

# The U. S. Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2024 Shelter and Services Program - Competitive (SSP-C) (Amended)

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Release Date: Oct 1, 2024

## [Download the NOFO](#)

**Amendment 00001:** The purpose of this amendment is to update the NOFO for programmatic guidelines for SSP-C recipients.

All entities wishing to do business with the federal government must have a unique entity identifier (UEI). The UEI number is issued by the system. Requesting a UEI using System for Award Management (SAM.gov) can be found at: <https://sam.gov/content/entity-registration>

Grants.gov registration information can be found at: [Grants.gov Register webpage](#).

## Updates in Grant Application Forms:

The Data Universal Numbering System (DUNS) Number was replaced by a new, non-proprietary identifier requested in, and assigned by SAM.gov. This new identifier is the Unique Entity Identifier.

Additional information can be found on Grants.gov: [Grants.gov](#).

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## **A. Program Description**

### **1. Issued By**

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Grant Programs Directorate

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

97.141

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

Shelter and Services Program – Competitive (SSP-C)

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

Fiscal Year 2024 Shelter and Services - Competitive Program (SSP-C)

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

DHS-24-GPD-141-00-99

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



Department of Homeland Security Appropriations Act, 2024, Pub. L. No. 118-47, Title II Security, Enforcement, and Investigations, U.S. Customs and Border Protection, Operations and Support.

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

Department of Homeland Security Appropriations Act, 2024, Pub. L. No. 118-47, Title II Security, Enforcement, and Investigations, U.S. Customs and Border Protection, Operations and Support.

## **8. Announcement Type**

Modification

## **9. Program Category**

CBP Human Services

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

### **a. Overview**

As directed by Congress, SSP makes federal funds available to enable non-federal entities to off-set allowable costs incurred for services associated with noncitizen migrants recently encountered and released by DHS.<sup>[1]</sup> As stated in the FY 2024 appropriation, the primary purpose of SSP is to “reliev[e] overcrowding in short-term holding facilities of [CBP].” Recipients of SSP may also seek grant funds for renovations or costs associated with modifications to existing facilities in support of individuals who have recently been released from the custody of CBP. Refer to [Appendix A](#) of the NOFO for allowable activities.

The Department of Homeland Security (DHS) has committed to bolstering the capacity of non-federal entities to receive noncitizens after they have been processed by U.S. Customs and Border Protection (CBP) and released from a DHS facility. DHS is committed to ensuring appropriate coordination with and support for state, local, and community leaders to help mitigate increased impacts to their communities as outlined in the [DHS Plan for Southwest Border Security and Preparedness](#), issued on April 26, 2022, and updated on [December 13, 2022](#).



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The FY 2024 appropriation provided \$650 million for SSP, including FEMA administrative costs. This NOFO announces \$340.9 million to be distributed through a competitive application process, as described below. The second FY 2024 SSP NOFO, distributing \$275 million in funds through an allocated methodology, will be announced separately.

## **b. Goals, Objectives, and Priorities**

The goal of SSP is the safe, orderly, and humane release of noncitizen migrants from DHS short-term holding facilities.

The objectives are:

- To provide funding to non-federal entities that serve noncitizen migrants recently released from DHS custody to temporarily provide shelter, food, transportation, acute medical care, personal hygiene supplies, and labor necessary to provide these services; and,
- To provide funding to non-federal entities to increase their capacity to temporarily shelter noncitizen migrants recently released from DHS custody, including renovations and modifications to existing facilities.

## **c. Alignment to Program Purpose and the DHS and FEMA Strategic Plan**

SSP supports the FY 2020–2024 [DHS Strategic Plan](#), Goal 5: Strengthen Preparedness and Resilience, Objective 5.1: Build a National Culture of Preparedness, and the 2022-2026 [FEMA Strategic Plan](#) Goal 3: Promote and Sustain a Ready FEMA and Prepared Nation.

## **11. Performance Measures**

Performance measures for SSP awardees are:

- Number of meals provided.
- Number of nights of lodging provided.
- Number of noncitizen migrants transported.
- Number of acute medical care items provided, by type.
- Number of personal hygiene supplies provided, by type.
- Number of hours of labor paid to manage cases to provide these services.
- Number of clothing items provided.



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- Number of noncitizen migrants served through translation services.
- Number of noncitizen migrants served through outreach activities.
- Number of renovation or modifications to existing facilities projects completed.

FEMA will calculate and analyze the above metrics through a review of performance progress reports and award monitoring to ensure that the funds are expended for their intended purpose and achieve the stated outcomes in the grant application.

## **B. Federal Award Information**

### **1. Available Funding for the NOFO: \$340.9 million**

At least one primary service is required for all eligible applicants. See Appendix A for all allowable activities. Applicants that request less than \$10,000 will not receive funding. No single applicant will be awarded more than 10% of the total funding available under this NOFO.

### **2. Projected Number of Awards: N/A**

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

Extensions to the period of performance (POP) are allowed. For additional information on period of performance extensions, please refer to [Section H](#) of this NOFO.

### **4. Projected Period of Performance Start Date(s): 10/01/2023**

### **5. Projected Period of Performance End Date(s): 09/30/2026**

### **6. Projected Budget Period(s)**

There will be only a single budget period with the same start and end dates as the period of performance.

### **7. Funding Instrument Type: Grant**



## C. Eligibility Information

### 1. Eligible Applicants

- Local governments as defined by 2 C.F.R. § 200.1
- Indian Tribes as defined by 2 C.F.R. § 200.1
- Nonprofit organizations as defined by 2 C.F.R. § 200.1
- The 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any agency or instrumentality thereof exclusive of local governments. (The term “state” or “state government” where used in this NOFO refers to these entities.)

### 2. Applicant Eligibility Criteria

Each eligible applicant may submit only one SSP-C grant application to FEMA.

An eligible applicant, through their application, must demonstrate their capacity, either internally or through a partnership, to carry out each SSP-C allowable activity for which they propose funding.

Funding will **not** be provided to any applicant that charges any noncitizen migrant for services.

### 3. Subawards and Beneficiaries

#### *a. Subaward Allowability*

Under the FY 2024 SSP-C, eligible subapplicants may apply to and receive subawards from a non-federal entity that is applying for and receiving an SSP-C award directly from FEMA.

#### *b. Subrecipient Eligibility*

Subapplicants must meet the following criteria to be eligible:

1. Are one of the following entities:
  1. Local governments as defined by 2 C.F.R. § 200.1
  2. Indian Tribes as defined by 2 C.F.R. § 200.1
  3. Nonprofit organizations as defined by 2 C.F.R. § 200.1



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4. The 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any agency or instrumentality thereof exclusive of local governments (the term “state” or “state government” where used in this NOFO refers to these entities).
2. Must have the capacity to perform each SSP allowable activity as proposed by the applicant.

Subapplicants must work directly with non-federal entities applying for SSP-A funding to be included in an application.

***c. Other Subaward Information (If Applicable)***

The other parts of this NOFO that discuss requirements or restrictions specifically related to subawards/subrecipients are: cost share or match, Unique Entity Identifier, content and form of application submission, funding restrictions, and allowable costs (Appendix A.), management and administration costs, and indirect costs.

