

Public Health-Office of Emergency Services

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Emergency Management Performance Grant 2017

Section A- Grant Guidance

Office of Emergency Services



Cal OES

GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

Fiscal Year 2017

**EMERGENCY MANAGEMENT
PERFORMANCE GRANT (EMPG) PROGRAM**

*California Supplement to the Federal Program Notice of
Funding Opportunity; or, The State Guidance*

Director's Message

In California, the Emergency Management Performance Grant (EMPG) Program has been leveraged by state, local, and tribal emergency management agencies to acquire the resources necessary to ensure a well-organized and rapid response to disasters. As a result, the state, local, and tribal capabilities established utilizing EMPG Program funds have built the advanced capacities that are necessary for ensuring our collective optimum readiness in the complex all hazards environment of California.

The EMPG Program provides direct fiduciary support for California's Standardized Emergency Management System (SEMS) and the series of activities which continue to maintain its tiered system of emergency management support. In fact, California's SEMS and its Incident Command System ultimately became the cornerstone for the National Incident Management System; this is a prime example of how California's experience and leadership in emergency management activities ultimately benefit the entire Nation.

As California's emergency management professionals, it's up to us to stay integral in our emergency management role if we are to remain robust, resilient, and forward-leaning to combat the ever-expanding list of hazards and threats that we face.

To that end, I announce the release of the California Governor's Office of Emergency Services (Cal OES) *Fiscal Year 2017 Emergency Management Performance Grant (EMPG) Program – California Supplement to the Federal Program Notice of Funding Opportunity; or The State Guidance.*

Sincerely,



MARK S. GHILARDUCCI
Director

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SUBAWARD-RELATED DOCUMENTS:¹

- FINANCIAL MANAGEMENT FORMS WORKBOOK (FMFW) – (REQUIRED)
- GOVERNING BODY RESOLUTION (GBR), MEETING MINUTES, & ADDENDUM TO GBR – (REQUIRED)
- GRANT ASSURANCES – (REQUIRED)
- SUBRECIPIENT GRANTS MANAGEMENT ASSESSMENT – (REQUIRED)
- FY 2017 EMPG PROGRAM APPLICATION CHECKLIST – (REQUIRED)
- INDIRECT COST RATE NEGOTIATION AGREEMENT – (REQUIRED IF APPLICABLE)
- EXCESS FUNDS STATEMENT FORM – (OPTIONAL)
- HOW TO SUBMIT AN EMPG MODIFICATION REQUEST – (INSTRUCTIONAL)
- HOW TO SUBMIT AN EMPG REIMBURSEMENT REQUEST – (INSTRUCTIONAL)

¹ All documents are located on the Cal OES Website at:
<http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>

**Federal
Program
Guidance**

The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year (FY) 2017 Emergency Management Performance Grant Program (EMPG) was published on June 2, 2017.²

**Information
Bulletins**

DHS issues **Information Bulletins (IBs)** that provide updates, clarification, and new requirements throughout the life of the grant.³

**Grants
Management
Memorandums**

The California Governor's Office of Emergency Services (Cal OES) periodically issues **Grants Management Memorandums (GMMs)**. GMMs that provide additional information regarding EMPG funds are located on the Cal OES website.⁴

**Purpose of this
Subaward &
Guidance**

The purpose of the EMPG Program is to provide federal funds to states to assist state, local, and tribal governments in preparing for all hazards. Funds provided under the EMPG must be used to support activities that effectively contribute to the Operational Area's (OA) capability to prevent, prepare for, mitigate against, respond to, and recover from emergencies and disasters, whether natural or man-made. This *California Supplement to the Federal Program Notice of Funding Opportunity; or, The State Guidance* will provide the OAs with guidance and forms to apply for, perform, and closeout the FY 2017 EMPG subaward. This supplemental guide specifies the performance period, objectives, eligible activities, and other subaward-related information and requirements. This document is to supplement the DHS NOFO FY 2017 EMPG.

**Eligible
Subaward
Recipients**

The eligible subaward Subrecipients are the 58 county OAs. The Tribal Guidance will be issued under separate cover.

(Subrecipients may contract with any other public or private organizations to perform eligible activities on approved projects.)

Note: Cal OES is the 'Recipient'; the county is the 'Subrecipient'; and the county's pass-through entities are 'Subrecipients.' For a definition of the term Subrecipient, refer to 2 Code of Federal Regulations (C.F.R.) § 200.93.

**Subrecipient/
Pass-Through
Entities**

Any time grant funds are given to a Subrecipient, such as a political subdivision (city, town, or special district) or federally-recognized tribe, the county/pass-through entity must ensure that the terms and conditions of this subaward are included as part of the Grant Subaward with the Subrecipient.

² The DHS NOFO FY 2017 EMPG may be viewed and downloaded at: https://www.fema.gov/media-library-data/1496322792825-14e183f5162625ef399f7b09aa0630ff/FY_2017_EMPG_NOFO_Final508.pdf

³ IBs may be obtained at: <http://www.fema.gov/grants/grant-programs-directorate-information-bulletins>.

⁴ GMMs are located at <http://www.caloes.ca.gov/cal-oes-divisions/grants-management/homeland-security-prop-1b-grant-programs/memos>

Performance Period

The performance period for FY 2017 EMPG is July 1, 2017, through June 30, 2018. **All subaward activities must be completed and all grant funds expended within this period.** Pending receipt of all valid application materials, Subrecipients may request retroactive reimbursement of Financial Management Forms Workbook (FMFW) approved activities and budgeted items to the start of the performance period listed above; with the exception of Equipment, Critical Emergency Supplies, and noncompetitive procurements (exceeding \$150,000). Equipment, Critical Emergency Supplies, and noncompetitive procurements (exceeding \$150,000) shall occur only after the OA is in award and any applicable federal, as well as state, restrictions associated with these items have been fully met.

Match Requirements

The FY 2017 EMPG requires a dollar-for-dollar match. This can be cash or third party in-kind contributions. Refer to 2 C.F.R. § 200.29 and § 200.306 for specific details. Utilizing the FMFW's Match tab, Subrecipients will indicate the appropriate Solution Area and Solution Area Subcategory that accurately represents the specific activity(ies) and cost(s) used to meet the match requirement for each FMFW project under the FY 2017 EMPG subaward.

Allocations and Methodology

California will subaward a total of \$15,481,623 to OAs. The local allocations were determined using a \$125,000 base award, with remaining funds distributed using per capita figures in the Department of Finance's yearly report called:

*E-1: City/County Population Estimates with Annual Percent Change*⁵

Excess Funds

While developing an application, if it is determined that all allocated funds cannot be expended by the end of the performance period and the need to return funds to Cal OES exists, then it will be necessary to complete the **Excess Funds Statement Form**.⁶ These funds may then be reallocated to other OAs who have identified one-time projects they would like to undertake; if funding is available and the project is selected for funding by Cal OES.

Indirect Costs

Indirect costs are allowable under the FY 2017 EMPG subaward. If indirect costs will be claimed under the FY 2017 EMPG, they must be identified in the FMFW during the time of application, as part of the Applicant's FY 2017 EMPG Initial Application submission to Cal OES. Subrecipients who claim indirect costs may do so provided they use one of the following two methods:

1. Subrecipients with an indirect cost rate approved by their cognizant federal agency may claim indirect costs based on the established rate. Indirect costs claimed must be calculated using the base approved in the indirect cost Negotiation Agreement. A copy of the approved Negotiation Agreement is required at the time of application.
2. Subrecipients who have never received a negotiated indirect cost rate and receive *less than* \$35 million in *direct* federal funding per year may claim the 10% de minimis indirect cost rate based on Modified Total Direct Costs as described in 2 C.F.R. § 200.68 and Subpart E.

⁵ This report can be accessed at the following website: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/>

⁶ This form is located at: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>, under EMPG Forms.

**Indirect Costs
(Continued)**

Indirect costs are *in addition to* the Management and Administration (M&A) allowance, and must be included in the subaward application as a "Project" and reflected in the FMFW on the Indirect Cost Category Ledger if being claimed under the subaward.

Indirect costs may be claimed no more than once annually and only at the end of the fiscal year. Costs must be broken out by fiscal year if there is a rate change. Indirect costs must be based on claimed direct costs, less any excluded and/or distorting expenditures.

**Conflict of
Interest**

Subrecipients must disclose to their Cal OES EMPG Program Specialist, 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, which may arise during the administration of the EMPG subaward within five days of learning of the conflict of interest.

