

**The Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)
Fiscal Year 2023 Pre-Disaster Mitigation (PDM) Grant Program**

The Fiscal Year 2023 PDM grant program is limited to the projects and entities identified by Congress in the [FY23 DHS Appropriations Act’s Joint Explanatory Statement \(JES\) for Division F](#) in the table starting on page S8570 entitled “Homeland Security Incorporation of Community Project Funding Items/Congressionally Directed Spending Items.” This funding opportunity is not open for other activities, projects, or entities.

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 Sam.gov can be found at: <https://sam.gov/content/entity-registration>.

Grants.gov registration information can be found at:
<https://www.grants.gov/web/grants/register.html>.

Planned UEI Updates in Grant Application Forms:

On April 4, 2022, the Data Universal Numbering System (DUNS) Number was replaced by a new, non-proprietary identifier requested in, and assigned by, the System for Award Management (SAM.gov). This new identifier is the Unique Entity Identifier (UEI).

Additional Information can be found on Grants.gov:

<https://www.grants.gov/web/grants/forms/planned-uei-updates.html>

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A. Program Description**1. Issued By**

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

2. Assistance Listings Number

97.047

3. Assistance Listings Title

Pre-Disaster Mitigation Grant Program

4. Funding Opportunity Title

Fiscal Year 2023 Pre-Disaster Mitigation Grant Program

5. Funding Opportunity Number

DHS-23- *MT-047-00-99*

6. Authorizing Authority for Program

Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (Pub. L. No. 100-707), amending the Disaster Relief Act of 1974 (Pub. L. No. 93-288) (42 U.S.C. § 5133)

7. Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2023 (FY23 DHS Appropriations Act) (Pub. L. No. 117-328)

8. Announcement Type

Initial

9. Program Category

Mitigation: Natural Hazards

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

The Pre-Disaster Mitigation (PDM) Grant Program makes federal funds available to state, local, tribal, and territorial governments to plan for and implement sustainable cost-effective measures designed to reduce the risk to individuals and property from future natural hazards, while also reducing reliance on federal funding from future natural disasters.

PDM has invested more than \$1 billion across thousands of projects for mitigation activities throughout the country during its 20-year history and has paved the way for the next generation of mitigation funding. PDM helped initiate an important shift in the nation's focus from planning for response and recovery to assessing risk, proactively identifying projects to mitigate risk, and strategically tackling pre-disaster community resilience initiatives. PDM

has supported states, territories, tribes, and local jurisdictions as they pursued community-wide resilience planning processes and implemented projects to reduce risk nationwide.

The Fiscal Year (FY) 2023 PDM Grant Program will provide \$233,043,782 in funding to projects identified in the [FY23 DHS Appropriations Act's Joint Explanatory Statement \(JES\) for Division F](#) in the table starting on page S8570 entitled "Homeland Security Incorporation of Community Project Funding Items/Congressionally Directed Spending Items."

FEMA will provide financial assistance to eligible PDM applicants for activities in accordance with the JES accompanying the FY23 DHS Appropriations Act and as listed in Appendix A of this NOFO. The authorized projects generally include the following project types:

- 1) Project Scoping – process for subapplicants to develop effective mitigation alternatives based on a defined set of requirements that meet the stated purpose and need of the proposed project. The process includes activities such as identification and evaluation of technical feasibility, cost review, and cost effectiveness, as well as environmental and cultural resource considerations.
- 2) Hazard Mitigation Projects (construction) – cost-effective projects designed to increase resilience and public safety; reduce injuries and loss of life; and reduce damage and destruction to property, critical services, facilities, and infrastructure, (including natural systems) from a multitude of natural hazards and the effects of climate change; and
- 3) Management Costs – financial assistance to reimburse the recipient for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation measure or project in an amount up to 5 percent of the total federal amount of the grant award. Project award amounts are not available for recipient management and administration costs; however, a separate appropriation was made for these costs, which may reimburse recipients for up to 5 percent of the total federal award amount for each project.

The PDM Grant Program aligns with the general goal of promoting resilience and adaptation in light of current risks and the [2020-2024 DHS Strategic Plan](#) through pursuing Goal 5: Strengthen Preparedness and Resilience. Specifically, Objective 5.1: Build a National Culture of Preparedness has several sub-objectives that the PDM Grant Program supports. PDM serves primarily to bolster Sub-Objective 5.1.1: Incentivize investments that reduce risk and increase pre-disaster mitigation, including expanding the use of insurance to manage risk through funding mitigation projects, particularly ones that reduce risk to Community Lifelines and infrastructure. Additionally, project scoping activities that PDM funds also contribute to other sub-objectives. For example, planning, partnerships, and project scoping efforts help improve awareness initiatives to encourage public action to increase preparedness (Sub-Objective 5.1.2), use lessons from past disasters and exercises to inform community investment decisions and anticipate challenges that may emerge during future disasters (Sub-Objective 5.1.3), and coordinate and guide continuity of operations activities through partnerships with government and non-government stakeholders (Sub-Objective 5.1.5).

The [2022-2026 FEMA Strategic Plan](#) outlines three bold, ambitious goals in order to position FEMA to address the increasing range and complexity of disasters, support the diversity of communities we serve, and complement the nation's growing expectations of the emergency management community. The PDM Grant Program supports Goal 2: Lead Whole of Community in Climate Resilience and Goal 3: Promote and Sustain a Ready FEMA and a Prepared Nation.

b. Objectives

The objective of the FY 2023 PDM Grant Program is to fund Community Project Funding/Congressionally Directed Spending (CDS) projects for state, local, tribal, and territorial government efforts to plan for, and implement sustainable cost-effective measures designed to reduce the risk to individuals and property from future natural hazards, while also reducing reliance on federal funding from future disasters.

There are projects from 32 states and two tribes identified for the FY 2023 PDM Grant Program. These targeted community and Tribal projects focus primarily on infrastructure improvements to stormwater, drainage, sewer systems and levee systems and/or dams to build community resilience against future flooding. However, other projects focus on addressing other hazard types such as tsunamis, seismic activity, landslides, and wildfire. Approximately 10 projects address nature-based solutions including greenways, open space, beach revitalization, climate resilience, and shoreline preservation.

c. Priorities

The priorities of the FY 2023 Pre-Disaster Mitigation Grant Program are to fund projects identified in **Appendix A** of this NOFO. If you are interested in applying to FEMA's other annual mitigation grant programs, like the Building Resilient Infrastructure and Communities program, please go to www.grants.gov for more information.

11. Performance Measures

Based on the statutory requirements of Section 203 and the Hazard Mitigation Assistance Guidance (2015), FEMA has specified minimum project criteria including that Applicants must demonstrate mitigation projects are cost effective. Benefit-Cost Analysis (BCA) is the method by which the future benefits of a hazard mitigation project are determined and compared to its costs. The end result is a Benefit-Cost Ratio (BCR), which is calculated by a project's total of discounted benefits divided by its total of discounted costs. The BCR is a numerical expression of the "cost effectiveness" of a project. A project is considered to be cost effective when the BCR is 1.0 or greater, indicating the benefits of a prospective hazard mitigation project are sufficient to justify the costs. FEMA is also introducing an alternative cost-effectiveness methodology that will modify the threshold for mitigation projects to be considered cost-effective under limited conditions. Part of the conditions stipulate that the mitigation activity benefits disadvantaged communities, addresses climate change impacts, has hard to quantify benefits, and/or is subject to higher costs due to the use of low carbon building materials or compliance with the FFRMS. Please see Section D.11.b, "Alternative Benefit Cost Analysis" paragraph below for full requirements. Projects that are not cost-effective will not be eligible.