***d. Beneficiaries or Participants***

This NOFO and any subsequent federal awards create no rights or causes of action for any participant or beneficiary.

**4. Other Eligibility Criteria/Restrictions**

Not applicable

**5. Maintenance of Effort (MOE)**

Maintenance of Effort is not required.

**6. Cost Share or Match**

Cost share or match is not required.

**D. Application and Submission Information**



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## 1. Key Dates and Times

- a. Application Start Date: **04/12/2024 at 12 p.m. ET**
- b. Application Submission Deadline: **06/13/2024 at 3 p.m. ET**

All applications **must** be received by the established deadline.

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 review applications that are received after the deadline or consider these late applications for funding.** FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant's control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

**Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline.** Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. "Timely notification" of FEMA means the following: prior to the application deadline and within 48 hours after the applicant became aware of the issue.

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, 9 a.m. – 6 p.m. 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 FEMA Grants News by phone at (800) 368-6498 or by email [atfema-grants-news@fema.dhs.gov](mailto:atfema-grants-news@fema.dhs.gov), Monday through Friday, 9 a.m. – 5 p.m. ET.

c. Anticipated Award Date: No later than September 30, 2024

d. Other Key Dates:

Event	Suggested Deadline for Completion
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 Organization in FEMA GO	Prior to beginning application
Submitting complete 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 [FEMA GO](#).



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. Requirements: Obtain a Unique Entity Identifier (UEI) and Register in the System for Award Management (SAM.gov)**

Each applicant, unless they have a valid exception under 2 CFR §25.110, must:

1. Be registered in SAM.gov before application submission.
2. Provide a valid UEI in its application.
3. Continue to always maintain an active System for Award Management (SAM) registration with current information during the Federal Award process.

Note: Per 2 C.F.R. § 25.300, subrecipients are NOT required to go through the full SAM registration process. First-tier subrecipients (meaning entities receiving funds directly from the recipient) are only required to obtain a UEI through SAM, but they are not required to complete the full SAM registration to obtain a UEI. Recipients may not make subawards unless the subrecipient has obtained and provided the UEI.

Lower-tier subrecipients (meaning entities receiving funds passed through by a higher-tier subrecipient) are not required to have a UEI and are not required to register in SAM. Applicants are also not permitted to require subrecipients to register in SAM.

#### **5. 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.

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:

1. Apply for, update, or verify their Employer Identification Number (EIN) from the Internal Revenue Service;
2. In the application, provide an UEI number;
3. Have an account with [login.gov](https://login.gov);
4. Register for, update, or verify their SAM account and UEI and ensure the account is active before submitting the application;
5. Register in FEMA GO, add the organization to the system, and Authorized Organization 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 the [FEMA GO Startup Guide](#).
6. Submit the complete application in FEMA GO; and
7. 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 obtaining an UEI number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible by contacting [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@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 an UEI number, if applicable, and complete SAM registration within 30 days of the federal award date.

Further, following acceptance of a federal award, a recipient's SAM registration must remain active for the duration of the award. If a recipient's SAM registration expires during the federal award period of performance, FEMA may impose one or more remedy for noncompliance (see 2 C.F.R. § 200.339), which could include terminating the federal award.

## **6. 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 applicant 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.

## **7. 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.

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

**b. Obtain an UEI Number:**

All entities applying for funding, including renewal funding, 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: [Apply for an Employer Identification Number \(EIN\) Online](https://www.irs.gov/efile).

**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 by visiting: [login.gov](https://login.gov).

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: [SAM.gov](https://sam.gov).

**e. Register with SAM:**

All applicants applying online through FEMA GO must register with SAM. Failure to register with SAM will prevent an applicant from completing the application in FEMA GO. SAM registration must be renewed annually. Organizations will be



issued a UEI number with the completed SAM registration.

For more detailed instructions for registering with SAM, refer to [Step 2: Register with SAM](#).

Note: 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 an 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 Service 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 [FEMA GO Startup Guide](#).

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.

## **8. Submitting the Final 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.

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.

## **9. 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 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 p.m ET on the date applications are due.** No new system-related issues will be addressed after this deadline. Applications not received by the application submission deadline will not be accepted.

## **10. 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. The Standard Forms (SF) are also available at [SF-424 family on Grants.gov](#).

- **SF-424, Application for Federal Assistance**
- **Grants.gov Lobbying Form, Certification Regarding Lobbying**
- **SF-424A, Budget Information (Non-Construction)**
  - **For construction under an award, submit SF-424C, Budget Information (Construction),** in addition to or instead of SF-424A
- **SF-424B, Standard Assurances (Non-Construction)**
  - **For construction under an award, submit SF-424D, Standard Assurances (Construction),** in addition to or instead of SF-424B
- **SF-LLL, Disclosure of Lobbying Activities**

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

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

- **SSP-C Application Worksheet:** Additional certifications for the funds requested, budget instructions, supporting documentation, as applicable, and any subapplicant information known at the time of application submission. Applicants must use the provided budget worksheet. Applicants must upload their completed worksheet to the Project Worksheet section in FEMA GO as an



Excel file with the naming convention SSPC\_Application\_Worksheet. Incomplete worksheets may not be accepted. Additionally, applicants may be requested to provide supporting documentation for one or more applicant-provided responses in the SSP-C Application Worksheet. Failure to respond to DHS's request for supporting documentation may result in partial or complete disqualification of an application.

- **For nonprofit applicants only:** Submit evidence entity meets definition of nonprofit organization in 2 CFR 200.1; for example, submit an IRS Form 990 with your application if you have previously filed one. Applicants must upload IRS Form 990s to the Additional Attachment (General Attachment) section in FEMA GO as a PDF with the naming convention SSPC\_IRS\_990\_Form.
- **For applicants with known nonprofit organization subapplicants only:** Applicants must verify the nonprofit status of subapplicants and retain a copy of the documentation submitted by the subapplicant(s) as evidence of their nonprofit status for auditing purposes.
- **For renovations or modifications to rented real property only:** If an applicant or subapplicant is requesting funding for renovations or modifications to rented real property, submit rental agreement addressing space, any limitations of use, and rental period. Applicants must upload documents to the Additional Attachment (General Attachment) section in FEMA GO as a PDF with the naming convention SSPC\_Rental\_Property. Upload one document for each individual rental agreement.
- **For Reimbursement Funding Requests Only:**
  - **Alien Registration Number (A-Number) or evidence of DHS processing (e.g., I-94, I-385, I-860, I-862):** A summary list reporting A-Numbers, names, corresponding DHS release dates of the served population, and corresponding service dates of the served population. Please do not send copies of the forms themselves. Applicants must use the provided A Number Submission Template to populate the information, then upload to the Project Worksheet Section in FEMA as an Excel file with the naming convention SSPC\_ANumber\_Worksheet. Recipients must ensure that full A-Numbers and accurate dates of service are provided.
  - **Proof of Purchase Documentation:**
    - For each requested allowable activity service category (See Appendix A), provide one example of proof of payment (e.g., canceled check, credit card statement, etc.) and a receipt reflecting the purchase. Applicants must upload proofs of payment and receipts to the Additional Attachment



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- (General Attachment) section in FEMA GO as a PDF with the naming convention SSPC\_Costs\_Under\_5000. Upload one document inclusive of all proofs of payment and receipts under \$5,000. In the document, identify which proofs of payment and receipts are for which allowable activity service category.
- For each purchase or allowable cost of \$5,000 or more, provide proof of payment and a receipt reflecting the purchase or other documentation demonstrating calculation and allocation of cost in accordance with 2 CFR Part 200, Subpart E. Applicants must upload proofs of payment and receipts to the Additional Attachment (General Attachment) section in FEMA GO as a PDF with the naming convention SSPC\_Costs\_Over\_5000. Upload one document inclusive of all proofs of payment and receipts \$5,000 or more. In the document, identify which proofs of payment and receipts are for which allowable activity service category (See Appendix A).
- Note: This information will be required when recipients draw down funds.

