NEBRASKA

EMERGENCY MANAGEMENT AGENCY

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Pete Ricketts, Governor

# Mitigation funding opportunity:
# FEMA's Building Resilient Infrastructure and Communities (BRIC) Program

FEMA has announced the new nationally competitive Building Resilient Infrastructure and Communities (BRIC) grant program. BRIC offers a funding opportunity for large-scale, high-impact mitigation projects as well as state non-competitive allocation funding ($600,000 per state) for capability and capacity building activities and mitigation planning. The Nebraska Emergency Management Agency (NEMA) will be promoting this funding opportunity during the next month and requesting that potential applicants submit Notices of Interest (NOIs) to NEMA for consideration and selection to proceed with formal application submission.

| **Nebraska Allocation** | **National Competition for Mitigation Projects** |
|---|---|
| **$600,000** | **$446.4 M** |
| Capability & Capacity Building Activities, including<br>• Building codes activities;<br>• Partnerships;<br>• Project scoping;<br>• Mitigation planning; and<br>• Planning Related Activities | Competitive mitigation projects must<br>• Be cost-effective<br>• Increase resilience and public safety;<br>• Reduce injuries and loss of life; and<br>• Reduce damage and destruction to property, critical services, facilities, and infrastructure |
| Planning and Planning Related Activities<br><br>(limited to $300,000 per State) | And must be aligned with the criteria outlined in the BRIC Funding Announcement (NOFO FY 2020):<br>• Technical Evaluation Criteria and<br>• Qualitative Evaluation Criteria |

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# NEBRASKA ALLOCATION

The State of Nebraska will first prioritize **Capability & Capacity Building Activities (C&CB), including Local Hazard Mitigation Plans (LHMPs).** The State will select C&CB activities which enhance mitigation strategies and tangible mitigation products that reduce or eliminate risk and damage from future natural hazards, increase resiliency, and promote a culture of preparedness. The specific types of activities are listed above.

## NEBRASKA LOCAL HAZARD MITIGATION PLANS

Nebraska is limited to $300,000 federal share for planning projects. Therefore, NEMA is prioritizing planning applications from planning districts with LHMPs expiring in 2022 or 2023. These three planning districts are Tri-County, Tri-Basin, and Hayes, Hitchcock, and Frontier. Other jurisdictions are welcome to apply, but these three planning areas will have first priority.

# NATIONAL COMPETITION FOR MITIGATION PROJECTS

Proposed BRIC projects cannot exceed $50 million federal share, and a minimum 25 percent local/non-federal match is required for this grant. FEMA has issued their BRIC Notice of Funding Opportunity (NOFO) and the NOFO outlines two evaluation criteria for BRIC projects: **technical criteria (all or nothing scoring)** and **qualitative scoring (graded scoring scales in increments of 5)**. Refer to the tables below for a breakdown of each set of criteria (FEMA BRIC NOFO, p. 20, 21). In reviewing NOIs submitted to Nebraska, NEMA and its partners will review potential projects against both the technical and qualitative criteria enumerated here.

| Technical Evaluation Criteria for the National Competition | |
|---|---|
| **Criteria** | **Potential Total Points** |
| Infrastructure project | 20 |
| Mitigating risk to one or more lifelines | 15 |
| Incorporation of nature-based solutions | 10 |
| Applicant has mandatory building code adoption requirement (2015 or 2018 versions of International Building Code and International Residential Code) | 20 |
| Subapplicant has Building Code Effectiveness Grading Schedule (BCEGS) Rating of 1 to 5 | 15 |
| Application generated from a previous FEMA HMA Advance Assistance Award | 10 |
| Increased non-federal cost share | 5 |
| Designation as a small impoverished community (as defined in the BRIC Policy and referenced in 42 U.S.C. § 5133(a)) | 5 |

| Qualitative Evaluation Criteria for the National Competition | | |
|---|---|---|
| **Topic** | **Criteria** | **Potential Total Points** |
| **Risk Reduction/Resiliency Effectiveness** | The subapplication details how the project will effectively reduce risk and increase resilience (including the benefits quantified in the BCA), realize ancillary benefits, and leverage innovation. | 35 |
| **Future Conditions** | The subapplication describes how the project will anticipate future conditions (population/demographic/climate changes, sea level rise,[1] etc.) and cites data sources, assumptions, and models. | 15 |
| **Implementation Measures** | The subapplication adequately describes how the costs and schedule will be managed, how the project will be successfully implemented, and how innovative techniques to facilitate implementation will be incorporated. The project's scope of work identifies sufficient technical and managerial staff and resources to successfully implement this project. | 15 |
| **Population Impacted** | The project subapplication demonstrates community-wide benefits and identifies the proportion of the population that will be impacted. The Application also describes how impacts (positive or negative) to socially vulnerable populations informed project selection and design. | 15 |
| **Outreach Activities** | The subapplication describes outreach activities appropriate to the project that advance mitigation. The subapplication also outlines the types of community planning processes leveraged during project conception and design and identifies the level of public support obtained during the engagement process. | 5 |
| **Leveraging Partners** | The project subapplication incorporates state, tribal, private, and local community partnerships that will enhance its outcome and describes the extent of those partnerships, such as having an increased non-federal cost share, multi-jurisdictional projects, etc. | 15 |

# NEXT STEPS

Along with this State NOFO, NEMA will also release an NOI form catered to BRIC proposals. **The deadline to submit an NOI to the NEMA Hazard Mitigation Unit is September 23, 2020.**

NEMA will be hosting three **virtual applicant briefings** in the month of September. The same material will be presented at each one and will be hosted over the **Nebraska Webex platform**. An email will be sent out with this NOFO that provides the links to the video conferencing platform and confirms the dates and times of each briefing. If your agency and/or local community is interested in learning more about the BRIC program and next steps, please attend one of these briefings. NEMA will be reviewing program requirements, eligibility, and competitive considerations.

**The dates and times for the Nebraska applicant briefings are as follows:**

1. Building Resilient Infrastructure and Communities (BRIC) NOFO Webinar #1
Thursday, Sep 3, 2020 2:00 pm | 1 hour | (UTC-05:00) Central Time (US & Canada)
Meeting number: 145 714 5354
Password: DVyh4ZMvY53
https://nvcn-cio.webex.com/nvcn-cio/j.php?MTID=m4513122e0661554daea70ef6c5c1a089
Join by video system
Dial 1457145354@nvcn-cio.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Join by phone
+1-415-655-0003 US Toll
Access code: 145 714 5354

2. Building Resilient Infrastructure and Communities (BRIC) NOFO Webinar #2
Thursday, Sep 10, 2020 2:00 pm | 1 hour | (UTC-05:00) Central Time (US & Canada)
Meeting number: 145 241 6692
Password: FffMdawj433
https://nvcn-cio.webex.com/nvcn-cio/j.php?MTID=mf36e872cac110c480f92f6b4220bba36
Join by video system
Dial 1452416692@nvcn-cio.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Join by phone
+1-415-655-0003 US Toll
Access code: 145 241 6692

3. Building Resilient Infrastructure and Communities (BRIC) NOFO Webinar #3
Thursday, Sep 17, 2020 2:00 pm | 1 hour | (UTC-05:00) Central Time (US & Canada)
Meeting number: 145 122 4548
Password: mtYkAmJJ675
https://nvcn-cio.webex.com/nvcn-cio/j.php?MTID=m5938d0b3ca039221d19b4efe49949b68
Join by video system
Dial 1451224548@nvcn-cio.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Join by phone
+1-415-655-0003 US Toll
Access code: 145 122 4548

