

**The Department of Homeland Security (DHS)  
 Notice of Funding Opportunity (NOFO)  
 Fiscal Year 2022  
 Building Resilient Infrastructure and  
 Communities**

Effective April 4, 2022, the Federal Government transitioned from using the Data Universal Numbering System or DUNS number, to a new, non-proprietary identifier known as a Unique Entity Identifier or UEI. For entities that had an active registration in the System for Award Management (SAM) prior to this date, the UEI has automatically been assigned and no action is necessary. For all entities filing a new registration in SAM.gov on or after April 4, 2022, the UEI will be assigned to that entity as part of the SAM.gov registration process.

UEI registration information is available on GSA.gov at: [Unique Entity Identifier Update | GSA.](#)

Grants.gov registration information can be found at: <https://www.grants.gov/web/grants/register.html>. Detailed information regarding UEI and SAM is also provided in Section D of this NOFO.

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## **A. Program Description**

### **1. Issued By**

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Resilience/Federal Insurance and Mitigation Administration (FIMA)/Mitigation Directorate/Hazard Mitigation Assistance (HMA) Division

### **2. Assistance Listings Number**

97.047

### **3. Assistance Listings Title**

Building Resilient Infrastructure and Communities

### **4. Funding Opportunity Title**

Fiscal Year 2022 Building Resilient Infrastructure and Communities (BRIC)

### **5. Funding Opportunity Number**

DHS-22-MT-047-00-98

### **6. Authorizing Authority for Program**

Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended (Pub. L. No. 93-288) (42 U.S.C. § 5133).

### **7. Appropriation Authority for Program**

Section 203(i) of the Stafford Act, as amended (Pub. L. No. 93-288) (42 U.S.C. § 5133) and Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) (2021).

### **8. Announcement Type**

Initial

### **9. Program Category**

Mitigation: Natural Hazards

## **10. Program Overview, Objectives, and Priorities**

### **a. Overview**

The Building Resilient Infrastructure and Communities (BRIC) grant program makes federal funds available to states, U.S. territories, federally recognized Tribal governments,<sup>1</sup> and local governments for hazard mitigation activities. It does so with a recognition of the growing hazards associated with climate change<sup>2</sup>, and of the need for natural hazard risk mitigation activities that promote climate adaptation and resilience with respect to those hazards. These include both acute extreme weather events and chronic stressors which have been observed

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<sup>1</sup> The term “federally recognized Tribal government,” as used in this NOFO, has the same meaning as “Indian Tribal government,” as defined at 42 U.S.C. § 5122(6).

<sup>2</sup> Climate change is defined as “Changes in average weather conditions that persist over multiple decades or longer. Climate change encompasses both increases and decreases in temperature, as well as shifts in precipitation, changing risk of certain types of severe weather events, and changes to other features of the climate system” (Fourth National Climate Assessment).

and are expected to increase in intensity and frequency in the future.

Awards made under this NOFO will be funded, in whole or in part, with funds appropriated by the Infrastructure Investment and Jobs Act, also more commonly known as the Bipartisan Infrastructure Law (BIL). The BIL is a once-in-a-generation investment in infrastructure, which will grow a more sustainable, resilient, and equitable economy by enhancing U.S. competitiveness, driving the creation of good-paying jobs with the free and fair choice to join a union, and ensuring stronger access to economic and environmental benefits for disadvantaged communities. The BIL appropriates billions of dollars to FEMA to promote resilient infrastructure, respond to the impacts of climate change, and equip our nation with the resources to combat its most pressing threats.

FEMA will provide financial assistance to eligible BRIC applicants for the following activities:

- (1) Capability- and Capacity-Building (C&CB) activities,<sup>3</sup> which enhance the knowledge, skills, expertise, etc., of the current workforce to expand or improve the administration of mitigation assistance. This includes activities in the following sub-categories: building codes activities, partnerships, project scoping, hazard mitigation planning and planning-related activities, and other activities;
- (2) Hazard Mitigation Projects (construction)– cost-effective projects designed to increase resilience and public safety; reduce injuries and loss of life; and reduce damage and destruction to property, critical services, facilities, and infrastructure (including natural systems) from a multitude of natural hazards and the effects of climate change; and
- (3) Management Costs – financial assistance to reimburse the recipient and subrecipient for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation measure or project in an amount up to 15 percent of the total amount of the grant award, of which not more than 10 percent of the total award amount may be used by the recipient and 5 percent by the subrecipient for such costs generally.

For more information about available assistance through the BRIC grant program, including how to submit various project types in FEMA’s Grant Outcomes System (FEMA GO), refer to BRIC program support materials accessible at

<https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities/resources>.

FEMA is expanding investment in the BRIC non-financial Direct Technical Assistance to at least 40 communities in FY22 to help build capacity and capability at the local level. To be considered for non-financial Direct Technical Assistance, communities may apply online at <https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities/direct-technical-assistance>.

In addition, FEMA is transforming Direct Technical Assistance to a more flexible, customer-

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<sup>3</sup> BRIC Policy FP-104-008-05 lists, as primary examples of C&CB, activities which: expand or improve the administration of mitigation assistance; mitigate risk by creating and supporting partnerships; develop or update mitigation priorities and plans; pursue project-scoping activities; or establish, adopt, and enforce building codes and standards consistent with applicable law.

focused format to support more communities with building and sustaining successful mitigation programs, submitting high-quality applications, and implementing new and innovative projects that reduce risk and increase resilience. FEMA will share additional information about Direct Technical Assistance with stakeholders and through its website: <https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities/resources>.

The BRIC Program aligns with the goal of promoting resilience and adaptation in light of current risks, including those posed by climate change, and the [2020-2024 DHS Strategic Plan](#) through Goal 5: Strengthen Preparedness and Resilience. Specifically, Objective 5.1: Build a National Culture of Preparedness has several sub-objectives that the BRIC Program supports. BRIC serves primarily to bolster Sub-Objective 5.1.1: Incentivize investments that reduce risk and increase pre-disaster mitigation, including expanding the use of insurance to manage risk through funding hazard mitigation projects, particularly ones that reduce risk to infrastructure. Additionally, the capability- and capacity-building (C&CB) activities that BRIC funds also contribute to other sub-objectives. For example, planning, partnerships, and project scoping efforts help improve awareness initiatives to encourage public action to increase preparedness (Sub-Objective 5.1.2), use lessons from past disasters and exercises to inform community investment decisions and anticipate challenges that may emerge during future disasters (Sub-Objective 5.1.3), and coordinate and guide continuity of operations activities through partnerships with government and non-government stakeholders (Sub-Objective 5.1.5). The BRIC Program is also meant to promote the goal of equity, by helping members of particularly overburdened and underserved communities,<sup>4</sup> who might be at heightened risk as a result of current hazards, including those associated with climate change.

The [2022-2026 FEMA Strategic Plan](#) outlines a bold vision and three ambitious goals designed to address key challenges the agency faces during a pivotal moment in the field of emergency management: Goal 1 - Instill equity as a foundation of emergency management, Goal 2 - Lead the whole of community in climate resilience, and Goal 3 - Promote and sustain a ready FEMA and prepared nation. One of BRIC's purposes is to help achieve the goals of the 2022-2026 FEMA Strategic Plan. In particular, the BRIC Program supports Objective 1.2: Remove barriers to FEMA programs through a people first approach, Objective 1.3: Achieve equitable outcomes for those we serve, and Objective 2.2: Build a climate resilient nation. BRIC also supports the National Mitigation Investment Strategy and the FIMA Fiscal Year (FY) 21-23 Mitigation Strategy by advancing hazard mitigation investment to reduce risks posed by natural hazards and increasing the nation's resilience to natural hazards.

For more detailed program information, please go to [Building Resilient Infrastructure and Communities \(BRIC\)](#).

#### ***b. Objectives***

With a general focus on disasters, risks, and hazards, including those associated with climate change, the guiding principles of the program are to:

- (1) support state and local governments, tribes, and territories through capability- and capacity-building to enable them to identify mitigation actions and implement projects that

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<sup>4</sup> Underserved communities is defined in [Executive Order \(EO\) 13985: Advancing Racial Equity and Support for Underserved Communities through the Federal Government](#), and cited in the [2022-2026 FEMA Strategic Plan](#).

- reduce risks posed by natural hazards;
- (2) encourage and enable innovation while allowing flexibility, consistency, and effectiveness;
  - (3) promote partnerships and enable high-impact investments to reduce risk from natural hazards with a focus on critical services and facilities, public infrastructure, public safety, public health, and communities;
  - (4) provide an opportunity to reduce future losses and minimize impacts on the Disaster Relief Fund;
  - (5) promote equity, including by helping members of overburdened and underserved groups and prioritizing 40 percent of the benefits to disadvantaged communities as referenced in [Executive Order \(EO\) 14008: Tackling the Climate Crisis at Home and Abroad](#) in line with the Administration's Justice40 Initiative; and
  - (6) support the adoption and enforcement of building codes, standards, and policies that will protect the health, safety, and general welfare of the public, taking into account future conditions, prominently including the effects of climate change, and have long-lasting impacts on community risk reduction, including for critical services and facilities and for future disaster costs.

In accordance with the BRIC program's guiding principle of promoting equity and in implementing the Justice40 Initiative, the BRIC program is prioritizing assistance that benefits disadvantaged communities as referenced in EO 14008 and subsequent guidance. A disadvantaged community may be characterized by variables including, but not limited to: low income, high and/or persistent poverty, high unemployment and underemployment, racial and ethnic segregation, particularly where the segregation stems from discrimination by government entities, linguistic isolation, high housing cost burden and substandard housing, distressed neighborhoods, high transportation cost burden and/or low transportation access, disproportionate environmental stressor burden and high cumulative impacts, limited water and sanitation access and affordability, disproportionate impacts from climate, high energy cost burden and low energy access, jobs lost through the energy transition, access to health care, and all geographic areas within Tribal jurisdictions.<sup>5</sup>

Four of the six BRIC qualitative evaluation criteria reflect the need for subapplications to speak to how the project will benefit disadvantaged communities:

- (1) Risk Reduction/Resilience Effectiveness,
- (2) Population Impacted,
- (3) Community Engagement and Other Outreach Activities, and
- (4) Leveraging Partners.

BRIC reduces the non-federal cost share from 25 percent to 10 percent for Economically Disadvantaged Rural Communities (EDRC) (defined in 42 U.S.C. § 5133(a) as small impoverished communities).

Additionally, in FY22 the BRIC program is using the Centers for Disease Control and Prevention (CDC) Social Vulnerability Index (SVI) as a tool to identify areas as disadvantaged. Areas with CDC SVI greater than or equal to 0.6, as well as Economically Disadvantaged Rural Communities and geographic areas within Tribal jurisdictions are considered disadvantaged.

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<sup>5</sup> See Executive Office of the President, Office of Management and Budget, Memorandum for the Heads of Departments and Agencies re: *Interim Implementation Guidance for the Justice40 Initiative*, 2-3 (July 20, 2021).

FEMA will review hazard mitigation project subapplications during the pre-award process that are competitive and otherwise eligible for selection where an EDRC, federally recognized Tribal government, or community with CDC SVI greater than 0.80 is unable to calculate a BCR to demonstrate cost-effectiveness. FEMA may assist such communities with developing a BCA. FEMA will release additional guidance for this approach for communities that may qualify for this consideration. In no case will FEMA award a hazard mitigation project that is not cost-effective.

**c. *Priorities***

For FY 2022, the priorities for the program are to incentivize natural hazard risk reduction activities that mitigate risk to public infrastructure and disadvantaged communities as referenced in EO 14008; incorporate [nature-based solutions](#) including those designed to reduce carbon emissions; enhance climate resilience and adaptation; and increase funding to applicants that facilitate the adoption and enforcement of the latest published editions of building codes. BRIC encourages hazard mitigation projects that meet multiple program priorities.

**11. Performance Measures**

BRIC aims to implement projects that reduce risks posed by natural hazards to reduce future losses, by funding priority projects and activities. Priorities include risk reduction of both acute events and chronic stressors, driven by climate change, which are either observed or expected. To achieve these goals, for FY 2022 BRIC is prioritizing the following types of projects: infrastructure<sup>6</sup> projects, projects that benefit disadvantaged communities as referenced in EO 14008, projects that incorporate nature-based solutions including those designed to reduce carbon emissions, climate change adaptation and resilience projects, and projects proposed by applicants who adopt and enforce mandatory Tribal-, territory-, or state-wide building codes based on the latest published editions of building codes. FEMA will measure the percent of dollars invested in these priorities, which will indicate that BRIC projects expect to meet the goal of reducing both risks posed by natural hazards and future losses. Specifically, FEMA will assess 1) priority projects federal share as a percent of total federal share national competition and 2) Justice40 federal share as a percent of total federal share.

**B. Federal Award Information**

<b>1. Available Funding for the NOFO:</b>	<b>\$2,295,000,000</b>
a. <b>State/Territory Allocation Subtotal:</b>	<b>\$ 112,000,000</b>
b. <b>Tribal Set-Aside Subtotal:</b>	<b>\$ 50,000,000</b>
c. <b>National Competition Subtotal:</b>	<b>\$2,133,000,000</b>

Any funds that are not awarded from the Tribal Set-Aside may be re-allocated to the national competition.

<b>State/Territory Maximum Allocation &amp; Activity Caps</b>	<b>\$2,000,000</b>
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<sup>6</sup> BRIC Policy FP-104-008-05 defines infrastructure as “critical physical structures, facilities, and systems that provide support to a community, its population, and economy.” This definition includes natural systems.

- The maximum allocation for a state or territory under this category is \$2,000,000, covering all activities/projects.
- Each state/territory may apply for up to \$2,000,000 in the State/Territory Allocation. The State/Territory Allocation may be used for C&CB activities and/or hazard mitigation projects. The combined cost for any C&CB activities and/or hazard mitigation projects under the State/Territory Allocation must not exceed \$2,000,000 federal cost share per applicant. Additionally, the applicant's highest ranked subapplication (C&CB activity or hazard mitigation project) for the State/Territory Allocation must not exceed \$2,000,000 federal cost share.
- Up to \$1,000,000 of the State/Territory Allocation may be used for hazard mitigation planning and planning-related activities per applicant.
- Up to 10 percent of any subapplication may be used for information dissemination activities, including public awareness and education (brochures, workshops, videos, etc.) related to a proposed C&CB activity or hazard mitigation project.

### **Tribal Set-Aside Activity Caps**

- The combined cost for any C&CB activities under the Tribal Set-Aside must not exceed \$2,000,000 federal cost share per applicant. Additionally, the applicant's highest ranked subapplication (C&CB activity) for the Tribal Set-Aside must not exceed \$2,000,000 federal cost share.
- Up to \$1,000,000 of the Tribal Set-Aside may be used for hazard mitigation planning and planning-related activities per applicant.
- Up to 10 percent of any subapplication may be used for information dissemination activities, including public awareness and education (brochures, workshops, videos, etc.) related to a proposed C&CB activity or hazard mitigation project.
- In the event that more than \$50,000,000 in subapplications is submitted under the Tribal Set-Aside, the C&CB activities and highest-ranked hazard mitigation project subapplications up to \$50,000,000 will be selected. Once the \$50,000,000 is selected, all remaining Tribal hazard mitigation project subapplications will be evaluated under the national competition.