## 11. Other Submission Requirements

Notice to applicants applying with known nonprofit organizations with 501(c) (3) IRS status subapplicants:

For nonprofit organizations that have been approved as exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, FEMA may request a copy of IRS's approval of the applicant's or subapplicant's tax exempt status (e.g., a determination letter or affirmation letter).

Applicants requesting pre-award costs must follow the instructions outlined in Section D.13.b. Pre-Award Costs.

## 12. 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 [Executive Order 12372](#); [Intergovernmental Review \(SPOC List\)](#)).

## 13. Funding Restrictions and Allowable Costs



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Federal funds made available through this award may be used for the purpose set forth in this NOFO and the terms and conditions of the award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other federal awards, 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.

All costs charged to federal awards (including both federal funding and any non-federal matching or cost sharing funds) must comply with applicable statutes, rules and regulations, and policies, this NOFO, and the terms and conditions of the federal award. They must also 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 federal award. This includes, among other requirements, that costs must be incurred, and products and services must be delivered within the budget period. 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).

The following identifies a list of activities for which a recipient may not use federal funds and any cost sharing or matching funds under federal awards:

- Matching or cost sharing requirements for other federal grants and cooperative agreements (see 2 C.F.R. § 200.306)
- Lobbying or other prohibited activities under 18 U.S.C. § 1913 or 2 C.F.R. § 200.450
- Prosecuting claims against the federal government or any other government entity (see 2 C.F.R. § 200.435) See subsections below for information on any other funding restrictions.

SSP funds may not be used for costs associated with new construction or to purchase real estate.

Costs associated with renovations or modifications to existing facilities may not exceed \$250,000.00 for the entire application budget. All activities and programs funded by FEMA, including grant-funded projects, must comply with federal Environmental and Historic Preservation laws, Executive Orders, regulations, and policies, as applicable. See Section F.3.c. Environmental Planning and Historic Preservation Compliance.



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

Recipients, subrecipients, and their contractors must comply with the prohibitions set forth in Section 889 of the [John S. McCain National Defense Authorization Act](#) for Fiscal Year 2019, Pub. L. No. 115-232 (2018) (FY 2019 NDAA) and 2 C.F.R. §§ 200.216, 200.327, 200.471,

and Appendix II to 2 C.F.R. Part 200. The FY 2019 NDAA and these regulations, as they apply to recipients, subrecipients, and their contractors and subcontractors, provide for two distinct prohibitions: (1) prevent the use of federal award funds to procure or obtain covered telecommunications equipment or services; and (2) prevent the use of federal award funds to contract with an entity that uses such covered telecommunications equipment or services.

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 at [Contract Provisions Guide: Navigating Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards \(fema.gov\)](#).

FEMA recipients and subrecipients **may not** use any FEMA funds under open or new awards 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;
- 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
- 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. Replacement Equipment and Services



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FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of the NOFO.

## **ii. 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:

1. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
2. 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);
3. Telecommunications or video surveillance services provided by such entities or using such equipment; or
4. 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 are costs incurred prior to the effective date of the federal award or subaward. Pre-award costs are allowable only with the prior written approval of DHS/FEMA and if they are included in the award agreement. To request pre-award costs, applicants must include the costs with their application. The application must outline what the pre-award costs are for and include a detailed





budget break-out of all costs included in the funding request.

The pre-award cost must meet the requirements of 2 C.F.R Part 200.458, which provides that the cost must be necessary for efficient and timely performance of the grant's scope of work.

FEMA reserves the right to re-evaluate and disallow pre-award costs at time of award monitoring if it is later determined that the services were not properly procured or do not satisfy the requirements of 2 C.F.R Part 200.458.

### **c. Management and Administration (M&A) Costs**

Recipients may expend up to 5% of an SSP award for allowable M&A costs. Subrecipients may also expend up to 5% of their SSP subaward for allowable M&A costs. These may include services providing grants management, including grant application preparation. These may also include record keeping (e.g., IT assistance (contracts and external support) and costs associated with creating a database and/or tracking system to assist with managing SSP funds as well as cybersecurity assessments and enhancements), etc.

### **d. Indirect Facilities & Administrative (F&A) Costs**

Indirect costs are allowable under this program as described in 2 C.F.R. Part 200, including 2

C.F.R. § 200.414. Indirect (F&A) costs (IDC) mean those costs incurred for a common or joint purpose benefitting more than one cost objective and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. IDCs are allowable by the recipient [and subrecipients] as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated IDC rate agreement who desire to charge indirect costs to a federal award must provide a copy of their IDC rate agreement with their applications. Not all applicants are required to have a current negotiated IDC rate agreement. Applicants that are not required to have a negotiated IDC rate agreement but are required to develop an IDC rate proposal must provide a copy of their proposal with their applications. Applicants who do not have a current negotiated IDC rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to FEMA for further instructions. Applicants





who wish to use a cost allocation plan in lieu of an IDC rate proposal must reach out to the FEMA Point of Contact for further instructions. As it relates to the IDC for subrecipients, a recipient must follow the requirements of 2 C.F.R. §§

200.332 and 200.414 in approving the IDC rate for subawards.

For information on procedures for establishing indirect cost rates, see FEMA's [Preparedness Grants Manual](#).

#### **e. Evaluation Costs**

Evaluation costs are allowable.

#### **f. Other Direct Costs**

Refer to [Appendix A](#) for a description of eligible activities.

### **E. Application Review Information**

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

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

The evaluation criteria and weights for the pre-scoring process are listed in the table below. The weights listed out per criteria indicate the maximum quantity an applicant can get for each criterion. For example, under Criteria 1, an applicant would receive the entire value (10% Weight) if the entirety (100%) of the applicant's humanitarian services budget goes directly to serving noncitizen migrants.