## STATE & FEDERAL KEY DATES

| | |
|---|---|
| **1. Completed NOIs submitted to NEMA Hazard Mitigation Unit** | September 23, 2020 |
| **2. State selection of projects to move forward with formal FEMA application** | September 30, 2020 |
| **3. FEMA formal Application Start Date** | September 30, 2020 |
| **4. State application submission deadline (complete applications submitted to NEMA Hazard Mitigation Unit for review)** | December 18, 2020 |
| **5. Deadline to notify FEMA of any technical issues outside of their control that will prevent application submission** | January 27, 2021 @ 2PM Central Standard Time |
| **6. FEMA Application Submission Deadline** | January 29, 2021 @ 2PM Central Standard Time |

# The Department of Homeland Security (DHS)
# Notice of Funding Opportunity (NOFO)
# FY 2020 Building Resilient Infrastructure and Communities

**NOTE: If you are going to apply for this funding opportunity and have not obtained a Data Universal Numbering System (DUNS) number and/or are not currently registered in the System for Award Management (SAM), please take immediate action to obtain a DUNS Number, if applicable, and then to register immediately in SAM. It may take 4 weeks or more after you submit your SAM registration before your registration is active in SAM, then an additional 24 hours for Grants.gov to recognize your information. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at** http://www.grants.gov/web/grants/register.html. Detailed information regarding DUNS and SAM is also provided in Section D of this NOFO, subsection, Content and Form of Application Submission.

## A. Program Description

1. **Issued By**
   U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Federal Insurance and Mitigation Administration (FIMA), Mitigation Directorate, Hazard Mitigation Assistance (HMA) Division

2. **Assistance Listings (formerly Catalog of Federal Domestic Assistance [CFDA] Number)**
   97.047

3. **Assistance Listings Title (formerly CFDA Title)**
   Building Resilient Infrastructure and Communities

4. **Funding Opportunity Title**
   Fiscal Year 2020 Building Resilient Infrastructure and Communities

5. **Funding Opportunity Number**
   DHS-20-MT-047-00-99

6. **Authorizing Authority for Program**
   Section 203 of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (*Stafford Act*), as amended (Pub. L. No. 93-288) (42 U.S.C. § 5133) as implemented by *Hazard Mitigation Assistance: Building Resilient Infrastructure and Communities* (FP: 104-008-05).

7. **Appropriation Authority for Program**
   *Department of Homeland Security Appropriations Act*, 2019 (Pub. L. No. 116-6); Section 203(i) of the *Stafford Act*, as amended (Pub. L. No. 93-288) (42 U.S.C. § 5133).

## 8. Announcement Type

Initial

## 9. Program Overview, Objectives, and Priorities

**Overview**

The Building Resilient Infrastructure and Communities (BRIC) program makes federal funds available to states, U.S territories, Indian tribal governments, and local communities for pre-disaster mitigation activities. The guiding principles of the program are to (1) support state and local governments, tribes, and territories through capability- and capacity-building to enable them to identify mitigation actions and implement projects that reduce risks posed by natural hazards; (2) encourage and enable innovation while allowing flexibility, consistency, and effectiveness; (3) promote partnerships and enable high-impact investments to reduce risk from natural hazards with a focus on critical services and facilities, public infrastructure, public safety, public health, and communities; (4) provide a significant opportunity to reduce future losses and minimize impacts on the Disaster Relief Fund; and (5) support the adoption and enforcement of building codes, standards, and policies that will protect the health, safety, and general welfare of the public, take into account future conditions, and have long-lasting impacts on community risk reduction, including for critical services and facilities and for future disaster costs.

To achieve these principles, FEMA will provide financial assistance to eligible BRIC Applicants for the following activities: (1) **Capability- and Capacity-Building (C&CB)** – activities which enhance the knowledge, skills, expertise, etc., of the current workforce to expand or improve the administration of mitigation assistance. This includes activities in the following sub-categories: building codes activities, partnerships, project scoping, mitigation planning and planning-related activities, and other activities; (2) **Mitigation Projects** – 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; and (3) **Management Costs –** financial assistance to reimburse the Recipient and subrecipient for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation measure or project in an amount up to 15 percent of the total amount of the grant award, of which not more than 10 percent of the total award amount may be used by the Recipient and 5 percent by the subrecipient for such costs. FEMA will also provide non-financial **Direct Technical Assistance** to communities to build a community's capacity and capability to improve its resiliency to natural hazards and to ensure stakeholders are capable of building and sustaining successful mitigation programs, submitting high-quality applications, and implementing new and innovative projects that reduce risk from a wide range of natural hazards.

For more detailed program information, please go to https://www.fema.gov/bric.

**Objectives**
The 2018–2022 FEMA Strategic Plan provides a framework for supporting the United States before, during, and after disasters and improving the Agency's execution of its fundamental mission of helping people. BRIC also will support the National Mitigation Investment Strategy. One of BRIC's purposes is to help achieve 2018–2022 FEMA Strategic Plan Objective 1.1: incentivize investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs at all levels. The BRIC program is also an instrumental part of achieving other FEMA strategic objectives, including Objective 1.3, help people prepare for disasters, and Objective 1.4, better learn from past disasters, improve continuously, and innovate.

**Priorities**
For FY2020, the priorities for the program are to incentivize public infrastructure projects; incentivize projects that mitigate risk to one or more lifelines; incentivize projects that incorporate nature-based solutions; and increase funding to Applicants that facilitate the adoption and enforcement of the latest published editions of building codes.

Mitigation Plan Integration
In addition, communities are encouraged, but not required, to pursue Plan Integration, which is a process in which communities look critically at their existing planning framework and align efforts. Integration of hazard mitigation principles into other local planning mechanisms (comprehensive plans, transportation plans, floodplain ordinances, etc.) and vice versa is vital to build a safer, more resilient community. This two-way exchange of information supports community-wide risk reduction, both before and after disasters occur. Not only will the community's planning efforts be better integrated, but by going through this process there is a higher level of interagency coordination, which is just as important as the planning mechanisms themselves. Additional information on Plan Integration can be found at https://www.fema.gov/media-library-data/20130726-1908-25045-0016/integrating_hazmit.pdf.

**10. Performance Metrics**
As a metric and as an eligibility criterion, all mitigation projects must have a benefit-cost ratio (BCR) of 1.0 or greater. Applicants can document BCR through a Benefit-Cost Analysis (BCA) tool FEMA developed according to requirements set forth in the Office of Management and Budget (OMB) Circular A-94, *Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs* (October 29, 1992), which is available on the Internet at https://www.whitehouse.gov/omb/information-for-agencies/circulars. BCA, under OMB Circular A-94, is a systematic quantitative method of assessing the desirability of government projects when their benefits and costs to society occur in different time periods. The BCR metric of 1.0 or greater indicates that FEMA expects that funded BRIC projects will meet the objective of reducing risk and future disaster costs in excess of the cost of mitigation.

## B. Federal Award Information

1. **Available Funding for the NOFO:** $500,000,000
    a. **State/Territory Allocation Subtotal:** $ 33,600,000
    b. **Tribal Set-Aside Subtotal:** $ 20,000,000
    c. **National Competition Subtotal:** $446,400,000

Any funds that are not awarded from the State/Territory Allocation or Tribal Set-Aside will be re-allocated to the national competition.