PDM aims to implement projects that reduce risks posed by natural hazards and reduce future losses, by funding priority projects and activities. Priorities include risk reduction of both acute events and chronic stressors, which are either observed or expected. To achieve these goals, for FY23 PDM, the 100 identified CDS projects prioritize the following types of activities: infrastructure projects, those that mitigate risk to lifelines, and projects proposed by applicants that reduce reliance on federal disaster funding. FEMA will measure the percent of dollars invested in these priorities, which will indicate that PDM projects expect to meet the goal of reducing both risks posed by natural hazards and future losses.

B. Federal Award Information

1. Available Funding for the NOFO: **\$233,043,782**
2. Period of Performance: **36 Months**

Extensions to the period of performance are allowed. For additional information on period of performance extensions, please refer to Section H of this NOFO.

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

3. Projected Period of Performance Start Date(s): Will vary by award; all awards must be made by September 30, 2023
4. Period of Performance End Date(s): 36 months from date of the award unless otherwise approved by FEMA
5. Funding Instrument Type: **Grant**

C. Eligibility Information

1. Eligible Applicants

Only states or federally recognized tribal governments with identified projects in **Appendix A** of this NOFO are eligible to apply.

Each state, territory, or federally recognized tribal government with a PDM project identified in **Appendix A** of this NOFO shall designate one agency to serve as the applicant for PDM funding. Each applicant’s designated agency may submit only one PDM grant application to FEMA.

Local governments, including cities, townships, counties, special district governments, and tribal governments (including federally recognized tribes who choose to apply as subapplicants) that are identified in **Appendix A** of this NOFO are considered subapplicants and must submit subapplications to their state/territory applicant agency. Contact information

for the State Hazard Mitigation Officers (SHMOs) is provided on the FEMA website at [State Hazard Mitigation Officers](#). A federally recognized tribal government may apply as an applicant directly to FEMA or as a subapplicant.

2. Applicant Eligibility Criteria

Eligible FY 2023 PDM grant projects were identified in the JES accompanying the FY 2023 DHS Appropriations Act; only those associated PDM projects are eligible to receive funding under this grant program. Those PDM projects are identified in **Appendix A** of this NOFO.

- To be considered for funding, all applicants must submit their FY 2023 PDM grant application to FEMA via Mitigation (MT) eGrants.
- All applicants and subapplicants submitting subapplications must have a FEMA-approved mitigation plan by the application deadline and at the time of obligation in accordance with Title 44 Code of Federal Regulations (CFR) Part 201.

3. Other Eligibility Criteria/Restrictions

- All mitigation projects submitted as part of a PDM grant application must be consistent with the goals and objectives identified in a) the current, FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan and b) the approved local mitigation plan for the jurisdiction in which the project is located.
- All activities under PDM must be in conformance with all applicable environmental planning and historic preservation (EHP) laws, regulations, executive orders, and agency policies including 44 C.F.R. Part 9; DHS Directive 023-01 Rev 01, Implementation of the National Environmental Policy Act (October 31, 2014), and Instruction Manual 023-01-001-01 Rev 01, Implementation of the National Environmental Policy Act (NEPA) (November 6, 2014); FEMA Directive 108-1, Environmental Planning and Historic Preservation Responsibilities and Program Requirements (October 10, 2018); FEMA Instruction 108-1-1, Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements (October 10, 2018), accessible at <https://www.fema.gov/media-library/assets/documents/118323>. EHP Job Aids and Supplements are available on the FEMA website at <https://www.fema.gov/grants/mitigation/job-aids>.
- All activities under PDM must be in conformance with all applicable federal, state, tribal, and local floodplain and land use laws and regulations including 44 C.F.R. § 60.3 (floodplain management criteria).
 - All structure elevation, mitigation reconstruction, and dry floodproofing projects; and all projects where HMA funds are used for new construction, substantial improvement, or to address substantial damage to structures¹ must meet the minimum standards of FEMA’s partial implementation of the Federal Flood Risk Management Standards (FFRMS).

¹ Refer to [44 CFR § 9.4](#) for the definitions of “[new construction](#)” and “[substantial improvement](#).” Refer to [44 CFR § 59.1](#) for the definition of “[substantial damage](#).”

- See [Executive Order \(EO\) 14030, Climate-Related Financial Risk](#) and [FEMA Policy FP-206-21-003-0001 Implementation of the FFRMS for HMA Programs](#).
- PDM projects must not have duplicate activities that another federal agency or program has more specific authority to conduct.
- All PDM projects must be in conformance with any other criteria established by FEMA that is specific to the proposed activity.
- Construction activities for which ground disturbance has already been initiated or completed are not eligible for funding. Non-construction activities that have already started may not be considered for funding. However, per the [Hazard Eligibility and Local Projects \(HELP\) Act](#), FEMA may provide assistance for certain acquisition and demolition projects when implementation has already begun. In order to be eligible, the project must: (1) qualify for a categorical exclusion under NEPA; (2) be compliant with applicable floodplain management and protection of wetland regulations and criteria; and (3) not require consultation under any other environmental or historic preservation law or regulation or involve any extraordinary circumstances. An entity seeking assistance under the HELP Act must comply with all other applicable HMA and federal requirements (*see* Pub. L. No. 117-332).
- Mitigation projects must, at a minimum, be in conformance with the latest published editions (meaning either of the two most recently published editions) of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant and energy efficient designs.
- Mitigation projects should account for future climate risk to the proposed project. This can be accomplished by using evidence-based, best-available climate data sets, information resources, and decision-support tools, including Federal resources, to identify current and future climate risks over the project's expected service life. Climate projections, emission scenarios, or other suitable scenario conditions should be specified based on the project's service life and applicant's risk tolerance, as appropriate and available. Applications should document how planned project design and operations are resilient to any identified current and future climate risks. (This can be used to satisfy the requirement to utilize alternative benefit-cost analysis methodology under section D.11.b.3.b.)
- Mitigation projects should adopt nature-based solutions unless alternatives are demonstrated to be more beneficial to society, when the full range of benefits are considered, or nature-based solutions are not technically suitable for project goals.
- Where technically feasible and effective, mitigation projects should use construction materials that have lower embodied greenhouse gas emissions – including lower-carbon concrete, asphalt, and steel. Embodied emissions refer to the amount of greenhouse gas (GHG) emissions associated with the extraction, production, transport, and manufacturing of material. (This can be used to satisfy the requirement to utilize alternative benefit-cost analysis methodology under section D.11.b.3.c.)
- Where technically feasible and effective, mitigation projects should encourage designs, operations, and practices that lead to further adoption of technology, development or land use patterns, or behaviors that reduce greenhouse gas emissions within and potentially beyond extent of the project.
- Mitigation projects must be technically feasible and effective.

- Mitigation projects must solve a problem independently or constitute a functional portion of a long-term solution for which there is assurance that the project as a whole will be completed or there is a reasonable plan and available funding for completion.
- Mitigation projects must be cost-effective and designed to increase resilience and reduce risk of injuries, loss of life, and damage and destruction of property, including critical services and facilities. This means the project, as documented by the applicant, achieves the following goals:
 - Addresses a problem that has been repetitive or that poses a risk to public health and safety and improved property if left unresolved;
 - Satisfies applicable cost-effectiveness requirements in compliance with OMB Circular A-94;
 - Contributes, to the extent practicable, to a long-term solution to the problem it is intended to address; and
 - Accounts for long-term changes to the areas and entities it protects and has manageable future maintenance and modification requirements.
- If the mitigation project is located in a Special Flood Hazard Area, it must meet both of the following conditions:
 - i. The project is in a jurisdiction participating in the National Flood Insurance Program that is not on probation, suspended, or withdrawn.
 - ii. The property owner obtains and maintains flood insurance for the life of the structure, regardless of transfer of ownership, in an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the mitigated property, whichever is less.
 - iii. The project complies with any FEMA directive or policy implementing the Federal Flood Risk Management Standards (FFRMS)².