### **National Competition Cap**

**\$50,000,000**

Applicants may submit an unlimited number of hazard mitigation project subapplications each valued up to \$50,000,000 federal share to the national competition.

- Up to 10 percent of any subapplication may be used for information dissemination activities, including public awareness and education (brochures, workshops, videos, etc.) related to a proposed hazard mitigation project.

## **2. Period of Performance: 36 months**

The Period of Performance (POP) is 36 months, starting on the date of the recipient's federal award. Any subsequent amendments to the federal award will not extend the POP unless explicitly stated. The applicant may submit a request for a longer POP in the application for FEMA to review and approve. A longer POP must be requested, documented, reasonable, and justified.

Extensions to the period of performance are allowed. For additional information on period of

performance extensions, please refer to Section H of this NOFO.

FEMA awards under most programs, including this program, only include one budget period, so it will be same as the period of performance. *See* 2 C.F.R. § 200.1 for definitions of “budget period” and “period of performance.”

- 3. Projected Period of Performance Start Date(s):** Will vary by award
- 4. Projected Period of Performance End Date(s):** 36 months from date of the award unless otherwise approved by FEMA
- 5. Funding Instrument Type:** Grant

### **C. Eligibility Information**

#### **1. Eligible Applicants**

- States
- District of Columbia
- U.S. territories
- Federally recognized Tribal governments

Each state, territory, the District of Columbia, and federally recognized Tribal government shall designate one agency to serve as the applicant for BRIC funding. The designee is strongly encouraged to conduct outreach with disadvantaged communities as referenced in EO 14008 prior to and during the application process. Each applicant’s designated agency may submit only one BRIC grant application to FEMA. Subapplications under which two or more entities would carry out the award are eligible, such as a multi-state or multi-Tribal initiative; however, only one entity may be the applicant with primary responsibility for carrying out the award.

Communities, including local governments, cities, townships, counties, special district governments, and Tribal governments (including federally recognized Tribal governments who choose to apply as subapplicants) are considered subapplicants and must submit subapplications for financial assistance to their state/territory/Tribal Applicant agency. Contact information for the State Hazard Mitigation Officers (SHMOs) is provided on the FEMA website at <http://www.fema.gov/state-hazard-mitigation-officers>.

#### **2. Applicant Eligibility Criteria**

- States and territories that have had a major disaster declaration under the Stafford Act in the 7 years prior to the annual application period start date are eligible to apply to FEMA for federal assistance under BRIC (applicants). As a result of numerous major disaster declarations, all states, territories, and the District of Columbia are eligible to apply in FY 2022.
- Federally recognized Tribal governments that have had a major disaster declaration under the Stafford Act in the 7 years prior to the annual application period start date or are entirely or partially located in a state or territory that had a major disaster declaration in the 7 years prior to the annual application period start date are eligible to apply to FEMA for federal assistance under BRIC as applicants or subapplicants to eligible states

and territories. As a result of numerous major disaster declarations, all federally recognized Tribal governments are eligible to apply in FY 2022.

- Local governments are eligible to apply to eligible states and territories for federal assistance under BRIC (subapplicants). Individuals, businesses, and non-profit organizations are not eligible to apply for BRIC funds; however, an eligible applicant or subapplicant may apply for funding on behalf of individuals, businesses, and non-profit organizations.
- Applicants are required to have a FEMA-approved State or Tribal Hazard Mitigation Plan in accordance with Title 44 of the Code of Federal Regulations (C.F.R.) Part 201 by the application deadline and at the time of obligation of the award. (Hazard mitigation planning subapplications submitted by applicants are exempt from this mitigation plan requirement).
- Subapplicants are required to have a FEMA-approved Local or Tribal Hazard Mitigation Plan in accordance with 44 C.F.R. Part 201 by the application deadline and at the time of obligation of grant funds for hazard mitigation projects. Subapplicants are exempt from the hazard mitigation plan requirement for the following C&CB activity types: (1) hazard mitigation planning and planning related activities, (2) partnerships, and (3) building codes. Federally recognized Tribal governments, submitting as subapplicants to a state or territory, are included in this exemption. A hazard mitigation plan is required for project scoping subapplications. Hazard mitigation plan integration, while not required to be eligible for BRIC, is encouraged. See Section H.15 for additional information. Local hazard mitigation plans must conform to the Local Plan Review Guide, or any subsequent local hazard mitigation planning guide that supersedes it.
- To be considered for financial assistance, all applicants must submit their FY 2022 BRIC grant applications to FEMA via FEMA GO (see Section D, Application and Submission Information).

### 3. Other Eligibility Criteria

- All activities under BRIC must be in conformance with all applicable environmental planning and historic preservation (EHP) laws, regulations, executive orders, and agency policies including:
  - 44 C.F.R. Part 9; DHS Directive 023-01 Rev 01, *Implementation of the National Environmental Policy Act* (October 31, 2014);
  - Instruction Manual 023-01-001-01 Rev 01, *Implementation of the National Environmental Policy Act (NEPA)* (November 6, 2014);
  - FEMA Directive 108-1, *Environmental Planning and Historic Preservation Responsibilities and Program Requirements* (October 10, 2018);
  - FEMA Instruction 108-1-1, *Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements* (October 10, 2018), accessible at <https://www.fema.gov/media-library/assets/documents/118323>. EHP Job Aids and Supplements are available on the FEMA website at <https://www.fema.gov/grants/mitigation/job-aids>
- All activities under BRIC must be in conformance with all applicable federal, state, Tribal, and local floodplain and land use laws and regulations including 44 C.F.R. § 60.3 (floodplain management criteria).
  - All non-critical structure elevation, dry floodproofing, and mitigation reconstruction projects in a Special Flood Hazard Area must apply, at a minimum,

the flood elevations of the Federal Flood Risk Management Standards Freeboard Value Approach. All other types of projects are strongly encouraged to apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach. See [EO 14030, Climate-Related Financial Risk](#) and [FEMA Policy #-206-21-0003, Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs \(Interim\)](#).

- For critical actions in the Special Flood Hazard Area, the elevation requirements from 44 CFR § 9.11 continue to apply. For any new construction or substantial improvement of structures, the lowest floor of the structure (including the basement) must be at or above the level of the 500-year flood.<sup>7</sup>
- Activities under BRIC must not duplicate activities that another federal agency or program has more specific authority to conduct.
- All activities under BRIC must be in conformance with any other criteria established by FEMA that is specific to the proposed activity, such as the criteria found in the most recent version of the [HMA Guidance](#).
- Construction activities for which ground disturbance has already been initiated or completed are not eligible for funding. Non-construction activities that have already started may not be considered for funding.
- C&CB activities should result in a resource, strategy, or tangible mitigation product that will reduce or eliminate risk and damage from future natural hazards, increase resilience, and promote a culture of preparedness.
- Hazard mitigation projects must be consistent with a State Mitigation Plan and Local or Tribal Mitigation Plan approved under 44 C.F.R. Part 201, or for federally recognized Tribal government acting as applicants, be consistent with a Tribal Mitigation Plan approved under 44 C.F.R. § 201.7. Applicants must identify in the BRIC application where specifically the needs for the proposed project types are referenced or included in the State or Tribal Hazard Mitigation Plan (page number, section title, etc.).
- Hazard mitigation projects must, at a minimum, be in conformance with the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs.
- Hazard mitigation projects should consider the amount of carbon emissions generated.
- Hazard mitigation projects must be technically feasible and effective.
- Hazard mitigation projects must solve a problem independently or constitute a functional portion of a long-term solution for which there is assurance that the project as a whole will be completed or there is a reasonable plan and available funding for completion.
- Hazard mitigation projects must be cost-effective and designed to increase resilience and reduce risk of injuries, loss of life, and damage and destruction of property, including critical services and facilities. This means the project, as documented by the applicant, achieves the following goals:
  - Addresses a problem that has been repetitive or that poses a risk to public health and safety and improved property if left unresolved;

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<sup>7</sup> In accordance with Section 2(a)(1) of EO 11988: Floodplain Management, as amended by EO 13690: Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, before taking an action, FEMA must determine whether a proposed action will occur in a floodplain.

- Satisfies applicable cost-effectiveness requirements in compliance with OMB Circular A-94;
- Contributes, to the extent practicable, to a long-term solution to the problem it is intended to address; and
- Accounts for long-term changes to the areas and entities it protects and has manageable future maintenance and modification requirements.
- If the hazard mitigation project is located in a Special Flood Hazard Area, it must meet all of the following conditions:
  - i. The project is in a jurisdiction participating in the National Flood Insurance Program that is not on probation, suspended, or withdrawn.
  - ii. The property owner obtains and maintains flood insurance for the life of the structure, regardless of transfer of ownership, in an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the mitigated property, whichever is less.
  - iii. The project complies with any FEMA directive or policy implementing the Federal Flood Risk Management Standards (FFRMS).<sup>8</sup>
- Applicants should utilize climate data to consider the effects of climate change including but not limited to: high winds and continued sea level rise and ensure responsible floodplain and wetland management based on the history of flood mitigation efforts and the frequency; duration, and intensity of precipitation events; exposure and sensitivity to extreme temperatures, including heat; drought; and wildfire.
- Applicants should consider their plan for conducting stakeholder engagement, and how they will engage with affected communities, particularly disadvantaged communities, to ensure that activities under BRIC are being responsive to community needs.
- When subapplications include an information technology or operational technology component as part of a larger project, FEMA will allow activities that enable greater community resilience through cybersecurity as eligible costs when those activities are performed in accordance with the cybersecurity performance goals for critical infrastructure and control systems directed by the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems, found at <https://www.cisa.gov/control-systems-goals-and-objectives>.
- FEMA encourages the use of environmentally friendly construction practices when completing BRIC hazard mitigation projects.
  - When subapplications include the use of concrete or asphalt products, FEMA encourages the inclusion of low embodied carbon concrete and environmentally preferable asphalt.
  - Subrecipients should ensure that federally-funded infrastructure investments reduce life cycle emissions of construction materials, specifically concrete, asphalt, and steel.
  - Subrecipients should request disclosure of Environmental Product Declarations (EPD) to evaluate and incentivize acquisition of these lower carbon materials.

#### 4. Cost Share or Match

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<sup>8</sup> On August 27, 2021, FEMA released FP-206-21-0003 Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs (Interim), available at [https://www.fema.gov/sites/default/files/documents/fema\\_policy-fp-206-21-0003-partial-mplementation-ffrms-hma-programs-interim.pdf](https://www.fema.gov/sites/default/files/documents/fema_policy-fp-206-21-0003-partial-mplementation-ffrms-hma-programs-interim.pdf).

**a. General**

Cost share is required for all subapplications funded under this program. Generally, the cost share for this program is 75 percent federal / 25 percent non-federal. This means federal funding is available for up to 75 percent of eligible costs. The remaining 25 percent of eligible costs must be derived from non-federal sources. For example, if the total cost of the activity is \$400,000 and the non-federal cost share is 25 percent, then the non-federal contribution is \$100,000: 25 percent of \$400,000 is \$100,000. This amount would be provided by the applicant. Likewise, the federal share of that activity would be \$300,000: 75 percent of \$400,000 is \$300,000. This amount would be provided by FEMA. FEMA will provide 100 percent federal funding for management costs.

The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. Cash and third-party in-kind matches must consist of eligible costs (i.e., same eligibility as the federal share). Applicants cannot apply other federal award funds toward the BRIC non-federal cost share unless the other federal statutory authority allows the funds to be used to meet cost-share requirements. For example, in certain situations, U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery (CDBG-DR) program funds, U.S. Small Business Administration Disaster Loans, United States Department of Agriculture Rural Development Single Family Direct Home Loans or Single Family Repair Loans, the Department of Defense's Readiness and Environmental Protection Integration (REPI) program, and others may be used towards the non-federal match. Additionally, certain American Rescue Plan funds may be used as non-federal cost share as determined by the Department of Treasury.<sup>9</sup> Refer to the HMA Cost Share Guide for more information at [https://www.fema.gov/sites/default/files/2020-08/fema\\_hma\\_cost-share-guide.pdf](https://www.fema.gov/sites/default/files/2020-08/fema_hma_cost-share-guide.pdf). FEMA encourages innovative use of public and private-sector partnerships to meet the non-federal cost share.

BRIC funding cannot be used as matching funds for another federal award. Additionally, third-party in-kind matches used to meet the matching requirement may not be used to meet matching requirements for any other federal program.

Ultimately, the recipient is responsible for ensuring that it contributes the proper cost share to its actual project costs. If actual total project costs exceed the projected total project costs stated in the federal award, the recipient will not receive any additional federal funding and will be responsible for contributing additional funds above the required cost match. If actual total project costs are less than the projected total project costs stated in the federal award, the recipient will be responsible for contributing a cost match calculated as a percentage of those actual project costs.

**b. Economically Disadvantaged Rural Communities**

The BRIC program term "Economically Disadvantaged Rural Communities" is synonymous with "small impoverished communities" as defined at 42 U.S.C. § 5133(a).

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<sup>9</sup> Treasury funds are available through the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program. According to U.S. Department of Treasury, the SLFRF program funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. See Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule at <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>.

Economically Disadvantaged Rural Communities are eligible for an increase in cost share up to 90 percent federal / 10 percent non-federal. Economically Disadvantaged Rural Community (EDRC) means a community of 3,000 or fewer individuals identified by the applicant that is economically disadvantaged, with residents having an average per capita annual income not exceeding 80 percent of the national per capita income, based on best available data.

The following entities may, by working in collaboration with an EDRC to build a subapplication, submit a subapplication **on behalf of** an EDRC: (1) applicants; or (2) local government subapplicants, including a school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law), regional or interstate government entity, or agency or instrumentality of a local government. An applicant or subapplicant applying on behalf of an EDRC must coordinate with the EDRC to include as part of the subapplication a letter authorizing the applicant or subapplicant to submit the subapplication on the EDRC's behalf. There is no required format for the authorizing letter, but it should contain the following information:

- Point of contact information, including a name, community, address, phone number, and email for both the EDRC and the applicant or subapplicant applying on behalf of the EDRC.
- A signature from an authorized representative of the EDRC.

An applicant or subapplicant applying on behalf of an EDRC will be eligible to receive up to a 90 percent federal cost share.

Applicants and subapplicants who apply as an Economically Disadvantaged Rural Community, or subapplicants who apply on behalf of one, must request the increased federal cost share amount in the Cost Share section of their C&CB activity and hazard mitigation project subapplication(s). Management costs are already 100 percent funded. Applicants must certify subapplicants' Economically Disadvantaged Rural Community status and provide documentation with the subapplication(s) to justify the increased federal cost share. If documentation is not submitted with the subapplication, then FEMA will provide no more than 75 percent federal cost share of the total eligible costs.

Federally recognized Tribal governments meeting the definition of an Economically Disadvantaged Rural Community that apply to FEMA directly as applicants are eligible for a 90 percent federal cost share for their subapplications, which make up their overall BRIC grant application.

**c. *Insular Areas***

For insular areas, including American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands, FEMA automatically waives the non-federal cost share for the recipient when the non-federal cost share for the entire award is under \$200,000. If the non-federal cost share for the entire award is \$200,000 or greater, FEMA may waive all or part of the non-federal cost share at the request of the recipient. The recipient may request the waiver in its application.