**Subaward
Timelines/Key
Dates**

July 1, 2017	Subrecipient Performance Period Begins
August 7, 8, 10, 14, 15, 18, 2017	EMPG Application Workshops
September 30, 2017	Multi Year-Training & Exercise Plans due to be submitted
October 2, 2017	The OA's completed/vetted applications should be received by Cal OES EMPG Program Specialist by this date or as soon as possible
October 16, 2017	Submission of the FY 2017 EMPG Performance Report for the Period of 7/1/2017 – 9/30/2017
December 31, 2017	All FY 2017 EMPG Subrecipient Environmental and Historic Preservation (EHP) -related documents must be received by your Cal OES EMPG Program Specialist
January 16, 2018	Performance Report due to your Cal OES EMPG Program Specialist for 7/1/2017– 12/31/2017
April 16, 2018	Performance Report due to your Cal OES EMPG Program Specialist for 7/1/2017 – 3/31/2018
June 30, 2018	Subrecipient performance period ends. All subaward activities must be completed and all grant funds expended
July 16, 2018	Final Performance Report due to EMPG Program Specialist for 7/1/2017 – 6/30/2018
July 16, 2018	Final Reimbursement Request due to your Cal OES EMPG Program Specialist
September 30, 2018	Cal OES's Federal Performance Period Ends

What's New?

- **The EMPG-specific FMFW has been revised and updated for the FY 2017 EMPG.**
 - **How activities and costs used to satisfy the EMPG Match Requirement are identified on the FMFW's Match tab**
 - Subrecipients will now select the Solution Area and Solution Area Subcategory that are reflective of the activities and costs expended by the Subrecipient that are being used to satisfy the EMPG dollar-for-dollar match requirement.
 - **Reporting on the Percent of Federal Funds Used in the Purchase of EMPG equipment**
 - On the FMFW's Equipment tab, Subrecipients will report the percentage of federal participation on the project costs for the federal award under which the project was acquired as described in 2 C.F.R. § 200.313(d)(1) – Equipment (Management Requirements).
 - **A Hold Trigger entitled “Sole Source Procurement (Over 150k) Hold”** has been established and is to be utilized whenever a project involving a noncompetitive procurement exceeding \$150,000 is identified in the FMFW.
- **Meeting Minutes must be provided, along with the Governing Body Resolution (GBR),** as a requisite component of the EMPG Application Documents, as well as whenever a GBR is required to be submitted to Cal OES under the EMPG Program.
- **The Subrecipient Grants Management Assessment form is a required component of the FY 2017 EMPG Application process.** This questionnaire must be completed and provided with your application and will be utilized by Cal OES to satisfy the assessment requirement associated with each Subrecipient of pass-through funding as described in 2 C.F.R. § 200.331.
- **Restrictions on the use of EMPG grant funds for specified controlled equipment have been rescinded by DHS;** Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD) have provided updated guidance to subrecipients of FEMA preparedness grants, including the EMPG Program, regarding the implementation of “Executive Order (EO) 13809 Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources,” signed on August 28, 2017. Refer to IB 426.⁷
- **The acquisition of Critical Emergency Supplies, at any dollar amount, requires prior written approval from Cal OES.**
- **There is now an alternative set of training courses that EMPG Program-funded personnel can elect to complete in order to satisfy the EMPG Training requirement;** the nine courses (including prerequisites), as well as further details are listed on pages 15–18 of this Guidance.
- **Clarifying guidance on FY 2017 EMPG Program Training Requirements for EMPG Program-funded personnel –** FEMA GPD now requires that specific versions of the Professional Development Series (PDS) or Basic Academy Prerequisites and Courses be completed in order to fulfill the training component required under the EMPG Program. Refer to IB 424.⁸ See pages 15–18 of this Guidance.

⁷ FEMA IB No. 426: https://www.fema.gov/media-library-data/1509981634187-ff65775f330fb464d5711c3278f80194/ControlledEquipmentRecission_IB_Final_11-1-17.pdf

⁸ FEMA IB No. 424: https://www.fema.gov/media-library-data/1508435948993-1f7f9d225e1320254d1281be1aa915fd/FY17_HSGP.pdf

EMPG Program Emphasis

The FY 2017 EMPG Program will focus on the building, sustainment, and delivery of all hazards emergency management capabilities in the following areas:

- Planning
- Organization
- Equipment Acquisitions
- Training
- Exercises
- Emergency Operations Center (EOC) Construction and Renovation
- Maintenance and Sustainment

The FY 2017 EMPG Program plays an important role in the implementation of the **National Preparedness System (NPS)**⁹ by supporting the development and sustainment of core capabilities. Core capabilities are essential for the execution of each of the five mission areas outlined in the National Preparedness Goal (NPG).

The development and sustainment of these core capabilities are not exclusive to any single level of government or organization, but rather require the combined effort of the whole community. The FY 2017 EMPG Program supports all core capabilities in the Prevention, Protection, Mitigation, Response, and Recovery mission areas based on allowable costs.

In employing a systems-based approach to National Preparedness, no single component part can be the sole responsibility of one individual or group. For that reason, ensuring collaboration and coordination exists throughout California's tiered system of (state, local, and tribal) emergency management support is absolutely paramount.

In California, an enormous number of local, state, tribal, federal, and private agencies are involved in disaster response and recovery. It is essential to maintain seamless coordination with these agencies prior to and during disasters. Certainly, many of the core coordinating structures and working groups have already been formed. However, progress can still be made in how these coordinating structures and working groups operate.

Achieving full integration and interconnectedness between the public and private sector, among different levels of government, among multiple jurisdictions, and among departments and agencies within a single jurisdiction requires robust collaboration. Great progress has been made in interagency collaboration and coordination efforts to date, but further progress can, and must, be made to support the NPG.

To that end, in conjunction with FEMA's priorities, the State has identified **Interagency Coordination** as an area of suggested emphasis and priority to be considered by EMPG Subrecipients whenever they are leveraging FY 2017 EMPG Program funds provided by Cal OES to establish, maintain, and enhance the capabilities that are necessary to ensure that the broad network of state, local, and tribal emergency management agencies in California are well-organized and optimally ready for a unified and rapid response to the full spectrum of all hazards and threats faced in California.

⁹ The NPS can be located at: <http://www.fema.gov/national-preparedness-system>

Applicant Responsibilities

The Applicants' responsibilities are to:

1. Submit a finalized FMFW application, both electronic copy and hard copy, to their Cal OES EMPG Program Specialist as soon as possible, but preferably **no later than October 2, 2017**; along with all other required application components.

Note: An electronic copy of the proposed FMFW and other required application documents shall be submitted for Cal OES EMPG Program Specialist review and vetting **prior** to submission of signed hard copy original. The electronic copy of the FMFW and other required application documents should be submitted for Cal OES review and vetting as soon as possible, but preferably no later than, fourteen (14) calendar days before the finalized Application due date. Submission of the hardcopy originals is only to occur after the Cal OES EMPG Program Specialist's electronic copy review has concluded and the Subrecipient is directed to submit the signed hardcopy.

2. Comply with all terms and conditions contained in the Grant Assurances submitted with the FY 2017 EMPG application. In addition, if the OA subawards funds to other entities, their Grant Subaward contracts must also include these same terms and conditions; along with any local requirements.
3. Prepare and submit timely Performance Reports for the duration of the performance period.
4. Maintain financial management systems that support subaward activities in accordance with 2 C.F.R. § 200.302.
5. Submit revision requests to Cal OES and obtain approval **prior** to incurring any associated expenditures; if changes are required after the initial subaward. Further details are included in this guidance under "Subaward Modifications."
6. Deobligate unexpended subaward funds to Cal OES after all work has been completed and reimbursements have been disbursed.
7. Maintain property, programmatic, and financial records in accordance with the 2 C.F.R. Part 200 record retention requirements.
8. Comply with the audit requirements in 2 C.F.R. Part 200 Subpart F—Audit Requirements.
9. Complete all EMPG requirements associated with federal and state objectives; including but not limited to, staff training and exercises.
10. Submit all subaward-related paperwork including: Performance Reports, Reimbursement Requests, Modification Requests, and Amendments by the identified due dates.
11. Comply with 2 C.F.R. Part 200 and FEMA GPD Policies.
12. Comply with both the DHS NOFO FY 2017 EMPG and the related FY 2017 Cal OES State Supplement to the NOFO, as applicable.

Application Documents

The application must include the following components:¹⁰

1. FMFW
2. GBR & Meeting Minutes
3. Addendum to GBR
4. Grant Assurances
5. Subrecipient Grants Management Assessment
6. FY 2017 EMPG Application Checklist
7. Indirect Cost Rate Negotiation Agreement; if applicable*

*If claiming indirect costs at a federally-approved rate, then you must provide a copy of your approved indirect cost rate Negotiation Agreement – see Indirect Costs on pages 2–3 of this Guidance.

Optional Application Components

Excess Funds Statement Form - While developing an application, any excess funds should be identified and returned to Cal OES so that the funds may be reallocated to other OAs. In this case, it will be necessary to complete and submit the Excess Funds Statement Form to your Cal OES EMPG Program Specialist by the application due date.