4. Cost Share or Match

Cost share is required under this program. Federal funding is available for up to 75 percent of the eligible activity costs. The remaining 25 percent of eligible activity costs must be derived from non-federal sources.

The non-federal cost share contribution is calculated based on the total cost of the proposed activity. For example, if the total cost is \$400,000 and the non-federal cost share is 25 percent, then the non-federal contribution is \$100,000: 25 percent of \$400,000 is \$100,000.

Small impoverished communities are eligible for up to a 90 percent federal cost share for their mitigation planning and project subapplications in accordance with the Stafford Act. A small impoverished community must meet all of the following qualifications:

- Be a community of 3,000 or fewer individuals identified by the state as a rural community that is not a remote area within the corporate boundaries of a larger city;

² An update to the FFRMS policy went into effect as of Dec. 7, 2022, and addresses elevating and floodproofing requirements for structures using Hazard Mitigation Assistance funding. Please refer to the following link for additional information about the [Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs -- FEMA Policy 206-21-003-0001](#).

- Be economically disadvantaged, with residents having an average per capita annual income not exceeding 80 percent of the national per capita income, based on best available data. For the most current information, go to the Bureau of Economic Analysis website at <http://www.bea.gov>; or the United States Census Bureau website at [Census.gov](http://www.census.gov); and
- Meet other criteria required by the Applicant in which the community is located.

Federally recognized tribes can identify themselves as small impoverished communities if they meet the above criteria.

Federally recognized tribes meeting the definition of a small impoverished community that apply to FEMA directly as Applicants are eligible for a 90 percent federal cost share for their planning, project, and management costs subapplications.

Applicants and subapplicants who apply as a small impoverished community must request the federal cost share amount up to 90 percent in the Cost Share section of their planning, project, and management costs subapplication(s). Applicants must certify small impoverished community status and provide documentation with the subapplication(s) to justify up to a 90 percent federal cost share. If documentation is not submitted with the subapplication, then FEMA will provide no more than 75 percent federal cost share of the total eligible costs.

More detailed information is provided in Part III, C, Cost Sharing, of the HMA Guidance, available on the FEMA website at [Hazard Mitigation Assistance Guidance Feb 27, 2015](https://www.fema.gov/hazard-mitigation-assistance-guidance-feb-27-2015).

D. Application and Submission Information

1. Key Dates and Times

- | | |
|--|---------------------------------|
| a. Application Start Date: | 03/01/2023 |
| b. Application Submission Deadline: | 04/14/2023 at 5:00 PM ET |

All applications **must** be received by the established deadline. Applicants with system-related issues must contact the eGrants Helpline by 3:00 pm on Friday, April 14, 2023.

The MT eGrants System has a date stamp that indicates when an application is submitted. Applicants will receive an electronic message confirming receipt of their 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 may 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: 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 additional assistance using the MT eGrants System, please contact the MT eGrants Service Desk at mtegrants@fema.dhs.gov. The MT eGrants Service Desk is available Monday through Friday, 9:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Program Analyst or Grants Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the Centralized Scheduling and Information Desk (CSID) by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9:00 AM – 5:00 PM ET.

- c. **Anticipated Award Date:** No later than **09/30/2023**
To be considered timely, an FY23 PDM application must be submitted by the application deadline via FEMA’s MT eGrants, and the applicant must have received a confirmation message in MT eGrants that indicates successful FY23 PDM grant submission to FEMA. 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.
- d. **Other Key Dates**

Event	Suggested Deadline for Completion
Initial registration in SAM.gov includes UEI issuance	Four weeks before actual submission deadline
Obtaining a valid Employer Identification Number (EIN)	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or updating SAM registration	Four weeks before actual submission deadline
Registering in Grants.gov	Four weeks before actual submission deadline
Registering in MT eGrants	Four weeks before actual submission deadline
Starting application in Grants.gov	One week before actual submission deadline
Submitting the final application in MT eGrants	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

FEMA will only process applications received via MT eGrants.

Information, training and resources on MT eGrants are available on the FEMA website at <https://www.fema.gov/grants/mitigation/mitigation-egrants-system-resources> (see section G, DHS Awarding Agency Contact Information, of this NOFO).

Hard copies of the NOFO can be downloaded at [Grants.gov](https://www.fema.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.

For a hard copy of the full NOFO, please write a request to:

Gerilee Bennett

Acting Director, Hazard Mitigation Assistance Division, Mitigation Directorate
Federal Insurance and Mitigation Administration
Federal Emergency Management Agency
400 C Street, SW
Washington, DC 20472

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

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 Unique Entity Identifier (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.

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.

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

- a. Apply for, update, or verify their Unique Entity Identifier (UEI) number from SAM.gov and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide an UEI number;
- c. Have an account with login.gov;
- d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;

- e. Create a Grants.gov account;
- f. Add a profile to a Grants.gov account;
- g. Establish an Authorized Organizational Representative (AOR) in Grants.gov;
- h. Register in MT eGrants
- i. Submit an initial application in Grants.gov;
- j. Submit the final application in MT eGrants, including electronically signing applicable forms; and
- k. 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.

Specific instructions on how to apply for, update, or verify an UEI number or SAM registration or establish an AOR are included below in the steps for applying through [Home | GRANTS.GOV](#).

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. § 25.110I(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 askcsid@fema.dhs.gov and providing the details of the circumstances that prevent completion of these requirements. If FEMA determines that there are exigent circumstances and FEMA has decided to make an award, the applicant will be required to obtain an UEI number, if applicable, and complete SAM registration within 30 days of the federal award date.

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 applicants to submit their applications online through Grants.gov, depending on the funding opportunity.

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

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.

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

b. *Obtain an UEI Number:*

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

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

c. *Obtain Employer Identification Number*

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

d. *Create a login.gov account:*

Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account here: https://secure.login.gov/sign_up/enter_email?request_id=34f19fa8-14a2-438c-8323-a62b99571fd3.

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

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

e. *Register with SAM:*

All organizations applying online through Grants.gov must register with SAM. Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually. Organizations will be issued a UEI number with the completed SAM registration.

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

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

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

I. ADDITIONAL SAM REMINDERS

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

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

II. HELP WITH SAM

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

f. Register in in Mitigation eGrants (MT)

Applicants must register in MT eGrants. For more information, see https://www.fema.gov/sites/default/files/2020-08/fema_mt-egrants-frequently-asked-questions_support_document_March_2018.pdf.

8. Submitting the Final Application in MT eGrants

Subapplicants must create project subapplications and submit them to their applicant organization. Subapplicants should contact their applicant agency for information specific to their state's application process. Contact information for the SHMOs is provided on the FEMA website at <https://www.fema.gov/state-hazard-mitigation-officers>. If a subapplicant does not use FEMA's grant application system to submit project subapplications to the applicant, then the applicant must enter the subapplication(s) into MT eGrants on the subapplicant's behalf.

Applicants must review and approve subapplications submitted by their subapplicants.

Applicants must create a PDM grant application and approve the subapplications. The approved project and management costs subapplications may then be submitted and added to the application by the applicant and/or subapplicants.