For more detailed program information, please go to [Building Resilient Infrastructure and Communities \(BRIC\) | FEMA.gov](#).

## **D. Application and Submission Information**

### **1. Key Dates and Times**

- a. Application Start Date:* **09/30/2022**
- b. Application Submission Deadline:* **1/27/2023 at 03:00:00PM ET**

All applications **must** be received by the established deadline. Please note that FEMA deadlines listed in this NOFO refer to application deadlines for the applicants. Subapplicants should consult with their applicant agency to confirm subapplication deadlines to the applicant if applicable.

FEMA’s Grants Outcomes System (FEMA GO) automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled “Timely Receipt Requirements and Proof of Timely Submission” in Section D of this NOFO.

**FEMA will not consider or review applications that are received after the deadline.**

**Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and no later than 3:00 PM ET on Wednesday, January 25, 2023.**

Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. “Timely notification” to FEMA means the following: 48 hours prior to the application deadline and within 48 hours after the applicant became aware of the issue. FEMA may extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline.

A list of FEMA contacts can be found in Section G of this NOFO, “DHS Awarding Agency Contact Information.” For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at [femago@fema.dhs.gov](mailto:femago@fema.dhs.gov) or (877) 585-3242, Monday through Friday, 8:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Program Analyst or Grants Management Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the Centralized Scheduling and Information Desk (CSID) by phone at (800) 368-6498 or by e-mail at [askcsid@fema.dhs.gov](mailto:askcsid@fema.dhs.gov), Monday through Friday, 9:00 AM – 5:00 PM ET.

### **c. Other Key Dates**

<b>Event</b>	<b>Suggested Deadline for Completion</b>
Obtaining Unique Entity Identifier (UEI) Number	Four weeks before actual submission deadline

Obtaining a valid Employer Identification Number (EIN)	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or updating SAM registration	Four weeks before actual submission deadline
Registering in FEMA GO	Four weeks before actual submission deadline
Submitting the final application in FEMA GO	By the submission deadline

## 2. Agreeing to Terms and Conditions of the Award

By submitting an application, applicants agree to comply with the requirements of this NOFO and the terms and conditions of the award, should they receive an award.

## 3. Address to Request Application Package

Applications are processed through the FEMA GO system. To access the system, go to <https://go.fema.gov/>.

Hard copies of the NOFO can be downloaded at [Grants.gov](https://www.grants.gov/) or obtained via email from the Awarding Office points of contact listed in Section G of this NOFO, “DHS Awarding Agency Contact Information” or by TTY (800) 462-7585.

## 4. Steps Required to Obtain a Unique Entity Identifier, Register in the System for Award Management (SAM), and Submit an Application

Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

Please review the table above for estimated deadlines to complete each of the steps listed. Failure of an applicant to comply with any of the required steps before the deadline for submitting an application may disqualify that application from funding.

To apply for an award under this program, all applicants must:

- a. Apply for, update, or verify their Unique Entity Identifier (UEI) number from SAM.gov and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide a UEI number;
- c. Have an account with [login.gov](https://login.gov/);
- d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
- e. Register in FEMA GO, add the organization to the system, and establish the Authorized Organizational Representative (AOR). The organization’s electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see <https://www.fema.gov/media-library/assets/documents/181607>;
- f. Submit the complete application in FEMA GO; and
- g. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information

on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

Applicants are advised that FEMA may not make a federal award until the applicant has complied with all applicable SAM requirements. Therefore, an applicant's SAM registration must be active not only at the time of application, but also during the application review period and when FEMA is ready to make a federal award. Further, as noted above, an applicant's or recipient's SAM registration must remain active for the duration of an active federal award. If an applicant's SAM registration is expired at the time of application, expires during application review, or expires any other time before award, FEMA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

Per 2 C.F.R. § 25.110(c)(2)(iii), if an applicant is experiencing exigent circumstances that prevents it from receiving a UEI number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible by contacting [askcsid@fema.dhs.gov](mailto:askcsid@fema.dhs.gov) and providing the details of the circumstances that prevent completion of these requirements. If FEMA determines that there are exigent circumstances and FEMA has decided to make an award, the applicant will be required to obtain a UEI number, if applicable, and complete SAM registration within 30 days of the federal award date.

## 5. Electronic Delivery

DHS is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. DHS encourages or requires applicants to submit their applications online through Grants.gov, depending on the funding opportunity.

For this funding opportunity, FEMA requires applicants to submit applications through FEMA GO.

## 6. How to Register to Apply

### a. General Instructions:

Registering and applying for an award under this program is a multi-step process and requires time to complete. Read the instructions below about registering to apply for FEMA funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

**The registration process can take up to four weeks to complete.** To ensure an application meets the deadline, applicants are advised to start the required steps well in advance of their submission.

Organizations must have a UEI number, an EIN, an active System for Award Management (SAM) registration and Grants.gov account to apply for grants.

**b. *Obtain an UEI Number:***

All entities applying for funding, including renewal funding, prior to April 4, 2022, must have a UEI number. Applicants must enter the UEI number in the applicable data entry field on the SF-424 form.

For more detailed instructions for obtaining a UEI number, refer to: [Sam.gov](https://sam.gov).

**c. *Obtain Employer Identification Number***

All entities applying for funding must provide an Employer Identification Number (EIN). The EIN can be obtained from the IRS by visiting: <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>.

**d. *Create a login.gov account:***

Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account here:

[https://secure.login.gov/sign\\_up/enter\\_email?request\\_id=34f19fa8-14a2-438c-8323-a62b99571fd3](https://secure.login.gov/sign_up/enter_email?request_id=34f19fa8-14a2-438c-8323-a62b99571fd3).

Applicants only have to create a login.gov account once. For applicants that are existing SAM users, use the same email address for the login.gov account as with SAM.gov so that the two accounts can be linked.

For more information on the login.gov requirements for SAM registration, refer to: <https://www.sam.gov/SAM/pages/public/loginFAQ.jsf>.

**e. *Register with SAM:***

All organizations applying online through Grants.gov must register with SAM. Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually.

For more detailed instructions for registering with SAM, refer to:

<https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>.

Note: As a new requirement per 2 C.F.R. § 25.200, applicants must also provide the applicant's immediate and highest-level owner, subsidiaries, and predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

**I. **ADDITIONAL SAM REMINDERS****

Existing SAM.gov account holders should check their account to make sure it is "ACTIVE." SAM registration should be completed at the very beginning of the application period and should be renewed annually to avoid being "INACTIVE." **Please allow plenty of time before the grant application submission deadline to obtain a UEI number and then to register in SAM. It may be four weeks or more after an applicant submits the SAM registration before the registration is active in SAM, and then it may be an additional 24 hours before FEMA's system recognizes the information.**

It is imperative that the information applicants provide is correct and current. Please ensure that your organization's name, address, and EIN are up to date in SAM and that the UEI number used in SAM is the same one used to apply for all other FEMA awards. Payment under any FEMA award is contingent on the recipient's having a current SAM registration.

## ii. **HELP WITH SAM**

The SAM quick start guide for new recipient registration and SAM video tutorial for new applicants are tools created by the General Services Administration (GSA) to assist those registering with SAM. If applicants have questions or concerns about a SAM registration, please contact the Federal Support Desk at [https://www.fsd.gov/gsafsd\\_sp](https://www.fsd.gov/gsafsd_sp) or call toll free (866) 606-8220.

### f. ***Register in FEMA GO, Add the Organization to the System, and Establish the AOR:***

Applicants must register in FEMA GO and add their organization to the system. The organization's electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see <https://www.fema.gov/media-library/assets/documents/181607>.

Note: FEMA GO will support only the most recent major release of the following browsers:

- Google Chrome
- Internet Explorer
- Mozilla Firefox
- Apple Safari
- Microsoft Edge

Users who attempt to use tablet type devices or other browsers may encounter issues with using FEMA GO.

## 7. **Submitting the Application**

Applicants will be prompted to submit the standard application information and any program-specific information required as described in Section D.10 of this NOFO, "Content and Form of Application Submission." The Standard Forms (SF) may be accessed in the Forms tab under the [SF-424 family on Grants.gov](#). Applicants should review these forms before applying to ensure they have all the information required. SF forms do not need to be submitted additionally as attachments.

After submitting the final application, FEMA GO will provide either an error message or a successfully received transmission in the form of an email sent to the AOR that submitted the application. Applicants using slow internet connections, such as dial-up connections, should be aware that transmission can take some time before FEMA GO receives your application.

For additional application submission requirements, including program-specific requirements, please refer to the subsection titled "Content and Form of Application Submission" under Section D of this NOFO.

## 8. **Timely Receipt Requirements and Proof of Timely Submission**

All applications must be completed in FEMA GO by the application deadline. FEMA GO automatically records proof of timely submission and the system generates an electronic

date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative (AOR) role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission on the date and time that FEMA GO received the application.

**Applicants who experience system-related issues will be addressed until 3:00 PM ET on Wednesday, January 25, 2023.** No new system-related issues will be addressed after this deadline. Applications not received by the application submission deadline will not be accepted.

## 9. Content and Form of Application Submission

### a. *Standard Required Application Forms and Information*

The following forms or information are required to be submitted via FEMA GO. They are automatically generated in FEMA GO; no additional attachment is needed. The Standard Forms (SF) are also available at <https://www.grants.gov/web/grants/forms/sf-424-family.html>.

- **SF-424, Application for Federal Assistance**
- **Grants.gov Lobbying Form, Certification Regarding Lobbying**
- **SF-424A, Budget Information (Non-Construction)**
  - **Forconstruction under an award, submit SF-424C, Budget Information (Construction)**, in addition to or instead of SF-424A
- **SF-424B, Standard Assurances (Non-Construction)**
  - **Forconstruction under an award, submit SF-424D, Standard Assurances (Construction)**, in addition to or instead of SF-424B
- **SF-LLL, Disclosure of Lobbying Activities**
- **Indirect Cost Agreement or Proposal** if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see Section D.13 of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

Generally, applicants have to submit either the non-construction forms (i.e., SF-424A and SF-424B) or construction forms (i.e., SF-424C and SF-424D), meaning that applicants that only have construction work and do not have any non-construction work need only submit the construction forms (i.e., SF-424C and SF-424D) and not the non-construction forms (i.e., SF-424A and SF-424B), and vice versa. However, applicants who have both construction and non-construction work under this program need to submit both the construction and non-construction forms.

### b. *Program-Specific Required Forms and Information*

The following program-specific forms or information are required to be submitted in FEMA GO:

- Applicants may require their subapplicants to complete and attach the grant application and/or Assurance and Certifications forms to their C&CB activity and hazard mitigation project subapplications in FEMA GO.
- Subapplicants should contact their applicant agency for information specific to their state/territory's/tribe's application process. Contact information for the SHMOs is provided on the FEMA website at <http://www.fema.gov/state-hazard-mitigation-officers>.
- All applicants must submit a BRIC grant application via FEMA GO by the application deadline to be considered for funding. The required format for BRIC applications and subapplications is built into FEMA GO.

## I. MANAGEMENT COSTS

Applicant requests for management costs must be submitted in a separate management costs subapplication in FEMA GO.

Applicants may submit up to 10 percent of the application budget inclusive of subapplicant management costs for applicants to administer and manage award and subaward activities. The subapplicant management costs (up to 5 percent) must be added to the subapplication total budget prior to the calculation of the applicant management costs (up to 10 percent).

Subapplicants may submit up to 5 percent of the total budget of the C&CB activity or hazard mitigation project for subapplicant management costs. The total budget refers to the sum of non-federal and federal shares of the proposed C&CB activity or hazard mitigation project. Subapplicants must use subapplicant management costs to manage their subaward activities.

Subapplicant management cost activities must be added to the Scope of Work section and identified as a line item in the Cost Estimate section of subapplications in FEMA GO. For additional information, please refer to Section D.12.II.c, Management Costs.

## 10. Other Submission Requirements

### a. *Benefit-Cost Analysis (BCA) for Hazard Mitigation Projects*

Applicants and subapplicants applying for hazard mitigation projects must provide a BCA or other documentation that validates cost-effectiveness. BCA is the method of estimating the future benefits of a project compared to its cost. The end result is a Benefit-Cost Ratio (BCR), which is derived from a project's total benefits divided by its total project cost. The total benefits and costs must be entered in the Cost-Effectiveness section of the project subapplication, and a FEMA-approved BCA must be attached as documentation, as applicable. C&CB activity and management costs subapplications do not require a BCA.

FEMA has created software to ensure that the BCR is calculated in accordance with FEMA's standardized methodologies and OMB Circular A-94. FEMA's BCA Toolkit is available on the FEMA website at [www.fema.gov/benefit-cost-analysis](http://www.fema.gov/benefit-cost-analysis). Version 6.0 or newer are the only versions FEMA will accept as documentation for demonstrating cost-effectiveness. A non-FEMA BCA methodology may only be used if pre-approved by FEMA in writing.

Applicants and subapplicants should place careful consideration on how their work would potentially benefit disadvantaged communities and minimize negative impacts to any disadvantaged populations. FEMA will work to ensure that at least 40 percent of the benefits go towards disadvantaged communities, in accordance with the Administration’s Justice40 Initiative.

FEMA will review hazard mitigation project subapplications during the pre-award process that are competitive and otherwise eligible for selection where an EDRC, federally recognized Tribal government, or community with CDC SVI greater than 0.80 is unable to calculate a BCR to demonstrate cost-effectiveness. FEMA may assist such communities with developing a BCA. FEMA will release additional guidance for this approach for communities that may qualify for this consideration. In no case will FEMA award a hazard mitigation project that is not cost-effective

For more information, visit the BCA webpage at <https://www.fema.gov/benefit-cost-analysis>.

**b. *Go/No-Go Milestones***

The subapplicant, in coordination with the applicant, must identify at least one or more Go/No-Go milestones in the work schedule for hazard mitigation projects submitted to the national competition that FEMA will review and approve. Hazard mitigation projects submitted under the state/territory allocation or Tribal set-aside do not require Go/No-Go milestones. A Go/No-Go milestone is a major milestone in the project that if not completed on time may result in a cancellation of the subaward. Progress towards meeting the Go/No-Go milestones must be reported in the quarterly progress reports submitted to the recipient and FEMA. At these Go/No-Go milestones, FEMA will evaluate project performance, schedule adherence, and contribution to FEMA’s program goals and objectives.

**c. *National Environmental Policy Act Requirements for Hazard Mitigation Projects***

Applicants and subapplicants applying for hazard mitigation projects must provide information needed to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321–4370h) and the related DHS and FEMA instructions and directives (i.e., DHS Directive 023-01,<sup>10</sup> DHS Instruction Manual 023-01-001-01,<sup>11</sup> FEMA Directive 108-1,<sup>12</sup> FEMA Instruction 108-1-1,<sup>13</sup> which can be accessed at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/laws/ehp-directive-instruction>). The required information is included in the subapplication in FEMA GO. EHP Job Aids and Supplements are available on the FEMA website at <https://www.fema.gov/grants/mitigation/job-aids> and <https://www.fema.gov/grants/guidance-tools/environmental-historic>. The required information is included in the subapplication in FEMA GO.

