the governmental unit, regardless of the recipient, are unallowable.

B. Timelines for Projects

Subgrantees must describe a timeline for completion or acquisition of all projects in the application. In the event that a project is delayed, the SAA may cancel the project with de-obligation of funds and re-allocation to another subgrantee for other projects.

C. Revisions

Projects that have received an award under a competitive application process cannot change the scope of the programmatic activities or purpose of the project.

D. Re-allocation of Unspent Funds

Federal law mandates that unspent federal funds must be returned to the federal government at the end of the grant period. Consequently, the SAA will de-obligate and re-allocate unspent funds when sufficient time remains in the grant period for the expenditure of funds to complete new projects. Unfunded projects that were received in the original grant application will be given consideration for funding with re-allocated dollars. Re-allocated funds will be awarded on a competitive basis.

E. Grant Extensions

Requests for an extension to the grant period from subgrantees will be limited to circumstances that are beyond the control of the subgrantee; extensions must be requested in writing to the SAA.

Section 5

Purchasing

A. Compliance with Federal Purchasing Policies

Counties and cities must follow their county or city purchasing procedures provided they are compliant with the 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.

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.

B. Excluded Parties List

Federal funds cannot be paid to any person or organization on the Excluded Parties List (EPLS). The Federal government maintains the www.epls.gov website to track individuals and companies that are prohibited from doing business with the Federal government. For any contract or payment \$25,000 or over, subgrantees must check the EPLS before entering into an agreement or contract.

When checking the EPLS for a potential contractor, it is recommended that you print the report and save the page to an EPLS file. During an audit, the report will provide documentation of checking vendors or consultants against the EPLS list.

Subgrantees are required to avoid conflicts of interest or noncompetitive practices which may restrict or eliminate competition or otherwise restrain trade. 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](#) .

C. Competitive Bidding

1. Items Requiring Federal Approval

Although items may be on federal and/or state contracts, subgrantees must receive prior written approval from the SAA and federal awarding agency for those items which require prior federal approval (e.g. vehicles, boats, helicopters, etc). The SAA will notify the subgrantee when a determination has been received from the federal awarding agency.

2. 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, etc). Information on items that are on the GSA Schedule may be found at www.gsaschedule.com .

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.

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.

3. 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.

4. 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 SAA.

D. Government Agencies Without Purchasing Policy or Non-Government

Local governments should use their own purchasing policy. If they do not have a policy, they must use the State Purchasing Policy. The following is an outline of the State Purchasing Policy and it applies to local government subgrantees without a purchasing policy and non-government subgrantees.

Goods and Services

1. 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;
2. Agencies may make purchases of goods or services not exceeding \$25,000 and not available on a state contract by obtaining three written proposals.
3. 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.
4. 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.
5. Make purchases from contracts issued by the United States General Services Administration (GSA) that are open to state and local government purchasing.

Printing

1. Printing less than \$1,000 can be purchased from one quote.

2. 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.
3. Printing greater than \$25,000 requires the agency to advertise for competitive sealed proposals.

E. 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 SAA or any of its duly authorized representatives upon request.

In order to receive reimbursement for these purchases, the subgrantee must submit a Payment Request Form to the SAA, or regional emergency management agency if applicable, along with the quote(s) and the invoice from the chosen vendor.

F. Equipment

1. Under federal Department of Homeland Security grant guidelines, equipment must be "allowable" on the Approved Equipment List (AEL) at www.rkb.us under the appropriate grant program.

In addition, all equipment must be approved by the SD Office of Homeland Security to be reimbursed and the purpose of the equipment linked to a South Dakota Homeland Security Investment Justification.

Requests for vehicles, trailers, etc., must have written approval from the U.S. Department of Homeland Security. This approval process will be coordinated by the SAA.

2. Requested equipment that is not listed as allowable on the AEL may only be purchased after receiving a written waiver from the U.S. Department of Homeland Security (DHS). A formal written justification for the equipment must be submitted to the SAA who will forward the justification to DHS. This investment justification must include: the reason why there is a need for the equipment, how the purchase will support the State Homeland Security Strategy, the price of the equipment, the grant year and grant number. The grant number is available from the SAA. The SAA will notify the subgrantee of DHS's decision.