Applicants will be prompted to submit the standard application information and any program-specific information required as described in Section D.11 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, MT eGrants will provide either an error message or a successfully received transmission in the form of an email sent to the user that submitted the application. Applicants using slow internet connections, such as dial-up connections, should be aware that transmission can take some time before MT eGrants 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 MT eGrants by the application deadline. MT eGrants automatically records proof of timely submission and the system generates an electronic date/time stamp when MT eGrants successfully receives the application. The Applicant who submitted the PDM grant applications prior to the submission deadline will receive a confirmation message, including the assigned PDM application number in FEMA’s grant application system (e.g., PDM-01-MA-2017). In addition, once FEMA receives and delegates the PDM grant application to begin the review process, FEMA’s grant application system will automatically send an email message to the Point(s) of Contact (POC) identified in the grant application.

Applicants who experience system-related issues will be addressed until 3:00 PM ET on Friday, April 14. 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 MT eGrants. The Standard Forms (SF) are also available at <https://www.grants.gov/web/grants/forms/sf-424-family.html>. Applicants may require their subapplicants to complete and attach the grant application and/or Assurance and Certifications forms to their subapplications in MT eGrants. Subapplicants should contact their applicant agency for information specific to their state/territory/tribe’s application process. Contact information for the SHMOs is provided on the FEMA website at <https://www.fema.gov/grants/mitigation/state-contacts>.

I. GRANTS.GOV

- **SF-424, Application for Federal Assistance**, initial application submitted through Grants.gov
- **Grants.gov Lobbying Form, Certification Regarding Lobbying**, submitted through Grants.gov

II. MTEGRANTS

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

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

11. Other Submission Requirements

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

Applicants and subapplicants applying for mitigation projects must provide a BCA or other documentation that validates cost-effectiveness. BCA is the method of estimating the future benefits of a project compared to its cost. The end result is a Benefit-Cost Ratio (BCR), which is derived from a project’s total of discounted benefits divided by its total discounted project cost. The total benefits and costs must be entered in the Cost-Effectiveness section of the project subapplication, and a FEMA-approved BCA must be attached as documentation, as applicable. Management costs subapplications do not require a BCA. FEMA has created software to ensure that the BCR is calculated in accordance with FEMA’s standardized methodologies and OMB Circular A-94. FEMA’s BCA Toolkit is available on the FEMA

website at www.fema.gov/benefit-cost-analysis. Version 6.0 or newer are the only versions FEMA will accept as documentation for demonstrating cost-effectiveness. A non-FEMA BCA methodology may only be used if pre-approved by FEMA in writing. For more information, visit the BCA webpage at [Benefit-Cost Analysis](#).

b. Alternative Benefit Cost Analysis

FEMA is introducing an alternative cost-effectiveness methodology that will modify the threshold for mitigation projects to be considered cost-effective under limited conditions. A mitigation project may be considered cost-effective if, when using the seven percent discount rate, the BCR is at least 0.75 or greater, and if at the three percent discount rate the BCR is at least 1.0 or greater, and the mitigation activity benefits disadvantaged communities, addresses climate change impacts, has hard to quantify benefits, and/or is subject to higher costs due to the use of low carbon building materials or compliance with the FFRMS.

Under the alternative methodology, FEMA will consider the project cost effective if all three of the following conditions are met:

1. The BCA generated at the seven percent discount rate must be equal to or greater than a BCR of 0.75.
2. The BCA generated at the three percent discount rate must be equal to or greater than a BCR of 1.0.
3. The mitigation activity meets at least ONE of the following criteria:
 - a. The project primarily benefits disadvantaged communities that are marginalized, overburdened, and underserved. To demonstrate this criterion, the project must meet ONE of the following conditions:
 - I. Primarily benefits an area at the census tract level with a score of greater than or equal to 0.6 on the Centers for Disease Control and Prevention's (CDC) Social Vulnerability Index (SVI);
 - II. Primarily benefits a geographic area within a tribal jurisdiction or Insular Area as defined by 48 U.S.C. § 1469a; OR
 - III. Primarily benefits a small impoverished community as defined in 42 U.S.C. § 5133(a) and section C.4 of this NOFO.
 - b. The project addresses a significant impact caused by climate change, such as more intense storms, increases in extreme rainfall, extreme temperatures, drought, prolonged wildfires, extreme flooding, and changes in sea levels. The subapplication should describe how the project will enhance climate adaptation and resilience, detail how the project is being responsive to the effects of climate change (such as sea level rise) and/or other future conditions (population/demographic/land use, etc.), and cite data sources, assumptions, and models.
 - c. The project is subject to substantially higher costs due to incorporation of low carbon materials or compliance with the Federal Flood Risk Management Standard. The subapplication should include cost estimates and a narrative description to explain the increased costs.
 - d. The project provides significant benefits that are difficult to quantify or cannot be monetized and are not captured in FEMA's BCA toolkit. The subapplication should provide a narrative description of the benefits.

c. National Environmental Policy Act Requirements for Mitigation Projects

The required information is included in the subapplication in MT eGrants. Environmental Planning and Historic Preservation (EHP) Job Aids and Supplements are available on the FEMA website at <https://www.fema.gov/grants/guidance-tools/environmental-historic>. The required information is included in the subapplication in MT eGrants.

d. Acquisition Project Requirements

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

Subrecipients must apply deed-restriction language to all acquired properties to ensure that the property is maintained in perpetuity as open space consistent with natural floodplain functions and allowable uses and structures authorized under 44 C.F.R. Part 80, as agreed to by their accepting FEMA mitigation award funding. Deed-restriction language is applied to acquired properties by recording the open space and deed restrictions with the deed for the property. Subrecipients, as well as recipients and FEMA, are responsible for enforcing open space restrictions.

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 <https://www.archives.gov/federal-register/codification/executive-order/12372.html>; www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf).

13. Funding Restrictions and Allowable Costs

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

In general, the Cost Principles establish standards for the allowability of costs, provide detailed guidance on the cost accounting treatment of costs as direct or administrative costs, and set forth allowability principles for selected items of cost. More specifically, except as otherwise stated in this NOFO, the terms and condition of an award, or other program

materials, costs charged to awards covered by this NOFO must be consistent with the Cost Principles for Federal Awards located at 2 C.F.R. Part 200, Subpart E. In order to be allowable, all costs charged to a FEMA award or applied to the cost share must be reasonable in nature and amount and allocable to the particular FEMA award.

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

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

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

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

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

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

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

Effective August 13, 2020, 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

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:

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

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

b. *Pre-Award Costs*

Pre-award costs directly related to developing the PDM grant application or subapplication that are incurred prior to the date of the grant award are allowed subject to FEMA's approval at time of award. Such costs may have been incurred prior to application submission, for example gathering NEPA data or developing a BCA (see Section D, Application and Submission Information, of this NOFO), preparing design specifications, or conducting workshops or meetings related to development and submission of subapplications. To be eligible for PDM funding, pre-award costs must be identified as separate line items in the cost estimate of the subapplication. Applicants and subapplicants may identify such pre-award costs as their non-federal cost share.

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

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

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

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

M&A activities, also referred to as management costs, are those defined as directly relating to the M&A of PDM Grant Program funds, such as financial management and monitoring. Project award amounts may not be used for recipient management costs, as those are provided for separately in the Act. A maximum of up to five percent of the total federal award amount may be used by the recipient for M&A purposes associated with the award. Subrecipients may separately use up to five percent of the project award funds for M&A purposes associated with the award and must include those costs as a separate line item within the project budget.