For more information, please go to <https://www.fema.gov/bric>.

**d. *Acquisition Project Requirements***

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<sup>10</sup> DHS Directive 023-01 is titled Implementation of the National Environmental Policy Act.

<sup>11</sup> DHS Instruction Manual 023-01-001-01 is titled Implementation of the National Environmental Policy Act (NEPA).

<sup>12</sup> FEMA Directive 108-1 is titled Environmental Planning and Historic Preservation Responsibilities and Program Requirements.

<sup>13</sup> FEMA Instruction 108-1-1 is titled Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements.

The subrecipient must provide FEMA with a signed copy of the Statement of Voluntary Participation for each property post-award. The Statement of Voluntary Participation formally documents the Notice of Voluntary Interest and information related to the purchase offer. The Statement of Voluntary Participation is available on the FEMA website at [https://www.fema.gov/sites/default/files/documents/fema\\_form-ff-206-fy-21-124.pdf](https://www.fema.gov/sites/default/files/documents/fema_form-ff-206-fy-21-124.pdf).

In undertaking a larger-scale migration or relocation effort that is intended to move structures out of high-risk areas, the subapplicant should consider how it can protect and sustain the impacted community and its assets. Accordingly, in undertaking a larger-scale migration or relocation effort, subapplicants must demonstrate to FEMA how they will resettle such areas in a way that mitigates future risk from natural hazards and increasing insurance costs resulting from continued occupation of high-risk areas, through mechanisms that can reduce risks and insurance costs, such as new land use development plans, building codes or construction requirements, protective infrastructure development, or restrictions on future disaster assistance to such properties.

Subrecipients must apply deed-restriction language to all acquired properties to ensure that the property is maintained in perpetuity as open space consistent with the conservation of natural floodplain functions, as agreed to by their accepting FEMA mitigation award funding. Deed-restriction language is applied to acquired properties by recording the open space and deed restrictions. The FEMA Model Deed Restriction is available at [https://www.fema.gov/sites/default/files/2020-08/fema\\_model-deed-restriction.pdf](https://www.fema.gov/sites/default/files/2020-08/fema_model-deed-restriction.pdf). Subrecipients, as well as recipients and FEMA, are responsible for enforcing open space restrictions pursuant to 44 C.F.R. Part 80 requirements.

## **11. Intergovernmental Review**

An intergovernmental review may be required. Applicants must contact their state's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372 (See <https://www.archives.gov/federal-register/codification/executive-order/12372.html>; <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>).

## **12. Funding Restrictions and Allowable Costs**

All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200, unless otherwise indicated in the NOFO, or the terms and conditions of the award. This includes, among other requirements, that costs must be incurred, and products and services must be delivered, within the period of performance of the award. *See* 2 C.F.R. § 200.403(h) (referring to budget periods, which for FEMA awards under this program is the same as the period of performance).

In general, the Cost Principles establish standards for the allowability of costs, provide detailed guidance on the cost accounting treatment of costs as direct or administrative costs, and set forth allowability principles for selected items of cost. More specifically, except as otherwise stated in this NOFO, the terms and condition of an award, or other program materials, costs charged to awards covered by this NOFO must be consistent with the Cost Principles for Federal Awards located at 2 C.F.R. Part 200, Subpart E. In order to be allowable, all costs charged to a FEMA award or applied to the cost share must be reasonable in nature and amount and allocable to the particular FEMA award.

Additionally, all costs charged to awards must comply with the grant program's applicable statutes, policies, requirements in this NOFO as well as with the terms and conditions of the award. If FEMA staff identify costs that are inconsistent with any of these requirements, these costs may be disallowed, and FEMA may recover funds as appropriate, consistent with applicable laws, regulations, and policies.

As part of those requirements, grant recipients and subrecipients may only use federal funds or funds applied to a cost share for the purposes set forth in this NOFO and the terms and conditions of the award, and those costs must be consistent with the statutory authority for the award.

Grant funds may not be used for matching funds for other federal grants/cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the federal government or any other government entity.

Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high-cost items and those subject to rapid technical advances. Large equipment purchases must be identified and explained. For more information regarding property management standards for equipment and federal procurement requirements, please reference 2 C.F.R. Part 200, available at [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)

***a. Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services***

Recipients and subrecipients of FEMA federal financial assistance are subject to the prohibitions described in section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Guidance is available at [FEMA Policy 405-143-1: Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services](#).

Additional guidance is available [Contract Provisions Guide: Navigating Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards](#).

**Effective August 13, 2020**, FEMA recipients and subrecipients **may not** use any FEMA funds under open or new awards to:

- (1) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- (2) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or

service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or

- (3) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

## I. DEFINITIONS

Per section 889(f)(2)-(3) of the FY 2019 NDAA and 2 C.F.R. § 200.216, covered telecommunications equipment or services means:

- i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
- ii. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
- iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or
- iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by the entities listed in the definition of “covered telecommunications equipment or services.” *See* 2 C.F.R. § 200.471.

### ***b. Pre-Award Costs***

Pre-award costs directly related to developing the BRIC grant application or subapplication that are incurred prior to the date of the grant award are allowed subject to FEMA approval at time of award. Such costs may have been incurred prior to application submission, for example gathering NEPA data or developing a BCA (see Section D, Application and Submission Information), preparing design specifications, or conducting workshops or meetings related to development and submission of subapplications. To be eligible for BRIC funding, pre-award costs must be identified in an individual line item in the cost estimate of the subapplication.

Pre-award costs may be cost shared or applicants and subapplicants may identify them as their non-federal cost share (see Section C, Eligibility Information, Cost Share or Match).

Costs associated with implementation of proposed projects in the submitted grant application or subapplication that are incurred prior to the date of the grant award are not allowed. Activities initiated or completed prior to the date of the grant award are generally not eligible.

If any pre-award activities related to developing a BRIC grant application or subapplication

result in ground disturbance, the applicant or subapplicant must comply with all applicable federal, state, and local laws and obtain any applicable environmental permits and clearances. The applicant or subapplicant must ensure monitoring of ground disturbance, and if any potential archaeological resources are discovered, work will immediately cease, and the appropriate state authority will be notified.

Applicants and subapplicants who are not awarded awards or subawards will not receive reimbursement for the corresponding pre-award costs.

**c. *Management Costs***

In addition to funding received as described in Section B.1, Available Funding for the NOFO, subapplicants may submit up to 5 percent of the total budget of the C&CB activity or hazard mitigation project for subapplicant management costs. The total budget refers to the sum of non-federal and federal shares of the proposed C&CB activity or hazard mitigation project. Subapplicants must use subapplicant management costs to manage their subaward activities. Subapplicant management cost activities must be added to the Scope of Work section and identified as a line item in the Cost Estimate section of subapplications in FEMA GO.

Applicants may submit up to 10 percent of the application budget inclusive of subapplicant management costs for applicants to administer and manage award and subaward activities. Applicant requests for management costs must be submitted in a separate management costs subapplication in FEMA GO (*see* Section D, Application and Submission Information, Content and Form of Application Submission).

The subapplicant management costs (up to 5 percent) must be added to the subapplication total budget prior to the calculation of the applicant management costs (up to 10 percent).

If the applicant is also implementing the award as the subapplicant, the applicant is allowed to claim subapplicant (up to 5 percent) and applicant management costs (up to 10 percent). Uses of the applicant management costs must be distinct from subapplicant management costs and must adhere to the stated uses, even if being used by the same entity. The total management costs still may not exceed 15 percent of the total award.

Management costs are governed by section 324 of the Stafford Act. Management costs are any indirect costs, any direct administrative costs, and other administrative expenses that are reasonably incurred in administering an award or subaward. Eligible applicant or subapplicant management cost activities may include:

- Solicitation, review, and processing of subapplications and subawards
- Subapplication development and technical assistance to subapplicants regarding feasibility and effectiveness and BCA
- Geocoding hazard mitigation projects identified for further review by FEMA
- Delivery of technical assistance (e.g., plan reviews, planning workshops, training) to support the implementation of mitigation activities
- Managing awards (e.g., quarterly reporting including managing Go/No-Go milestones for hazard mitigation projects submitted under the national competition, closeout)

- Technical monitoring (e.g., site visits, technical meetings)
- Purchase of equipment, per diem and travel expenses, and professional development that is directly related to the implementation of HMA programs
- Staff salary costs directly related to performing the activities listed above

## **E. Application Review Information**

### **1. Application Evaluation Criteria**

#### **a. Programmatic Criteria**

##### **i. Eligibility and Completeness Programmatic Review Criteria**

For all activities/projects under all applications, including for the State/Territory Allocation, Tribal Set-Aside, and national competition, FEMA will review applications and subapplications submitted by each applicant to ensure:

- Eligibility of the applicant and subapplicant;
- Eligibility of proposed activities and costs;
- Completeness of the subapplication;
- Cost-effectiveness and engineering feasibility of hazard mitigation projects;
- Eligibility and availability of the non-federal cost share; and
- Be consistent with approved State Mitigation Plan and Local and/or Tribal Hazard Mitigation Plan for hazard mitigation projects.

Subapplicants are exempt from the hazard mitigation plan requirement for the following C&CB activity types: (1) hazard mitigation planning and planning related activities, (2) partnerships and (3) building codes. A hazard mitigation plan is required for project scoping subapplications.

##### **ii. Additional Programmatic Review for the National Competition**

Subapplications submitted to the national competition that pass the eligibility and completeness programmatic review will be scored with technical evaluation criteria and may be scored with qualitative evaluation criteria, if applicable.

If needed, based on the number of subapplications submitted to the BRIC program, FEMA will use the technical evaluation criteria scoring as a program priority screening tool for the qualitative evaluation criteria review. FEMA will send subapplications valued at twice the amount of available funding to the BRIC National Review Panel.

At least one eligible subapplication from each applicant will be sent to the National Review Panel for review.

### **Technical Evaluation Criteria**

As set forth in the table below, FEMA will score subapplications using technical evaluation criteria. The technical evaluation criteria offer incentives for elements valued by FEMA. In order to ensure transparency and efficiency in competition project selection, technical evaluation criteria are binary point awards (with the exception of the tiered building codes and CDC SVI/EDRC designation criteria). Projects either receive the full points allotted or zero points for each criterion.

In FEMA GO, applicants will rank all subapplications (with C&CB activity subapplications ranked highest).

Technical Evaluation Criteria for the National Competition		
	Criteria	Potential Total Points
1	Infrastructure project <sup>14</sup>	20
2	Incorporation of nature-based solutions for hazard mitigation. For more information on potential nature-based solutions, please reference <i>Building Community Resilience with Nature-Based Solutions: A guide for local communities</i> .	10
3	Applicant has mandatory Tribal-, territory-, or state-wide building code adoption requirement (2015 version of International Building Code and International Residential Code)	10
	OR	OR
	Applicant has mandatory Tribal-, territory-, or state-wide building code adoption requirement (2018 or 2021 versions of International Building Code and International Residential Code)	20
4	Subapplicant has Building Code Effectiveness Grading Schedule (BCEGS) Rating of 1 to 5	20
5	Application generated from a previous <sup>15</sup> FEMA HMA Project Scoping award or any other federal grant award, or the subapplicant is a past recipient of BRIC non-financial Direct Technical Assistance	10
6	A non-federal cost share <sup>16</sup> of at least 30% (or, for Economically Disadvantaged Rural Communities as defined in 42 U.S.C. § 5133(a) as small impoverished communities, a non-federal cost share of at least 12%). To receive the full points, the federal share requested can be no more than 70% (or 88% for qualified EDRCs).	5
7	Any community with a CDC SVI of 0.60 to 0.79	15
	OR	OR

<sup>14</sup> BRIC Policy FP-104-008-05 defines infrastructure as “critical physical structures, facilities, and systems that provide support to a community, its population, and economy.” This definition includes natural systems.

<sup>15</sup> To receive the points for an application being generated from an HMA Advance Assistance or Project Scoping award or any other federal grant award please answer “Yes” to the question in FEMA GO that asks “Was this created from a previous FEMA HMA Project Scoping award?” and attach a PDF of the award letter to the application and provide the name of the attached file in the free text field that asks “If yes, please provide the project identifier.”

<sup>16</sup> For more information about cost share, refer to Section C.4 Cost Share or Match of this NOFO and the HMA Cost Share Guide at [https://www.fema.gov/sites/default/files/2020-08/fema\\_hma\\_cost-share-guide.pdf](https://www.fema.gov/sites/default/files/2020-08/fema_hma_cost-share-guide.pdf). This does not include 5% subrecipient management costs (which are funded at 100%).

Designation as an Economically Disadvantaged Rural Community (as defined in 42 U.S.C. § 5133(a) as a small impoverished community), or a federally recognized Tribal government, or any community with a CDC SVI of 0.80 or higher	30
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For more information regarding an applicant's code adoption status, please visit FEMA's Nationwide Building Code Adoption Tracking website at: <https://www.fema.gov/emergency-managers/risk-management/building-science/bcat>.

FEMA acknowledges the importance of using the latest building codes at the state, local, Tribal, and territorial levels. Accordingly, in future BRIC grant cycles, FEMA will increase its emphasis on building codes criteria.

Further details on technical evaluation criteria can be found through program support materials accessible at <https://www.fema.gov/bric> or through your Regional Office (see <https://www.fema.gov/about/contact>). For more information on nature-based solutions, please reference the *Building Community Resilience with Nature-Based Solutions Guide for Local Communities* at [https://www.fema.gov/sites/default/files/2020-08/fema\\_riskmap\\_nature-based-solutions-guide\\_2020.pdf](https://www.fema.gov/sites/default/files/2020-08/fema_riskmap_nature-based-solutions-guide_2020.pdf).

### **Qualitative Evaluation Criteria**

In order to increase transparency in decision-making while building capability and partnerships, FEMA will convene a National Review Panel to score subapplications based on qualitative evaluation criteria. The qualitative criteria are narrative submissions to allow subapplicants the flexibility to fully explain the strengths of the proposed project. Qualitative evaluation criteria have graded scales of point scoring.