G. Maintenance, Warranties and Service of Equipment

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. The SAA must approve these costs prior to expenditure.

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.

H. 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:

- All Vehicles
- 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

Section 6

Property Management

A. Property and Equipment Records

Federal guidelines and regulations require subgrantees to be prudent in the acquisition and management of property acquired with federal funds. Subgrantees must assure an effective system for property management exists.

1. Subgrantee Inspection of Equipment

It is the responsibility of the subgrantee to inspect equipment upon receipt. The subgrantee is permitted to delegate the responsibility of inspecting the equipment to the end-user. If the equipment is not inspected upon receipt and, at a later date, the equipment is found to be faulty or the order incomplete, the subgrantee will assume responsibility for all costs (including original invoiced amount, shipping, handling, re-stocking and/or applicable taxes) related to replacing or repairing the damaged, incomplete, or incorrect equipment. When such equipment cannot be replaced or repaired, the SAA will take steps to recover these costs from the subgrantee since they are unallowable under the federal grant guidelines.

2. Equipment Transfer/Disposal Form

A subgrantee must inform the SAA within 30 days when transferring or disposing of equipment. Subgrantees must submit all such changes on the Equipment Transfer/Disposal Form, available on the SD Office of Homeland Security website at http://dps.sd.gov/homeland_security/homeland_security_grants.aspx and retain a copy of the form in the applicable federal grant file and in the agency's capital asset inventory.

3. Subgrantees must maintain mileage logs for vehicles procured with federal funds. The SAA may request mileage records at any time for a vehicle procured with federal funds to verify allowable vehicle use.

4. Subgrantees are required to provide proper training to those assigned to use equipment purchased with federal funds.

B. Equipment Inventory System

A subgrantee must maintain a capital asset/equipment inventory system for items that cost \$5,000 or more and are purchased as per 44 CFR § 13.32. The SAA is required to monitor capital assets/equipment; monitoring is described in a subsequent section of this manual.

1. Subgrantees are required to maintain accurate property and equipment records. These property and equipment records shall include:

- a. Description of the property (including make and model)
- b. Manufacturer's serial number or other identification number
- c. Vendor (source of the property)
- d. Acquisition date

- e. Cost of the property
- f. Percentage of federal participation in the cost of the property
- g. Location of the equipment
- h. Use and condition of the equipment as of the date the information is reported
- i. Ultimate disposition including the date of disposal, sale, or transfer

2. Conduct a Physical Equipment Inventory

Federal policy requires equipment purchased with federal funds to be inventoried every two years. Equipment must be tracked beyond the performance period of the reimbursement agreement, continuing until the end of the equipment life cycle.

Equipment should be inspected for a U.S. Department of Homeland Security identifier as described above.

3. Implement Safeguards to Prevent Loss, Damage or Theft of Equipment

Equipment must be safeguarded to ensure prevention of loss, damage, or theft of the property. A subgrantee must submit a description of its control system either in its grant application or when otherwise requested by the SAA. Subgrantees are responsible for replacing or repairing the property which is willfully or negligently lost, stolen, damaged or destroyed. Any loss, damage or theft of the property must be investigated and fully documented, and made part of the official grant record. The investigation report and documentation shall be submitted to the SAA and kept in the agency's grant file.

4. Implement Equipment Maintenance Procedures

The end user of equipment must implement maintenance procedures to keep the property in good condition. Evidence of maintenance procedures will be reviewed as part of the monitoring process.

5. Disposition of Equipment

If equipment is disposed of, sold, or transferred, the subgrantee must notify the SAA by completion and submission of the Equipment Transfer/Disposal Form available on the SD Office of Homeland Security website at http://dps.sd.gov/homeland_security/homeland_security_grants.aspx.

See the Records Management section of this manual, contact the SAA, or see CFR 44 13:32 for more information about disposal and sale of equipment.