Governing Body Resolution & Meeting Minutes

The GBR appoints agents authorized to execute any actions necessary under this subaward. Universal GBRs can be used for up to three years as long as the majority of the original approving Board members (three out of five) are still currently on the Board. If past GBRs are going to be utilized for present applications, then the OA will still need to submit a copy with their application. Universal GBRs are strongly encouraged; this refers to a GBR that does not identify a specific subaward amount, specific subaward years, and does not identify a specific grant program by name. In addition, under Cal OES's FY 2017 EMPG Program, **Meeting Minutes must be submitted along with the GBR whenever a GBR is required to be provided by the OA.**

Addendum to Governing Body Resolution

For each person or position appointed by the governing body, submit the following information to Cal OES, along with the GBR, **on the Applicant's letterhead**:

- Name
- Title
- Jurisdiction
- E-Mail Address
- Street Address, City, & Zip Code
- Phone and Fax Number(s)

Note: Changes identifying the Authorized Agent can be made if and when necessary. If the GBR identifies the Authorized Agent by name, a new GBR, Meeting Minutes, and corresponding Addendum to the GBR are needed when any changes are made. If the GBR identified the Authorized Agents by position and/or title, changes can be made by only submitting a new Addendum to the GBR. Cal OES will not accept signatures of an Authorized Agent's designee.

Official Written Correspondence

For the EMPG Program, all official written correspondence from Cal OES will be mailed to the payment mailing address, identified on the Grant Subaward Face Sheet, and addressed to the Authorized Agent who signed the Grant Subaward Face Sheet.

¹⁰ Application documents are located on the Cal OES Website on the EMPG page at:
<http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>.

Grant Assurances

The Grant Assurances contain the requirements to which the OA will be held accountable. OAs are required to file new Grant Assurances with the FY 2017 EMPG application. **Failure to comply with any of the Grant Assurances may result in suspension, termination, or reduction of grant funds.**

The State may suspend or terminate subaward funding, in whole or in part, or other measures may be imposed for any of the following reasons:

- Failing to expend funds in a timely manner consistent with the subaward milestones, guidance, and assurances
- Failing to comply with the requirements or statutory objectives of federal or state law
- Failing to make satisfactory progress toward the goals or objectives set forth in the subaward application
- Failing to follow subaward requirements or special conditions
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding
- Failing to submit required reports on time
- Providing false certification in the application or other report or document
- Failing to adequately manage, monitor, or direct the subaward funding activities of their Subrecipients
- Failing to submit a Reimbursement Request

Before taking action, the State will provide the Subrecipient reasonable notice of intent to impose corrective measures and will make every effort to resolve the problem informally.

Subrecipient Grants Management Assessment

Per 2 CFR § 200.331, Cal OES is required to evaluate the risk of noncompliance with federal statutes, regulations, and grant terms and conditions posed by each Subrecipient of pass-through funding. The Subrecipient Grants Management Assessment form contains questions related to your organization's experience in the management of federal grant awards. It is used to determine and provide an appropriate level of technical assistance, training, and grant oversight to Subrecipients during the subaward. The questionnaire must be completed and returned with your grant application. A PDF fillable version of the form may be found at: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>.

National Incident Management System Adoption

In accordance with the Homeland Security Presidential Directive-5, Management of Domestic Incidents, the adoption and implementation of the National Incident Management System (NIMS) is a requirement to receive federal preparedness assistance, through grants, contracts, and other activities. This certifies that the OA will complete the NIMS Implementation Tool, is working on their metrics, and has adopted and implemented NIMS.

For further details and/or assistance regarding NIMS-related matters contact:

Cindy Shipley at cynthia.shipley@caloes.ca.gov, (916) 845-8753
Clifford Viernes at clifford.viernes@caloes.ca.gov, (916) 845-8779

Application Due Date The application should be received by Cal OES by no later than 5:00pm on October 2, 2017.*

*The completed application packet should be submitted as soon as possible after being vetted by your Cal OES EMPG Program Specialist; however, preferably by no later than October 2, 2017.

Application Submittal The completed original hardcopy of the FMFW and all other application components must be mailed with original signatures, with enough time to be received by Cal OES's Grants Management Section by the application due date. Signatures should be in ink. OAs will also submit an electronic copy of the completed FMFW to their Cal OES EMPG Program Specialist. All application materials should be submitted as soon as possible; however, they should be received by Cal OES Grants Management Section by no later than October 2, 2017, at 5:00pm.

Note: To streamline the process, electronically submit the completed FMFW to your Cal OES EMPG Program Specialist **prior** to submitting a signed hardcopy, in order to identify any corrections or adjustments that may need to be addressed. The electronic copy of the FMFW should be submitted for Cal OES review by no later than fourteen (14) calendar days before the finalized Application due date. Work closely with your **Cal OES EMPG Program Specialist¹¹** to ensure that all application documents are complete and accurate. Further, Cal OES EMPG Program Specialists (Grants Management Staff) are available to assist in any EMPG-related matters. If the application is received with errors or is incomplete, this will cause a delay in receiving your Notification of Application Approval letter in a timely manner. Subrecipients must receive the Notification of Application Approval letter prior to drawing down any grant funds.

EMPG Program Specialists

Grants Management Staff:

Inland Region – Patti Delaney: patti.delaney@caloes.ca.gov, (916) 845-8469
Coastal Region – Cheryl McCorkle: cheryl.mccorkle@caloes.ca.gov, (916) 845-8415
Southern Region – Christine So: christine.so@caloes.ca.gov, (916) 845-8383
Tribal Nations – James Griffith: james.griffith@caloes.ca.gov, (916) 845-8289

Mailing Address

Cal OES
Attn: EMPG Program Specialist's Name (First and Last)
Emergency Management Grants Unit (EMGU)
3650 Schriever Avenue
Mather, CA 95655

Approval of Application

Cal OES will notify the OA, in writing, of the approved application, subaward amount, and performance period. Subrecipient reimbursements will not be made until all required application components have been approved by the State.

¹¹ EMGU contact information: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx> under the heading of Regional Assignments.

Applicable Laws & Regulations

OAs must ensure that local and internal departments are aware of the following laws, regulations, and guidance documents that apply to this subaward:

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended
- 2 C.F.R. Part 200
- California Emergency Services Act, Chapter 7 of Division 1 of Title 2 of the Government Code – which provides the legal basis for Emergency Management activities in California
- Government Code Section 8607 describes the Standardized Emergency Management System
- *California Supplement to the Federal Program Notice of Funding Opportunity; or, The State Guidance*, provided by Cal OES
- *The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year (FY) 2017 Emergency Management Performance Grant Program (EMPG)*
- FEMA GPD Policies

Environmental Planning and Historic Preservation Compliance

FEMA is legally required to consider the potential impacts of all grant-funded projects on environmental resources and historic properties. For the EMPG Program and other preparedness grant programs, this is accomplished through FEMA's EHP review. Subrecipients proposing projects or activities (including, but not limited to training, exercises, installation projects, etc.) with the potential to impact natural or biological resources, or historic properties, or involving installation, or that involve EOC construction and renovation cannot be initiated until FEMA has completed the required EHP compliance review.

Subrecipients that implement projects prior to receiving EHP approval from FEMA risk de-obligation of funds. Subrecipients who are proposing communication tower projects are encouraged to complete their Federal Communications Commission (FCC) EHP process prior to preparing their EHP review materials for the GPD, and to include their FCC EHP materials with their submission to GPD.

EMPG Program projects that involve the installation of equipment; ground-disturbing activities; new construction, including communication towers; or modification/renovation of existing buildings or structures must undergo a FEMA EHP review.

FEMA may require a Subrecipient to provide a confidential California Historical Resources Information System (CHRIS) report in addition to the EHP Screening Form. Determination on the necessity of a CHRIS report is based upon information disclosed on the EHP Screening Form. Your Cal OES EMPG Program Specialist will provide you with additional instructions should this report be required.

Furthermore, for those proposed construction or renovation projects that are part of larger projects funded from a non-FEMA source (such as an EOC that is part of a larger proposed public safety complex), a FEMA EHP review must be completed before the larger project is initiated.

**Environmental
Planning and
Historic
Preservation
Compliance
(Continued)**

For these types of projects, Subrecipients must complete the FEMA EHP Screening Form (OMB Number 1660-0115/FEMA Form 024-0-1)¹² and submit it, with all supporting documentation, to Cal OES.

Note: Subrecipients should submit the FEMA EHP Screening Form for each applicable project as soon as possible. However, to ensure that ample time exists to allow for the FEMA EHP review and approval process, as well as the subsequent execution of the subaward-funded project, all Subrecipient EHP-related documents must be received by your Cal OES EMPG Program Specialist by no later than **December 31, 2017**. Exceptions to this due date will be at the discretion of Cal OES, based on exceptional circumstances and/or compelling justification.

Refer to FEMA GPD EHP Policy Guidance FP-108-023-1 (located at: <https://www.fema.gov/media-library/assets/documents/85376>) and IB 404 (located at: <http://www.fema.gov/grants/grant-programs-directorate-information-bulletins>) for further details on EHP requirements. The EHP Screening Form can be downloaded at: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>.

Forward completed EHP documents **electronically** to the appropriate Cal OES EMPG Program Specialist.

The following activities would not require the submission of the FEMA EHP Screening Form: planning and development of policies or processes; management and administrative or personnel actions; classroom-based training; tabletop and functional exercises; and acquisition of mobile and portable equipment (not involving installation).

Projects initiated without proper EHP review will not be funded. Projects that were initiated or completed before an EHP review was concluded, using EMPG Program funds, will be deobligated. To avoid unnecessary delays in starting a project, Subrecipients are encouraged to pay close attention to the reporting requirements for an EHP review.