<b>Qualitative Evaluation Criteria for the National Competition</b>			
	<b>Topic</b>	<b>Criteria</b>	<b>Potential Total Points</b>
1	<b>Risk Reduction/Resilience Effectiveness</b>	The subapplication details how the project will effectively reduce risk and increase resilience (including the benefits quantified in the BCA), realize ancillary benefits, and leverage innovation. For example, ancillary benefits could include how this project will reduce carbon emissions, or address inequities and provide the greatest support to those with greatest need, or that enable greater community resilience through cybersecurity in accordance with best practices and standards, etc. Additionally, ancillary benefits could include how this project supports mission areas of Non-Governmental Organizations (NGOs), community-based groups, and other partners. Leverages innovation could refer to leveraging	35

		collaborations and resources with NGOs, community-based groups, and other partners.	
2	<b>Climate Change and Other Future Conditions</b>	The subapplication describes how the project will enhance climate adaptation and resilience, details how the project is being responsive to the effects of climate change <sup>17</sup> (such as sea level rise <sup>18</sup> ) and/or other future conditions (population/demographic/land use, etc.), and cites data sources, assumptions, and models.	20
3	<b>Implementation Measures</b>	The subapplication adequately describes how the costs and schedule will be managed, how the project will be successfully implemented, and how innovative techniques to facilitate implementation will be incorporated. The project's scope of work identifies sufficient technical and managerial staff and resources to successfully implement this project. The subapplication should describe whether and how the project will incorporate strong labor standards to ensure high-quality work, avert disruptive and costly delays, and promote efficiency. For example, strong labor standards include use of project labor agreements (PLAs), requiring workers to be paid wages at or above the prevailing rate, use of local hire provisions, using a directly employed workforce (as opposed to a subcontracted workforce), use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded); and use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure).	15

<sup>17</sup> Climate change is defined as “Changes in average weather conditions that persist over multiple decades or longer. Climate change encompasses both increases and decreases in temperature, as well as shifts in precipitation, changing risk of certain types of severe weather events, and changes to other features of the climate system.” (Fourth National Climate Assessment)

<sup>18</sup> Applicants and subapplicants may use any valid source that is based on recognized sea level rise estimation methods for sea level rise. Several federal government sources are available for relative sea level rise data along coastal areas. Some of these sources include, but are not limited to National Oceanic and Atmospheric Administration Center for Operational Oceanographic Products and Services’ Mean Annual SLR Trend Data (<https://tidesandcurrents.noaa.gov/sltrends/sltrends.html>) and U.S. Army Corps of Engineers Sea-Level Change Curve Calculator (Version 2021.12) ([https://cwbi-app.sec.usace.army.mil/rccslc/slcc\\_calc.html](https://cwbi-app.sec.usace.army.mil/rccslc/slcc_calc.html)).

4	<b>Population Impacted</b>	The project subapplication demonstrates community-wide benefits and identifies the proportion of the population that will be impacted, including a description of the disadvantaged communities as referenced in <a href="#">EO 14008</a> . The subapplication also describes how the project was selected and designed to maximize positive impacts and minimize negative impacts to any disadvantaged populations. The subapplication demonstrates how disadvantaged communities as referenced in EO 14008 are benefited.	25
5	<b>Community Engagement and Other Outreach Activities</b>	The subapplication describes outreach strategy and supporting activities appropriate to the project and the community that advance mitigation. The subapplication also outlines the types of community planning processes leveraged and describes how input from a diverse range of stakeholders, including overburdened and underserved communities, was gathered and incorporated into project conception and design. Further, the subapplication outlines how such community planning and stakeholder input will continue to be used to help direct project execution.	5
6	<b>Leveraging Partners</b>	The project subapplication incorporates partnerships (e.g., state, Tribal, private, local community, etc.) that will ensure the project meets community needs, including those of overburdened and underserved populations, and show the outcome of those partnerships (e.g., leveraging resources such as financial, material, and educational resources, coordinating multi-jurisdictional projects, heightened focus on equity related issues, etc.)	15

Further details on qualitative evaluation criteria can be found through the Resources section accessible at <https://www.fema.gov/bric> or through your Regional Office (see <https://www.fema.gov/about/contact>).

**b. Financial Integrity Criteria**

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as enacted by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 (2020); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any Office of Management and Budget (OMB)-designated repositories of governmentwide eligibility qualification or financial integrity information, including whether the applicant is suspended or debarred.

FEMA may also pose additional questions to the applicant to aid in conducting the pre-award

risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

- i. Financial stability.
- ii. Quality of management systems and ability to meet management standards.
- iii. History of performance in managing federal award.
- iv. Reports and findings from audits.
- v. Ability to effectively implement statutory, regulatory, or other requirements.

**c. *Supplemental Financial Integrity Criteria and Review***

Prior to making a federal award where the anticipated total federal share will be greater than the simplified acquisition threshold, currently \$250,000:

- i. FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance and Integrity System](#) (FAPIIS).
- ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

**2. Review and Selection Process**

**a. *Review Process***

**i. *State/Territory Allocation***

Applicants must rank their subapplications. FEMA will select eligible C&CB activity and hazard mitigation project subapplications from eligible states, territories, and the District of Columbia in order of the applicant's rank (#1–x) to the lowest ranked subapplication that brings the total federal cost share to no more than \$2,000,000 per applicant. Subapplications submitted to the State/Territory Allocation and subapplications submitted to the National Competition should be categorized and ranked separately.

FEMA may select a subapplication out of priority order based on one or more of the following factors: (1) availability of funding; (2) duplication of subapplications; (3) program priorities and policy factors, including to benefit disadvantaged communities as referenced in EO 14008; or (4) other pertinent information, including past performance on other FEMA awards or grant balances.

**ii. *Tribal Set-Aside***

FEMA will select eligible C&CB activity and hazard mitigation project subapplications not to exceed a total of \$50 million.

In the event that more than \$50 million in subapplications are submitted under the Tribal Set-Aside, the C&CB activities and highest-ranked hazard mitigation project subapplications up to \$50 million will be selected. Once the \$50 million is selected, all remaining Tribal hazard mitigation project subapplications will be evaluated under the national competition.

FEMA may select a subapplication out of priority order based on one or more of the following factors: (1) availability of funding; (2) duplication of subapplications; (3) program priorities and policy factors, including to benefit disadvantaged communities as referenced in EO 14008; or (4) other pertinent information, including past performance on other FEMA awards or grant balances.

### iii. National Competition

FEMA will perform the technical evaluation according to the identified technical evaluation criteria and scoring. In FEMA GO, applicants will rank all subapplications. At its discretion, FEMA may consider using the technical evaluation criteria and/or state priority as a program priority screening tool to determine which applications will be reviewed by the National Review Panel for qualitative evaluation depending on the volume of subapplications.

A National Review Panel will perform the qualitative evaluation according to the identified qualitative evaluation criteria and scoring as identified previously. The National Review Panel will include representatives from relevant federal agencies as well as state, local, Tribal, and territorial partners.

A project's cumulative score from both qualitative and technical evaluations will determine its priority order among all projects considered in the national competition.

FEMA may select a subapplication out of priority order (as determined by the total points scored) based on one or more of the following factors: (1) availability of funding; (2) duplication of subapplications; (3) program priorities and policy factors, including to benefit disadvantaged communities as referenced in EO 14008; or (4) other pertinent information, including past performance on other FEMA awards or grant balances.

### b. Selection Status

After FEMA has completed its review of all subapplications across all activities/projects, it will assign each of them one of the following three statuses:

- **Identified for Further Review (IFFR)** – This means the subapplication is selected and there is available funding under the applicable subtotals. Additional information may be requested from the applicant at this stage that may impact eligibility. Identified for Further Review (IFFR) status does not automatically imply an award will be made.

Applicants with C&CB activity and/or hazard mitigation project subapplication(s) that are IFFR that submitted a management costs subapplication in their BRIC grant application (see Section D, Application and Submission Information, Content and Form of Application Submission) are eligible to receive applicant management costs not to exceed 10 percent of the selected C&CB activity and hazard mitigation project subapplications.

- **Not Selected** – This means the subapplication is eligible but was not selected due to a lack of available funding under the applicable subtotals.
- **Does Not Meet HMA Requirements** – This means the subapplication does not satisfy the eligibility or completeness requirements outlined in the statute, policy, or Section C.3.

### c. *Appeals*

An eligible applicant, subapplicant, recipient, or subrecipient may request an appeal of FEMA’s denial of its application or subapplication for hazard mitigation projects for which there is an indication of a substantive technical or procedural error.<sup>19</sup>

The appeal must be submitted according to the following procedures:

- The applicant or recipient must submit an appeal in writing to FEMA within 60 days after receipt of a notice of the action that is being appealed. The subapplicant or subrecipient must submit its appeal in writing to the applicant or recipient, after which the applicant or recipient must review and evaluate the subapplicant’s or subrecipient’s appeal before submission to FEMA.
- For denials of applications or subapplications for hazard mitigation projects, the appeal must identify any substantive technical or procedural error committed by FEMA, and FEMA will only consider the information provided in the application or subapplication as supporting documentation.

The applicant, subapplicant, recipient, or subrecipient will be notified in writing of the disposition of the appeal or the need for additional information. All appeal decisions are final.

## F. **Federal Award Administration Information**

### 1. **Notice of Award**

Before accepting the award, the AOR and recipient should carefully read the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. **Recipients must accept all conditions in this NOFO as well as any specific terms and conditions in the Notice of Award to receive an award under this program.**

FEMA will provide the federal award package to the applicant electronically via FEMA GO. Award packages include an Award Letter, Summary Award Memo, Agreement Articles, and Obligating Document. An email notification of the award package will be sent through FEMA’s grant application system to the Authorized Organization Representative (AOR) that submitted the application.

Recipients must accept their awards no later than 30 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award through the FEMA GO system.

Funds will remain on hold until the recipient accepts the award through the FEMA GO system and all other conditions of the award have been satisfied or until the award is

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<sup>19</sup> For information about appeals of a remedy FEMA has taken for noncompliance see section H.8 of this NOFO, Actions to Address Noncompliance.

otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds.

When FEMA obligates funds for a grant to an applicant, the applicant and subapplicant are denoted as recipient and subrecipient, respectively. The recipient and subrecipient agree to abide by the grant award terms and conditions as set forth in the Articles of Agreement provided in the award package. Recipients must accept all conditions in this NOFO as well as any Special Terms and Conditions.

FEMA or DHS may initiate a formal evaluation of programs, projects, or activities supported by this grant. By accepting grant funds, recipients agree to participate in the evaluation, which may include analysis of individuals who benefit from the grant (such as property owners), and providing access to program operating personnel and participants, as specified by the evaluator(s), including after the POP.

## **2. Administrative and National Policy Requirements**

In addition to the requirements of in this section and in this NOFO, FEMA may place specific terms and conditions on individual awards in accordance with 2 C.F.R. Part 200.

### ***a. DHS Standard Terms and Conditions***

All successful applicants for DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at: [DHS Standard Terms and Conditions](#).

The applicable DHS Standard Terms and Conditions will be those in effect at the time the award was made. What terms and conditions will apply for the award will be clearly stated in the award package at the time of award.

### ***b. Ensuring the Protection of Civil Rights***

As the Nation works towards achieving the [National Preparedness Goal](#), it is important to continue to protect the civil rights of individuals. Recipients and subrecipients must carry out their programs and activities, including those related to the building, sustainment, and delivery of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations.

Federal civil rights statutes, such as Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, along with FEMA regulations, prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, limited English proficiency, or economic status in connection with programs and activities receiving [federal financial assistance](#) from FEMA.

The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. These terms and conditions can be found in the [DHS Standard Terms and Conditions](#). Additional information on civil rights provisions is available at <https://www.fema.gov/about/offices/equal-rights/civil-rights>.

Monitoring and oversight requirements in connection with recipient compliance with federal civil rights laws are also authorized pursuant to 44 C.F.R. Parts 7 and 16.

In accordance with civil rights laws and regulations, recipients and subrecipients must ensure the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to overburdened and underserved communities that have been denied such treatment.

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

As a federal agency, FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by FEMA, including grant-funded projects, comply with federal EHP laws, Executive Orders, regulations, and policies, as applicable.

All non-critical new construction or substantial improvement of structures in a Special Flood Hazard Area must, at a minimum, apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach. All other types of projects may choose to apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach. See [Executive Order \(EO\) 14030, Climate-Related Financial Risk](#) and [FEMA Policy #-206-21-0003, Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs \(Interim\)](#).

**Recipients and subrecipients proposing projects that have the potential to impact the environment, including, but not limited to, the construction of communication towers, modification or renovation of existing buildings, structures, and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process.** The EHP review process involves the submission of a detailed project description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies.

DHS and FEMA EHP policy is found in directives and instructions available on the [FEMA.gov EHP page](#), the FEMA website page that includes documents regarding EHP responsibilities and program requirements, including implementation of the National Environmental Policy Act and other EHP regulations and Executive Orders. Individual FEMA programs have separate procedures to conduct and document EHP review. Guidance for individual grant programs is available from applicable program offices.

Presidential EOs 11988 and 11990: Protection of Wetlands, require that all federal actions in or affecting the floodplain or wetlands be reviewed for opportunities to relocate, and be evaluated for social, economic, historical, environmental, legal and safety considerations. FEMA's regulations at 44 C.F.R. Part 9 implement the EOs and require an 8-step review process if a proposed action is located in a floodplain or wetland consistent.

The regulation also requires that the federal agency provide public notice of the proposed action at the earliest possible time to provide the opportunity for public involvement in the decision-making process (44 C.F.R. § 9.8). Where there is no opportunity to relocate the federal action, FEMA is required to undertake a detailed review to determine what measures can be taken to minimize future damages to the floodplain or wetland.

Through this NOFO, FEMA is giving notice of projects that may be funded under the Building Resilient Infrastructure and Communities program, consistent with the requirements of Section 9.8. The public is invited to participate in the process of identifying alternatives to locating a proposed project in the floodplain or wetland and analyzing the impacts of the alternatives on the floodplain or wetland. Comments may be provided by emailing [ehphelp@fema.dhs.gov](mailto:ehphelp@fema.dhs.gov) within 15 days of its issuance. While analyzing alternatives, FEMA may determine there are no practicable alternatives to carrying out the proposed work within the floodplain or wetland. Relocating facilities may not be practicable and would adversely impact affected communities socially and economically.

In addition, no alternative actions may be practicable that serve the same purpose and have less potential to affect or be affected by the floodplain. The no action option would not be appropriate as it would fail to meet the purpose and need of the community. In the course of developing project proposals, subsequent public notices will be published, if necessary, as more specific information becomes available.

#### ***d. Construction Project Requirements***

Acceptance of federal funding requires FEMA, the recipient, and any subrecipients to comply with all federal, state, and local laws and regulations prior to the start of any construction activity. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding. Also:

- a. Any change to the approved scope of work will require re-evaluation by FEMA for recipient and subrecipient compliance with the NEPA and other laws and executive orders
- b. If ground-disturbing activities occur during construction, the recipient and any subrecipients must ensure monitoring of ground disturbance, and if any potential archaeological resources are discovered, the subrecipient will immediately cease construction in that area and notify the recipient and FEMA.

### **3. Reporting**

Recipients are required to submit various financial and programmatic reports as a condition of award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent.

#### ***a. Financial Reporting Requirements***

##### **I. FEDERAL FINANCIAL REPORT (FFR)**

Recipients must report obligations and expenditures through the FFR form (SF-425) to FEMA.

Recipients may review the Federal Financial Reporting Form (FFR) (SF-425) at <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortby=1>

Recipients must file the FFR electronically using FEMA GO.

## II. FFR REPORTING PERIODS AND DUE DATES

An FFR must be submitted quarterly throughout the POP, including partial calendar quarters, as well as in periods where no grant award activity occurs. The final FFR is due within 120 calendar days after the end of the POP. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate lack of progress, or are insufficient in detail.

Except for the final FFR due at 120 days after the end of the POP for purposes of closeout, the following reporting periods and due dates apply for the FFR:

Reporting Period	Report Due Date
October 1 – December 31	January 30
January 1 – March 31	April 30
April 1 – June 30	July 30
July 1 – September 30	October 30

### b. Programmatic Performance Reporting Requirements

#### I. PERFORMANCE PROGRESS REPORT (PPR)

In addition to the FFR reports, recipients must report on the progress of the grant on a quarterly basis to DHS/FEMA using the Quarterly Performance Report in FEMA GO. The Quarterly Performance Reports must be submitted electronically in FEMA GO quarterly throughout the POP, including partial calendar quarters, as well as for periods where no grant award activity occurs. Reports are due within 30 days from the end of the first federal quarter following the initial grant award and thereafter until the grant ends.