**State/Territory Maximum Allocation & Activity Caps** $600,000

- The maximum allocation for a state or territory under this category is $600,000, covering all activities/projects.
- Each state/territory may apply for up to $600,000 in the State/Territory Allocation. The State/Territory Allocation may be used for C&CB activities and/or mitigation projects. The combined cost for any C&CB activities and/or mitigation projects under the State/Territory Allocation must not exceed $600,000 federal cost share per Applicant. Additionally, the Applicant's highest ranked subapplication (C&CB activity or mitigation project) for the State/Territory Allocation must not exceed $600,000 federal cost share.
- Up to $300,000 of the State/Territory Allocation may be used for mitigation planning and planning-related activities per Applicant.
- Up to 10 percent of any subapplication may be used for information dissemination activities, including public awareness and education (brochures, workshops, videos, etc.) related to a proposed C&CB activity or mitigation project.

**Tribal Set-Aside Activity Caps**

- The combined cost for any C&CB activities under the Tribal Set-Aside must not exceed $600,000 federal cost share per Applicant. Additionally, the Applicant's highest ranked subapplication (C&CB activity) for the Tribal Set-Aside must not exceed $600,000 federal cost share.
- Up to $300,000 of the Tribal Set-Aside may be used for mitigation planning and planning-related activities per Applicant.
- Up to 10 percent of any subapplication may be used for information dissemination activities, including public awareness and education (brochures, workshops, videos, etc.) related to a proposed C&CB activity or mitigation project.
- In the event that more than $20,000,000 in subapplications is submitted under the Tribal Set-Aside, the C&CB activities and highest-ranked mitigation project subapplications up to $20,000,000 will be selected. Once the $20,000,000 is selected, all remaining tribal mitigation project subapplications will be evaluated under the national competition.

**National Competition Cap** $50,000,000

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

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

**Management Costs**

- In addition to funding awarded under the State/Territory Allocation, Tribal Set-Aside, and national competition, Applicants may submit up to 10 percent of the Application budget for Applicant management costs for Applicants to administer and manage award and subaward activities; and 5 percent of C&CB activity and mitigation project subapplication budget for subapplicant management costs for subapplicants to manage their subaward activities. For additional information, please refer to Section D.13.b, Management Costs.

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

   The Period of Performance (POP) is 36 months, starting on the date of the Recipient's federal award. Any subsequent amendments to the federal award will not extend the POP unless explicitly stated. For highly complex projects, the Applicant may submit a request for a longer POP in the Application for FEMA to review and approve.

   Extensions to the POP are allowed. For additional information on POP extensions, please refer to Section H.2, Additional Information, Period of Performance Extensions.

3. **Projected Period of Performance Start Date(s):** Will vary by award

4. **Projected Period of Performance End Date(s):** 36 months from date of the award

5. **Funding Instrument Type:** Grant

## C. Eligibility Information

### 1. Eligible Applicants

- States
- District of Columbia
- U.S. territories
- Indian tribal governments (federally recognized)

Each state, territory, the District of Columbia, and Indian tribal government (federally recognized) shall designate one agency to serve as the Applicant for BRIC funding. Each Applicant's designated agency may submit only one BRIC grant Application to FEMA. Subapplications under which two or more entities would carry out the award are eligible, such as a multi-state or multi-tribal initiative; however, only one entity may be the Applicant with primary responsibility for carrying out the award.

Local governments, including cities, townships, counties, special district governments, and Indian tribal governments (including federally recognized tribes who choose to apply as subapplicants) are considered subapplicants and must submit subapplications for financial assistance or letters of interest for non-financial Direct Technical Assistance to their state/territory/tribal Applicant agency. Contact information for the State Hazard Mitigation Officers (SHMOs) is provided on the FEMA website at http://www.fema.gov/state-hazard-mitigation-officers.

**2. Applicant Eligibility Criteria**

- States and territories that have had a major disaster declaration under the Stafford Act in the 7 years prior to the annual Application period start date are eligible to apply to FEMA for federal assistance under BRIC (Applicants). As a result of numerous major disaster declarations, all states, territories, and the District of Columbia are eligible to apply in FY2020.
- Indian tribal governments (federally recognized) that have had a major disaster declaration under the Stafford Act in the 7 years prior to the annual Application period start date or are entirely or partially located in a state or territory that had a major disaster declaration in the 7 years prior to the annual Application period start date are eligible to apply to FEMA for federal assistance under BRIC as Applicants or subapplicants to eligible states and territories. As a result of numerous major disaster declarations, all Indian tribal governments (federally recognized) are eligible to apply in FY2020.
- Local governments are eligible to apply to eligible states and territories for federal assistance under BRIC (subapplicants). Individuals, businesses, and non-profit organizations are not eligible to apply for HMA funds; however, an eligible Applicant or subapplicant may apply for funding on behalf of individuals, businesses, and non-profit organizations.
- Applicants are required to have a FEMA-approved State or Tribal Hazard Mitigation Plan in accordance with Title 44 of the Code of Federal Regulations (CFR) Part 201 by the Application deadline and at the time of obligation of the award.
- Subapplicants are required to have a FEMA-approved Local or Tribal Hazard Mitigation Plan in accordance with 44 CFR Part 201 by the Application deadline and at the time of obligation of grant funds for mitigation projects and C&CB activities (with the exception of mitigation planning).
- To be considered for financial assistance, all Applicants must submit their FY2020 BRIC grant Applications to FEMA via FEMA's grant application system (see Section D, Application and Submission Information).
- To be considered for non-financial Direct Technical Assistance, all Applicants may submit one letter of interest provided to them by a local government/community to BuildBRIC@fema.dhs.gov (see Section D, Application and Submission Information). Communities are eligible to request this assistance even if they are not applying for financial assistance under this NOFO.

**3. Other Eligibility Criteria**

- All activities under BRIC must be in conformance with all applicable environmental planning and historic preservation (EHP) laws, regulations, executive orders, and agency policies including 44 CFR 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/media-library/assets/documents/102051.
- All activities under BRIC must be in conformance with all applicable federal, state, tribal, and local floodplain and land use laws and regulations including 44 CFR § 60.3 (floodplain management criteria).
- Activities under BRIC must not duplicate activities that another federal agency or program has more specific authority to conduct.
- All activities under BRIC must be in conformance with any other criteria established by FEMA that is specific to the proposed activity.
- Construction activities for which ground disturbance has already been initiated or completed are not eligible for funding. Non-construction activities that have already started may not be considered for funding.
- C&CB activities must result in a resource, strategy, or tangible mitigation product that will reduce or eliminate risk and damage from future natural hazards, increase resiliency, and promote a culture of preparedness.
- Mitigation projects must align with State Mitigation Plan and Local or Tribal Mitigation Plan approved under 44 CFR Part 201, or for Indian tribal government (federally recognized) acting as Applicants, align with the Tribal Mitigation Plan approved under 44 CFR § 201.7. Applicants must identify in the BRIC Application where specifically the needs for the proposed project types are referenced or included in the State or Tribal Hazard Mitigation Plan (page number, section title, etc.).
- 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 designs.
- 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 through completion of a BCA conducted in compliance with OMB Circular A-94 as discussed in Section A.10, Performance Metrics;
- 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.
- Applicants should consider high wind and continued sea level rise and ensure responsible floodplain and wetland management based on the history of flood mitigation efforts and the frequency and intensity of precipitation events.
- Non-financial Direct Technical Assistance must result in improvement of the community's capacity and capability to conduct mitigation activities; increase of the community's resiliency to natural hazards; or identification of projects that will holistically improve the community's resiliency and risk reduction efforts.