**Controlled
Equipment
Rescission**

As outlined in IB 426, "Guidance to Recipients and Subrecipients of FEMA Preparedness Grants Regarding Implementation of Executive Order 13809 Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources,"¹³ DHS/FEMA has rescinded IB 407, "Use of Grant Funds for Controlled Equipment" and IB 407a, "Use of Grant Funds for Controlled Equipment: Update for Fiscal Year 2017." As a result, certain restrictions placed on the use of grant funds to purchase specified Controlled Equipment, as identified in these IBs, have been removed. In accordance with IB 426, all EMPG-eligible items that were on the Controlled Equipment List, in IBs 407 and 407a, are now allowable provided that the acquisition of these items is consistent with the terms of the subaward, including the DHS NOFO FY 2017 EMPG.

For additional details, consult your Cal OES EMPG Program Specialist and refer to FEMA IB No. 426: https://www.fema.gov/media-library-data/1509981634187-ff65775f330fb464d5711c3278f80194/ControlledEquipmentRescission_IB_Final_11-1-17.pdf

¹² The FEMA EHP Screening Form can be located at:
<http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>.

¹³ FEMA IB No. 426: https://www.fema.gov/media-library-data/1509981634187-ff65775f330fb464d5711c3278f80194/ControlledEquipmentRescission_IB_Final_11-1-17.pdf

Extension Requests

Extensions to the initial performance period identified in the subaward will only be considered through formal, written requests to your EMPG Program Specialist. Upon receipt of extension requests, Cal OES will: (1) verify compliance with performance reporting requirements by confirming that the Subrecipient has submitted all necessary performance reports; (2) confirm that the Subrecipient has provided sufficient justification for the request; and (3) if applicable, confirm that the Subrecipient has demonstrated sufficient progress in past situations where an extension was authorized by Cal OES.

To be considered, extension requests must be received no later than 60 days prior to the end of the Subrecipient's performance period, and must contain specific and compelling justifications as to why an extension is required.

Additionally, performance period extension requests should be limited to one month in duration. Only under extenuating and extremely compelling circumstances will two-month extensions be considered. Extension requests beyond two months will not be considered.

Critical Emergency Supplies

Special rules apply to Critical Emergency Supplies. **The acquisition of Critical Emergency Supplies at any dollar amount requires prior written approval** from Cal OES. Critical Emergency Supplies includes items such as Shelf Stable Food Products; Basic Medical Supplies; or Emergency Water Rations. In addition, the following Food and Water items from the FEMA Authorized Equipment List's Chemical, Biological, Radiological, Nuclear, and Explosives Logistical Support Equipment category require prior written approval: Rations, Initial Deployment; Rations, Unit-Feeding; Water, Potable, Packaged.

To request an approval for the acquisition of Logistical Support Equipment-related Food & Water and/or Critical Emergency Supplies, the Subrecipient must submit the following to Cal OES, on the Subrecipient's letterhead and with an **Authorized Agent's signature**:

1. An effective Distribution Strategy
2. The Sustainment Costs for such an effort
3. A viable Inventory Management Plan (i.e. logistics expertise to avoid situations where funds are wasted because supplies are rendered ineffective due to a lack of planning)

The Subrecipient must wait for an approval letter from Cal OES **prior to the procurement of the restricted items**. If the planned grant expenditure is \$100,000 or more, FEMA's approval of a five-year, viable inventory management plan is required. If the expenditures total less than \$100,000 then Cal OES may approve the plan.

Federally Mandated Objective Information

Validating Capabilities, Priority Objective, and Performance Measures¹⁴

To address the EMPG priorities, an objective has been identified and given a set of performance measures and associated reporting requirements to determine how effective Subrecipients are in utilizing EMPG Program funding to prepare for all hazards, and advance a whole community approach. With these measures, Subrecipients must evaluate their progress toward achieving the stated objectives in the quarterly EMPG Performance Report and in compliance with all reporting requirements.

¹⁴ The Federally Mandated Objectives can be located in The DHS NOFO FY 2017 EMPG, Appendix A-FY 2017 EMPG Program Priorities, pages 27-32 at: https://www.fema.gov/media-library-data/1496322792825-14c183f5162625ef399f7b09aa0630ff/FY_2017_EMPG_NOFO_Final508.pdf

**Validating
Capabilities
Objective:
Multi-Year
Training and
Exercise Plan**

Subrecipient Requirements:

- All Subrecipients are required to develop a Multi-Year Training and Exercise Plan (TEP) that incorporates linkages to the NPG core capabilities and update it annually.
- The TEP shall encompass the period of January 1, 2018 – December 31, 2019.
- TEPs must be submitted to Cal OES, by email, by no later than **September 30, 2017**. Submit TEPs to both of the following at Cal OES:
 - Your EMPG Program Specialist (Grants Management Staff).
 - TEP Point of Contact (POC) – Elaine Viray – exercise@caloes.ca.gov.

Measurement Method:

- Submission to Cal OES of an updated TEP.

Reporting:

- Subrecipients must report in the EMPG Performance Report their compliance with submitting an updated TEP to Cal OES.

Subrecipients are required to share with Cal OES a TEP that includes an exercise plan and schedule, and a plan for training personnel. **Information related to TEPs can be obtained by consulting Cal OES's Exercise Division POC.**

**Validating
Capabilities
Objective:
Exercise**

1. All EMPG Program-funded personnel **shall participate in no less than three exercises in a 12-month period**. This 12-month period shall be the subaward performance period of July 1, 2017 – June 30, 2018, regardless of time extensions. EMPG Program-funded personnel are any personnel paid at any percentage with EMPG funding, including M&A staff. There is no specific requirement for level of “participation” in the exercises; so, observation and attendance satisfies the objective. The exercises can be of any type (e.g., discussion-based or operations-based) within the performance period (see <https://www.fema.gov/media-library/assets/documents/32326>).
2. An After Action Report/Improvement Plan (AAR/IP) must be completed by the host of each EMPG-funded exercise and submitted to hseep@fema.dhs.gov, and a copy sent to your Cal OES EMPG Program Specialist within 90 days after the completion of an exercise.
3. A summary of all collected corrective action items and the tracking of their implementation shall be reported as part of the EMPG quarterly reporting.

Validating
Capabilities
Objective:
Exercise
(Continued)

Additional information and guidance related to AAR/IPs and the National Exercise Program Base Plan can be found on the Homeland Security Exercise and Evaluation Program (HSEEP) website at <https://www.fema.gov/media-library/assets/documents/32326>.

Note: It is acceptable to submit an Exercise Summary Report for Seminars and Workshops in lieu of a full, HSEEP AAR/IP. Email the copies of the AAR/IPs to your Cal OES EMPG Program Specialist.

EMPG-funded exercise activities must be consistent with HSEEP doctrine and its set of guiding principles for exercise programs. **Exercise Division staff are available for assistance with any exercise-related questions or matters.** For exercise-related issues and/or questions, email the Cal OES Exercise Team at exercise@caloes.ca.gov.

Measurement Method:

- Percent of exercises participated by the OA's EMPG-funded personnel.
- Submission of an AAR/IP completed by the host of the EMPG-funded exercises.

Reporting:

- Subrecipients must report quarterly in the EMPG performance report, the percent completed of the exercise requirements for the EMPG-funded personnel.
- Subrecipients must submit AAR/IPs for each EMPG-funded exercise, if the exercise is hosted by the Subrecipients. AAR/IPs will be completed by the host of the exercise; participants do not have to individually complete an AAR/IP.

Validating
Capabilities
Objective:
Training

Training activities supported with EMPG Program funds should strategically align to the NPG core capability identified in the TEP.

To ensure the development of a professional emergency management workforce, all EMPG Program-funded personnel shall complete either **EMPG Training – Option 1** or **EMPG Training – Option 2** requirements, and record proof of completion.

Reported data must include the employee's full name, name of the training, and the date the training was completed.

EMPG Program-funded personnel are any personnel paid at any percentage with EMPG funding; this includes M&A staff funded by EMPG Program funds.