Points Possible	Criteria	Weight
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100	<p>1. What percent of the organization's annualized humanitarian services budget goes directly to noncitizen migrant services? Humanitarian services are defined as costs incurred by providing water, food, hygiene support, medical care, shelter, or safety to vulnerable or crisis-impacted populations.</p> <p>Points will be assigned on a standard scale, where the percent = points, e.g. 50% = 50 points.</p>	10%
100	<p>2. Total possible capacity to serve noncitizen migrants (NCMs) per day.</p> <p>Points will be assigned on a normalized standard scale, with the applicant with the minimum capacity receiving 10 points, the applicant with the maximum capacity receiving 100 points, and the remaining applicants distributed along the scale according to their capacity.</p>	20%



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100	<p>3. Type of services requested for funding.</p> <p>Applicants will only receive points if a specific primary service meets 10% or more of their submitted budget. Secondary services do not have a minimum percentage to receive points.</p> <p><b>Types of Service &amp; Recommended Points:</b></p> <ul style="list-style-type: none"> <li>■ Shelter (primary): 15 points</li> <li>■ Food (primary): 15 points</li> <li>■ Transportation from DHS (primary), 12 points</li> <li>■ Transportation from service provider to service provider (primary): 10 points</li> <li>■ Onward destination transportation (primary): 7 points</li> <li>■ Medical (primary): 7 points</li> <li>■ Personal Hygiene (primary): 7</li> <li>■ Labor for primary services (primary): 7</li> <li>■ Renovations/modifications to existing facilities: 4 points</li> <li>■ Clothing: 4 points</li> <li>■ Outreach information: 4</li> <li>■ Translation services: 4</li> <li>■ Labor for secondary services: 4 points</li> <li>■ Total: 100 points</li> </ul>	15%
100	<p>4. If the organization currently (within the last 30 days) provides services to noncitizen migrants immediately (the same calendar day or no later than the following calendar day) after their release from DHS custody.</p> <ul style="list-style-type: none"> <li>■ Yes, direct services = 100 points</li> <li>■ Yes, indirect services = 50 points</li> <li>■ No = 0 points</li> </ul> <p>Direct services are defined as firsthand engagement with NCMs for the explicit purpose of serving food or providing shelter, water, medical care, or transportation.</p> <p>Indirect services include any activities supporting a direct service provider, such as furnishing services or goods to direct service providers (e.g., delivering food items).</p>	20%



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100	<p>5. Location of shelter and service facility(ies). Location is defined as where the entity is primarily providing services, not where the entity is headquartered.</p> <p>Points will be assigned on a standard scale using CBP-provided migrant release location and migrant destination location data from the preceding twelve months. This criterion is intended to ensure reasonable balance across border and interior service providers in response to current operational demands and the weight between border and interior localities will be set to achieve this balance.</p>	35%
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## Bonus Points

Eligible applications will be awarded two (2) bonus points for each eligible subapplicant included in the SSP-C application worksheet (maximum 10 possible points).

FEMA and CBP will rank all complete applications based on how well they match the evaluation criteria. Answers to the application's activity-specific questions provide information used to determine each application's ranking relative to the program priorities. During the Technical Evaluation Process (see Section E.3.b.2), FEMA and CBP will review applications in a competitive range based on the evaluation criteria to ensure eligibility and compliance with all application requirements provided in this NOFO as well as apply the following programmatic criteria:

- Activities proposed are only those identified as allowable in this NOFO.
- The applicant demonstrates their capacity, either organically or through a partnership, to provide each SSP allowable activity proposed for funding.
- Proposed deliverables are consistent with the objectives and priorities of SSP.
- Project timelines are realistic, attainable, and conform to the performance period of SSP.
- Proposed costs are allowable, reasonable, and cost-effective in relation to proposed activities.



- The applicant possesses the organic capacity to manage a federal award consistent with Federal statutes, regulations, and the terms and conditions of the Federal award.

### ***b. Financial Integrity Criteria***

Before 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 SAM.gov identifies the applicant as being excluded from receiving federal awards or is flagged for any integrity record submission.

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:

1. Financial stability.
2. Quality of management systems and ability to meet management standards.
3. History of performance in managing federal award.
4. Reports and findings from audits.
5. 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:

FEMA is required by 41 U.S.C. § 2313 and 2 C.F.R. § 200.206(a)(2) 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).

- i. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.



ii. 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. Security Review**

The DHS Office of Intelligence and Analysis receives a list of potential SSP recipient organizations, which it reviews against U.S. intelligence community reporting. The security review occurs after the competitive scoring and selection process is complete. The information provided for the security review is limited to the applicant's name and physical address. Any potentially derogatory information, as well as any potentially mitigating information, that could assist in determining whether a security risk exists, is sent to FEMA and is used in making award decisions.

### **b. Subrecipient Process**

For application packages that have subapplicants, the applicant must evaluate subapplicants based on the eligibility criteria (Section C). As part of the review for SSP, the applicant must:

- Conduct a preliminary eligibility review.
- Confirm each subapplicant has the capacity to perform the SSP-allowable activities proposed in the Application Worksheet.
- Populate Tab 3 (Subapplicant Information) of the Application Worksheet for each proposed subapplicant.

### **c. Review and Selection Process**

SSP applications are reviewed through a multi-step process. All applications are pre-scored and ranked based on how well they align with the funding priorities and criteria outlined in this NOFO. A Technical Evaluation panel will then develop a recommendation on which projects, or portions of projects, to award based on the evaluation criteria (see Section E.1.a. Programmatic Criteria).



#### **d. Pre-Scoring Process**

The application undergoes a pre-scoring process based on the evaluation criteria. All information should comply with program requirements as stated in this NOFO and statutory funding limitations. Applications will be ranked as a result of their evaluation criteria score.

#### **e. Technical Evaluation Process**

FEMA will determine a competitive range based on application submissions and funding. Applications representing that competitive range will undergo a Technical Review by a panel of subject matter experts from CBP, FEMA, and other parts of DHS with experience in noncitizen migration and grants management before being recommended for award. FEMA will evaluate applications through a series of internal review processes for eligibility and completeness. Requests may be recommended for partial funding based on findings made during this assessment.

#### **f. Final Ranking of Applications**

Once the Technical Evaluation Process is complete, a final ranking of applications will be created. The Technical Review Panel will use the final results to make funding recommendations to the Secretary of Homeland Security. All final funding determinations will be made by the Secretary of Homeland Security, who retains the discretion to consider other factors and information, such as indicators of the greatest need to provide services to the greatest number of noncitizen migrants to decompress DHS facilities, in addition to the Technical Review Panel's funding recommendations.

### **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**



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**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 AOR that submitted the application.

Recipients must accept their awards no later than 45 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 otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds.

## **2. Pass-Through Requirements**

FEMA strongly encourages recipients to pass through funds to eligible subrecipients. See [Section C.3](#). Subapplicant Eligibility Criteria.

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

In addition to the requirements of 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 DHS and 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, as applicable.

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 [External Civil Rights Division webpage](#).

Monitoring and oversight requirements in connection with recipient compliance with federal civil rights laws are also authorized pursuant to 44 C.F.R. Part 7 or other applicable regulations.

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 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.



**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 including, but not limited to, threatened or endangered species and historic properties; and identify mitigation measures and/or alternative courses of action that may lessen any impact to those resources.

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. FEMA may recommend mitigation measures and/or alternative courses of action to lessen any impact to environmental resources and bring the project into compliance with EHP requirements.