Section 7

Allowable Costs

The SAA must approve allowable expenditures; approval is based on the AEL, state priorities, and funding available. All Purchasing proposals for professional services must be obtained in writing and kept in the subgrantees grant file, available to the SAA upon request.

A. 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 SAA 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.

B. Goods and Services

1. 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

2. Office expenses, supplies, and support services

Office expenses, supplies, and support services are allowable provided that documentation is submitted that supports the necessity to approved grant projects.

3. Personnel Costs

- a. Direct costs related to management and administration of the grant program including salaries and fringe benefits are allowable. A "Direct Charge Certification" form, available from the SAA, must be completed and submitted semi-annually for personnel paid from Office of Homeland Security funds; if not paid for full-time services, timesheets and payroll records documenting hours worked are required for reimbursement.
- b. Direct costs related to planning, training and exercises of the grant program including the salaries and fringe benefits for personnel including planners, trainers, and exercise officers are allowable.
- c. Allowable training costs for applicable federal grants include overtime and backfill costs associated with attendance at federally funded and approved training courses (unless otherwise indicated by applicable grant guidance.)

C. Travel

1. 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 .
2. Travel expenses must follow current State rates described in this manual.
3. 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.

D. 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.

E. Basic Principles on Unallowable Costs

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

- “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
- Weapons and ammunition
- Public safety personnel costs for duties that aren’t specific to Homeland Security
- Construction and renovations
- 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

Section 8

Training and Exercises

A. General

Department of Public Safety (DPS) scheduled trainings will be available on the DPS website. More information is available by calling the SAA (see resource page) or the Office of Emergency Management Training and Exercise Coordinator at 605 773-3231.

Training conducted with U.S. Department of Homeland Security funding must demonstrate linkage to an investment justification. The portion of the State Homeland Security Grant funds allocated to law enforcement may be used for a range of law enforcement terrorism prevention related training and equipment to enhance the capabilities of state and local law enforcement personnel.

Training for citizens in preparedness, prevention, response skills, and volunteer activities is coordinated through local Citizen Corps Councils (CCP), under the administration of the Office of Emergency Management, CCP Coordinator, who can be reached at 605 773-3231.

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

B. ICS Instructor Qualifications

FEMA requires instructors to have appropriate credentials to teach ICS courses. Instructors must meet the following standards for ICS training to be reimbursed through the SAA.

The Department of Public Safety will credential ICS instructors through verification of instructor qualifications before reimbursement will be paid.

ICS-100: Instructor Qualifications (available online or in classroom setting)

1. Successful completion of accredited ICS-100, ICS-200, and IS-700.A.
2. Service in a mid-level emergency management and incident response position within five years in real-world incidents, planned events, or accredited exercises.
3. Recognized qualifications in techniques of instruction and adult education methodologies.

ICS-200: Instructor Qualifications (available online or in classroom setting)

1. Successful completion of accredited ICS-100, ICS-200, IS-700.A, and IS-800.B.
2. Service in a mid-level emergency management and incident response position within five years in real-world incidents, planned events, or accredited exercises.
3. Recognized qualifications in techniques of instruction and adult education methodologies.

ICS-300: Instructor Qualifications (requires classroom setting)

1. Successful completion of accredited ICS-100, ICS-200, ICS-300, ICS-400, IS-700.A, and IS-800.B.

2. Service in a mid-level incident management position within five years in real-world incidents, planned events, or accredited exercises.
3. Recognized qualifications in techniques of instruction and adult education methodologies.

ICS 400: Instructor Qualifications (requires classroom setting)

1. Successful completion of accredited ICS-100, ICS-200, ICS-300, ICS-400, IS-700.A, and IS-800.B.
2. Service in a mid-level emergency management and incident response position within five years in real-world incidents, planned events, or accredited exercises.
3. Recognized qualifications in techniques of instruction and adult education methodologies.

C. Standards for Exercise Coordinators

Exercise coordinators are required to have taken the following courses, or their equivalents, to be reimbursed through the SAA as compensation for coordinating exercises. The Department of Public Safety will credential exercise coordinators through verification of qualifications before reimbursement will be reimbursed.