Validating
Capabilities
Objective:
Training
(Continued)

All EMPG Program-funded personnel shall complete all of the following EMPG training requirements (either Option 1 or Option 2) by no later than **June 30, 2018 (unless the Subrecipient's subaward performance period is extended):**

EMPG TRAINING – OPTION 1

For Option 1, all EMPG Program-funded personnel shall complete the following 11 trainings listed below:

National Incident Management System (NIMS) Training, Independent Study (IS):

IS 100 (any version), Introduction to Incident Command System (ICS)
IS 200 (any version), ICS for Single Resources and Initial Action Incident
IS 700 (any version), National Incident Management System, An Introduction
IS 800 (any version), National Response Framework, An Introduction

FEMA Professional Development Series (PDS):

IS 120.a Introduction to Exercises
IS 230.d Fundamentals of Emergency Management
IS 235.c Emergency Planning
IS 240.b Leadership and Influence
IS 241.b Decision Making and Problem Solving
IS 242.b Effective Communication
IS 244.b Developing and Managing Volunteers

The aforementioned listed courses are available on-line and at no cost from the FEMA Emergency Management Institute (EMI) at the following links:

<http://training.fema.gov/IS/NIMS.aspx>
& <http://training.fema.gov/is/searchis.aspx?search=PDS>

OR

EMPG TRAINING – OPTION 2

For Option 2, all EMPG Program-funded personnel shall complete the following nine trainings listed below:

National Emergency Management Basic Academy:

E/L0101, Foundations of Emergency Management – 10 days (80 hours)
E/L0102, Science of Disaster – 3 days (approximately 24 hours)
E/L0103, Planning Emergency Operations – 2 days (16 hours)
E/L0104, Exercise Design – 2 days (16 hours)
E/L0105, Public Information and Warning – 2 days (16 hours)

EMI Basic Academy Online Prerequisites:

IS 100 (any version), Introduction to the Incident Command System (ICS) (3 hours)
IS 700 (any version), National Incident Management System (NIMS), An Introduction (3 hours)
IS 800 (any version), National Response Framework, An Introduction (3 hours)
IS 230.d Fundamentals of Emergency Management (10 hours)

**Validating
Capabilities
Objective:
Training
(Continued)**

For EMPG-funded personnel who choose EMPG Training – Option 2, the Subrecipient will report their progress towards completing the required training in their EMPG Quarterly Performance Report, under Part IX: Other Significant EMPG-Funded Accomplishments. Reported data must include the employee's full name, name of the training, and the date the training was completed.

Note: For both EMPG Training Options 1 and 2, past completion of any prior versions of the following NIMS training courses – IS 100, IS 200, IS 700, and IS 800 – are considered acceptable towards meeting the FY 2017 EMPG Training Requirement. Thus, the NIMS training courses of IS 100, IS 200, IS 700, and IS 800 only have to be taken once, by EMPG-funded personnel, in order to fulfill the FY 2017 EMPG Training Requirement.

Conversely, for the PDS and Basic Academy online courses, **ONLY** the satisfactory completion of the iteration-specific courses (listed on page 16 of this Guidance) will qualify towards satisfying the FY 2017 EMPG Training Requirement. To that end, for all FY 2017 EMPG-funded personnel, their past completion of previous iterations of the PDS and Basic Academy online courses (other than those iteration-specific versions listed on page 16 of this Guidance) can **no longer** be utilized towards meeting the EMPG Training Requirement; as was permitted under past EMPG grant cycles (i.e., FY 2011– FY 2016).

However, in the event that EMI revises any of the aforementioned PDS and Basic Academy online courses (as listed hereinabove on page 16) during the FY 2017 EMPG Performance Period, and an EMPG-funded personnel has not yet completed that specific version of the course (as identified on pages 16 of this Guidance), then the most current iteration of the online IS course must be completed, by said EMPG-funded personnel, in order to remain compliant and fully satisfy the FY 2017 EMPG Training Requirement.

For example: If during the FY 2017 EMPG performance period (spanning July 1, 2017– June 30, 2018), EMI updates IS 230.d to IS 230.e, any FY 2017 EMPG-funded personnel who had not yet completed IS 230.d (by the time that EMI updated the course to IS 230.e) would now be required to complete IS 230.e instead—in order to satisfy the FY 2017 EMPG Training Requirement. This is specifically because the previous iteration of the course, IS 230.d, will no longer be available to be taken online given it was replaced by the newer iteration of IS 230.e.

For further clarification regarding the FY 2017 EMPG Training Requirement, consult with your Cal OES EMPG Program Specialist, as well as refer to IB 424.¹⁵

Measurement Method:

EMPG TRAINING – OPTION 1 (NIMS Training & PDS):

- Percent of EMPG Program-funded personnel completing the previously identified 11 required training courses.

EMPG TRAINING – OPTION 2 (EMI Basic Academy & Online Prerequisites):

- Percent of EMPG Program-funded personnel completing the previously identified nine required training courses.

¹⁵ FEMA IB No. 424: https://www.fema.gov/media-library-data/1508435948993-1f79d225e1320254d1281be1aa915fd/FY17_HSGP.pdf

Validating
Capabilities
Objective:
Training
(Continued)

Reporting:

- Submission of a list of EMPG Program-funded personnel along with the name of the training and dates completed is to be included in the EMPG Program Quarterly Performance Reports.

Recorded proof of completion of training requirements, such as certificates of completion, must exist and be kept on file by the Subrecipient and be made available for review upon request.

Training
Feedback
Number

In order for EMPG Program funds to be utilized for training-related purposes, Subrecipients must first obtain a Training Feedback Number. Training Feedback Numbers must be obtained no later than thirty (30) days prior to the training event. To be considered for a Training Feedback Number, Subrecipients must complete a Training Request Form and submit it electronically to Cal OES.

Training Request Forms can be obtained at the following link: <https://w3.calema.ca.gov/WebPage/trainreq.nsf/TrainRequest?OpenForm>.

For Training Request Form or Training Feedback Number assistance contact:

Melanie Lusi at melanie.lusi@caloes.ca.gov, or (916) 845-8745.

Subcontracts

In accordance with 2 C.F.R. § 200.326 Contract Provisions, any time funds are given to a contractor the Subrecipient's contracts must contain the applicable provisions described in Appendix II to 2 C.F.R. Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. The OA must monitor and ensure that the contractors are adhering to all applicable federal and state laws. The OA must not make or permit any award (subaward or contract) at any tier to any party that is debarred, suspended, or otherwise excluded from, or ineligible for participation in federal assistance programs, such as the EMPG. Subrecipients must obtain documentation of eligibility prior to any subaward of EMPG funds and be prepared to present supporting documentation to monitors/auditors.

Noncompetitive
(Sole Source)
Procurement

To be eligible for reimbursement, noncompetitive procurements exceeding \$150,000 (the current *simplified acquisition threshold*) require Cal OES *prior* written approval. Noncompetitive procurement includes, but is not limited to, procurements involving a sole source or inadequate competition. The \$150,000 *simplified acquisition threshold* is established by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 and is periodically adjusted for inflation.

Note: This method of procurement must be approved by your local Purchasing Agent prior to submitting a request for Cal OES approval. A copy of the Purchasing Agent's approval must be included with the Cal OES submission; additional documentation supporting the procurement effort may also be requested for review by Cal OES.

Noncompetitive (Sole Source) Procurement (Continued)	Please note that Cal OES will not reimburse for any sole source contracts for any terrorism-related training, regardless of the cost of the training. Exceptions to this policy may be approved in limited circumstances, e.g., related to a procurement effort that has resulted in inadequate competition. The Cal OES Request for Noncompetitive Procurement Authorization form is to be used, and advance approval is required. ¹⁶
System for Award Management	The System for Award Management includes information regarding entities debarred, suspended, proposed for debarment, excluded or disqualified under the non-procurement common rule, or otherwise declared ineligible from receiving federal contracts, certain subcontracts, and certain federal assistance and benefits. Contractor disbarment verification can be obtained from the following website: https://www.sam.gov .
Maintenance & Sustainment	The use of EMPG funds for maintenance contracts, warranties, repair or replacement costs, upgrades, licenses, and user fees are allowable under all active and future grant awards; unless otherwise noted. With the exception of maintenance plans purchased incidental to (i.e., at the same time and under the same subaward as) the original purchase of the system or equipment, the period covered by a maintenance agreement or warranty plan must not exceed the period of performance of the specific grant funds used to purchase the plan or warranty, and address the requirements identified in FEMA IB 379. Additional guidance is provided in DHS/FEMA Policy FP 205-402-125-1, Maintenance Contracts and Warranty Coverage Funded by Preparedness Grants, located at: http://www.fema.gov/media-library/assets/documents/32474 .
Unallowable Costs	<ul style="list-style-type: none"> • Expenditures for weapons systems and ammunition • Costs to support the hiring of sworn officers for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities • Activities and projects unrelated to the completion and implementation of the EMPG Program
Supplanting	Grant funds must be used to supplement existing funds, not replace (supplant) funds that have been appropriated or budgeted for the same purpose through non-federal sources. In the event that supplanting is suspected, the Subrecipient will be required to supply documentation demonstrating or certifying that a reduction in non-federal resources occurred for reasons other than the receipt, or expected receipt, of federal funds. Supplanting will result in the disallowance of the costs associated with the improper activity(ies) performed using federal grant funds.
Accessibility of Records	The federal DHS, the DHS Office of Inspector General, the Comptroller General of the United States, Cal OES, and any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records which are pertinent to the subaward, in order to make audits, monitoring reviews, examinations, excerpts, and transcripts. The right of access is not limited to the required retention period but shall last as long as the records are retained. Refer to 2 C.F.R. § 200.336 for more information about accessibility of records.

¹⁶ The form can be located at: <http://www.caloes.ca.gov/cal-oes-divisions/grants-management/criminal-justice-emergency-management-victim-services-grant-programs/emergency-management-performance-grant>.