**4. Cost Share or Match**

**General**

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

The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. Cash and third-party in-kind matches must consist of eligible costs (i.e., same eligibility as the federal share). Applicants cannot apply other federal award funds toward the BRIC non-federal cost share unless the other federal statutory authority allows the funds to be used to meet cost-share requirements. Likewise, third-party in-kind matches used to meet the matching requirement may not be used to meet matching requirements for any other federal grant program. FEMA encourages

innovative use of public and private-sector partnerships to meet the non-federal cost share.

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

**Small Impoverished Communities**
Small, impoverished communities are eligible for an increase in cost share up to 90 percent federal / 10 percent non-federal. The definition of a small impoverished community is a community of 3,000 or fewer individuals identified by the Applicant that is economically disadvantaged, with residents having an average per capita annual income not exceeding 80 percent of the national per capita income, based on best available data.

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

Indian tribal governments (federally recognized) 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 subapplications, which make up their overall BRIC grant Application.

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

For more detailed program information, please go to https://www.fema.gov/bric.

## D. Application and Submission Information

### 1. Key Dates and Times

**a. Application Start Date:** 09/30/2020
**b. Application Submission Deadline:** 01/29/2021 at 3:00 PM Eastern Standard Time

All BRIC Applications must be received by 3:00 PM Eastern Standard Time. FEMA's Grants Outcomes System (FEMA GO) automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the Application. The individual with the Authorized Organization Representative (AOR) role that submitted the Application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission on the date and time that FEMA GO received the Application. **Applications received by FEMA GO after the established due date for Applications will be considered late and will not be considered for funding.**

**Applicants experiencing technical problems outside of their control must notify FEMA by 3:00 PM Eastern Standard Time on 01/27/2021. No new system-related issues will be addressed after this deadline.** Applications not received by the application submission deadline will not be accepted.

A list of FEMA contacts can be found in Section G, DHS Awarding Agency Contact Information. For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at femago@fema.dhs.gov or (877) 611-4700. For programmatic or grants management questions, please contact your Program Analyst or Grants Management Specialist. If you do not know who to contact or if there are programmatic questions or concerns, please contact the Centralized Scheduling and Information Desk 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. Other Key Dates**

| Event | Suggested Deadline for Completion |
|---|---|
| Obtaining DUNS Number | Four weeks before actual submission deadline |
| Obtaining a valid 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 with FEMA GO | One week before actual submission deadline |
| Submitting the final Application in FEMA GO | By submission deadline |

All complete Applications **must** be received by the established 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 as set forth in the Articles of Agreement provided in the award package, should they receive an award.

3. **Address to Request Application Package**
   Applications are processed through the FEMA GO system. To access the system, go to https://go.fema.gov/. Hard copies of the NOFO can be downloaded at Grants.gov or obtained via email from the Awarding Office points of contact listed in Section G, DHS Awarding Agency Contact Information.

   For a hardcopy of the full NOFO, please submit a request to:

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

   In addition, the following Telephone Device for the Deaf (TDD) and/or Federal Information Relay Service (FIRS) number available for this Notice is: 1-800-462-7585.

4. **Steps Required to Submit an Application, Unique Entity Identifier, and System for Award Management (SAM)**
   To apply for an award under this program, all Applicants must:

   a. Apply for, update, or verify their Data Universal Numbering System (DUNS) Number from Dun & Bradstreet and Employer Identification Number (EIN) from the Internal Revenue Service;
   b. In the Application, provide a valid DUNS number, which is currently the unique entity identifier;
   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. Register in FEMA GO and add their organization to the system. The organization's electronic business point of contact (EBIZ POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see https://www.fema.gov/media-library/assets/documents/181607;
   f. Submit the complete Application in FEMA GO; and
   g. Continue to maintain an active SAM registration with current information at all times during which they have an active federal award or an Application or plan under consideration by a federal awarding agency.

Applicants are advised that DHS/FEMA may not make a federal award until the Applicant has complied with all applicable DUNS and 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 DHS/FMA 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, DHS/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.

5. **Electronic Delivery**
   DHS is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. DHS encourages or requires Applicants to submit their Applications online through Grants.gov, depending on the funding opportunity. For this funding opportunity, FEMA requires Applicants to submit their Applications through FEMA GO.

6. **How to Register to Apply**
   a. *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 DHS/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 4 weeks to complete.** To ensure an Application meets the deadline, Applicants are advised to start the required steps well in advance of their submission.

   Applicants must have a Data Universal Numbering System (DUNS) Number and an active System for Award Management (SAM) registration.

   1) *Obtain a DUNS Number*: All entities applying for funding, including renewal funding, must have a Data Universal Numbering System (DUNS) number from Dun & Bradstreet (D&B). Applicants must enter the DUNS number in the data entry field labeled "Organizational DUNS" on the SF-424 form.

      For more detailed instructions on obtaining a DUNS number, refer to https://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html.

   2) *Obtain Employer Identification Number:* In addition to having a DUNS number, all entities applying for funding must provide an employer Identification Number

(EIN). The EIN can be obtained from the Internal Revenue Service by visiting https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online.

3) *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.

4) *Register with SAM*: In addition to having a DUNS number, all Applicants applying online through Grants.gov must register with the System for Award Management (SAM). Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually.

   For more detailed instructions on registering with SAM, refer to https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html.

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

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

8. **Timely Receipt Requirements and Proof of Timely Submission**
   All Applications must be completed in FEMA GO by the Application deadline. FEMA GO automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the Application. The individual with the Authorized Organization Representative (AOR) role that submitted the Application will also receive the official date/time stamp and a FEMA GO tracking

number in an email serving as proof of their timely submission on the date and time that FEMA GO received the Application.

**Applicants experiencing technical problems outside of their control must notify FEMA by 3:00 PM Eastern Standard Time on 01/27/2021. No new system-related issues will be addressed after this deadline.** Applications not received by the application submission deadline will not be accepted.

9. **Content and Form of Application Submission**
   Application for Federal Assistance and Assurances and Certifications Forms
   The following forms or information are required to be submitted via FEMA GO. The Standard Forms (SF) are also available at https://www.grants.gov/web/grants/forms/sf-424-family.html.

   - SF-424, Application for Federal Assistance
   - Grants.gov Lobbying Form (Certification Regarding Lobbying)
   - SF-424A, Budget Information (Non-Construction)
     - For construction under an award, submit SF-424C, Budget Information (Construction), in addition to or instead of SF-424A
   - SF-424B, Standard Assurances (Non-Construction)
     - For construction under an award, submit SF-424D, Standard Assurances (Construction), in addition to or instead of SF-424B
   - SF-LLL, Disclosure of Lobbying Activities
   - Indirect Cost Agreement or Proposal if the budget includes indirect costs and the Applicant is required to have an indirect cost rate agreement or proposal. See further information below regarding allowability of indirect costs and documentation requirements, including if the Applicant does not have or is not required to have an indirect cost rate agreement or proposal, or contact the relevant DHS/FEMA staff identified in Section G, DHS Awarding Agency Contact Information, for further instructions.