The current version of the required courses are available online as independent study courses through the Emergency Management Institute at <http://training.fema.gov/IS/> .

- | | |
|-------------------------|---|
| 1. IS-100 or equivalent | Introduction to Incident Command System |
| 2. IS-120 or equivalent | An Introduction to Exercises |
| 3. IS-130 or equivalent | Exercise Evaluation and Improvement Planning |
| 4. IS-200 or equivalent | ICS for Single Resources and Initial Action Incidents |
| 5. IS-230 or equivalent | Fundamentals of Emergency Management |
| 6. IS-700 or equivalent | NIMS An Introduction |
| 7. IS-800 or equivalent | National Response Framework, An Introduction |

The following courses are required and are classroom courses, not available online. Please contact the Department of Public Safety for available courses.

- | | |
|-------------------------|--|
| 1. IS-300 or equivalent | Incident Command System, Intermediate |
| 2. IS-400 or equivalent | Incident Command System, ICS, Advanced |

Recommended courses, any HSEEP course such as:

- HSEEP Training Toolkit Course
- HSEEP Training Course L-146
- HSEEP Train-the-Trainer Course L-147

D. HSEEP National Exercise Standard

Exercises that are reimbursed by the SAA must be compliant with the Homeland Security Exercise and Evaluation Program (HSEEP). HSEEP is a national standard for all exercises.

Through exercises, the National Exercise Program supports organizations to achieve objective assessments of their capabilities so that strengths and areas for improvement are identified, corrected, and shared as appropriate prior to a real incident.

Exercises must be posted to the National Exercise Schedule System (NEXS) found on the HSEEP website and must follow the HSEEP Tool Kit. To access the HSEEP website, HSEEP toolkit, and NEXS, please see <https://hseep.dhs.gov/> .

E. Reimbursement for Training and Exercises

1. The subgrantee that *hosts* a training event must use standard purchasing procedures for professional services and provide:
 - a. Name and contact information of the instructor(s)
 - b. Instructors must be credentialed by the SD Department of Public Safety by supplying required certifications for teaching courses listed above (one-time)
 - c. An agenda or course curricula
 - d. Legible class roster with each individual's affiliation
 - e. Make a portion of class participant slots open to other jurisdictions
 - f. Course evaluations must be available upon request by the SAA

2. To be reimbursed for attending *independent training events*, the subgrantee must provide documentation of the event including:
 - a. agenda or syllabus that describes the Homeland Security justification
 - b. copy of the registration or invitation letter showing the instructor(s) contact information
 - c. Travel Payment Detail form or local equivalent form with any required receipts
 - d. signed Payment Request Form

Section 9

Fiscal Responsibility

A. Quarterly Balances

Subgrantees will receive a copy of their grant balances on a quarterly basis from the SAA. Subgrantees must confirm the accuracy of the information. If there are any discrepancies, the subgrantee must report them to the SAA within 10 working days.

B. Reimbursement Request

Payment requests will be returned unprocessed to the subgrantee if they are incomplete.

Reimbursement requests must be submitted from the subgrantee to the SD Office of Homeland Security within **45** days of the expenditure. Subgrantees failing to meet this requirement, without prior written approval, are subject to de-obligation of funds.

The following items must be included with the Payment Request Form:

1. Payment Request Forms must have a signature verifying the receipt of the goods or services.
2. Indicate the grant year you are drawing the funds from and the funding category such as discretionary or law enforcement.
3. Please do not submit more than one year and funding category on each form
4. Travel and training receipts for hotels, registration, fuel, contractors, etc. if applicable
5. Invoices if applicable; we cannot accept proposals
6. Rosters for all trainings and exercises if applicable
7. An agenda or outline of the curricula for all trainings, conferences, and exercises if applicable
8. Travel reimbursement requests must include departure and arrival times, meals and lodging claimed, and mileage or fuel costs to and from the training event. If an agency does not have its own travel reimbursement form, a Travel Detail Worksheet is available to use on the SD Office of Homeland Security grant forms webpage at http://dps.sd.gov/homeland_security/homeland_security_grants.aspx .