Public Records Act Notification

Grant applications are subject to the California Public Records Act, Government Code Section 6250, *et seq.* Do not put any personally identifiable information or private information on this application. If you believe that any of the information you are putting on the FY 2017 EMPG application is exempt from the Public Records Act, please indicate what portions of the application and the basis for the exemption. Your statement that the information is not subject to the Public Records Act will not guarantee that the information will not be disclosed.

Reimbursement of Eligible Costs

The EMPG is a reimbursement grant and therefore no cash advances are permitted under the EMPG Program. The EMPG funds will be disbursed on a reimbursement basis, using the FMFW. Follow the **FMFW instructions for Reimbursement Requests¹⁷** and, only upon direction, submit the signed forms to your Cal OES EMPG Program Specialist.

In order to identify any corrections or adjustments that may need to be addressed, all reimbursement requests must be initially submitted electronically, via email, to your Cal OES EMPG Program Specialist for review and vetting. Electronic documents submitted for Cal OES EMPG Program Specialist review and vetting should be submitted as soon as possible, but no later than, seven (7) calendar days prior to any identified due date(s) associated with the reimbursement request.

Submission of originals is only to occur after your Cal OES EMPG Program Specialist's Reimbursement Request Review Process has concluded. **The Subrecipient will be directed by their Cal OES EMPG Program Specialist to submit the signed hardcopy.**

Payment will be made within 30 days after the Grants Management Section receives a valid and complete Reimbursement Request. Copies of all documents adding up to the total of each Reimbursement Request must be retained to make verification by monitors and/or auditors easier. Cal OES may require Subrecipients to provide these documents at any time.

¹⁷ The Reimbursement Request instructions are located at: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>, under Tutorials.

Subaward Modifications

Post award budget, scope, and other modifications must be requested using the Cal OES FMFW and be signed by the Subrecipient's Authorized Agent. A hardcopy must be submitted to Cal OES and approved by Cal OES's Grants Management Section, **prior** to initiating any revised scope of work or incurring the associated expenditures.

The OAs may submit modifications to Cal OES **once per quarter** during the performance period. Exceptions to allow more modifications during a quarter will be made at Cal OES discretion and will be based on exceptional circumstances and/or compelling justification. Failure to submit modifications and receive approval prior to expenditure could result in a reduction or disallowance of that part of the subaward.

In order to identify any corrections or adjustments that may need to be addressed, as well as to facilitate the Cal OES subaward Modification Request review and approval process, all Modification Requests must first be submitted electronically, via email, to the Cal OES Program Specialist for review and vetting. Submission of hardcopy originals is only to occur after the Cal OES EMPG Program Specialist's Modification Request review process has concluded and the Subrecipient is directed by the Cal OES EMPG Program Specialist to submit the signed hardcopy.

Instructions on how to submit a Modification Request are available at the link identified in the footnote.¹⁸

Performance Reports

Subrecipients must prepare and submit Performance Reports to the State for the duration of the subaward performance period, or until all grant activities are completed and the subaward is formally closed by Cal OES. The quarterly reports must include the progress made on identified activities, as well as other required information and data. Failure to submit a Performance Report could result in subaward reduction, termination, or suspension.

In order to ensure that mandated performance metrics and other data required under the subaward is reported accurately, all EMPG Performance Reports must first be submitted electronically, via email, to the Cal OES EMPG Program Specialist for review and vetting. Electronic documents submitted for Cal OES review and vetting should be submitted as soon as possible, but no later than, seven (7) calendar days before the identified due date(s) associated with the Performance Report. Submission of hardcopy originals is only to occur after the Cal OES EMPG Program Specialist's review has concluded and the Subrecipient is directed by their Cal OES EMPG Program Specialist to submit the signed hardcopy.

Additionally, Subrecipients must also complete a Biannual Strategy Implementation Report (BSIR) using the DHS/FEMA Grants Reporting Tool (GRT). To obtain access to the online GRT and BSIR, log on to their website at www.reporting.odp.dhs.gov. To create a new account, follow the instructions that read, "If you need to register for an account, please click here." For further GRT assistance, contact:

Dora Gomez at dora.gomez@caloes.ca.gov, (916) 845-8656.

¹⁸ The Modification Request instructions are located at: <http://www.caloes.ca.gov/GrantsManagementSite/Pages/Emergency-Management-Performance-Grant.aspx>, under Tutorials.

Closeout

The State will close a Subrecipient subaward after:

- Receiving a Subrecipient Performance Report indicating that all approved work has been completed, and all funds have been disbursed
- Completing a review to confirm the accuracy of reported information
- Reconciling actual costs to awards, modifications, and payments

If the closeout review and reconciliation indicates that the Subrecipient:

- Is owed additional funds, the State will send the final payment automatically to the Subrecipient
- Did not use all funds received, the State will issue a deobligation amendment, invoice, or letter to recover unused funds
- Did not expend all obligated grant funds, the State will require that a Grant Subaward Amendment be completed to deobligate the unspent funds and revert them back to the State

Records Retention

Specific requirements for record retention can be found in 2 C.F.R. § 200.333. In the Grant Closeout Letter, the State will notify the Subrecipient of the start of the record retention period for all programmatic and financial subaward-related records.

Equipment Disposition

When original or replacement equipment acquired under the EMPG Program is no longer needed for program activities, the Subrecipient must contact their Cal OES EMPG Program Specialist to request disposition instructions.

Final Subaward Report

Cal OES will review the OA's final Performance Report for compliance with all subaward conditions. The final Performance Report is due to Cal OES by **July 16, 2018**, (unless the Subrecipient's subaward performance period is extended) and will serve as the final subaward report.

Audit Requirements

The OAs, and their Subrecipients, must comply with the audit requirements contained in 2 C.F.R. Part 200 Subpart F—Audit Requirements.

Monitoring Subaward Performance

The State may perform periodic reviews of the OA's subaward performance. The Cal OES Monitoring Team is actively conducting monitoring visits, both desk review and on-site, among Subrecipients. These reviews may include, but are not limited to:

- Comparing actual subaward activities to those approved on the FMFW
- Confirming compliance with:
 - Grant Assurances
 - Information provided on the Performance Reports
- Reviewing and monitoring financial and administrative records

To provide support and guidance, Grants Management staff will be intermittently conducting on-site programmatic and financial reviews of OA's EMPG Program-related activities.

Emergency Management Performance Grant 2017

Section B- Grant Assurances

Office of Emergency Services



Standard Assurances For All Cal OES Federal Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) California Supplement to the NOFO; and
- (d) Federal and State Grant Program Guidelines.

Federal Regulations

Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the Office of Management and Budget (OMB) and can be found at <http://www.whitehouse.gov/omb/>.

Significant state and federal grant award requirements (some of which appear in the documents listed above) are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority

The Applicant will obtain written authorization from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

- (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body; and
- (d) The official executing this agreement is, in fact, authorized to do so.

This Proof of Authority must be maintained on file and readily available upon request.

2. Period of Performance

The Applicant will initiate work after approval of the award and complete all work within the period of performance specified in the grant.

3. Lobbying and Political Activities

As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and §§ 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.212 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principals, subgrantees, recipients or subrecipients:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity

The Applicant will comply with all federal statutes relating to non-discrimination. These include, but are not limited to, the following:

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;
- (d) Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs (42 U.S.C. §§ 12101-12213);
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units

- (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;
 - (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
 - (j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;
 - (k) DHS policy to ensure the equal treatment of faith-based organizations, under which all applicants and recipients must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
 - (l) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
 - (m) The requirements of any other nondiscrimination statute(s) which may apply to the application.

In addition to the items listed in (a) through (m), the Applicant will comply with California's Fair Employment and Housing Act (FEHA). FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave (California Government Code §§12940, 12945, 12945.2), military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, which may be prescribed pursuant to the following, as applicable:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387);

- (c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
- (e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
- (f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (g) Executive Order 11514 which sets forth national environmental standards;
- (h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
- (i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (j) The Endangered Species Act of 1973, (P.L. 93-205);
- (k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
- (l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.);
- (m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

8. Audits

For subrecipients expending \$750,000 or more in federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

9. Access to Records

In accordance with 2 C.F.R. § 200.336, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award.

8.8

The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest

The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management

False Claims for Payment

The Applicant will comply with 31 U.S.C §§ 3729-3733 which sets forth that no subgrantee, recipient, or subrecipient shall submit a false claim for payment, reimbursement or advance.

12. Reporting - Accountability

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), specifically (a) the reporting of subawards obligating \$25,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements for executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 C.F.R. Part 170 Reporting Subaward and Executive Compensation Information.

13. Whistleblower Protections

The Applicant also must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.

14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; or (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

- (a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and
- (b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

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16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;
- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;
- (c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §469a-1 et seq.); and
- (d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

19. Use of Cellular Device While Driving is Prohibited

Applicants are required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving motor vehicle while using an electronic wireless communications device to

write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

20. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM - PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Reporting Accusations and Findings of Discrimination

If during the past three years the recipient has been accused of discrimination on any basis the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS Financial Assistance Office and the DHS Office for Civil Rights and Civil Liberties (CRCL) by e-mail at CRCL@hq.dhs.gov or by mail at U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, Building 410, Mail Stop #0190, Washington, D.C. 20528.