Applicants may require their subapplicants to complete and attach the grant Application and/or Assurance and Certifications forms to their C&CB activity and mitigation project subapplications in FEMA's grant application system.

Subapplicants should contact their Applicant agency for information specific to their state/territory's/tribe's application process. Contact information for the SHMOs is provided on the FEMA website at http://www.fema.gov/state-hazard-mitigation-officers.

All Applicants must submit a BRIC grant Application via FEMA's grant application system by the Application deadline to be considered for funding. The required format for BRIC Applications and subapplications is built into FEMA's grant application system.

All Applicants may submit one letter of interest on behalf of a community for non-financial Direct Technical Assistance to BuildBRIC@fema.dhs.gov no later than 3:00 PM Eastern

Standard Time on January 29, 2021. There is no required format for the letter of interest, but it should contain the following information:

- Point of contact information, including name, position, address, phone number, and email;
- A description of the community's challenges and need for which the service is being requested; and
- The extent of the community's capacity to assist in the non-financial Direct Technical Assistance activity and the staff available to commit to participate in the activity.

Management Costs

Applicant requests for management costs must be submitted in a separate management costs subapplication in FEMA's grant application system. Applicants may apply for Applicant management costs of up to 10 percent of the total BRIC grant Application for management of the award and all selected subawards.

Subapplicants may include subapplicant management costs of up to 5 percent of the total cost of their C&CB activity or mitigation project subapplication to manage the proposed subaward activities. Subapplicant management cost activities must be added to the Scope of Work section and identified as a line item in the Cost Estimate section of subapplications in FEMA's grant application system.

For additional information, please refer to Section D.13.b, Management Costs.

10. **Other Submission Requirements**

This section sets forth documentation that must be provided to document specific eligibility criteria set forth in Section C.3, Other Eligibility Criteria.

Benefit-Cost Analysis 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 BCR, which is derived from a project's total benefits divided by its total project cost. The total benefits and costs must be entered in the Cost-Effectiveness section of the project subapplication and a FEMA-approved BCA must be attached as documentation, as applicable. C&CB activity and management costs subapplications do not require a BCA.

FEMA has created software to ensure that the BCR is calculated in accordance with FEMA's standardized methodologies and OMB Circular A-94. FEMA's BCA Toolkit is available on the FEMA website at www.fema.gov/benefit-cost-analysis. 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 https://www.fema.gov/benefit-cost-analysis.

Go/No-Go Milestones

The subapplicant, in coordination with the Applicant, must identify a series of Go/No-Go milestones throughout the work schedule for mitigation activities that FEMA will review and approve. A Go/No-Go milestone is a major milestone in the project that if not completed on time may result in a cancellation of the subaward. Progress towards meeting the Go/No-Go milestones must be reported in the quarterly progress reports submitted to the Recipient and FEMA. At these Go/No-Go milestones, FEMA will evaluate project performance, schedule adherence, and contribution to FEMA's program goals and objectives.

National Environmental Policy Act Requirements for Mitigation Projects

Applicants and subapplicants applying for mitigation projects must provide information needed to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321–4370h) and the related DHS and FEMA instructions and directives (i.e., DHS Directive 023-01, DHS Instruction Manual 023-01-001-01, FEMA Directive 108-1, FEMA Instruction 108-1-1). The required information is included in the subapplication in FEMA's grant application system. EHP Job Aids and Supplements are available on the FEMA website at https://www.fema.gov/media-library/assets/documents/102051. The required information is included in the subapplication in FEMA's grant application system.

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

Acquisition Project Requirements

The subrecipient must provide FEMA with a signed copy of the Statement of Voluntary Participation for each property post-award. The Statement of Voluntary Participation formally documents the Notice of Voluntary Interest and information related to the purchase offer. The Statement of Voluntary Participation is available on the FEMA website at https://www.fema.gov/media-library/assets/documents/13708.

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 CFR 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. The FEMA Model Deed Restriction is available on the FEMA website at

https://www.fema.gov/media-library/assets/documents/28496. Subrecipients, as well as Recipients and FEMA, are responsible for enforcing open space restrictions.

11. **Intergovernmental Review**
An intergovernmental review may be required. Applicants must contact their state's Single Point of Contact to comply with the state's process under Executive Order 12372, *Intergovernmental review of Federal programs*. (See https://www.archives.gov/federal-register/codification/executive-order/12372.html; https://www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf).

12. **Funding Restrictions**
All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 CFR Part 200, unless otherwise indicated in the NOFO or the terms and conditions of the award.

Federal funds made available through an award under this NOFO may only be used in manner that is consistent with 42 U.S.C. § 5133; FEMA Policy (FP) 104-008-05, *Hazard Mitigation Assistance: Building Resilient Infrastructure and Communities* (BRIC Policy) available at www.fema.gov/BRIC and meets the eligibility criteria outlined in Section C.3, Other Eligibility Criteria, above and the terms and conditions set forth in this NOFO and the award documentation.

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

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

13. **Allowable Costs**

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

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

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

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

**b. Management Costs**

Management costs are any indirect costs, any direct administrative costs, and other administrative expenses that are reasonably incurred in administering an award or subaward.

Eligible Applicant or subapplicant management cost activities may include:

- Solicitation, review, and processing of subapplications and subawards
- Subapplication development and technical assistance to subapplicants regarding feasibility and effectiveness and BCA
- Geocoding mitigation projects identified for further review by FEMA
- Delivery of technical assistance (e.g., plan reviews, planning workshops, training) to support the implementation of mitigation activities
- Managing awards (e.g., quarterly reporting including managing Go/No-Go milestones, closeout)
- Technical monitoring (e.g., site visits, technical meetings)
- Purchase of equipment, per diem and travel expenses, and professional development that is directly related to the implementation of HMA programs
- Staff salary costs directly related to performing the activities listed above

In addition to funding received as described in Section B.1, Available Funding for the NOFO, Applicants may apply for Applicant management costs of up to 10 percent of the total BRIC grant Application for management of the award and all selected subawards. Applicant requests for management costs must be submitted in a separate management costs subapplication in FEMA's grant application system (see Section D, Application and Submission Information, Content and Form of Application Submission).

Subapplicants may include subapplicant management costs of up to 5 percent of the total cost of their C&CB activity or mitigation project subapplication to manage the proposed subaward activities. Subapplicant management cost activities must be added to the Scope of Work section and identified as a line item in the Cost Estimate section of subapplications in FEMA's grant application system.

<u>Indirect Cost Rates</u>

As part of management costs, Applicants and subapplicants may charge indirect costs as described in 2 CFR Part 200, including 2 CFR § 200.414. Applicants with a 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. Applicants that are not required by 2 CFR Part 200 to have a negotiated indirect cost rate agreement but are required by 2 CFR Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Subapplicants are not required to submit negotiated indirect cost rate agreements or proposals directly to FEMA, but they may need to submit them to the applicable Applicants per 2 CFR § 200.331.

Applicants and subapplicants that are required to have either a negotiated indirect cost rate agreement or proposal may use their applicable indirect cost rate to charge indirect costs, but they may only charge an amount up to the applicable dollar cap set above for all management costs. If Applicants or subapplicants are not required to have a negotiated indirect cost rate agreement or proposal, the Applicants should reach out on behalf of themselves or on behalf of subapplicants to the applicable contacts listed in Section G, DHS Awarding Agency Contact Information for further instructions.