Guidance on the EHP process is found at [Environmental Planning and Historic Preservation](#). The site contains links to various documents including those identifying agency EHP responsibilities and program requirements, such as implementation of the National Environmental Policy Act and other EHP laws, regulations, and Executive Orders. DHS and FEMA EHP policy is also found in the [EHP Directive & Instruction](#).

All FEMA actions, including grant-funded actions, must comply with National Flood Insurance Program criteria or any more restrictive federal, state, or local floodplain management standards or building code (44 CFR § 9.11(d)(6)).

All FEMA-funded non-critical actions in 1% annual chance floodplains (also known as 100- year floodplains) that involve new construction or substantial improvement of structures must be elevated, at a minimum, to the lower of:

- Two feet above the 1% annual chance flood elevation (also known as the base flood elevation), in accordance with the Federal Flood Risk Management Standard (FFRMS) “Freeboard Value Approach” (FVA); or



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- The 0.2% annual chance flood elevation. Where 0.2% annual chance flood elevations are not available, such actions must be elevated to at least two feet above the 1% annual chance flood elevation.

All FEMA-funded critical actions in 0.2% annual chance floodplains (also known as 500- year floodplains) that involve new construction or substantial improvement of structures must be elevated, at a minimum, to the higher of:

- Three feet above the 1% annual chance flood elevation; or
- The 0.2% annual chance flood elevation. Where 0.2% annual chance flood elevations are not available, such actions must be elevated to at least three feet above the 1% annual chance flood elevation.

[See Executive Order 11988](#), Floodplain Management, as amended by [Executive Order 13690](#), [Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input](#).

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.

The GPD EHP screening form is located on this [FEMA Form](#). Additionally, all recipients under this funding opportunity are required to comply with [FEMA GPD EHP Policy Guidance, FEMA Policy #108-023-1](#).

#### ***d. Mandatory Disclosures***

The non-federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations



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potentially affecting the Federal award. (2CFR 200.113)

Please note applicants and recipients may report issues of fraud, waste, abuse, and mismanagement, or other criminal or noncriminal misconduct to the [Office of Inspector General \(OIG\) Hotline](#). The toll-free numbers to call are 1-800-323-8603, and TTY 1-844- 889-4357.

#### 4. Reporting

Recipients are required to submit various financial and programmatic reports as a condition of award acceptance. Future awards and funds draw down 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 [Grants.gov Post-Award Reporting Forms webpage](#).

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



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Reporting Period	Report Due Date
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)**

Recipients are required to submit a performance progress report on a quarterly basis throughout the POP through FEMA GO, including partial calendar quarters, as well as in periods where no grant award activity occurs. PPRs are due 30 calendar days after the end of each reporting period. The final PPR is due within 120 calendar days after the end of the POP.

The report shall include:

- Quantitative data for all applicable SSP performance measures (e.g., how many nights of congregate shelter, how many meals served);
- Description of activities during the reporting period, as applicable; and,
- Narrative summaries of SSP funding impacts and any relevant organizational partnerships.

### **ii. PPR Periods and Due Dates (PPR)**

The following reporting periods and due dates apply for the PPR:

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



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

### 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:

1. The final request for payment, if applicable.
2. The final FFR (SF-425).
3. The final progress report detailing all accomplishments, including a narrative summary of the impact of those accomplishments throughout the period of performance. If applicable the recipient must include with the final progress report an inventory of all construction projects.
4. Other documents required by this NOFO, terms and conditions of the award, or other FEMA guidance. If the final FFR and performance report periods coincide with the end of the period of performance, FEMA has discretion under 2 C.F.R. Part 200 to waive the last quarterly/semiannual/annual reports and only require the final FFR and performance report for closeout purposes. The recipient is responsible for returning any balances of unobligated or unliquidated funds that have been drawn down that are not authorized to be retained per 2 C.F.R. § 200.344(d).

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 Contracting Performance Assessment Reporting System (CPARS) 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:

1. Are presently excluded or disqualified;
2. 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;
3. 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
4. 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**



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Appendix XII to 2 C.F.R. Part 200 sets forth a term and condition related to recipient integrity and performance matters that will apply to all federal awards under this funding opportunity. If the total value of currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of a federal award under this funding opportunity, then a recipient must maintain the currency of information reported in the Contracting Performance Assessment Reporting System (CPARS) 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**

A recipient that expends \$750,000 or more during the recipient's fiscal year in federal awards (as defined by 2 C.F.R. § 200.1) must have a single audit conducted in accordance with 2 C.F.R. § 200.514 except when it elects to have a program-specific audit conducted in accordance with 2 C.F.R. § 200.501. The audit must be conducted in accordance with 2 C.F.R. Part 200, Subpart F and, as required by 2 C.F.R. § 200.514, in accordance with the U.S. Government Accountability Office (GAO) Generally Accepted Government Auditing Standards, which can be found on the Yellow Book page of the GAO website.

## **5. Monitoring and Oversight**

The regulation at 2 C.F.R. § 200.337 provides DHS and any of its authorized representatives with the right of access to any documents, papers, or other records of the recipient [and any subrecipients] that are pertinent to a federal award in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the recipient's or subrecipient's personnel for the purpose of interview and discussion related to such documents. Pursuant to this right and per 2 C.F.R. § 200.329, DHS may conduct desk reviews and make site visits to review project accomplishments and management control systems to evaluate project accomplishments and to provide any required technical assistance. During site visits, DHS may review a recipient's or subrecipient's files pertinent to the federal award and interview and/or discuss these files with the recipient's or subrecipient's personnel. Recipients and subrecipients must respond in a timely and accurate manner to DHS requests for



information relating to a federal 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.

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

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

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

FEMA's Grant Programs Directorate is the overall programmatic lead for the SSP. For questions related to project design and other required elements of the program, please contact [FEMA-SSP@fema.dhs.gov](mailto:FEMA-SSP@fema.dhs.gov).

#### ***b. FEMA Grants News***

FEMA Grants News is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. This channel 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. FEMA Grants News can be reached by email at [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov) or by phone at (800) 368-6498, Monday through Friday, 9 a.m. – 5 p.m. ET

#### ***c. Grant Programs Directorate (GPD) Award Administration Division***



**FEMA**

GPD's Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. Additional guidance and information can be obtained by contacting the AAD's Help Desk via email at [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov).

#### ***d. Civil Rights***

The FEMA Office of Civil Rights (OCR) 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 EHP Team provides guidance and information about the EHP review process to recipients and subrecipients. All inquiries and communications about GPD projects under this NOFO or the EHP review process, including the submittal of EHP review materials, should be sent to [gpdehpinfo@fema.dhs.gov](mailto:gpdehpinfo@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, 9 a.m. – 6 p.m. 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**



Federal agencies are required to structure NOFOs that incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting agency priority goal(s) and program outcomes.

[OMB Memorandum M-21-27](#), Evidence-Based Policymaking: Learning Agendas and Annual Evaluation Plans, implementing Title I of the Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115-435 (2019) (Evidence Act), urges federal awarding agencies to use program evaluation as a critical tool to learn, improve equitable delivery, and 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).