M&A costs are any indirect costs, any direct administrative costs, and other administrative expenses that are reasonably incurred in administering an award or subaward. Applicant and subapplicant management cost activities directly related to the implementation of the PDM Grant Program, such as subapplication development, geocoding mitigation projects, delivery of technical assistance, or managing awards and staff salary costs, are eligible for PDM funding in accordance with the HMA Guidance, available on the FEMA website at https://www.fema.gov/sites/default/files/2020-07/fy15_HMA_Guidance.pdf.

Applicants may apply for Applicant management costs of up to five percent of the total federal share of their PDM grant application for management of the grant and all selected subgrants. Applicant requests for management costs must be submitted in a separate management costs subgrant application in FEMA's grant application system (see the Content and Form of Application Submission subsection).

Subapplicants may include subapplicant management costs of up to five percent of the total of their planning or project subapplication to manage the proposed activity. Subapplicant management cost activities must be added to the Scope of Work section and reflected in the Cost Estimate section of subgrant applications in FEMA's grant application system.

Management costs are only awarded in conjunction with awarded project, advance assistance or planning subapplications. Applicants and subapplicants who do not receive awards/subawards for any planning, advance assistance or project subapplications will not receive reimbursement for management costs (see the Review and Selection Process subsection in Section E of this NOFO).

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. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to the Grants Management Specialist for further instructions. Applicants who wish to use a cost allocation plan in lieu of an indirect cost rate must also reach out to the Grants Management Specialist for further instructions. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above or based upon on the de minimis rate or cost allocation plan, as applicable. All indirect costs are part of management costs and are subject to the 5 percent cap.

E. Application Review Information

1. Application Evaluation Criteria

a. *Programmatic Criteria*

Applications will be reviewed to ensure completeness, adherence to programmatic guidelines, and cost allowability.

b. *Financial Integrity Criteria*

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as enacted by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 (2020); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any Office of Management and Budget (OMB)-designated repositories of governmentwide eligibility qualification or financial integrity information, including whether the applicant is suspended or debarred. FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

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

c. *Supplemental Financial Integrity Criteria and Review*

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

- i. FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity

and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance and Integrity Information System](#) (FAPIIS).

- ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

2. Review and Selection Process

FEMA will review subapplications submitted by each applicant to ensure compliance with federal laws and regulation, the HMA Guidance and this NOFO. This includes eligibility of the applicant and subapplicant, eligibility of proposed activities and costs, completeness of the subapplication, cost-effectiveness and engineering feasibility of mitigation projects, eligibility and availability of the non-federal cost share, and alignment with approved State Mitigation Plan and Local and/or Tribal Hazard Mitigation Plan for mitigation projects. **The deadline to respond to any final Request For Information (RFI) is August 1, 2023.** Subapplicants must submit a formal withdrawal letter for any project not advancing in the awarding process. For more detailed information, see Part V, Application Review Information, of the HMA Guidance, available on the FEMA website at https://www.fema.gov/sites/default/files/2020-07/fy15_HMA_Guidance.pdf.

F. Federal Award Administration Information

1. Notice of Award

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

FEMA will provide the federal award package to the applicant electronically via MT eGrants. **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 MT eGrants.**

Notification of award approval is made through the MT eGrants system through an automatic electronic mail to the recipient's authorized official listed in the initial application. The recipient should follow the directions in the notification to confirm acceptance of the award.

Recipients must accept their awards no later than 60 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award or provide a notice of intent to decline through the MT eGrants system. For instructions on how to accept or decline an award in the MT eGrants system, please see the MT eGrants System Applicant Quick Reference Guide, which is available at [fema_mt-egrants-system-reference-guide-for-recipients_support_document_March_2018.pdf](#) along with other MT eGrants materials.

Funds will remain on hold until the recipient accepts the award through the MT eGrants 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 60-day timeframe may result in a loss of funds.

2. Pass-Through Requirements

Awards made to the SAA must be passed through to the entities identified in **Appendix A** of this NOFO.

3. Administrative and National Policy Requirements

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

a. *DHS Standard Terms and Conditions*

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

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

b. *Ensuring the Protection of Civil Rights*

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

Federal civil rights statutes, such as Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, along with 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.

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

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

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.

1. For non-critical actions in a 1% annual chance floodplain:
 - a. Applicants must elevate or floodproof the structures to the 0.2% annual chance flood elevation or an additional 2 feet above the base flood elevation (BFE), whichever is lower.
 - b. For those areas where the 0.2% annual chance flood elevation has not been established, applicants must elevate or floodproof the structures an additional 2 feet above the BFE.
2. For critical actions in the 1% annual chance floodplain:
 - a. Applicants must elevate or floodproof the structures to the 0.2% annual chance flood elevation or an additional 3 feet above the BFE, whichever is higher.
 - b. For those areas where the 0.2% annual chance flood elevation has not been established, applicants must elevate or floodproof the structures an additional 3 feet above the BFE.
3. For critical actions in the 0.2% annual chance floodplain, applicants must elevate or floodproof the structures to the 0.2% annual chance flood elevation or an additional 3 feet above the BFE, whichever is higher.
4. This policy does not affect non-critical actions involving structures that are within the 0.2% annual chance floodplain but outside the 1% annual chance floodplain.
5. If a state, local, tribal, or territorial government, or federal agency has adopted a higher standard applicable to the specific project, FEMA will require the higher standard. See [Executive Order \(EO\) 14030, Climate-Related Financial Risk](#) and [FEMA Policy FP-206-21-003-0001 Implementation of the FFRMS for HMA Programs](#).

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 compliance review process involves the submission of a detailed project description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP compliance 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 (NEPA) and other EHP laws, Executive Orders, and regulations. Individual FEMA programs have separate procedures to conduct and document EHP review. Guidance for individual grant programs is available from applicable program offices.

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

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

Through this NOFO, FEMA is giving notice of projects that may be funded under the Pre-Disaster Mitigation Grant program, consistent with the requirements of Section 9.8. The public is invited to participate in the process of identifying alternatives to locating a proposed project in the floodplain or wetland and analyzing the impacts of the alternatives on the floodplain or wetland. Comments may be provided by emailing FEMA-OEHP-NOFOQuestions@fema.dhs.gov within 15 days of its issuance. While analyzing alternatives, FEMA may determine there are no practicable alternatives to carrying out the proposed work within the floodplain or wetland. Relocating facilities may not be practicable and may further adversely impact affected communities socially and economically.

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

d. Construction Project Requirements

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

- a. Any change to the approved scope of work will require re-evaluation by FEMA for recipient and subrecipient compliance with the NEPA and other laws, regulations and executive orders.
- b. If ground-disturbing activities occur during construction, the recipient and any subrecipients must ensure monitoring of ground disturbance, and if any potential archaeological resources are discovered, the subrecipient will immediately cease construction in that area and notify the recipient and FEMA.
- c. In compliance with 42 U.S.C. 4012a(a), when financial assistance is approved for acquisition or construction purposes within the Special Flood Hazard Area (SFHA), flood insurance shall be maintained for the life of the property regardless of transfer of ownership for any properties.

4. Reporting

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

a. *Financial Reporting Requirements*

I. FEDERAL FINANCIAL REPORT (FFR)

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

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

Recipients must file the FFR electronically using the Payment and Reporting Systems ([PARS](#)).

II. FFR REPORTING PERIODS AND DUE DATES

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

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

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

b. *Programmatic Performance Reporting Requirements*

I. PERFORMANCE PROGRESS REPORT (PPR)

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

c. *Closeout Reporting Requirements*

I. CLOSEOUT REPORTING

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

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

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

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

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

II. ADMINISTRATIVE CLOSEOUT

Administrative closeout is a mechanism for FEMA to unilaterally move forward with closeout of an award using available award information in lieu of final reports from the recipient per 2 C.F.R. § 200.344(h)-(i). It is a last resort available to FEMA, and if FEMA

needs to administratively close an award, this may negatively impact a recipient's ability to obtain future funding. This mechanism can also require FEMA to make cash or cost adjustments and ineligible cost determinations based on the information it has, which may result in identifying a debt owed to FEMA by the recipient.