## E. Application Review Information

### 1. Application Evaluation Criteria

#### a. Programmatic Criteria

**Eligibility and Completeness Programmatic Review Criteria**
For all activities/projects under all Applications, including for the State/Territory Allocation, Tribal Set-Aside, and national competition, FEMA will review subapplications submitted by each Applicant to ensure:

- Eligibility of the Applicant and subapplicant;
- Eligibility of proposed activities and costs;
- Completeness of the subapplication;
- Cost-effectiveness and engineering feasibility of 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.

**Additional Programmatic Review for the National Competition**
Subapplications submitted to the national competition that pass the eligibility and completeness programmatic review will be scored with technical evaluation criteria and may be scored with qualitative evaluation criteria, if applicable.

If needed, based on the number of subapplications submitted to the BRIC program, FEMA will use the technical evaluation criteria scoring as a program

priority screening tool for the qualitative evaluation review. FEMA will send subapplications valued up to twice the amount of available funding to the BRIC qualitative evaluation panel.

FEMA will ensure that at least one eligible subapplication from each Applicant will be sent to the qualitative evaluation panel for review.

Technical Evaluation Criteria

As set forth in the table below, FEMA will score subapplications using technical evaluation criteria. The technical evaluation criteria offer incentives for elements valued by FEMA. In order to ensure transparency and efficiency in competition project selection, technical evaluation criteria are binary point awards; projects either receive the full points allotted or zero points for each criterion.

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

| **Technical Evaluation Criteria for the National Competition** | |
|---|---|
| **Criteria** | **Potential Total Points** |
| Infrastructure project | 20 |
| Mitigating risk to one or more lifelines | 15 |
| Incorporation of nature-based solutions | 10 |
| Applicant has mandatory building code adoption requirement (2015 or 2018 versions of International Building Code and International Residential Code) | 20 |
| Subapplicant has Building Code Effectiveness Grading Schedule (BCEGS) Rating of 1 to 5 | 15 |
| Application generated from a previous FEMA HMA Advance Assistance Award | 10 |
| Increased non-federal cost share | 5 |
| Designation as a small impoverished community (as defined in the BRIC Policy and referenced in 42 U.S.C. § 5133(a)) | 5 |

For more information on BCEGS, please visit the Insurance Services Office – Mitigation website at https://www.isomitigation.com/bcegs/.

FEMA acknowledges the importance of strong building codes at the state, local, tribal, and territorial levels. Accordingly, in future BRIC grant cycles, FEMA may increase its emphasis on building codes criteria.

Further details on technical evaluation criteria can be found through program support materials accessible at https://www.fema.gov/bric or through your Regional Office (see http://www.fema.gov/about-agency).

Qualitative Evaluation Criteria

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

| **Qualitative Evaluation Criteria for the National Competition** | | |
|---|---|---|
| **Topic** | **Criteria** | **Potential Total Points** |
| **Risk Reduction/Resiliency Effectiveness** | The subapplication details how the project will effectively reduce risk and increase resilience (including the benefits quantified in the BCA), realize ancillary benefits, and leverage innovation. | 35 |
| **Future Conditions** | The subapplication describes how the project will anticipate future conditions (population/demographic/climate changes, sea level rise,[1] etc.) and cites data sources, assumptions, and models. | 15 |
| **Implementation Measures** | The subapplication adequately describes how the costs and schedule will be managed, how the project will be successfully implemented, and how innovative techniques to facilitate implementation will be incorporated. The project's scope of work identifies sufficient technical and managerial staff and resources to successfully implement this project. | 15 |
| **Population Impacted** | The project subapplication demonstrates community-wide benefits and identifies the proportion of the population that will be impacted. The Application also describes how impacts (positive or negative) to socially vulnerable populations informed project selection and design. | 15 |
| **Outreach Activities** | The subapplication describes outreach activities appropriate to the project that advance mitigation. The subapplication also outlines the types of community planning processes leveraged during project conception and design and identifies the level of public support obtained during the engagement process. | 5 |
| **Leveraging Partners** | The project subapplication incorporates state, tribal, private, and local community partnerships that will enhance its outcome and describes the extent of those partnerships, such as having an increased non-federal cost share, multi-jurisdictional projects, etc. | 15 |

[1] Applicants and subapplicants may use any valid source that is based on recognized sea level rise estimation methods for sea level rise. Several federal government sources are available for relative sea level rise data along coastal areas. Some of these sources include, but are not limited to National Oceanic and Atmospheric Administration Center for Operational Oceanographic Products and Services' Mean Annual SLR Trend Data (https://tidesandcurrents.noaa.gov/sltrends/sltrends.html) and U.S. Army Corps of Engineers Sea-Level Change Curve Calculator (Version 2019.21) (http://corpsmapu.usace.army.mil/rccinfo/slc/slcc_calc.html).

Further details on qualitative evaluation criteria can be found through program support materials accessible at https://www.fema.gov/bric or through your Regional Office (see http://www.fema.gov/about-agency).

**b. Financial Integrity Criteria**

Prior to making a federal award, DHS FEMA is required by 31 U.S.C. § 3321 note, 41 U.S.C. § 2313, and 2 CFR § 200.205 to review information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information. Therefore, Application evaluation criteria may include the following risk-based considerations of the Applicant:

1) Financial stability
2) Quality of management systems and ability to meet management standards
3) History of performance in managing federal award
4) Reports and findings from audits
5) Ability to effectively implement statutory, regulatory, or other requirements

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

Prior to making a federal award where the anticipated total federal share will be greater than the simplified acquisition threshold, currently $250,000 (see Section 805 of the National Defense Authorization Act for Fiscal Year 2018, Pub. L. No. 115-91, OMB Memorandum M-18-18, *Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance* [June 20, 2018], at https://www.whitehouse.gov/wp-content/uploads/2018/06/M-18-18.pdf):

1) DHS FEMA is required to review and consider any information about the Applicant that is in the designated integrity and performance system accessible through SAM, which is currently the Federal Awardee Performance and Integrity Information System (FAPIIS) and is accessible through the SAM website.
2) An Applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
3) DHS/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 CFR § 200.205.

## 2. Review and Selection Process

**Review Process**

State/Territory Allocation

Applicants must rank their subapplications. FEMA will select eligible C&CB activity and mitigation project subapplications from eligible states, territories, and the District of Columbia in order of the Applicant's rank (#1–x) to the lowest ranked subapplication that brings the total federal cost share to no more than $600,000 per Applicant. Please note, C&CB activity subapplications will always be ranked first (above mitigation project subapplications) in the State/Territory Allocation.

FEMA may select a subapplication out of priority order based on one or more of the following factors: (1) availability of funding; (2) duplication of subapplications; (3) program priorities and policy factors; or (4) other pertinent information.

Tribal Set-Aside

FEMA will select eligible C&CB activity and mitigation project subapplications not to exceed a total of $20 million.

In the event that more than $20 million in subapplications are submitted under the Tribal Set-Aside, the C&CB activities and highest-ranked mitigation project subapplications up to $20 million will be selected. Once the $20 million is selected, all remaining tribal mitigation project subapplications will be evaluated under the national competition.

FEMA may select a subapplication out of priority order based on one or more of the following factors: (1) availability of funding; (2) duplication of subapplications; (3) program priorities and policy factors; or (4) other pertinent information.