C. Supplemental Documentation

1. Personnel

A "Direct Charge Certification" form, available from the SAA, must be completed and submitted semi-annually for personnel paid from Office of Homeland Security funds; if not paid for full-time services, timesheets and payroll records documenting hours worked are

required for reimbursement. An employee time record must be completed for each person paid for part-time work on the grant. Submit actual expenses from your payroll records. Federal regulations prohibit the practice of charging the grant according to the amount derived from dividing the personnel costs reflected in the grant by the number of months in the grant.

2. Travel

The SD Office of Homeland Security will reimburse travel expenses at the current South Dakota state travel reimbursement rates. Travel expenses must have prior approval through inclusion in the grant application and budget detail worksheet or other written approval from the SD Office of Homeland Security. 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.

Subgrantees must provide a completed Travel Detail Worksheet or approved equivalent form with receipts for lodging, airfare, ground transportation, registration fees, and miscellaneous allowable expenses. For private vehicles, mileage will be calculated by distance traveled and meals are reimbursed based on departure and return times. Please see Section 6 Allowable Costs above.

D. Match Requirements

If applicable to the subgrantee grant award:

1. No match is required for State Homeland Security Program grant funds.
2. Match is restricted to the same use of funds and compliance requirements as are expenditures reimbursed by federal funds.
3. Cash match and in-kind contributions/match must be used for allowable costs in compliance with federal regulations and grant program guidance.
4. Federal funds cannot be used to match other federal funds. State and local funds can match federal funds.
5. Matching funds and contributions must be in addition to and supplement funds that would otherwise be available for the grant project activity.
6. Documentation for matching funds is the same as for reimbursable expenditures.

E. Federal Funding Accountability and Transparency Act (FFATA)

1. 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).
2. FFATA requires disclosure to the public of federal spending through a single searchable database, www.USAspending.gov.
3. 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.

Section 10

Monitoring

The Office of Homeland Security, as a federal grantee, is responsible for monitoring subgrantees to ensure fiscal, compliance, and programmatic responsibilities are fulfilled based upon the regulations cited in Code of Federal Regulations, Title 44.

Monitoring may be performed by a team or individual from the SD Office of Homeland Security and/or other representatives of the SD Department of Public Safety. The team monitors the subgrantees' activities from award to closeout. Monitoring federal grants includes programmatic, financial, and capital/fixed asset (equipment) monitoring.

A. On-Site Monitoring

The monitoring team will contact the subgrantee to schedule an on-site monitoring visit, briefing the subgrantee on what monitoring areas and equipment assessed at \$5,000 or over will be monitored. The subgrantee will be asked to provide equipment location information in advance of the site visit to ensure on-site time is focused on monitoring assets instead of spending time locating said equipment. In addition, the monitoring team may request a copy of the agency's capital asset/equipment, property disposition, and purchasing policies prior to the monitoring visit.

The monitoring team will visit the site where equipment that has been purchased with federal grant funds is located. The equipment will be inspected for proper marking as directed by federal regulations including inventory coding, security, maintenance logs, use logs and equipment condition.

If the subgrantee has received subgrants under several programs, all program grants are reviewed and monitored at the same time if possible.

B. Desk Monitoring

The monitoring team may choose to accomplish programmatic and financial monitoring by reviewing files and other documents relevant to a reimbursement agreement or other SAA funded project. Desk monitoring will include discussions with the subgrantee over the phone or via email rather than face-to-face as described in on-site monitoring above.

Section 11

Records Management

A. Documentation

Records management is essential to ensure requirements are achieved and documented. All 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. Please reference relevant sections of this manual and the Code of Federal Regulations, Title 44 Part 13.

B. Property

Property records (including equipment) 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.

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.