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

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

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

d. *Additional Reporting Requirements*

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

This reporting requirement pertains to disclosing information related to government-wide suspension and debarment requirements. Before a recipient enters into a grant award with FEMA, the recipient must notify FEMA if it knows if it or any of the recipient's principals under the award fall under one or more of the four criteria listed at 2 C.F.R. § 180.335:

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

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

II. REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE

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

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

III. SINGLE AUDIT REPORT

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

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

5. Monitoring and Oversight

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

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

FEMA staff will periodically monitor recipients to ensure that administrative processes, policies and procedures, budgets, and other related award criteria are meeting Federal Government-wide and FEMA regulations. Aside from reviewing quarterly financial and programmatic reports, FEMA may also conduct enhanced monitoring through either desk-

based reviews, onsite monitoring visits, or both. Enhanced monitoring will involve the review and analysis of the financial compliance and administrative processes, policies, activities, and other attributes of each federal assistance award, and it will identify areas where the recipient may need technical assistance, corrective actions, or other support.

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

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

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

Cost overruns are not allowed in excess of the CDS amount for the specific project.

G. DHS Awarding Agency Contact Information

1. Contact and Resource Information

a. *Program Office Contact*

General questions about the PDM Grant Program can be directed to the appropriate FEMA Regional Office or SHMO. Contact information for FEMA Regional Offices is provided at [Contact Us | FEMA.gov](#). Contact information for the SHMOs is provided at <https://www.fema.gov/grants/mitigation/state-contacts>.

For questions about FY23 PDM, contact the HMA Helpline by telephone at 1-866-222-3580 or email FEMA-ASK-PDM@fema.dhs.gov.

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

The Feasibility and Effectiveness Helpline is available for guidance on FEMA Building Science publications by email FEMA-BuildingScienceHelp@fema.dhs.gov.

For questions about NEPA or EHP requirements, the EHP Helpline is available by telephone 1-866-222-3580 or email fema-ehphelpline@fema.dhs.gov.

Resources intended to help applicants and subapplicants prepare planning subapplications are available on FEMA's webpage at [Hazard Mitigation Planning](#) as well as [Tribal Mitigation Planning and HMA Grant Application Development \(2021\)](#) and [Considerations for Local Mitigation Planning Grant Subapplication](#).

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

b. *FEMA Regional Offices*

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

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

c. *Equal Rights*

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

d. *Environmental Planning and Historic Preservation*

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

2. *Systems Information*

a. *Payment and Reporting System (PARS)*

FEMA uses the [Payment and Reporting System \(PARS\)](#) for financial reporting, invoicing, and tracking payments. FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. If you have questions about the online system, please call the Customer Service Center at (866) 927-5646 or email ask-GMD@fema.dhs.gov.

b. Mitigation eGrants (MT eGrants)

For technical assistance with the MT eGrants, please contact the Mitigation eGrants Helpdesk at mtegrants@fema.dhs.gov.

Information, training, and resources on MT eGrants are available on the FEMA website at <https://www.fema.gov/grants/mitigation/mitigation-egrants-system-resources>. Frequently asked question can be found at https://www.fema.gov/sites/default/files/2020-08/fema_mt-egrants-frequently-asked-questions_support_document_March_2018.pdf.

H. Additional Information

1. Termination Provisions

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

a. *Noncompliance*

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

b. *With the Consent of the Recipient*

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

c. *Notification by the Recipient*

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

2. Program Evaluation

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

In addition, recipients are required to participate in a DHS-led evaluation if selected, which may be carried out by a third-party on behalf of the Program Office or DHS. By accepting grant funds, recipients agree to participate in the evaluation, which may include analysis of individuals who benefit from the grant, and provide access to program operating personnel and participants, as specified by the evaluator(s) during the award.

3. Period of Performance Extensions

Extensions to the period of performance (POP) for this program are allowed. Extensions to the POP identified in the award will only be considered through formal, written requests to the recipient’s FEMA Program Analyst and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with the FEMA Program Analyst as needed when preparing an extension request.

All extension requests must address the following:

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

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

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

Recipients should submit all proposed extension requests to FEMA for review and approval at least 60 days prior to the end of the POP to allow sufficient processing time. **Based on sufficiency of justification, the FEMA Regional Administrator can issue extensions of the POP not to exceed May 31, 2028.**

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

4. Disability Integration

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

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

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

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

- Include representatives of organizations that work with/for people with disabilities on planning committees, work groups and other bodies engaged in development and implementation of the grant programs and activities.
- Hold all activities related to the grant in locations that are accessible to persons with physical disabilities to the extent practicable.
- Acquire language translation services, including American Sign Language, that provide public information across the community and in shelters.
- Ensure shelter-specific grant funds are in alignment with FEMA's [Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters](#).
- If making alterations to an existing building to a primary function area utilizing federal funds, complying with the most recent codes and standards and making path of travel to the primary function area accessible to the greatest extent possible.

- Implement specific procedures used by public transportation agencies that include evacuation and passenger communication plans and measures for individuals with disabilities.
- Identify, create, and deliver training to address any training gaps specifically aimed toward whole-community preparedness. Include and interact with individuals with disabilities, aligning with the designated program capability.
- Establish best practices in inclusive planning and preparedness that consider physical access, language access, and information access. Examples of effective communication access include providing auxiliary aids and services such as sign language interpreters, Computer Aided Real-time Translation (CART), and materials in Braille or alternate formats.

FEMA grant recipients can fund projects towards the 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: <https://www.fema.gov/grants/procurement>.

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

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

All other non-federal entities, such as tribes (collectively, non-state entities), must have and use their own documented procurement procedures that reflect applicable SLTT laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319 and the required procurement methods at § 200.320.

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

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

The recognized procurement methods in 2 C.F.R. § 200.320 have been reorganized into informal procurement methods, which include micro-purchases and small purchases; formal procurement methods, which include sealed bidding and competitive proposals; and noncompetitive procurements. The federal micro-purchase threshold is currently \$10,000, and non-state entities may use a lower threshold when using micro-purchase procedures under a FEMA award. If a non-state entity wants to use a micro-purchase threshold higher

than the federal threshold, it must follow the requirements of 2 C.F.R. § 200.320(a)(1)(iii)-(v). The federal simplified acquisition threshold is currently \$250,000, and a non-state entity may use a lower threshold but may not exceed the federal threshold when using small purchase procedures under a FEMA award. *See* 2 C.F.R. § 200.1 (citing the definition of simplified acquisition threshold from [48 C.F.R. Part 2, Subpart 2.1](#)).

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

b. *Competition and Conflicts of Interest*

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

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

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

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

Per 2 C.F.R. § 200.319(c), non-federal entities other than states must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed SLTT geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering

services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

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

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

c. *Supply Schedules and Purchasing Programs*

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

I. GENERAL SERVICES ADMINISTRATION SCHEDULES

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

Information about GSA programs for states, tribes, and local governments, and instrumentalities thereof, can be found at <https://www.gsa.gov/resources-for/programs-for->

[State-and-local-governments](https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments) and <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments>.