National Competition

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

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

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

FEMA may select a subapplication out of priority order (as determined by the total points scored) based on one or more of the following factors: (1) availability of funding; (2)

duplication of subapplications; (3) program priorities and policy factors; or (4) other pertinent information, including past performance on other FEMA awards or grant balances.

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

a. **Identified for Further Review (IFFR) –** This means the subapplication is eligible (or potentially eligible pending some additional information) and there is available funding under the applicable subtotals. Applicants with C&CB activity and/or mitigation project subapplication(s) that are IFFR that submitted a management costs subapplication in their BRIC grant Application (see Section D, Application and Submission Information, Content and Form of Application Submission) are eligible to receive Applicant management costs not to exceed 10 percent of the selected C&CB activity and mitigation project subapplications.
b. **Not Selected** – This means the subapplication is eligible but was not selected due to a lack of available funding under the applicable subtotals.
c. **Does Not Meet HMA Requirements** – This means the subapplication does not satisfy the eligibility or completeness requirements outlined in the statute, policy, or Section C.3.

**Appeals**
An eligible Applicant, subapplicant, Recipient, or subrecipient may request an appeal of either of the following types of actions: (1) FEMA's denial of its Application or subapplication for mitigation projects for which there is an indication of a substantive technical or procedural error; (2) A remedy FEMA has taken for noncompliance with federal statutes, regulations, or the terms and conditions of the award that results in suspension or termination of all or part of the award.

The appeal must be submitted according to the following procedures:

- The Applicant or Recipient must submit an appeal in writing to FEMA within 60 days after receipt of a notice of the action that is being appealed. The subapplicant or subrecipient must submit its appeal in writing to the Applicant or Recipient, after which the Applicant or Recipient must review and evaluate the subapplicant's or subrecipient's appeal before submission to FEMA.
- For denials of Applications or subapplications for mitigation projects, the appeal must identify any substantive technical or procedural error committed by FEMA, and FEMA will only consider the information provided in the Application or subapplication as supporting documentation.
- For remedies FEMA has taken for noncompliance, the appeal must contain documented justification supporting the appellant's position, specify the monetary figure in dispute, and identify the provisions in federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.

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

**Non-Financial Direct Technical Assistance**
FEMA will review communities' letters of interest and select communities based upon the need, the specific request, and the extent the request demonstrates that the assistance will further BRIC's goals to build community capability and resilience. FEMA will notify the Applicant and community of its selection to receive non-financial Direct Technical Assistance. FEMA may prioritize non-financial Direct Technical Assistance for communities that:

- Have not received a project award under the Pre-Disaster Mitigation (PDM) grant program, the Flood Mitigation Assistance (FMA) grant program, or the Hazard Mitigation Grant Program (HMGP) within the past 5 years
- Have not received an Advance Assistance award under PDM, FMA, or HMGP within the past 5 years
- Are tribal communities
- Are designated as small impoverished communities (documentation to support this designation must be included with the letter of interest)
- Have demonstrated a compelling need (e.g., communities with significant social vulnerability, communities with multiple major disaster declarations within the past 5 years, etc.)

FEMA will provide non-financial Direct Technical Assistance depending upon its ability to perform the requested services; should the demand for services exceed FEMA's organizational capacity, FEMA may select fewer than 10 local governments/communities or may refer the community to other technical assistance offerings. For FY2020, FEMA will make non-financial Direct Technical Assistance available to up to 10 local governments/communities across the nation, one per Region, selected from the letters of interest submitted to the Applicants and in consultation with the FEMA Regions.

Additional information on non-financial Direct Technical Assistance is available on www.fema.gov/bric.

## F. Federal Award Administration Information

1. **Notice of Award**
Before accepting the award, the AOR and Recipient should carefully read the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. The award package must be accepted within 30 days of receipt. **Recipients must accept all conditions in the BRIC Policy (see Section D.12, Funding Restrictions), this NOFO, as well as any special terms and conditions in the Notice of Award to receive an award under this program.**

FEMA will provide the federal award package to the Applicant electronically via FEMA's grant application system. Award packages include an award letter, Obligating Document for Awards/Amendments, and Articles of Agreement, including EHP review and/or other conditions. An email notification of the award package will be sent through FEMA's grant application system to the Applicant point of contact(s) designated in the Contact Information section of the BRIC grant Application. *See* 2 CFR § 200.210, Information contained in a federal award at http://www.gpo.gov/fdsys/granule/CFR-2014-title2-vol1/CFR-2014-title2-vol1-sec200-210.

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

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

**2. Administrative and National Policy Requirements**

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. Terms and conditions for each award will be clearly stated in the award package at the time of award.

**Construction Project Requirements**

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

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

**3. Reporting**

Recipients are required to submit quarterly financial and progress reports to FEMA as a condition of their award acceptance throughout the POP, including partial calendar quarters, as well as for periods where no grant award activity occurs. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate a lack of progress, or are insufficient in detail. Recipients are also required to submit closeout reports, which consist of the final financial and performance reports.

Recipients must include progress towards their Go/No-Go milestones in their quarterly progress reports.

The following reporting periods and due dates apply:

| 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 |

**a. Federal Financial Reporting Requirements**

The Federal Financial Report (FFR) form is available online at SF-425 *OMB #4040-0014.*

Recipients must report obligations and expenditures on a quarterly basis through the FFR to DHS/FEMA. Recipients must file the FFR electronically using FEMA GO. Award Recipients must submit an FFR quarterly throughout the POP, including partial calendar quarters, as well as for periods where no grant award activity occurs. FEMA may withhold future awards and fund drawdowns if these reports are delinquent, demonstrate a lack of progress, or are insufficient in detail.

**b. Programmatic Performance Reporting Requirements**

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

**c. Closeout Reporting Requirements**

Within 90 days after the end of the POP, or after an amendment has been issued to close out a grant, Recipients must submit the following:

1) The final request for payment, if applicable;

2) The final FFR (SF-425);
3) The final progress report detailing all accomplishments;
4) A qualitative narrative summary of the impact of those accomplishments throughout the POP; and
5) Other documents required by this NOFO, terms and conditions of the award, or other DHS FEMA guidance.

If applicable, an inventory of all construction projects that used funds from this program must be reported with the final progress report.

After these reports have been reviewed and approved by DHS FEMA, a closeout notice will be completed to close out the grant. The notice will indicate the POP as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for 3 years from the date of the final FFR, unless a longer period applies, such as due to an audit or litigation, for equipment or real property used beyond the POP, or due to other circumstances outlined in 2 CFR § 200.333.

In addition, any Recipient that issues subawards to any subrecipient is responsible for closing out those subawards as described in 2 CFR § 200.343. Recipients acting as pass-through entities must ensure that they complete the closeout of their subawards in time to submit all necessary documentation and information to DHS FEMA during the closeout of their prime grant award.

The Recipient is responsible for returning any funds that have been drawn down but remain as unliquidated on Recipient financial records.

**d. Disclosing Information per 2 CFR § 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 DHS FEMA, the Recipient must notify DHS 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 CFR § 180.335:

1) Are presently excluded or disqualified;
2) Have been convicted within the preceding 3 years of any of the offenses listed in 2 CFR § 180.800(a) or had a civil judgment rendered against it or any of the Recipient's principals for one of those offenses within that time period;
3) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses listed in 2 CFR § 180.800(a); or
4) Have had one or more public transactions (federal, state, or local) terminated within the preceding 3 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 CFR § 180.335, the Recipient must provide immediate written notice to DHS FEMA in accordance with 2 CFR § 180.350.

e. **Reporting of Matters Related to Recipient Integrity and Performance**
Per 2 CFR § 200, Appendix I § F.3, the additional post-award reporting requirements in 2 CFR § 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 POP 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.