In the courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or the recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Financial Assistance Office and the CRCL by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

22. Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

23. Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

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24. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template a useful resource respectively.

25. Buy American and Hire American

All recipients are required to comply with any applicable provisions of the Buy American Act (41 U.S.C. §§ 8301 – 8305), and any other applicable statutes, regulations, or rules that require, or provide a preference for, the purchase or acquisition of goods, products, or materials produced in the United States.

26. Copyright

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

27. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

28. Energy Policy and Conservation Act

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

29. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

30. Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

8.2.

31. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all Applicants must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.

32. Non-supplanting Requirement

All recipients who receive federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

33. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

34. SAFECOM

All recipients who receive federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

35. Terrorist Financing

All recipients must comply with Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

36. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

37. USA Patriot Act of 2001

All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

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38. Use of DHS Seal, Logo, and Flags

All recipients must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

IMPORTANT

The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. All recipients are bound by the Department of Homeland Security Standard Terms and Conditions 2017, Version 7.1, hereby incorporated by reference, which can be found at: <https://www.dhs.gov/publication/fv15-dhs-standard-terms-and-conditions>.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Subrecipient: County of Fresno

Signature of Authorized Agent: Jed Quintero

Printed Name of Authorized Agent: Jed Quintero

Title: Chairman of the Board of Supervisors Date: 1-9-2018
Of the County of Fresno

ATTEST:

BERNICE E. SEIDEL

Clerk to the Board of Supervisors

County of Fresno, State of California

By Lisa Cough Deputy

Emergency Management Performance Grant 2017

Section C- Allocation

Office of Emergency Services

FY 2017 EMPG Local Allocations						
Operational Area	Population	Base	Per Capita	Total Allocation		
ALAMEDA	1,645,359	\$125,000	\$334,407	\$459,407		
ALPINE	1,151	\$125,000	\$234	\$125,234		
AMADOR	38,382	\$125,000	\$7,801	\$132,801		
BUTTE	226,404	\$125,000	\$46,015	\$171,015		
CALAVERAS	45,168	\$125,000	\$9,180	\$134,180		
COLUSA	22,043	\$125,000	\$4,480	\$129,480		
CONTRA COSTA	1,139,513	\$125,000	\$231,598	\$356,598		
DEL NORTE	27,124	\$125,000	\$5,513	\$130,513		
EL DORADO	185,062	\$125,000	\$37,612	\$162,612		
FRESNO	995,975	\$125,000	\$202,425	\$327,425		
GLENN	28,731	\$125,000	\$5,839	\$130,839		
HUMBOLDT	136,953	\$125,000	\$27,835	\$152,835		
IMPERIAL	188,334	\$125,000	\$38,278	\$163,278		
INYO	18,619	\$125,000	\$3,784	\$128,784		
KERN	895,112	\$125,000	\$181,925	\$306,925		
KINGS	149,537	\$125,000	\$30,392	\$155,392		
LAKE	84,845	\$125,000	\$13,200	\$138,200		
LASSEN	30,918	\$125,000	\$6,284	\$131,284		
LOS ANGELES	10,241,278	\$125,000	\$2,081,465	\$2,206,465		
MADERA	156,492	\$125,000	\$31,806	\$156,806		
MARIN	263,604	\$125,000	\$53,576	\$178,576		
MARIPOSA	18,148	\$125,000	\$3,688	\$128,688		
MENDOCINO	89,134	\$125,000	\$18,118	\$143,118		
MERCED	274,685	\$125,000	\$55,824	\$180,824		
MODOC	9,580	\$125,000	\$1,947	\$126,947		
MONO	13,713	\$125,000	\$2,787	\$127,787		
MONTEREY	442,365	\$125,000	\$89,907	\$214,907		
NAPA	142,408	\$125,000	\$28,943	\$153,943		
NEVADA	98,828	\$125,000	\$20,086	\$145,086		
ORANGE	3,194,024	\$125,000	\$649,162	\$774,162		
PLACER	382,837	\$125,000	\$77,809	\$202,809		
PLUMAS	19,819	\$125,000	\$4,028	\$129,028		
RIVERSIDE	2,384,783	\$125,000	\$484,690	\$609,690		
SACRAMENTO	1,514,770	\$125,000	\$307,886	\$432,886		
SAN BENITO	56,854	\$125,000	\$11,555	\$136,555		
SAN BERNARDINO	2,160,256	\$125,000	\$439,058	\$564,058		
SAN DIEGO	3,316,192	\$125,000	\$673,992	\$798,992		
SAN FRANCISCO	874,226	\$125,000	\$177,680	\$302,680		
SAN JOAQUIN	746,888	\$125,000	\$151,795	\$276,795		
SAN LUIS OBISPO	280,101	\$125,000	\$56,928	\$181,928		
SAN MATEO	770,203	\$125,000	\$156,538	\$281,538		
SANTA BARBARA	450,663	\$125,000	\$91,584	\$216,584		
SANTA CLARA	1,938,180	\$125,000	\$393,921	\$518,921		
SANTA CRUZ	276,603	\$125,000	\$58,218	\$183,218		
SHASTA	178,605	\$125,000	\$36,300	\$161,300		
SIERRA	3,207	\$125,000	\$652	\$125,652		
SISKIYOU	44,688	\$125,000	\$9,083	\$134,083		
SOLANO	436,023	\$125,000	\$88,618	\$213,618		
SONOMA	505,120	\$125,000	\$102,662	\$227,662		
STANISLAUS	548,057	\$125,000	\$111,389	\$236,389		
SUTTER	98,956	\$125,000	\$19,706	\$144,706		
TEHAMA	63,995	\$125,000	\$13,007	\$138,007		
TRINITY	13,628	\$125,000	\$2,770	\$127,770		
TULARE	471,842	\$125,000	\$95,898	\$220,898		
TUOLUMNE	54,707	\$125,000	\$11,119	\$136,119		
VENTURA	857,386	\$125,000	\$174,257	\$299,257		
YOLO	218,896	\$125,000	\$44,489	\$169,489		
YUBA	74,577	\$125,000	\$15,157	\$140,157		
TRIBAL NATIONS	382,801	\$125,000	\$73,737	\$198,737		
TOTALS	39,886,414	\$7,375,000	\$8,108,623	\$15,483,623		

Emergency Management Performance Grant 2017

Section D- Face Sheet
Workbook

Office of Emergency Services

(Cal OES Use Only)

Cal OES #	FIPS #	019-00000	VS#	Subaward #	2017-0010
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CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES GRANT SUBAWARD FACE SHEET

The California Governor's Office of Emergency Services (Cal OES) hereby makes a Grant Subaward of funds to the following:

1. Subrecipient: _____ County of Fresno **1a. DUNS#:** 004969341
2. Implementing Agency: _____ Fresno County Office of Emergency Services **2a. DUNS#:** 556197655
3. Implementing Agency Address: _____ P.O. Box 11867 _____ Fresno _____ 93755-1867
Street City Zip+4
4. Location of Project: _____ Fresno _____ Fresno _____ 93755-1867
City County Zip+4
5. Disaster/Program Title: _____ Emergency Management Performance Grant **6. Performance Period:** 07/01/17 to 06/30/18
7. Indirect Cost Rate: ☐ N/A; ☐ 10% de Minimis; ☐ Federally Approved ICR; _____

Grant Year	Fund Source	A. State	B. Federal	C. Total	D. Cash Match	E. In-Kind Match	F. Total Match	G. Total Project Cost
2017	8. EMPG		\$327,425		\$327,425		\$327,425	\$654,850
Select	9. Select							
Select	10. Select							
Select	11. Select							
	12. TOTALS		\$327,425	\$327,425	\$327,425		\$327,425	120. Total Project Cost: \$654,850

13. Certification - This Grant Subaward consists of this title page, the application for the grant, which is attached and made a part hereof, and the Assurances/Certifications. I hereby certify I am vested with the authority to enter into this Grant Subaward, and have the approval of the City/County Financial Officer, City Manager, County Administrator, Governing Board Chair, or other Approving Body. The Subrecipient certifies that all funds received pursuant to this agreement will be spent exclusively on the purposes specified in the Grant Subaward. The Subrecipient accepts this Grant Subaward and agrees to administer the grant project in accordance with the Grant Subaward as well as all applicable state and federal laws, audit requirements, federal program guidelines, and Cal OES policy and program guidance. The Subrecipient further agrees that the allocation of funds may be contingent on the enactment of the State Budget.

14. CA Public Records Act - Grant applications are subject to the California Public Records Act, Government Code section 6250 et seq. Do not put any personally identifiable information or private information on this application. If you believe that any of the information you are putting on this application is exempt from the Public Records Act, please attach a statement that indicates what portions of the application and the basis for the exemption. Your statement that the information is not subject to the Public Records Act will not guarantee that the information will not be disclosed.

I believe there is information in the application that is exempt from the Public Records Act and have attached a document to support it.