### c. Closeout Reporting Requirements

#### I. CLOSEOUT REPORTING

Within 120 calendar days after the end of the period of performance for the prime award or after an amendment has been issued to close out an award before the original POP ends, recipients must liquidate all financial obligations and must submit the following:

- i. The final request for payment, if applicable.
- ii. The final FFR (SF-425).
- iii. The final progress report detailing all accomplishments, including a narrative summary of the impact of those accomplishments throughout the period of performance.
- iv. Other documents required by this NOFO, terms and conditions of the award, or other FEMA guidance.
- v. An inventory of all construction projects that used funds from this program.

In addition, pass-through entities are responsible for closing out their subawards as described in 2 C.F.R. § 200.344; subrecipients are still required to submit closeout materials within 90 calendar days of the period of performance end date. When a subrecipient completes all closeout requirements, pass-through entities must promptly complete all closeout actions for

subawards in time for the recipient to submit all necessary documentation and information to FEMA during the closeout of the prime award.

After the prime award closeout reports have been reviewed and approved by FEMA, a closeout notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for at least three years from the date of the final FFR. The record retention period may be longer, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in 2 C.F.R. § 200.334.

The recipient is responsible for refunding to FEMA any balances of unobligated cash that FEMA paid that are not authorized to be retained per 2 C.F.R. § 200.344(d).

## II. ADMINISTRATIVE CLOSEOUT

Administrative closeout is a mechanism for FEMA to unilaterally move forward with closeout of an award using available award information in lieu of final reports from the recipient per 2 C.F.R. § 200.344(h)-(i). It is a last resort available to FEMA, and if FEMA needs to administratively close an award, this may negatively impact a recipient's ability to obtain future funding. This mechanism can also require FEMA to make cash or cost adjustments and ineligible cost determinations based on the information it has, which may result in identifying a debt owed to FEMA by the recipient.

When a recipient is not responsive to FEMA's reasonable efforts to collect required reports needed to complete the standard closeout process, FEMA is required under 2 C.F.R. § 200.344(h) to start the administrative closeout process within the regulatory timeframe. FEMA will make at least three written attempts to collect required reports before initiating administrative closeout. If the recipient does not submit all required reports in accordance with 2 C.F.R. § 200.344, this NOFO, and the terms and conditions of the award, FEMA must proceed to administratively close the award with the information available within one year of the period of performance end date. Additionally, if the recipient does not submit all required reports within one year of the period of performance end date, per 2 C.F.R. § 200.344(i), FEMA must report in FAPIIS the recipient's material failure to comply with the terms and conditions of the award.

If FEMA administratively closes an award where no final FFR has been submitted, FEMA uses that administrative closeout date in lieu of the final FFR submission date as the start of the record retention period under 2 C.F.R. § 200.334.

In addition, if an award is administratively closed, FEMA may decide to impose remedies for noncompliance per 2 C.F.R. § 200.339, consider this information in reviewing future award applications, or apply special conditions to existing or future awards.

### *d. Additional Reporting Requirements*

#### **I. DISCLOSING INFORMATION PER 2 C.F.R. § 180.335**

This reporting requirement pertains to disclosing information related to government-wide suspension and debarment requirements. Before a recipient enters into a grant award with

FEMA, the recipient must notify FEMA if it knows if it or any of the recipient's principals under the award fall under one or more of the four criteria listed at 2 C.F.R. § 180.335:

- i. Are presently excluded or disqualified;
- ii. Have been convicted within the preceding three years of any of the offenses listed in 2 C.F.R. § 180.800(a) or had a civil judgment rendered against it or any of the recipient's principals for one of those offenses within that time period;
- iii. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses listed in 2 C.F.R. § 180.800(a); or
- iv. Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

At any time after accepting the award, if the recipient learns that it or any of its principals falls under one or more of the criteria listed at 2 C.F.R. § 180.335, the recipient must provide immediate written notice to FEMA in accordance with 2 C.F.R. § 180.350.

## **II. REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE**

Per 2 C.F.R. Part 200, Appendix I § F.3, the additional post-award reporting requirements in 2 C.F.R. Part 200, Appendix XII may apply to applicants who, if upon becoming recipients, have a total value of currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies that exceeds \$10,000,000 for any period of time during the period of performance of an award under this funding opportunity.

Recipients that meet these criteria must maintain current information reported in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII at the reporting frequency described in paragraph 4 of Appendix XII.

## **III. SINGLE AUDIT REPORT**

For audits of fiscal years beginning on or after December 26, 2014, recipients that expend \$750,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report, also known as the single audit report.

The audit must be performed in accordance with the requirements of U.S. Government Accountability Office's (GAO) Government Auditing Standards, located at <https://www.gao.gov/yellowbook/overview>, and the requirements of Subpart F of 2 C.F.R. Part 200, located at <http://www.ecfr.gov/cgi-bin/text-idx?node=sp2.1.200.f>.

## **IV. COMPLIANCE WITH BUILD AMERICA, BUY AMERICA ACT**

Absent a waiver, an award made after May 14, 2022, under this program that will be used for infrastructure must comply with the Build America, Buy America Act (BABAA) (Pub. L. 117-58 §§ 70901-52). BABAA provides that none of the funds provided under an award made pursuant to this notice may be used for a project unless all iron, steel, manufactured products, and construction materials are produced in the United States. Further guidance and implementation requirements are forthcoming before January 1, 2023. Recipients can find more information on Build America, Buy America Act requirements and waivers at <https://www.fema.gov/grants/policy-guidance/buy-america>.

#### 4. **Monitoring and Oversight**

Per 2 C.F.R. § 200.337, FEMA, through its authorized representatives, has the right, at all reasonable times, to make site visits or conduct desk reviews to review project accomplishments and management control systems to review award progress and to provide any required technical assistance. During site visits or desk reviews, FEMA will review recipients' files related to the award. As part of any monitoring and program evaluation activities, recipients must permit FEMA, upon reasonable notice, to review grant-related records and to interview the organization's staff and contractors regarding the program. Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award.

Effective monitoring and oversight help FEMA ensure that recipients use grant funds for their intended purpose(s); verify that projects undertaken are consistent with approved plans; and ensure that recipients make adequate progress toward stated goals and objectives. Additionally, monitoring serves as the primary mechanism to ensure that recipients comply with applicable laws, rules, regulations, program guidance, and requirements. FEMA regularly monitors all grant programs both financially and programmatically in accordance with federal laws, regulations (including 2 C.F.R. Part 200), program guidance, and the terms and conditions of the award. All monitoring efforts ultimately serve to evaluate progress towards grant goals and proactively target and address issues that may threaten grant success during the period of performance.

FEMA staff will periodically monitor recipients to ensure that administrative processes, policies and procedures, budgets, and other related award criteria are meeting Federal Government-wide and FEMA regulations. Aside from reviewing quarterly financial and programmatic reports, FEMA may also conduct enhanced monitoring through either desk-based reviews, onsite monitoring visits, or both. Enhanced monitoring will involve the review and analysis of the financial compliance and administrative processes, policies, activities, and other attributes of each federal assistance award, and it will identify areas where the recipient may need technical assistance, corrective actions, or other support.

Financial and programmatic monitoring are complementary processes within FEMA's overarching monitoring strategy that function together to ensure effective grants management, accountability, and transparency; validate progress against grant and program goals; and safeguard federal funds against fraud, waste, and abuse. Financial monitoring primarily focuses on statutory and regulatory compliance with administrative grant requirements, while programmatic monitoring seeks to validate and assist in grant progress, targeting issues that may be hindering achievement of project goals and ensuring compliance with the purpose of the grant and grant program. Both monitoring processes are similar in that they feature initial reviews of all open awards, and additional, in-depth monitoring of grants requiring additional attention.

Recipients and subrecipients who are pass-through entities are responsible for monitoring their subrecipients in a manner consistent with the terms of the federal award at 2 C.F.R. Part 200, including 2 C.F.R. § 200.332. This includes the pass-through entity's responsibility to monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

In terms of overall award management, recipient and subrecipient responsibilities include, but are not limited to: accounting of receipts and expenditures, cash management, maintaining adequate financial records, reporting and refunding expenditures disallowed by audits, monitoring if acting as a pass-through entity, or other assessments and reviews, and ensuring overall compliance with the terms and conditions of the award or subaward, as applicable, including the terms of 2 C.F.R. Part 200.

By accepting the award, all recipients agree to participate in monitoring or an evaluation of this grant, which may include analysis of the impact and providing access to program operating personnel and participants, as specified by the evaluator(s). FEMA, through the BRIC program, encourages investments to protect communities and infrastructure. As part of performance evaluation and monitoring efforts, FEMA will conduct a series of grant effectiveness and cost-effectiveness case studies jointly with BRIC recipients to highlight how recipients and subrecipients have used the BRIC funds to increase resilience from natural hazards in their jurisdictions.

FEMA will not provide additional federal funding in the event of a cost overrun.

## **G. DHS Awarding Agency Contact Information**

### **1. Contact and Resource Information**

#### ***a. Program Office Contact***

General questions about the BRIC program can be directed to the appropriate FEMA Regional Office or SHMO. Contact information for FEMA Regional Offices is provided at <https://www.fema.gov/about/contact>. Contact information for the SHMOs is provided at <http://www.fema.gov/state-hazard-mitigation-officers>.

The HMA Helpline is available by telephone 1-866-222-3580.

For questions about cost-effectiveness and FEMA's BCA software, contact the BC Helpline by telephone 1-855-540-6744 or email [BCHelpline@fema.dhs.gov](mailto:BCHelpline@fema.dhs.gov).

The Building Science Helpline is available for guidance on FEMA Building Science publications by email [FEMA-BuildingScienceHelp@fema.dhs.gov](mailto:FEMA-BuildingScienceHelp@fema.dhs.gov).

A Helpline for guidance on FEMA Safe Room publications is available by email [Saferoom@fema.dhs.gov](mailto:Saferoom@fema.dhs.gov).

For questions about NEPA or EHP requirements, the EHP Helpline is available by telephone 1-866-222-3580 or email [ehhelpline@fema.dhs.gov](mailto:ehhelpline@fema.dhs.gov).

Resources intended to help applicants and subapplicants prepare C&CB activity (including planning) and hazard mitigation project subapplications are available on FEMA's HMA webpage at <https://www.fema.gov/bric> and <https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning/implementing>.

Resources intended to help applicants and subapplicants prepare mitigation plans and planning grants are available on FEMA's Mitigation planning webpage at [Hazard Mitigation Planning](#).

FEMA publications that specify the documentation and information necessary for FEMA to review project applications for feasibility and effectiveness, cost-effectiveness, and potential impacts on environmental and cultural resources are available on the FEMA website at <https://www.fema.gov/grants/guidance-tools>.

**b. *Centralized Scheduling and Information Desk (CSID)***

CSID is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns. CSID can be reached by phone at (800) 368-6498 or by e-mail at [askcsid@fema.dhs.gov](mailto:askcsid@fema.dhs.gov), Monday through Friday, 9:00 AM – 5:00 PM ET.

**c. *FEMA Regional Offices***

FEMA Regional Offices manage, administer, and conduct the application budget review, create the award package, approve, amend, and close out awards, as well as conduct cash analysis, financial and programmatic monitoring, and audit resolution for BRIC. The Regions also provide technical assistance to BRIC recipients.

FEMA Regional Office contact information is available at <https://www.fema.gov/fema-regional-contacts>.

**d. *Equal Rights***

The FEMA Office of Equal Rights (OER) is responsible for compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA and recipients of FEMA financial assistance. All inquiries and communications about federal civil rights compliance for FEMA grants under this NOFO should be sent to [FEMA-CivilRightsOffice@fema.dhs.gov](mailto:FEMA-CivilRightsOffice@fema.dhs.gov).

**e. *Environmental Planning and Historic Preservation***

The FEMA Office of Environmental Planning and Historic Preservation (OEHP) provides guidance and information about the EHP review process to FEMA programs and FEMA's recipients and subrecipients. All inquiries and communications about EHP compliance for FEMA grant projects under this NOFO or the EHP review process should be sent to [FEMA-OEHP-PublicComment@fema.dhs.gov](mailto:FEMA-OEHP-PublicComment@fema.dhs.gov).

**f. *Other Contact Information***

A Helpline for guidance on FEMA Safe Room publications is available by email [Saferoom@fema.dhs.gov](mailto:Saferoom@fema.dhs.gov).

**2. *Systems Information***

**a. *FEMA GO***

For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at [femago@fema.dhs.gov](mailto:femago@fema.dhs.gov) or (877) 585-3242, Monday through Friday, 8:00 AM – 6:00 PM ET.

**H. Additional Information**

**1. Termination Provisions**

FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2 C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards.

**a. *Noncompliance***

If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. If the noncompliance can be corrected, FEMA may first attempt to direct the recipient to correct the noncompliance. This may take the form of a Compliance Notification. If the noncompliance cannot be corrected or the recipient is non-responsive, FEMA may proceed with a Remedy Notification, which could impose a remedy for noncompliance per 2 C.F.R. § 200.339, including termination. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342 as well as the requirement of 2 C.F.R. § 200.340(c) to report in FAPIIS the recipient's material failure to comply with the award terms and conditions. See also the section on Actions to Address Noncompliance in this NOFO.

**b. *With the Consent of the Recipient***

FEMA may also terminate an award in whole or in part with the consent of the recipient, in which case the parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

**c. *Notification by the Recipient***

The recipient may terminate the award, in whole or in part, by sending written notification to FEMA setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. In the case of partial termination, FEMA may determine that a partially terminated award will not accomplish the purpose of the federal award, so FEMA may terminate the award in its entirety. If that occurs, FEMA will follow the requirements of 2 C.F.R. §§ 200.341-200.342 in deciding to fully terminate the award.

**2. Program Evaluation**

Recipients and subrecipients are encouraged to incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 ([Evidence Act](#)), [Pub. L. No. 115-435 \(2019\)](#) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act § 101 (codified at 5 U.S.C. § 311). Evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation.

**3. Period of Performance Extensions**

Extensions to the period of performance (POP) for this program are allowed. Extensions to the POP identified in the award will only be considered through formal, written requests to

the recipient's FEMA Regional Office and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with the FEMA Regional Hazard Mitigation Assistance Specialist as needed when preparing an extension request.

All extension requests must address the following:

- a. The grant program, fiscal year, and award number;
- b. Reason for the delay –including details of the legal, policy, or operational challenges that prevent the final outlay of awarded funds by the deadline;
- c. Current status of the activity(ies);
- d. Approved POP termination date and new project completion date;
- e. Amount of funds drawn down to date;
- f. Remaining available funds, both federal and, if applicable, non-federal;
- g. Budget outlining how remaining federal and, if applicable, non-federal funds will be expended;
- h. Plan for completion, including milestones and timeframes for achieving each milestone and the position or person responsible for implementing the plan for completion; and
- i. Certification that the activity(ies) will be completed within the extended POP without any modification to the original statement of work, as described in the application and as approved by FEMA.