As such, recipients and subrecipients are required to participate in a DHS-, Component-, or Program Office-led evaluation if selected, which may be carried out by a third-party on behalf of the DHS, its component agencies, or the Program Office. Such an evaluation may involve information collections including but not limited to surveys, interviews, or discussions with individuals who benefit from the federal award program operating personnel, and award recipients, as specified in a DHS-, component agency-, or Program Office-approved evaluation plan. More details about evaluation requirements may be provided in the federal award, if available at that time, or following the award as evaluation requirements are finalized. Evaluation costs incurred during the period of performance are allowable costs (either as direct or indirect) Recipients and subrecipients are also encouraged, but not required, to participate in any additional evaluations after the period of performance ends, although any costs incurred to participate in such evaluations are not allowable and may not be charged to the federal award.

### **3. Period of Performance Extensions**

Extensions to the period of performance (POP) for this program may be permitted only with prior written approval from FEMA. Recipients must request extensions prior to the expiration of the POP. Extensions to the POP identified in the award will only be considered through formal, written requests to the recipient’s FEMA Program Analyst or other relevant FEMA position and must contain specific and compelling justifications as to why an extension is required. Recipients are



advised to coordinate with the FEMA Program Analyst or other relevant FEMA position 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 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 120 days prior to the end of the POP to allow sufficient processing time. Extensions may be granted one time for up to 120 days. Extensions are typically granted for no more than a six-month period.





## 4. Disability Integration

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

Grant and cooperative agreement 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 or cooperative agreement.

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 and intellectual disabilities to the extent practicable.
- Provide auxiliary aids and services, including American Sign Language interpreters, 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, needs of individuals with intellectual disabilities, and information access

FEMA grant recipients can fund projects towards the resiliency 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](#).

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



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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**

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**



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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.

#### **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 on the GSA webpages for [State and Local Governments Resources](#) and [Schedule Buyers](#).

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 Program Analyst or other relevant FEMA position.

#### **d. 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 e [PDAT Field Manual](#).

## 7. Financial Assistance Programs for Infrastructure

### a. Build America, Buy America Act

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also 2 C.F.R. Part 184 and Office of Management and Budget (OMB) Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

None of the funds provided under this program may be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States.

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





For FEMA's official policy on BABAA, please see FEMA Policy 207-22-0001: [Buy America Preference in FEMA Financial Assistance Programs for Infrastructure](#). To see whether a particular FEMA federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please see [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#) and [Buy America Preference in FEMA Financial Assistance Programs for Infrastructure](#).

## **b. Waivers**

When necessary, recipients (and subrecipients through their pass-through entity) may apply for, and FEMA may grant, a waiver from these requirements.

A waiver of the domestic content procurement preference may be granted by the agency awarding official if FEMA determines that:

- Applying the domestic content procurement preference would be inconsistent with the public interest.
- The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.
- The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%.

For FEMA awards, the process for requesting a waiver from the Buy America preference requirements can be found on FEMA's website at: ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#).

## **c. Definitions**

For BABAA specific definitions, please refer to the FEMA Buy America website at: ["Programs and Definitions: Build America, Buy America Act | FEMA.gov."](#)

Please refer to the applicable DHS Standard Terms & Conditions for the BABAA specific term applicable to all FEMA financial assistance awards for infrastructure.

## **8. 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).



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## **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
- Canceled 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.

## **9. 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, civil rights complaint investigations and compliance reviews, 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 or other applicable regulations.

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 may 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 as 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 may 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.

## 10. 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” or other applicable document.

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.

## **11. Payment Information**

FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients.

Payment requests are submitted through FEMA GO.

## **12. 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, local, tribal, territorial, and federal partners

The phrase “Whole 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.



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### **13. Report issues of fraud, waste, abuse**

Please note, when applying to this notice of funding opportunity and when administering the grant, applicants may report issues of fraud, waste, abuse, and mismanagement, or other criminal or noncriminal misconduct to the Office of Inspector General (OIG) Hotline. The toll-free numbers to call are 1-800-323-8603, and TTY 1-844-889-4357.

### **14. Hazard-Resistant Building Codes**

Hazard-resistant building codes are a foundational element of a more resilient nation, safeguarding communities and lives against natural disasters, with an estimated \$11:1 return on investment. The adoption, enforcement and application of modern building codes mitigates community vulnerabilities, reduces disaster recovery costs, and strengthens nationwide capability. FEMA is working to promote and support building codes in all areas of its work in support of the multi-agency National Initiative to Advance Building Codes. In the interest of building a stronger, more resilient nation, FEMA encourages all grant recipients and subrecipients to meet current published editions of relevant consensus-based building codes, specifications and standards, and to exceed them where feasible.”

## **Appendix A: Allowable Activities**

To be reimbursed, all costs must be allowable, reasonable, and allocable (2 CFR §§ 200.403 - 405). In addition to the criteria at 2 CFR § 200.403, costs are allowable only for activities identified in Appendix A. At least one primary service is required for all eligible applicants. All services are allowed only for noncitizen migrants released from a DHS facility. Recipients must ensure they are not charging to FY 2024 SSP-C prior costs associated with Emergency Food and Shelter Program-Humanitarian or other SSP awards

### **Primary Services**

- Shelter
  - Per diem per noncitizen migrant sheltered in an overnight congregate facility; applicants can request full per diem on the first through last days of any multi-day stay (rate cannot exceed \$12.50 per noncitizen migrant per day)
  - Rental costs of real property used for providing services covered under SSP





- Hotel/motel room costs used to provide services (costs should be reasonable based on the [rate set by the U.S. General Services Administration \(GSA\)](#) for the location plus necessary taxes and fees, or to the extent the costs do not exceed charges normally allowed by the applicant in its regular operations).
- Cots and beds, including pillows
- Temporary structures (e.g., tents)
- Linens (e.g., sheets, towels, wash cloths)
- Overnight shelter utilities (electricity, gas, water, cell phone plans, internet plans) (rate cannot exceed \$10 per noncitizen migrant served per day)
- Non-overnight facility utilities (electricity, gas, water, cell phone plans, internet plans) (rate cannot exceed \$5 per noncitizen migrant served per day)
- Maintenance and housekeeping (e.g., repair and cleaning supplies, shower maintenance)
- Contracted Services (e.g., security, laundry, trash pickup, cleaning services)
- Applicants are strongly encouraged to consider use of shelter services in compliance with the Hotel and Motel Fire Safety Act of 1990, which encourages fire safety in places that offer lodging to the public.
- Food
  - Food items
  - Food banks (direct food/meal-supportive purchases for noncitizen migrants recently released by DHS)
  - Food banks (indirect support of noncitizen migrants recently released by DHS by giving food/meal supportive items to other agencies that provide the direct services)
  - Contracted meals (paying a contractor to pay for/provide meals) (rate cannot exceed \$15 per meal)
  - Food storage containers (e.g., separating bulk food purchases, storing prepared food)
  - Dishes, utensils, and linens (e.g., plates, forks, knives, napkins)
  - Cookware and serveware (e.g., pots, pans)
  - Maintenance and housekeeping (e.g., repair and cleaning supplies)
  - Contracted services (e.g., security, trash pickup, cleaning services)
- Transportation
  - Subject to the limitations below, transportation expenses are allowable for the following activities:
    - Transportation of noncitizen migrants from DHS release facility to the shelter or services provider's location. Eligible transportation expenses



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from DHS facility to shelter or service provider may include charter bus, taxi, mileage, etc.