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

II. OTHER SUPPLY SCHEDULES AND PROGRAMS

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

- The procurement of the original contract or purchasing schedule and its use by the non-federal entity complies with state and local law, regulations, and written procurement procedures;
- The state or other entity that originally procured the original contract or purchasing schedule entered into the contract or schedule with the express purpose of making it available to the non-federal entity and other similar types of entities;
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-federal entity falls within the scope of work under the contract as to type, amount, and geography;
- The procurement of the original contract or purchasing schedule complied with all the procurement standards applicable to a non-federal entity other than states under at 2 C.F.R. §§ 200.317 – 200.327; and
- With respect to the use of a purchasing schedule, the non-federal entity must follow ordering procedures that adhere to applicable state, tribal, and local laws and regulations and the minimum requirements of full and open competition under 2 C.F.R. Part 200.

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

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 [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 [Office of Management and Budget \(OMB\), Memorandum M-22-11, Initial 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.

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](#). Additional information is found in [Buy America Preference in FEMA Financial Assistance Programs for Infrastructure, FEMA Interim Policy #207-22-0001](#).

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 percent.

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*

Construction materials: an article, material, or supply—other than an item primarily of iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, paint, and drywall.

Domestic content procurement preference: Means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

Federal financial assistance: Generally defined in 2 C.F.R. § 200.1 and includes all expenditures by a federal agency to a non-federal entity for an infrastructure project, except that it does not include expenditures for assistance authorities relating to major disasters or emergencies under sections 402, 403, 404, 406, 408, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to a major disaster or emergency declared under section 401 or 501, respectively, or pre and post disaster or emergency response expenditures.

Infrastructure: infrastructure projects which serve a public function, including at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy.

Produced in the United States means the following for:

- **Iron and steel:** All manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

- **Manufactured products:** The product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- **Construction Materials:** All manufacturing processes for the construction material occurred in the United States.

Project: is any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States.

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).

b. Types of Records to Retain

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

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

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

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

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, closeout, or reporting from various sources.

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

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

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

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

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

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

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

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

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.”

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.

FEMA utilizes the Payment and Reporting System (PARS) for financial reporting, invoicing and tracking payments. For additional information, refer to <https://isource.fema.gov/sf269/execute/LogIn?sawContentMessage=true>.

12. Extraordinary Circumstances

Applicants and subapplicants must have an approved hazard mitigation plan at the time of application submission and at the time of the award; hazard mitigation plans pending adoption are not sufficient. For subawards, FEMA may grant an exception to this requirement through extraordinary circumstances when justification is provided and with concurrence from FEMA Headquarters (Hazard Mitigation Assistance and National Mitigation Planning Program) prior to granting an exception. If this exception is granted, a local or Tribal Mitigation Plan must be approved by FEMA within 12 months of the award of the project subaward to that community. Extraordinary circumstances exist when a determination is made by the applicant and FEMA that the proposed project is consistent with the priorities and strategies identified in the State or Tribal (Standard or Enhanced) Mitigation Plan and that the jurisdiction meets at least one of the criteria below.

- The jurisdiction meets the small impoverished community criteria per section C.4 of this NOFO.
- The jurisdiction has been determined to have had insufficient capacity due to lack of available funding, staffing, or other necessary expertise to satisfy the mitigation planning requirement prior to the current disaster or application deadline.
- The jurisdiction has been determined to have been at low risk from hazards because of low frequency of occurrence or minimal damage from previous occurrences as a result of sparse development.
- The jurisdiction experienced significant disruption from a declared disaster or another event that impacts its ability to complete the mitigation planning process prior to award or final approval of a project award.
- The jurisdiction does not have a mitigation plan for reasons beyond the control of the state, federally recognized tribe, or local community, such as Disaster Relief Fund restrictions that delay FEMA from granting a subaward prior to the expiration of the local or Tribal Mitigation Plan.

For PDM, the applicant must provide written justification that identifies the specific criteria from above or circumstance, explains why there is no longer an impediment to satisfying the mitigation planning requirement, and identifies the specific actions or circumstances that eliminated the deficiency. When a PDM project funding is awarded under extraordinary circumstances, the recipient shall acknowledge in writing to the Regional Administrator that a plan will be completed within 12 months of the subaward. The recipient must provide a work plan for completing the local or Tribal Mitigation Plan, including milestones and a timetable, to ensure that the jurisdiction will complete the plan in the required time. This requirement shall be incorporated into the award (both the planning and project subaward agreements, if a planning subaward is also awarded).

Appendix A – FY 2023 PDM Grant Program Project List

State/ Tribe	Subrecipient	Project	Amount
Native Village of Ouzinkie	Native Village of Ouzinkie	Emergency Response Shelter and Equipment Staging Complex	\$2,000,000.00
AK	City of Dillingham	Snag Point Erosion Mitigation	\$5,016,000.00
AL	Alabama Emergency Management Agency	Hale County Storm Shelters	\$511,601.00
AZ	City of Flagstaff	Museum Post-Fire Flood Mitigation, Property Acquisitions	\$1,482,900.00
CA	City of Belmont	Cities of Belmont and San Bruno Wildfire Prevention Project	\$494,300.00
CA	City of Foster City	Levee Protection Planning and Improvements Project (CIP 301–657)	\$988,600.00
CA	City of Norwalk	Emergency Generators for Community Resiliency	\$976,962.00
CA	City of Sacramento	Pannell Community Center Resilience Hub	\$1,977,200.00
CA	City of Thousand Oaks	Microgrid Installation for the Municipal Service Center	\$1,853,625.00
CA	County of Santa Barbara	San Marcos Road Stabilization Project	\$1,384,040.00
CA	Diablo Water District	Water Reservoir Seismic Retrofit	\$1,482,900.00
CA	Midpeninsula Regional Open Space District	Midpeninsula Open Space Wildland Fire Resiliency Project	\$741,450.00
CA	San Mateo County	Filoli Wildfire Mitigation Project	\$494,300.00
CA	East Bay Regional Park District	East Bay Regional Park District Wildfire Mitigation, and Safe, Resilient Forests and Communities	\$1,500,000.00

State/ Tribe	Subrecipient	Project	Amount
CA	City of Rancho Palos Verdes	Rancho Palos Verdes Portuguese Bend Landslide Remediation	\$2,000,000.00
CO	Town of Estes Park	Town of Estes Park Wildfire Mitigation	\$785,937.00
CT	Town of Stratford	Flood Protection Measures for Stratford Water Pollution Control Facility	\$4,135,622.00
CT	City of Bridgeport	Community Flooding Scoping in Bridgeport	\$742,000.00
CT	City of Hartford	Hartford Closure Structure #1 Rehabilitation	\$1,025,000.00
FL	City of Bonita Springs	City of Bonita Springs Water Acquisition	\$5,000,000.00
FL	City of Tampa	Bermuda Boulevard Seawall Improvements	\$2,965,800.00
HI	City and County of Honolulu	Hardening of Fire Station Doors	\$2,001,915.00
IA	City of Davenport	Flood Mitigation at River Drive and Marquette Street	\$1,265,625.00
IA	The City of Cedar Rapids	5th Avenue Gatewell and Pump Station Flood Mitigation Project	\$1,725,000.00
IL	City of Chicago	Chicago Shoreline Morgan Shoal Project	\$200,000.00
IL	City of Palos Hills	Roberts Road Drainage Improvements	\$3,558,960.00
IL	City of Prospect Heights	River Trails Stormwater Project	\$2,417,127.00
IL	Village of Flossmoor	Flossmoor Road Viaduct Drainage Improvements	\$200,000.00
IL	City of East St. Louis	Metro East Horseshoe Lake Flooding and Restoration Project	\$500,000.00
IL	Village of Hampshire	Park and Rinn Flood Mitigation Project	\$518,000.00