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 subgrant 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:

1. 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 SAA.
2. Items of equipment with a current per-unit fair market value in excess of \$5,000 may be retained or sold and the SAA shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the SAA's share of the equipment.
3. Equipment may be transferred to another agency with written approval from the SAA. Disposal, sale, or transfer of property must be documented with the execution of the Equipment Disposal/Transfer Form available on the SD Office of Homeland Security website at http://dps.sd.gov/homeland_security/homeland_security_grants.aspx . A copy of

the Equipment Disposal/Transfer Form must be retained for the useful life of the equipment which may extend beyond the grant period and required three year record retention.

C. Grant Files

The SD 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 SAA.
2. Copy of the award document, approved budget items, revision requests, and special conditions.
3. Copies of all reimbursement requests.
4. For items \$25,000 and above, copies of verification that individual or agencies are not on the Excluded Parties List verification.
5. Copies of the grant funded capital asset inventory and Equipment Disposal/Transfer Forms (or local agency equivalent transfer forms).
6. Copies of all time and attendance documentation for grant funded personnel.
7. Copies of monitoring reports completed by the SD Office of Homeland Security.
8. Copies of EHP approvals if applicable.
9. Copies of all grant related correspondence and documentation.

Financial files:

- a. Copies of all financial reports, including balance reconciliation documentation, and copies of corresponding invoices and proof of payment documents.
- b. Copies of completed audits which are relative to the grant project.

Section 12

Grant Closeout

A. Grant Closeout Timeline

All expenditures must be incurred by the subgrantee before the close of the grant award period. Requests for reimbursement must be received by the SD Office of Homeland Security within 45 days of the end of the grant award period. The SD Office of Homeland Security has no obligation to reimburse requests for payments received after 45 days after the end of the grant award period. Final reimbursement will be processed when all required documentation has been received.

Awarded funds not expended within the grant period will be de-obligated by the SD Office of Homeland Security. De-obligated funds may be reallocated through an independent application and award process.

The closeout of a grant does not affect the SAA's right to disallow costs and recover funds based on a later audit.

Subgrantees are required to retain grant records and documentation for a minimum of three years unless superseded by federal or state statute after the final reports are submitted. The SD Department of Public Safety, the federal awarding agency, and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts and transcripts.

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.

Forms and Resources

Forms and 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/>
- FEMA List of Acronyms: http://www.fema.gov/pdf/plan/prepare/faatlist07_09.pdf
- The following website accesses to the FEMA Authorized Equipment List: <https://www.rkb.us>

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APPENDIX A: Reimbursement Terms and Conditions

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 under 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 http://dps.sd.gov/homeland_security/homeland_security_grants.aspx or upon request from the State.

2. NIMS Compliant

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

3. 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.

4. 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.

5. 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.

6. Recipients agree to only purchase equipment listed in the FEMA *Authorized Equipment List*. To access the FEMA *Authorized Equipment List*, see www.rkb.us .
7. 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. Equipment valued at \$5,000 or above must be inventoried according to the local capital asset policy. If no local policy exists, the State capital asset policy will be followed. 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.
8. 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.
9. Food, beverages, and mileage or fuel may be reimbursed according to State policy for approved Homeland Security work-related activities.
10. 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.
11. 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. For more information, refer to 44 CFR Part 13.36 link: http://149.168.212.15/mitigation/Library/44_CFR-Part_13.pdf .
12. 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.epls.gov .
13. 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.
14. Recipients will follow their local purchasing policy or, if there is no local policy, recipients must follow the State purchasing policy; please see the Homeland Security Administrative Manual for more information.
15. Recipients must obtain written approval from the State prior to execution of contracts funded with Homeland Security Grant funds.
16. Recipients agree that when grant funds are used to harden/secure a critical infrastructure, an Automated Critical Asset Management System (ACAMS) security assessment of the critical infrastructure will be performed.
17. 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.
18. Recipients agree to maintain all records and other information relevant to Homeland Security Grant Program awards for a period of three (3) years after final payment is made. If an audit, litigation or other action involving the records is started before the end of the three-year period, the records will be retained until all issues arising out of the action are resolved.
19. 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 (see <http://www.fema.gov/government/grant/hsgp>).

A non-exclusive list of regulations applicable to DHS 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)
- 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.epls.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.