Extension requests will be granted only due to compelling legal, policy, or operational challenges. Extension requests will only be considered for the following reasons:

- Contractual commitments by the recipient or subrecipient with vendors prevent completion of the project, including delivery of equipment or services, within the existing POP;
- The project must undergo a complex environmental review that cannot be completed within the existing POP;
- Projects are long-term by design, and therefore acceleration would compromise core programmatic goals; or
- Where other special or extenuating circumstances exist.

Recipients should submit all proposed extension requests to FEMA for review and approval at least 60 days prior to the end of the POP to allow sufficient processing time.

Based on sufficiency of justification, the FEMA Regional Administrator can issue up to two extensions of the POP for up to 12 months each.

**No additional federal funds will be awarded as part of period of performance extensions.**

#### 4. Disability Integration

Pursuant to Section 504 of the Rehabilitation Act of 1973,<sup>20</sup> recipients of FEMA financial assistance must ensure that their programs and activities do not discriminate against other qualified individuals with disabilities.

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<sup>20</sup> FEMA's implementing regulations can be found at 44 C.F.R. Part 16.101.

Grant recipients should engage with the whole community to advance individual and community preparedness and to work as a nation to build and sustain resilience. In doing so, recipients are encouraged to consider the needs of individuals with disabilities into the activities and projects funded by the grant.

FEMA expects that the integration of the needs of people with disabilities will occur at all levels, including planning; alerting, notification, and public outreach; training; purchasing of equipment and supplies; protective action implementation; and exercises/drills.

The following are examples that demonstrate the integration of the needs of people with disabilities in carrying out FEMA awards:

- Include representatives of organizations that work with/for people with disabilities on planning committees, work groups and other bodies engaged in development and implementation of the grant programs and activities.
- Hold all activities related to the grant in locations that are accessible to persons with physical disabilities to the extent practicable.
- Acquire language translation services, including American Sign Language, that provide public information across the community and in shelters.
- Ensure shelter-specific grant funds are in alignment with FEMA's [Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters](#).
- If making alterations to an existing building to a primary function area utilizing federal funds, complying with the most recent codes and standards and making path of travel to the primary function area accessible to the greatest extent possible.
- Implement specific procedures used by public transportation agencies that include evacuation and passenger communication plans and measures for individuals with disabilities.
- Identify, create, and deliver training to address any training gaps specifically aimed toward whole-community preparedness. Include and interact with individuals with disabilities, aligning with the designated program capability.
- Establish best practices in inclusive planning and preparedness that consider physical access, language access, and information access. Examples of effective communication access include providing auxiliary aids and services such as sign language interpreters, Computer Aided Real-time Translation (CART), and materials in Braille or alternate formats.

FEMA grant recipients can fund projects towards the resilience of the whole community, including people with disabilities, such as training, outreach and safety campaigns, provided that the project aligns with this NOFO and the terms and conditions of the award.

## **5. Conflicts of Interest in the Administration of Federal Awards or Subawards**

For conflicts of interest under grant-funded procurements and contracts, refer to the section on Procurement Integrity in this NOFO and 2 C.F.R. §§ 200.317 – 200.327.

To eliminate and reduce the impact of conflicts of interest in the subaward process, recipients and pass-through entities must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Recipients and

pass-through entities are also required to follow any applicable federal and state, local, Tribal, or territorial (SLTT) statutes or regulations governing conflicts of interest in the making of subawards.

The recipient or pass-through entity must disclose to the respective Program Analyst or Program Manager, in writing, any real or potential conflict of interest that may arise during the administration of the federal award, as defined by the federal or SLTT statutes or regulations or their own existing policies, within five days of learning of the conflict of interest. Similarly, subrecipients, whether acting as subrecipients or as pass-through entities, must disclose any real or potential conflict of interest to the recipient or next-level pass-through entity as required by the recipient or pass-through entity's conflict of interest policies, or any applicable federal or SLTT statutes or regulations.

Conflicts of interest may arise during the process of FEMA making a federal award in situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, subapplicant, recipient, subrecipient, or FEMA employees.

## 6. Procurement Integrity

Through audits conducted by the DHS Office of Inspector General (OIG) and FEMA grant monitoring, findings have shown that some FEMA recipients have not fully adhered to the proper procurement requirements at 2 C.F.R. §§ 200.317 – 200.327 when spending grant funds. Anything less than full compliance with federal procurement requirements jeopardizes the integrity of the grant as well as the grant program. To assist with determining whether an action is a procurement or instead a subaward, please consult 2 C.F.R. § 200.331. For detailed guidance on the federal procurement standards, recipients and subrecipients should refer to various materials issued by FEMA's Procurement Disaster Assistance Team (PDAT), such as the [PDAT Field Manual](#) and [Contract Provisions Guide](#). Additional resources, including an upcoming trainings schedule can be found on the PDAT Website: <https://www.fema.gov/grants/procurement>.

The below highlights the federal procurement requirements for FEMA recipients when procuring goods and services with federal grant funds. FEMA will include a review of recipients' procurement practices as part of the normal monitoring activities. **All procurement activity must be conducted in accordance with federal procurement standards at 2 C.F.R. §§ 200.317 – 200.327.** Select requirements under these standards are listed below. The recipient and any of its subrecipients must comply with all requirements, even if they are not listed below.

Under 2 C.F.R. § 200.317, when procuring property and services under a federal award, states (including territories) must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states must now follow 2 C.F.R. § 200.321 regarding socioeconomic steps, 200.322 regarding domestic preferences for procurements, 200.323 regarding procurement of recovered materials, and 2 C.F.R. § 200.327 regarding required contract provisions.

**All other non-federal entities, such as tribes (collectively, non-state entities),** must have and use their own documented procurement procedures that reflect applicable SLTT laws and

regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319 and the required procurement methods at § 200.320.

**a. *Important Changes to Procurement Standards in 2 C.F.R. Part 200***

OMB recently updated various parts of Title 2 of the Code of Federal Regulations, among them, the procurement standards. States are now required to follow the socioeconomic steps in soliciting small and minority businesses, women’s business enterprises, and labor surplus area firms per 2 C.F.R. § 200.321. All non-federal entities should also, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States per 2 C.F.R. § 200.322. More information on OMB’s revisions to the federal procurement standards can be found in [Purchasing Under a FEMA Award: OMB Revisions Fact Sheet](#).

The recognized procurement methods in 2 C.F.R. § 200.320 have been reorganized into informal procurement methods, which include micro-purchases and small purchases; formal procurement methods, which include sealed bidding and competitive proposals; and noncompetitive procurements. The federal micro-purchase threshold is currently \$10,000, and non-state entities may use a lower threshold when using micro-purchase procedures under a FEMA award. If a non-state entity wants to use a micro-purchase threshold higher than the federal threshold, it must follow the requirements of 2 C.F.R. § 200.320(a)(1)(iii)-(v). The federal simplified acquisition threshold is currently \$250,000, and a non-state entity may use a lower threshold but may not exceed the federal threshold when using small purchase procedures under a FEMA award. See 2 C.F.R. § 200.1 (citing the definition of simplified acquisition threshold from [48 C.F.R. Part 2, Subpart 2.1](#)).

See 2 C.F.R. §§ 200.216, 200.471, and Appendix II as well as section D.13.a of the NOFO regarding prohibitions on covered telecommunications equipment or services.

**b. *Competition and Conflicts of Interest***

Among the requirements of 2 C.F.R. § 200.319(b) applicable to all non-federal entities other than states, in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a non-federal entity develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the non-federal entity.

Under this prohibition, unless the non-federal entity solicits for and awards a contract covering both development and execution of specifications (or similar elements as described above), and this contract was procured in compliance with 2 C.F.R. §§ 200.317 – 200.327, federal funds cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of those specifications. This rule applies to all contracts funded with federal grant funds, including pre-award costs, such as grant writer fees, as well as post-

award costs, such as grant management fees.

Additionally, some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

Per 2 C.F.R. § 200.319(c), non-federal entities other than states must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed SLTT geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Under 2 C.F.R. § 200.318(c)(1), non-federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.** Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity.

Under 2 C.F.R. 200.318(c)(2), if the recipient or subrecipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local, Tribal, or territorial government, the non-federal entity must also maintain written standards of conduct covering organizational conflicts of interest. In this context, organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The non-federal entity must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.

**c. *Supply Schedules and Purchasing Programs***

Generally, a non-federal entity may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement.

**d. *Prohibition on Use of Funds to Support or Oppose Union Organizing***

A recipient or subrecipient may not use federal grant funds or funds used to meet a cost share requirement to support or oppose union organizing. Using grant or cost share funds to hire unionized workers does not constitute a violation of this prohibition on use of funds to support or oppose union organizing.

**I. GENERAL SERVICES ADMINISTRATION SCHEDULES**

States, tribes, and local governments, and any instrumentality thereof (such as local education agencies or institutions of higher education) may procure goods and services from a General Services Administration (GSA) schedule. GSA offers multiple efficient and effective procurement programs for state, Tribal, and local governments, and instrumentalities thereof, to purchase products and services directly from pre-vetted contractors. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term government-wide contracts with commercial firms that provide access to millions of commercial products and services at volume discount pricing.

Information about GSA programs for states, tribes, and local governments, and instrumentalities thereof, can be found at <https://www.gsa.gov/resources-for/programs-for-State-and-local-governments> and <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments>.

For tribes, local governments, and their instrumentalities that purchase off of a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, tribes, local governments, and their instrumentalities will still need to follow the other rules under 2 C.F.R. §§ 200.317 – 200.327, such as solicitation of minority businesses, women’s business enterprises, small businesses, or labor surplus area firms (§ 200.321), domestic preferences (§ 200.322), contract cost and price (§ 200.324), and required contract provisions (§ 200.327 and Appendix II).

**II. OTHER SUPPLY SCHEDULES AND PROGRAMS**

For non-federal entities other than states, such as tribes, local governments, and nonprofits, that want to procure goods or services from a state supply schedule, cooperative purchasing program, or other similar program, in order for such procurements to be permissible under federal requirements, the following must be true:

- The procurement of the original contract or purchasing schedule and its use by the non-federal entity complies with state and local law, regulations, and written procurement procedures;
- The state or other entity that originally procured the original contract or purchasing schedule entered into the contract or schedule with the express purpose of making it available to the non-federal entity and other similar types of entities;
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-federal entity falls within the scope of work under the contract as to type, amount, and geography;

- The procurement of the original contract or purchasing schedule complied with all the procurement standards applicable to a non-federal entity other than states under at 2 C.F.R. §§ 200.317 – 200.327; and
- With respect to the use of a purchasing schedule, the non-federal entity must follow ordering procedures that adhere to applicable state, Tribal, and local laws and regulations and the minimum requirements of full and open competition under 2 C.F.R. Part 200.

If a non-federal entity other than a state seeks to use a state supply schedule, cooperative purchasing program, or other similar type of arrangement, FEMA recommends the recipient discuss the procurement plans with its FEMA Regional Grants Management Specialist.

#### ***e. Procurement Documentation***

Per 2 C.F.R. § 200.318(i), non-federal entities other than states and territories are required to maintain and retain records sufficient to detail the history of procurement covering at least the rationale for the procurement method, selection of contract type, contractor selection or rejection, and the basis for the contract price. States and territories are encouraged to maintain and retain this information as well and are reminded that in order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g).

Examples of the types of documents that would cover this information include but are not limited to:

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
- Contract documents and amendments, including required contract provisions; and
- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.
- Additional information on required procurement records can be found on pages 24-26 of the [PDAT Field Manual](#).

## **7. Record Retention**

### ***a. Record Retention Period***

Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award generally must be maintained for at least three years from the date the final FFR is submitted. *See* 2 C.F.R. § 200.334. Further, if the recipient does not submit a final FFR and the award is administratively closed, FEMA uses the date of administrative closeout as the start of the general record retention period.

The record retention period **may be longer than three years or have a different start date** in certain cases. These include:

- Records for real property and equipment acquired with federal funds must be retained for **three years after final disposition of the property**. *See* 2 C.F.R. § 200.334(c).
- If any litigation, claim, or audit is started before the expiration of the three-year

- period, the records **must be retained until** all litigation, claims, or audit findings involving the records **have been resolved and final action taken**. *See* 2 C.F.R. § 200.334(a).
- The **record retention period will be extended if the non-federal entity is notified in writing** of the extension by FEMA, the cognizant or oversight agency for audit, or the cognizant agency for indirect costs, or pass-through entity. *See* 2 C.F.R. § 200.334(b).
  - Where FEMA requires recipients to report program income after the period of performance ends, the **program income record retention period begins at the end of the recipient's fiscal year in which program income is earned**. *See* 2 C.F.R. § 200.334(e).
  - For indirect cost rate computations and proposals, cost allocation plans, or any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates), the start of the record retention period depends on whether the indirect cost rate documents were submitted for negotiation. If the **indirect cost rate documents were submitted for negotiation, the record retention period begins from the date those documents were submitted** for negotiation. If indirect cost rate documents were **not** submitted for negotiation, the record retention period begins at the end of the recipient's fiscal year or other accounting period covered by that indirect cost rate. *See* 2 C.F.R. § 200.334(f).

#### ***b. Types of Records to Retain***

FEMA requires that non-federal entities maintain the following documentation for federally funded purchases:

- Specifications
- Solicitations
- Competitive quotes or proposals
- Basis for selection decisions
- Purchase orders
- Contracts
- Invoices
- Cancelled checks

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of any relevant documentation and records, including purchasing documentation along with copies of cancelled checks for verification. *See, e.g.,* 2 C.F.R. §§ 200.318(i), 200.334, 200.337.

In order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g). Non-federal entities who fail to fully document all purchases may find their expenditures questioned and subsequently disallowed.

#### **8. Actions to Address Noncompliance**

Non-federal entities receiving financial assistance funding from FEMA are required to comply with requirements in the terms and conditions of their awards or subawards, including the terms set forth in applicable federal statutes, regulations, NOFOs, and policies.

Throughout the award lifecycle or even after an award has been closed, FEMA or the pass-through entity may discover potential or actual noncompliance on the part of a recipient or subrecipient. This potential or actual noncompliance may be discovered through routine monitoring, audits, closeout, or reporting from various sources.

In the case of any potential or actual noncompliance, FEMA may place special conditions on an award per 2 C.F.R. §§ 200.208 and 200.339, FEMA may place a hold on funds until the matter is corrected, or additional information is provided per 2 C.F.R. § 200.339, or it may do both. Similar remedies for noncompliance with certain federal civil rights laws are authorized pursuant to 44 C.F.R. Parts 7 and 19.

In the event the noncompliance is not able to be corrected by imposing additional conditions or the recipient or subrecipient refuses to correct the matter, FEMA might take other remedies allowed under 2 C.F.R. § 200.339. These remedies include actions to disallow costs, recover funds, wholly or partly suspend or terminate the award, initiate suspension and debarment proceedings, withhold further federal awards, or take other remedies that may be legally available. For further information on termination due to noncompliance, see the section on Termination Provisions in the NOFO.