State/ Tribe	Subrecipient	Project	Amount
IL	City of Rock Island	Rock Island Mississippi River Levee Pump Stations	\$500,000.00
KS	Kansas City Board of Public Utilities	Nearman Water Treatment Plant Emergency Electric Backup Generator	\$3,707,250.00
KY	City of Burgin	Burgin Pre-Disaster Mitigation Project	\$562,500.00
KY	City of Lebanon Junction	Lebanon Junction Pre-Disaster Mitigation Project	\$675,000.00
LA	City of West Monroe	West Monroe Stormwater Mitigation Project	\$2,400,000.00
MA	City of Malden	Malden River Works Project	\$1,334,610.00
MA	City of Revere	Riverside Climate Resiliency Project	\$1,977,200.00
MA	City of Woburn	Hurld Park Construction	\$2,916,370.00
MA	Town of Hopedale	Feasibility Study to Dredge Hopedale Pond and Daylight the Mill River for Community Resilience and Water Quality Improvements	\$444,870.00
MA	Town of Hull	Nantasket Ave Seawall Replacement	\$4,943,000.00
MA	Town of North Attleborough, Massachusetts	Ten-Mile River Dredging	\$1,482,900.00
MA	Town of Weymouth	Wessagusset Beach Project	\$4,906,059.00
MD	Baltimore County Executive's Office	Pre-Disaster Mitigation in Turner Station	\$1,482,900.00
MD	City of Annapolis	City Dock Resilience and Revitalization Project	\$3,460,100.00

State/ Tribe	Subrecipient	Project	Amount
ME	City of Westbrook	City of Westbrook— Presumpscot River Corridor: Landslide Vulnerability Assessment (Windham to Portland)	\$996,000.00
ME	Town of Wiscasset	Town of Wiscasset—Old Ferry Road Stream Crossing Improvement	\$1,312,000.00
MI	City of New Baltimore	Base Street Bridge Rehabilitation	\$750,000.00
MI	Tip of the Mitt Watershed Council	Emmet County Flood Mitigation and Drainage Improvement Project	\$556,000.00
MI	Wayne County	Rehabilitation and Upgrade of Pump Station 182	\$741,450.00
MI	Macomb County	Macomb County-North Branch of the Clinton River Floodplain Acquisition	\$1,000,000.00
MN	City of Newport	City of Newport—Mississippi Flood/ Storm Mitigation	\$350,000.00
MN	Oslo Region Joint Powers Board	Oslo Region Joint Powers Board— Oslo Region Flood Mitigation FEMA	\$2,350,000.00
NC	City of Wilson	Hominy Water Quality Park and Greenway	\$7,043,775.00
NH	City of Portsmouth Department of Public Works	Peirce Island Road Resiliency Project	\$724,000.00
NJ	Borough of Atlantic Highlands	Atlantic Highlands Municipal Harbor Bulkhead Repairs	\$2,113,133.00
NJ	City of North Wildwood	North Wildwood Sea Wall	\$10,000,000.00
NJ	County of Middlesex	Southern Middlesex County Flood Mitigation and Resilience Project	\$1,112,175.00

State/ Tribe	Subrecipient	Project	Amount
NJ	Township of Hillsborough	Green Hills Development Swale Improvements	\$320,482.00
NJ	County of Bergen	Jackson Avenue/Riverside Avenue Drainage Improvements	\$250,000.00
NJ	Montgomery Township	Land Acquisition for Open Space	\$1,212,000.00
NM	Doña Ana County Flood Commission	Disaster Mitigation for La Union	\$2,000,000.00
NM	NM Department of Cultural Affairs	Los Luceros Fire Mitigation	\$500,000.00
NV	Washoe County	Washoe County — Lemmon Valley Heppner 5 Subdivision Stormwater Improvements	\$2,700,000.00
NY	City of Ithaca	City of Ithaca Flood Mitigation	\$1,300,000.00
NY	Town of Orangetown	Critical Electrical Infrastructure Needs	\$1,975,000.00
NY	Village of Port Jefferson	East Beach Stabilization	\$3,750,000.00
PA	Borough of Mayfield	Mayfield Borough Levee Upgrade	\$2,327,734.00
PA	City of Williamsport	The Greater Williamsport Flood Control Project	\$8,000,000.00
PA	Columbia County	Flood Control Projects for Columbia County	\$1,725,000.00
PA	Borough of West Pittston	West Pittston Levee Project	\$1,500,000.00
SC	Town of Mount Pleasant	Mount Pleasant Stormwater Drainage Improvement Project	\$5,677,000.00
TX	City of Galveston	Galveston Causeway Waterline Project	\$10,000,000.00
TX	City of Galveston	Galveston 59th Street Water Storage Tank	\$10,000,000.00

State/ Tribe	Subrecipient	Project	Amount
TX	City of Houston	Lake Houston Dam Spillway Improvement Project	\$7,500,000.00
TX	City of Southside Place	Auden Street Drainage Improvement	\$741,450.00
TX	Harris County Flood Control District	Channel Conveyance Improvements to C147-00-00	\$9,886,000.00
TX	Harris County Flood Control District	Poor Farm Ditch Conveyance Improvements	\$9,886,000.00
TX	Hudspeth County	Hudspeth County Flood Mitigation Planning Project	\$375,000.00
VA	City of Hopewell	Hopewell City Hall Generator Replacement	\$188,000.00
VA	Prince William County	Lake Jackson Dam Rehabilitation	\$1,875,000.00
VT	Vermont State Colleges	Glen Brook Dam Removal at Castleton University	\$188,000.00
VT	Town of Stowe Electric Department	Restoration of Moscow Mills at Smith's Falls	\$1,200,000.00
WA	City of Aberdeen	Aberdeen-Hoquiam Flood Protection Project	\$4,943,000.00
WA	City of Seattle, Seattle Center Department	Seattle Center Shelter Facilities Sustainable Emergency Power	\$3,558,960.00
Hoh Indian Tribe	Hoh Indian Tribe	Tsunami Evacuation Center	\$1,875,000.00
WI	Douglas County	Douglas County Nemadji River Bridge Mitigation	\$825,000.00
WI	Ashland County	Madeline Island County H / Lake Superior Mitigation (CDS)	\$900,000.00
WV	Charles Town	Charles Town Green Infrastructure for Stormwater Pollution Flooding Project	\$375,000.00

State/ Tribe	Subrecipient	Project	Amount
WV	Charleston	Chesterfield Avenue Stormwater Management Project	\$469,000.00
WV	Montgomery	City of Montgomery Sanitary Department Essential Needs	\$868,000.00
WV	New Cumberland	City of New Cumberland Storm Sewer Project	\$150,000.00
WV	City of Ripley	City of Ripley for Viking Lane Storm Drain Project Phase II	\$750,000.00
WV	Grant Town	Grant Town Stormwater System Improvements	\$1,875,000.00
WV	Beckley Sanitary Board	Hartley Avenue, Beckley Little League, & Pinecrest Stormwater and Sanitary Sewer Improvements	\$4,173,000.00
WV	Huntington Sanitary Board	Huntington Backflow Prevention Valves Project	\$6,358,000.00
WV	Beckley Sanitary Board	Robert C. Byrd Drive Stormwater and Sanitary Sewer Improvements	\$4,612,000.00
WV	Town of Lost Creek	Town of Lost Creek Drainage	\$446,000.00
WV	Town of Sutton	Town of Sutton Storm Sewer	\$562,000.00
WV	West Virginia Conservation Agency	West Virginia Watershed Flood Hazard Mitigation Project	\$4,500,000.00
WV	City of Wheeling	Wheeling Nuttal Avenue Stormwater Enhancements	\$941,000.00