- Onward destination transportation, which is defined as transportation of a noncitizen migrant from a shelter and/or service provider's location to the noncitizen migrant's final destination/point of contact
  - Long distance transportation (50 miles or more) includes air, bus, or train expenses to move families and individuals released by DHS to another city or state.
- Transportation of a noncitizen migrant from one shelter or service provider's location to another shelter or service provider's location to decompress the population at the shelter or service provider.
- Rideshares:
  - Rideshares are allowable for transportation from DHS release facility to a shelter or service provider and for transportation between shelter or service providers but are not allowable for onward destination travel.
  - If rideshares are purchased, total mileage cannot exceed 50 miles per ride
- Parking (e.g., local street, airport).
- *Transportation Limitations:*
  - Transportation used must be the most cost-effective form and be at a reasonable overall cost to maximize grant dollars.
  - Any form of contracted transportation services must meet the procurement standards in 2 C.F.R. Part 200.
  - International transportation is not allowable. Only transportation within the contiguous United States (lower 48 states and Washington, D.C.) are allowed.
  - All fares must be coach class on a commercial airline or train; any form of "luxury" transportation is not allowable (e.g., business or first class, limousine services, etc.).
  - If tickets are purchased for individuals, airfare cannot exceed \$700 per ticket.
  - For all applicable transportation expenses, the mileage rate cannot exceed current GSA federal rate
  - Rental/lease of multi passenger vans may be used only for transportation of noncitizen migrants from DHS facility to shelter and service provider location.
  - Charter bus and other forms of grouped transportation should operate at a minimum average of 66% capacity. This minimum should be



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achieved on average, across multiple charter bus or other grouped transportation trips over the course of a documented period of time. Recipients should self-verify average grouped transportation capacity metrics on a weekly, monthly, or quarterly basis, as applicable.

- Additional limitations on transportation of a noncitizen migrant from one shelter or service provider's location to another shelter or service provider's location:
  - This transportation is allowable only if the transportation was coordinated, in writing, between the providers prior to travel.
  - Coordination includes but is not limited to: a minimum of 48-hour (distance permitting) notice before arrival; the identification of an arrival time and location that is suitable to the receiving service provider; and the identification of any critical unmet needs.
    - Upon request, recipients may be required to provide proof of this written coordination in order to be reimbursed.
  - The chartering of aircraft, watercraft, or other vehicle not specifically stated in this Appendix is not allowable.
  - If an individual released by DHS presents themselves or is observed to have acute or severe medical issues, those issues must be addressed before engaging in long-distance travel (50 miles or greater) or the cost is not allowable.
- Acute medical care
  - Basic first aid care and supplies (e.g., band-aids)
  - Health screenings, including for mental health
  - Medical care for assessment and stabilization for onward travel, including ground-based ambulance transport
  - Testing and limited care related to quarantining and isolation
  - Over-The-Counter Medication (e.g., aspirin)
  - Personal Protective Equipment (PPE) for both shelter staff and noncitizen migrants
- Limited Durable Medical Equipment (DME)
  - Examples of DME include: bariatric cots, wheelchairs, wheelchair ramps, walkers, commodes, toilet seats, IV-Poles, canes, crutches, handheld shower, shower chair, transfer boards, gait belt, gravity feeding set, assistive listening devices, headset, magnifying glass, communication cards, adaptive eating devices, bedside commode, elevated toilet seat, 3-in-one commode, shower mat non-slip, digital infrared thermometer, seated (Bariatric) walker, comfort box, small refrigerator for medications.



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- Prescription medication for managing acute or chronic care
- Lab testing
- Personal hygiene supplies (hygiene items, toiletries, feminine hygiene products, baby wipes, diapers, etc.)
- Labor for primary services (for more information, see 2 CFR 200.430)
  - Labor for primary services means only the compensation for the time employees or contractors are directly providing primary services and/or receiving training on the provision of primary services. Labor (personal services) must follow the requirements and guidelines established in [2 CFR 200.430](#).
  - Personnel managing cases to provide primary services, such as coordinating initial transportation and onward destination movement, is allowable.
  - Travel and relocation expenses for primary labor (personal service) costs are not allowable.
  - Costs associated with management and administration are addressed separately below.

## Secondary Services

- Renovations or modifications to existing facilities
  - Applications that include funding requests for renovations or modifications to existing facilities cannot exceed \$250,000 for the entire application budget.
  - SSP funding may only be used for those parts of the facility that are directly associated with providing services to noncitizen migrants released from DHS custody.
  - Funding can be used for:
    - Improvements to expand capacity and services and to address safety concerns. Renovations and modifications to existing facilities cannot change the existing footprint of the facility.
    - Repairs to facilities to provide services (e.g., update bathroom/renovate kitchen) to make them safe and sanitary or compliant with state and local codes.
    - Planning costs to support the SSP renovations or modifications to existing facilities are allowable. These planning activities include the following:
      - Develop plans, protocols, or procedures for the operation and use related to new capabilities as a result of the renovations or modifications to existing facilities;
      - Conduct physical security assessments;



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- Analyze design and implementation of protection system (e.g., fire protection and suppression, atmospheric filtration, explosives mitigation) for renovations or modifications to existing facilities.
- Obtaining permits and completing inspections which are necessary for specified improvements.
- Clothing (shirts, pants, outerwear, underwear and bras, socks, shoes/shoelaces, backpacks, belts, etc.)
- Outreach information (e.g., communications development and distribution, contracts, printing services)
- Translation services (e.g., contracts and external support)
- Labor for secondary services (see 2 CFR 200.430))
  - Labor for secondary services means only the compensation for the time employees or contractors are directly providing secondary services and/or receiving training on the provision of secondary services.
  - Travel and relocation expenses for secondary labor (personal service) costs are not allowable.
  - Costs associated with management and administration are addressed separately below.

## **Management & Administration**

Management & Administration (M&A) costs are allowable and do not count as a primary or secondary service. M&A is defined as director/manager level and administrative staff time, contracted or otherwise, to provide services directly or to support needs of families and individuals released by DHS. Recipients may expend up to 5% of an SSP award for allowable M&A costs. Subrecipients may also expend up to 5% of their SSP subaward for allowable M&A costs. These may include services providing grants management, including grant application preparation. These may also include recordkeeping (e.g., IT assistance (contracts and external support) and costs associated with creating a database and/or tracking system to assist with managing SSP funds as well as cybersecurity assessments and enhancements).

## **Leases**

Rental costs and leases are allowable under FY 2024 SSP-C. Leased property can be reimbursed (as allocable) for any SSP service.



## Appendix B: Payment Requests and Amendments

Appendix B contains detailed information on SSP Award Administration. Reviewing this information may help recipients in the programmatic and financial administration of their award(s).