4. **Monitoring and Evaluation**
Per 2 CFR § 200.336, DHS FEMA, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems to review project accomplishments and to provide any required technical assistance. During site visits, DHS FEMA will review grant Recipients' files related to the grant award. As part of any monitoring and program evaluation activities, grant Recipients must permit DHS 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 DHS FEMA requests for information relating to the grant program**.**

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

## G. DHS Awarding Agency Contact Information

1. **Contact and Resource Information**

**Program/Financial and Administrative Questions**
General questions about the BRIC program can be directed to the appropriate FEMA Regional Office or SHMO. Contact information for FEMA Regional Offices is provided at http://www.fema.gov/about-agency. Contact information for the SHMOs is provided at http://www.fema.gov/state-hazard-mitigation-officers.

The HMA Helpline is available by telephone 1-866-222-3580 or email HMAGrantsHelpline@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.

A Helpline for guidance on FEMA Safe Room publications is available by email Saferoom@fema.dhs.gov.

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

Resources and job aids intended to help Applicants and subapplicants prepare C&CB activity and mitigation project Applications are available on FEMA's HMA webpage at https://www.fema.gov/application-development-1.

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/hazard-mitigation-assistance-publications.

2. **Systems Information**
   Information, training, and resources on FEMA's grant outcomes system for Applicant and subapplicant users are available at https://go.fema.gov.

## H. Additional Information

1. **Procurement Integrity**
   Through audits conducted by the DHS Office of Inspector General and FEMA grant monitoring, findings have shown that some FEMA Recipients have not fully adhered to proper procurement requirements 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.

   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 CFR §§ 200.317 – 200.326.** 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 CFR § 200.317, when procuring property and services under a federal award, states must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states must follow 2 CFR § 200.322 regarding procurement of recovered materials, and 2 CFR § 200.326 regarding required contract provisions.

**All other non-federal entities, including tribal governments**, must use their own documented procurement procedures that reflect applicable state, local, tribal, and territorial laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 CFR Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 CFR § 200.319.

**a.** ***Competition and Conflicts of Interest***

Among the requirements of 2 CFR § 200.319(a) 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 <u>and</u> execution of specifications (or similar elements as described above), and this contract was procured in compliance with 2 CFR §§ 200.317 – 200.326, 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 in order 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 CFR § 200.319(b), non-federal entities other than states must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, tribal, and territorial 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 CFR § 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. If the Recipient or subrecipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local government, territory, or Indian tribe, 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.

**b.** ***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 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 CFR §§ 200.317 – 200.326, such as contract cost and price (§ 200.323) and solicitation of minority, women-owned, or small businesses (§ 200.321).

ii. Other Supply Schedules and Programs

For non-federal entities other than states, such as tribes, 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 of the procurement standards applicable to a non-federal entity other than states under at 2 CFR §§ 200.317 – 200.326; 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 CFR 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 the applicable Program Analyst or Grants Management Specialist.

**c.** ***Procurement Documentation***

Per 2 CFR § 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, contract type, contractor selection or rejection, and the basis for the contract price. States and territories are encouraged to keep maintain this information as well and are reminded that in order for any cost to be allowable, it must be adequately documented per 2 CFR § 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.

2. **Period of Performance Extensions**

Extensions to the POP under this program are allowed for highly complex projects. Recipients must submit proposed extension requests to FEMA for review and approval at least 60 days prior to the expiration of the grant POP.

Extensions to the initial POP identified in the award will be considered through formal, written requests to the Recipient's respective Region and must contain specific and compelling justification as to why an extension is required. Recipients are advised to coordinate with the Region when preparing an extension.

All extension requests must address the following:

1. Grant program, fiscal year, and award number;

2. Verification that progress has been made as described in quarterly progress reports;
3. Reason for delay, including details of the legal, policy, or operational challenges being experienced that prevent the final outlay of awarded funds by the applicable deadline;
4. Current status of the activity/activities;
5. Approved POP termination date and new project completion date;
6. Amount of funds drawn down to date;
7. Remaining available funds, both federal and non-federal;
8. Budget outlining how remaining federal and non-federal funds will be expended;
9. Plan for completion, including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion; and
10. Certification that the activity/activities that will be completed within the extended POP without any modification to the original Statement of Work approved by FEMA.

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

3. **Payment**
BRIC payment/drawdown requests are generated using FEMA GO and are governed by applicable federal regulations, including 2 CFR § 200.305.

Recipients should not expend funds or request drawdowns until all special conditions listed on the grant award document are met and FEMA has approved the request for payment in FEMA GO.

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

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

4. **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 CFR §§ 200.317 – 200.326.

To eliminate and reduce the impact of conflicts of interest in the subaward process, Recipients must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Recipients are also required to follow any applicable state, local, or tribal statutes or regulations governing conflicts of interest in the making of subawards.

The Recipient must disclose to FEMA, in writing, any real or potential conflict of interest as defined by the federal, state, local, or tribal statutes or regulations or their own existing policies that may arise during the administration of the federal award. Recipients must disclose any real or potential conflicts to the FEMA Program Analyst within 15 days of learning of the conflict of interest. Similarly, subrecipients must disclose any real or potential conflict of interest to the Recipient as required by the Recipient's conflict of interest policies or any applicable state, local, or tribal statutes or regulations. This requirement starts when the Application period opens, continues during the entire POP, and ends when the last audit is completed.

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

5. **Encouraged Use of Certain Products Produced in the United States**
   Pursuant to Executive Order 13858, *Strengthening Buy-American Preferences for Infrastructure Projects*, FEMA encourages Recipients to use, to the greatest extent practicable and consistent with the law, iron and aluminum as well as steel, cement, and other manufactured products produced in the United States, in projects funded by an award under this program affecting surface transportation, including roadways, bridges, railroads, and transit; aviation; ports, including navigational channels; water resources projects; energy production, generation, and storage, including from fossil-fuels, renewable, nuclear, and hydroelectric sources; electricity transmission; gas, oil, and propane storage and transmission; electric, oil, natural gas, and propane distribution systems; broadband internet; pipelines; stormwater and sewer infrastructure; drinking water infrastructure; and cybersecurity.

   Notwithstanding this encouragement, non-Federal entities must ensure that all costs, procurements, and contract actions are consistent with the law, this NOFO, program regulations and guidance, and the costs and federal procurement standards at 2 CFR Part 200.

6. **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 <u>at least</u> 3 years from the date the final FFR is submitted. *See* 2 CFR § 200.333. 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 3 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 **3 years after final disposition of the property**. *See* 2 CFR § 200.333(c).
- If any litigation, claim, or audit is started before the expiration of the 3-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 CFR § 200.333(a).
- The **record retention period will be extended if the Recipient is notified in writing** of the extension by DHS/FEMA, the cognizant or oversight agency for audit, or the cognizant agency for indirect costs. *See* 2 CFR § 200.333(b).
- Where DHS/FEMA requires Recipients to report program income after the POP 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 CFR § 200.333(e).
- For indirect cost rate proposals, cost allocation plans, or other rate computations records, 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 CFR § 200.333(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 CFR §§ 200.318(i), 200.333, 200.336.

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