FEMA may discover and take action on noncompliance even after an award has been closed. The closeout of an award does not affect FEMA's right to disallow costs and recover funds as long the action to disallow costs takes place during the record retention period. *See* 2 C.F.R. §§ 200.334, 200.345(a). Closeout also does not affect the obligation of the non-federal entity to return any funds due as a result of later refunds, corrections, or other transactions. 2 C.F.R. § 200.345(a)(2).

The types of funds FEMA might attempt to recover include, but are not limited to, improper payments, cost share reimbursements, program income, interest earned on advance payments, or equipment disposition amounts.

FEMA may seek to recover disallowed costs through a Notice of Potential Debt Letter, a Remedy Notification, or other letter. The document will describe the potential amount owed, the reason why FEMA is recovering the funds, the recipient's appeal rights, how the amount can be paid, and the consequences for not appealing or paying the amount by the deadline.

If the recipient neither appeals nor pays the amount by the deadline, the amount owed will become final. Potential consequences if the debt is not paid in full or otherwise resolved by the deadline include the assessment of interest, administrative fees, and penalty charges; administratively offsetting the debt against other payable federal funds; and transferring the debt to the U.S. Department of the Treasury for collection.

FEMA notes the following common areas of noncompliance for FEMA's grant programs:

- Insufficient documentation and lack of record retention.
- Failure to follow the procurement under grants requirements.
- Failure to submit closeout documents in a timely manner.
- Failure to follow EHP requirements.
- Failure to comply with the POP deadline.

An eligible applicant, subapplicant, recipient, or subrecipient may request an appeal of a remedy FEMA has taken for noncompliance with federal statutes, regulations, or the terms and conditions of the award that results in suspension or termination of all or part of the award. The appeal must be submitted according to the following procedures:

- For remedies FEMA has taken for noncompliance, the appeal must contain documented justification supporting the appellant’s position, specify the monetary figure in dispute, and identify the provisions in federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.

The applicant, subapplicant, recipient, or subrecipient will be notified in writing of the disposition of the appeal or the need for additional information. All appeal decisions are final.

## 9. Audits

FEMA grant recipients are subject to audit oversight from multiple entities including the DHS OIG, the GAO, the pass-through entity, or independent auditing firms for single audits, and may cover activities and costs incurred under the award. Auditing agencies such as the DHS OIG, the GAO, and the pass-through entity (if applicable), and FEMA in its oversight capacity, must have access to records pertaining to the FEMA award. Recipients and subrecipients must retain award documents for at least three years from the date the final FFR is submitted, and even longer in many cases subject to the requirements of 2 C.F.R. § 200.334. In the case of administrative closeout, documents must be retained for at least three years from the date of closeout, or longer subject to the requirements of 2 C.F.R. § 200.334. If documents are retained longer than the required retention period, the DHS OIG, the GAO, and the pass-through entity, as well as FEMA in its oversight capacity, have the right to access these records as well. *See* 2 C.F.R. §§ 200.334, 200.337.

Additionally, non-federal entities must comply with the single audit requirements at 2 C.F.R. Part 200, Subpart F. Specifically, non-federal entities, other than for-profit subrecipients, that expend \$750,000 or more in federal awards during their fiscal year must have a single or program-specific audit conducted for that year in accordance with Subpart F. 2 C.F.R. § 200.501. A single audit covers all federal funds expended during a fiscal year, not just FEMA funds. The cost of audit services may be allowable per 2 C.F.R. § 200.425, but non-federal entities must select auditors in accordance with 2 C.F.R. § 200.509, including following the proper procurement procedures. For additional information on single audit reporting requirements, *see* section F of this NOFO under the header “Single Audit Report” within the subsection “Additional Reporting Requirements.”

The objectives of single audits are to:

- Determine if financial statements conform to generally accepted accounting principles (GAAP);
- Determine whether the schedule of expenditures of federal awards is presented fairly;
- Understand, assess, and test the adequacy of internal controls for compliance with major programs; and
- Determine if the entity complied with applicable laws, regulations, and contracts or grants.

For single audits, the auditee is required to prepare financial statements reflecting its

financial position, a schedule of federal award expenditures, and a summary of the status of prior audit findings and questioned costs. The auditee also is required to follow up and take appropriate corrective actions on new and previously issued but not yet addressed audit findings. The auditee must prepare a corrective action plan to address the new audit findings. 2 C.F.R. §§ 200.508, 200.510, 200.511.

Non-federal entities must have an audit conducted, either single or program-specific, of their financial statements and federal expenditures annually or biennially pursuant to 2 C.F.R. § 200.504. Non-federal entities must also follow the information submission requirements of 2 C.F.R. § 200.512, including submitting the audit information to the [Federal Audit Clearinghouse](#) within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. The audit information to be submitted include the data collection form described at 2 C.F.R. § 200.512(c) and Appendix X to 2 C.F.R. Part 200 as well as the reporting package described at 2 C.F.R. § 200.512(b).

The non-federal entity must retain one copy of the data collection form and one copy of the reporting package for three years from the date of submission to the Federal Audit Clearinghouse. 2 C.F.R. § 200.512; *see also* 2 C.F.R. § 200.517 (setting requirements for retention of documents by the auditor and access to audit records in the auditor's possession).

FEMA, the DHS OIG, the GAO, and the pass-through entity (if applicable), as part of monitoring or as part of an audit, may review a non-federal entity's compliance with the single audit requirements. In cases of continued inability or unwillingness to have an audit conducted in compliance with 2 C.F.R. Part 200, Subpart F, FEMA and the pass-through entity, if applicable, are required to take appropriate remedial action under 2 C.F.R. § 200.339 for noncompliance, pursuant to 2 C.F.R. § 200.505.

## 10. Payment Information

FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. To enroll in the DD/EFT, the recipient must complete SF-1199A, Direct Deposit Form.

Payment requests are submitted through FEMA GO.

## 11. Whole Community Preparedness

Preparedness is a shared responsibility that calls for the involvement of everyone—not just the government—in preparedness efforts. By working together, everyone can help keep the nation safe from harm and help keep it resilient when struck by hazards, such as natural disasters, acts of terrorism, and pandemics.

[Whole Community](#) includes:

- Individuals and families, including those with access and functional needs
- Businesses
- Faith-based and community organizations
- Nonprofit groups
- Schools and academia
- Media outlets
- All levels of government, including state, regional, local, Tribal, territorial, and federal

partners

The phrase “Whole Community” or “Whole of Community” often appears in preparedness materials, as it is one of the guiding principles. It means two things:

1. Involving people in the development of national preparedness documents.
2. Ensuring their roles and responsibilities are reflected in the content of the materials.

## 12. Extraordinary Circumstances

Applicants and subapplicants must have a FEMA-approved current hazard mitigation plan at the time of application deadline and at the time of the award; hazard mitigation plans that are approvable pending adoption are not sufficient. However, for BRIC project subawards, the Region, in coordination with HQ, may grant an exception to the local or Tribal Mitigation Plan requirement in extraordinary circumstances. Subapplicants are exempt from the hazard mitigation plan requirement for the following C&CB activity types: (1) hazard mitigation planning and planning related activities, (2) partnerships and (3) building codes. A hazard mitigation plan is required for project scoping subapplications.

For subawards, the Region may apply extraordinary circumstances when justification is provided and with concurrence from FEMA Headquarters (Hazard Mitigation Assistance and Risk Management Directorate) prior to granting an exception. If this exception is granted, a local or Tribal Mitigation Plan must be approved by FEMA within 12 months of the award of the hazard mitigation project or C&CB activity subaward to that community. See Section H.9 for guidance to address noncompliance.

Extraordinary circumstances exist when a determination is made by the applicant and FEMA that the proposed hazard mitigation project or C&CB activity is consistent with the priorities and strategies identified in the State or Tribal (Standard or Enhanced) Mitigation Plan and that the jurisdiction meets at least one of the criteria below.

- The jurisdiction meets the Economically Disadvantaged Rural Community (as defined in 42 U.S.C. § 5133(a) as small impoverished communities) criterion.
- The jurisdiction has been determined to have had insufficient capacity due to lack of available funding, staffing, or other necessary expertise to satisfy the hazard mitigation planning requirement prior to the current disaster or application deadline.
- The jurisdiction has been determined to have been at low risk from hazards because of low frequency of occurrence or minimal damage from previous occurrences as a result of sparse development.
- The jurisdiction experienced significant disruption from a declared disaster or another event that impacts its ability to complete the hazard mitigation planning process prior to award or final approval of a project award.
- The jurisdiction does not have a mitigation plan for reasons beyond the control of the State, federally recognized Tribal government, or local community, such as Disaster Relief Fund restrictions that delay FEMA from granting a subaward prior to the expiration of the local or Tribal Mitigation Plan.

For BRIC, the applicant must provide written justification that identifies the specific criteria from above or circumstance, explains why there is no longer an impediment to satisfying the hazard mitigation planning requirement, and identifies the specific actions or circumstances that eliminated the deficiency. When BRIC project funding is awarded under extraordinary circumstances, the recipient shall acknowledge in writing to the Regional Administrator that a

plan will be completed within 12 months of the subaward. The recipient must provide a work plan for completing the local or Tribal Mitigation Plan, including milestones and a timetable, to ensure that the jurisdiction will complete the plan in the required time. This requirement shall be incorporated into the award (both the planning and project subaward agreements if a planning subaward is also awarded).

### 13. Phased Projects

In general, sufficient technical information is provided by the applicant or subapplicant to allow FEMA to make an eligibility determination on a subapplication. The costs to obtain this information are generally eligible as pre-award costs. However, in some cases it is beyond the subapplicant's technical and financial resources to provide the complete technical information required for a full eligibility or EHP review of a complex project. The applicant and FEMA may provide technical assistance to the subapplicant to develop this complete body of technical data by approving a subapplication to finalize Phase I analysis and design, conduct applicable engineering studies, prepare a Benefit-Cost Analysis (BCA) and provide documentation for an EHP review. The Phase I deliverables provide FEMA with a technical body of information mutually concurred on by the subrecipient, the recipient, and FEMA to determine project eligibility, technical feasibility, and cost effectiveness. If the results of the Phase I review indicate that the project meets BRIC requirements, the project would then be eligible for funding for construction under a Phase II approval. Phase I funding is part of the project's total estimated cost and is subject to BRIC cost-share requirements.

The use of a phased approach should be limited to complex projects that require technical or EHP data beyond the scope of that generally required for a typical BRIC project. The following provides guidelines and outlines the process for selecting projects for Phase I/Phase II project approval.

#### a. *Pre-screening Process*

The subapplicant must submit documentation showing the project meets the following criteria for a Phase I award:

- *State or Tribal (Standard or Enhanced) Mitigation Plan:* The proposed project must be consistent with the State or Tribal (Standard or Enhanced) Mitigation Plan as well as the local or Tribal Mitigation Plan for the jurisdiction in which the activity is located.
- *Justification for Selection of the Proposed Project:* Justification must be provided for the selection of the proposed solution after consideration of at least two alternative options.
- *Potential Cost-Effectiveness:* The project demonstrates potential cost-effectiveness based on a preliminary assessment of anticipated project benefits and cost. The subapplicant must be aware that this preliminary assessment is solely for the purpose of the Phase I pre-screening process and is not the final cost-effectiveness determination. A preliminary BCA is required at the time of application. This requirement does not apply to an EDRC, federally recognized Tribal government, or community with CDC SVI greater than 0.80 that is unable to calculate a BCR to demonstrate cost-effectiveness as stated in Section D.10.a.
- *EHP Review:* The Phase I review generally is categorically excluded from NEPA review with some exceptions. EHP Phase I review should identify any potential EHP compliance issues and information needs required for Phase II review.

- *Relevant Technical Data:* The subapplicant provides available technical data such as existing or preliminary hydrologic and hydraulic data or preliminary geotechnical data, as appropriate.

**b. Phase I Award**

The applicant and FEMA may approve projects meeting the above requirements for technical assistance under a Phase I award. FEMA and the applicant will coordinate closely to ensure mutual concurrence on all data and technical information as well as any conditions included in the Phase I Award as the Phase I technical review process proceeds. The following conditions must be met through the Phase 1 deliverables prior to progressing to Phase II:

- *Relevant Technical Data:* The applicant and FEMA will review technical data such as hydrologic and hydraulic, environmental, and geotechnical studies provided by the subapplicant, as appropriate.
- *Preliminary Engineering Design:* Based on the technical data, the subapplicant develops a preliminary engineering design and layout and cost estimates with ad hoc technical assistance from the applicant and FEMA.
- *Milestones:* As available, the subapplicant must provide clear milestones (including those that will have Go/No Go criteria for competition projects) and proposed timelines, and a list of potential final deliverables.
- *EO 11988, as amended by EO 13690:* If applicable, based on the technical data and revised engineering design, the project must demonstrate compliance with floodplain management requirements under this EO. If a Flood Insurance Rate Map (FIRM) amendment or revision will be necessary under the provisions of the National Flood Insurance Program (NFIP), the applicant and FEMA will provide the subapplicant with technical assistance to meet this requirement.
- *Refinement of the Cost-Effectiveness Assessment:* Based on the revised design and cost estimates, the applicant and FEMA will refine the preliminary assessment of cost-effectiveness conducted prior to Phase I approval. This will result in a final BCR to evaluate the project's cost-effectiveness, which will include all the project costs, including those associated with Phase I.
- *EHP Review:* The applicant and FEMA will conduct a review of the revised project design to ensure EHP compliance. The project will meet EHP requirements before Phase II approval.
- Note that eligible activities under a Phase I award are defined in the award package and are based on the submitted and reviewed Phase I scope of work. A complete and eligible Phase II application, including environmental consultations, demonstration of technical feasibility, and an updated benefit-cost analysis, must be submitted to and approved by FEMA prior to the initiation of any tasks not included in the approved Phase I scope of work.

**c. Phase II Award Amendment - Construction Process**

If the project is determined to be eligible, technically feasible, cost effective, and compliant with EHP requirements under the technical review of Phase I deliverables, the project may then be approved for construction under Phase II.

Additional federal funds may be approved in Phase II, subject to the availability of funds.

In general, a contractor who develops the HMA grant application project specifications or is contracted to provide direct assistance with the completion and submission of a grant application, is generally prohibited from competing for the related construction work *See* 2 CFR § 200.319(b) and subsection H.7.b: Procurement Integrity: Competition and Conflicts of interest of this NOFO.

#### **14. Integrating Hazard Mitigation and Planning**

In addition, FEMA encourages SLTTs to pursue hazard mitigation planning and projects with co-benefits that advance shared outcomes for economic, environmental, and social resilience.

Alignment with SLTT planning mechanisms (economic development, housing, comprehensive plans, transportation plans, building codes, floodplain ordinances, etc.) by and vice versa is vital to build safer, more resilient, equitable communities. This two-way exchange of hazard mitigation principles, risk and vulnerability assessments, and mitigation strategies supports risk reduction, both before and after disasters occur. Not only will SLTT planning efforts be better integrated, but by going through this process there is a higher level of interagency coordination, which is just as important as the planning mechanisms themselves. Additional information on hazard mitigation planning policies, training, and Planning Integration can be found at [Implement, Integrate and Maintain Mitigation Planning Activities | FEMA.gov](#), [Guides to Expanding Mitigation | FEMA.gov](#), and <https://planning.org/nationalcenters/hazards/>.