### Payments and Amendments

FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. SSP payment/drawdown requests are generated using FEMA GO. SSP payment/drawdown requests will be governed by applicable federal regulations in effect at the time a grant is awarded to the recipient and may be either advances or reimbursements.

Recipients should not expend funds until all special conditions listed on the grant award document have been met, including completion of EHP review, active SAM.gov registration, and the request for payment in FEMA GO has been approved.

Recipients should draw down funds based upon immediate disbursement requirements; however, FEMA strongly encourages recipients to draw down funds as close to disbursement or expenditure as possible to avoid accruing interest.

Non-federal entities must submit the following documents at time of drawdown requests:

- If the drawdown request includes money for a subrecipient, specify the subrecipient and allowable activities the funding covers.
- For renovations or modifications to rented real property only: If an applicant or subapplicant is requesting funding for renovations or modifications to rented real property and documentation has not previously been provided, submit rental agreement addressing space, any limitations of use, and rental period.
- For all services covered by the draw down request, provide Alien Registration Numbers (A-Numbers) or evidence of DHS processing (e.g., I-94, I-385, I-860, I-862): A summary list reporting A-Numbers, names, corresponding DHS release dates of the served population, and corresponding service dates of the served population. Please do not send copies of the forms themselves. Applicants must use the provided A-Number Submission Template to populate



the information. Recipients must ensure that full A-Numbers and accurate dates of service are provided.

- **Proof of Purchase Documentation:**

- For each requested allowable activity service category (See Appendix A), provide one example of proof of payment (e.g., canceled check, credit card statement, etc.) and a receipt reflecting the purchase. Provide one document inclusive of all proofs of payment and receipts less than \$5,000. In the document (a spreadsheet is preferred), identify the following things:
  - For each proof of payment receipt, the allowable activity/service category being funded (see the Application Worksheet, Budget Worksheet tab for categories)
  - The date of the receipt
  - The proof of purchase associated with the line item (file name, page number, transaction ID, or other unique identifier to clearly link the line item with the proof of purchase)

- The line item details from the receipt (what the item is)
- The quantity if more than one
- The amount requested for reimbursement by line item, not receipt total
- If applicable, which proofs of payment and receipts are for which subrecipient.
  - For each purchase or allowable cost of \$5,000 or more, provide proof of payment and a receipt reflecting the purchase or other documentation demonstrating calculation and allocation of cost in accordance with 2 CFR Part 200, Subpart E. Provide one document inclusive of all proofs of payment and receipts \$5,000 or more. In the document, identify which proofs of payment and receipts are for which allowable activity service category (See Appendix A). If applicable, also identify which proofs of payment and receipts are for which subrecipient.

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. See, e.g., 2 C.F.R. §§ 200.318(i), 200.334, 200.337.

## **Reimbursement and Advance Funding**

FEMA recognizes that many SSP recipients and subrecipients – particularly nonprofit organizations – may not have the requisite cash on hand readily



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available for immediate procurement of services. Given this situation, FEMA will allow for advanced-based funding in addition to the preferred reimbursement-based funding, with the following caveats:

## **Reimbursement**

Payment by reimbursement is the preferred method (see 2 C.F.R. § 200.305). As a prerequisite of SSP approval for reimbursement requests, recipients shall include proof of purchase, in the form of a canceled check or credit card transaction, active SAM.gov registration, and a final invoice(s) in each reimbursement SSP Program payment/drawdown request. In accordance with U.S. Department of Treasury regulations at 31 C.F.R. Part 205, if applicable, the recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds.

## **Advance Funding**

Recipients may be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds and its disbursement by the recipient (not to exceed 90 days), and the financial management systems that meet the standards for fund control and accountability as established in 2 C.F.R. Part 200.

The recipient shall include invoice(s) and/or purchase orders for advance SSP payment/drawdown requests. In the case of advance payments, recipients must submit additional documentation (e.g., A-Number template) after the disbursement of funds. EHP review requirements must be met prior to advanced payments. Although advance drawdown requests are permissible, recipients remain subject to applicable federal laws in effect at the time a grant is awarded to the recipient. Governing interest requirements include the Uniform Administrative Requirements Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200 and the Cash Management Improvement Act (CMIA) and its implementing regulations at 31

C.F.R. Part 205. Interest under CMIA will accrue from the time federal funds are credited to a recipient's account until the time the recipient pays out the funds for program purposes. For the rate to use in calculating interest, please visit [Treasury Current Value](#) rate.



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## Payment Requests During Closeout

A recipient may only submit reimbursement payment requests up to 120 calendar days after the expiration of the period of performance, during an award's closeout reconciliation.

Reimbursement payments are the only eligible type of requests to be submitted after a grant's period of performance has expired. The expenditure must have been obligated and received during the period of performance of the award. The recipient's request should contain clear and specific information certifying that the liquidation of federal funds is reimbursement for an obligation properly incurred during the active period of performance; FEMA may request documentation supporting the reimbursement for review at any time.

## Amendments

FEMA may approve SSP award amendments on a case-by-case basis, for the following reasons:

- Extension of the period of performance in order to complete the scope of work;
- Changes to the activity, mission, retroactive approval (pre-award), closeout issues, and some excess funds requests;
- Program adjustments due to pressing need (transfer or redistribute available funds from uses described in the submitted budget to other uses within the grant scope);
- Budget changes (adding funds to award/non-closeout deobligation of funds); or
- Adding subrecipients to an award. To add a subrecipient to an award:
  - Provide the information listed on Tab 3 Subapplicant Information of the Application Worksheet.
  - Applicants must verify the nonprofit status of subapplicants and retain a copy of the documentation submitted by the subapplicant(s) as evidence of their nonprofit status for auditing purposes.

FEMA will only consider amendments submitted via FEMA GO. These requests must contain specific and compelling justifications for the requested change. Amendments or changes to the scope of work may require additional EHP review. FEMA strongly encourages recipients to expend grant funds in a timely manner, to be consistent with SSP goals and objectives. All amendments require recipients to maintain an active SAM.gov registration.



***NOTE: A recipient may deobligate (i.e., return) unused funds (i.e., those remaining funds previously drawn down via payment request and/or remaining award funding that was never requested) to DHS/FEMA prior to the end of an award's period of performance. To exercise this option, a recipient must submit an amendment via FEMA GO and state in the amendment that the unliquidated funds (i.e., the funds to be returned) are not necessary for the fulfillment or success of the grant's obligations or mission. The recipient must also indicate in the amendment that it understands that the returned funds will be deobligated and unavailable for any future award expenses. Deobligation of funds will decrease the federal portion of the grant and the amount of the recipient's Cost Share obligation. FEMA will confirm deobligation amendments with all points of contact; after confirmation of the recipient's intent to deobligate, FEMA will hold the approved deobligation request for 14 calendar days as a period for recipient reconsideration before FEMA processes the deobligation request. The deobligation of funds cannot be reversed.***

## **Footnotes**

1. The term Encounter as used in this announcement means: An encounter is an apprehension by a U.S. Border Patrol (Title 8) Agent or a determination of inadmissibility by a CBP Officer at a Port of Entry (Title 8).