(Initials)

15. Official Authorized to Sign for Subrecipient: _____ **16. Federal Employer ID Number:** 94-6000512
- Name: _____ David Pomaville Title: _____ Director
- Telephone: 559-600-3200 (area code) FAX: 559-600-7687 (area code) Email: _____ dpomaville@co.fresno.ca.us
- Payment Mailing Address: _____ P.O. Box 11867 City: _____ Fresno Zip+ 4: _____ 93775-1867
- Signature: _____ Date: _____

(FOR Cal OES USE ONLY)

I hereby certify upon my personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.

Cal OES Fiscal Officer _____ Date _____ Cal OES Director (or designee) _____ Date _____

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES (Cal OES)

AUTHORIZED AGENT AND CONTACT INFORMATION

Alterations to this document may result in delayed application approval, malfeasance requests, or reimbursement requests. Subrecipients may be asked to revise and/or re-submit any altered Financial Management Forms Workbook.

CFDA #:

EMPG 97.042

County of Fresno

019-00000
2017-0010

Additional Authorized Agent Contact Information							
Authorized Agent's Name	Title	Mailing Address	City	State	Zip	Phone	Email
David Pomaville	Director, Department of Public Health	P.O. Box 11867	Fresno	CA	93775	559-600-3200	dipomaville@co.fresno.ca.us
David Luchini	Assistant Director, Department of Public Health	P.O. Box 11867	Fresno	CA	93775	559-600-3200	dluchini@co.fresno.ca.us
Sai Quintero	Chairman, Board of Supervisors	2281 Tulare Street, Suite 300	Fresno	CA	93721	(559) 600-3001	saiquintero@co.fresno.ca.us
Angel Lopez	Staff Analyst	P.O. Box 11867	Fresno	CA	93775	559-600-4065	angellopez@co.fresno.ca.us
Ken Austin	Emergency Services Coordinator	P.O. Box 11867	Fresno	CA	93775	559-600-4065	kaustin@co.fresno.ca.us
David Pomaville	Director, Department of Public Health	P.O. Box 11867	Fresno	CA	93775	559-600-3200	dipomaville@co.fresno.ca.us

Federal Funding Accountability and Transparency Act (FFATA) Financial Disclosure

EMPg 97.042

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2017-0010

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FMFW v1.17 - 2017

PROJECT DESCRIPTIONS

EMPG 97.042

Initial Application

8/30/2017

FMFW VI 17-2017

CFDA #	EMPG 97.042
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LEDGER TYPE:	Initial Application
Today's Date:	August 30, 2017

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ORGANIZATION

CFDA #	EMPG 97.042
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LEDGER	Initial Application
TYPE:	
Today's Date:	August 30, 2017

August 30, 2017

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EQUIPMENT:

CFDA#	EMPG 97.042
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CFDA#	EMPG 97.042
LEDGER TYPE:	Initial Application
Total's Date:	August 30, 2017

Project	Equipment Description & (Quantity)	A/E #	A/E Title	SAFECON compliance	Funding Source	Discipline	Solution Area Sub-Category	Invoice Number	Vendor	ID Tag Number	% of Federal Funds Used in the Purchase	Condition & Disposition	Deployed Location	Acquired Date	Part of a Procurement over 15%?	Solicitation Source Involved	HHS Trigger	Approval Date	Budgeted Approval Cost	Amount Approved Previous	Approval: CofC ES ONLY		Total Approved	Remaining Balance
																					Amount Requested	Amount This Request #		
							Information Technology, Cyber Security, Information Assurance, Interoperable Communications, Information Detection, Power																	
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TRAINING

Attention to this requirement may result in delayed application approval. Modification requests, if necessary, should be submitted only after the Financial Management Form (Form 1000) is completed and approved by the Financial Management Office.

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017-00000
2017-0010

CFDA#

TYPE:

Today's Date:

[illegible]

M&A

CFDA #	EMPG 97.042
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LEDGER TYPE:	Initial Application
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Today's Date:	August 30, 2017
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Today's Date:	August 30, 2017
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INDIRECT COSTS

Subrecipients may be asked to revise and/or re-submit any altered Financial Management Forms Workbook.

CFDA #	EMPG 97.042
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LEDGER TYPE:	Initial Application
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Today's Date: August 30, 2017

August 30, 2017

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019-00100
2017-0010

EMPG 97.0442

Initial Application

August 30, 2017

Project	Consulting Firm & Consultant Name	Project & Description of Services	Deletable	Part of a Procurement over 15K	Sole Source Involved	Mod Trigger	Approval Date	Solution Area	Solution Area Sub-Category	Expenditure Category	Period of Expenditure	Fee for Out-of-pocket	Billed Hour Breakdown		Total Project Request #	Total Cost Charged to Grant
													Total Salary & Benefits charged for this Reporting Period	Hourly/Billing Rate		
										Consultant / Contractor Fee		-			-	
								Planning	Conferences	Consultant / Contractor Fee						
								Planning	Design and Enhance Plans, Protocols, Programs, and Systems	Consultant / Contractor Fee						
								Planning	Community Outreach	Consultant / Contractor Fee						
								Organization	Day to day activities / operations that support emergency relief	Consultant / Contractor Fee						
								Training	Course Development, Delivery, and Evaluation	Consultant / Contractor Fee						
								Training	Certification / Recertification of instructors	Consultant / Contractor Fee						
								Exercise	Design, Develop, Conduct and Evaluate	Consultant / Contractor Fee						
								Exercise	Supplies / Materials / Production Costs	Consultant / Contractor Fee						
								HMA	Grant Admin	Consultant / Contractor Fee						
								EOC Construction & Renovation	EOC Construction	Consultant / Contractor Fee						
								EOC Construction & Renovation	EOC Renovation	Consultant / Contractor Fee						
								Maintenance & Sustainment	Maintenance Contracts & Warranties	Consultant / Contractor Fee						
								Maintenance & Sustainment	Repair & Replacement Costs	Consultant / Contractor Fee						
								Maintenance & Sustainment	Upgrades	Consultant / Contractor Fee						
								Maintenance & Sustainment	User fees	Consultant / Contractor Fee						

PERSONNEL

CFDA #	EMPG 97.042
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LEDGER TYPE:	Initial Application
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Today's Date: August 30, 2017

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MATCH

Warning! Decimal usage is not allowed. Attempts to use decimals will prompt error messages.

019-00000

2017-0010

EMPG 97.042

Initial Application
August 30, 2017

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CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES (Cal OES)

AUTHORIZED AGENT

Alterations to this document may result in delayed application approval, modification requests, or reimbursement requests. Subrecipients may be asked to revise and/or re-submit any altered Financial Management Forms Workbook.

CFDA #: EMPG 97.042

County of Fresno

019-00000
2017-0010

Supporting Information for Reimbursement/Advance of State and Federal Funds

This request is for an/a: Initial Application

This claim is for costs incurred within the grant expenditure period from and does not cross fiscal years.

(Beginning Expenditure Period Date) through (Ending Expenditure Period Date)

(REIMB or MOD Request #) (Amount This Request)

Under Penalty of Perjury I certify that:

I am the duly authorized officer of the claimant herein. This claim is true, correct, and all expenditures were made in accordance with applicable laws, rules, regulations and grant conditions and assurances.

Statement of Certification - Authorized Agent

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

Printed Name and Title

Signature of Authorized Agent

Date

August 30, 2017

Please reference the Instructions Page under the "Authorized Agent" section for instructions/address on where to mail workbook

INDIRECT COSTS - SUMMARY RECAP OF COSTS CLAIMED

EMPg 97.042

County of Fresno

019-00000

2017-0010

ICR Base: **10% De Minimis**[illegible]

TOTAL DIRECT COSTS	297,660
Total Allowable Indirect Costs	29,766

Emergency Management Performance Grant 2017

Section E- Governing Body Resolution

Office of Emergency Services

Governing Body Resolution

BE IT RESOLVED BY THE Board of Supervisors
(Governing Body)

OF THE County of Fresno THAT
(Name of Applicant)

Director, Department of Public Health, OR
(Name or Title of Authorized Agent)

Assistant Director, Department of Public Health, OR
(Name or Title of Authorized Agent)

(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and subawarded through the State of California.

Passed and approved this 9th day of January, 20 18

Certification

I, Sal Quintero, duly appointed and
(Name)

Chairman of the County of Fresno
(Title) (Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the Board of Supervisors of the County of Fresno on the
(Governing Body) (Name of Applicant)

9th day of January, 20 18

ATTEST:
BERNICE E. SEIDEL
Clerk to the Board of Supervisors
County of Fresno, State of California

By Rosa Cruz Deputy

Chairman of the Board of Supervisors of the County of Fresno
(Official Position)

Sal Quintero
(Signature)

1-9-2018
(Date)

Instruction Sheet

Governing Body Resolution, Meeting Minutes, & Addendum to GBR

Purpose The purpose of the Governing Body Resolution (GBR) is to appoint individuals to act on behalf of the governing body and the OA.

Note: Self Certifications are not accepted as a valid Governing Body Resolution. You cannot self certify that you are an authorized agent. Another Board member will need to sign the lower portion of the GBR.

**Required
GBR-related
Application
Documents**

- Governing Body Resolution (GBR)
- Meeting Minutes (associated with GBR)
- Addendum to the GBR

**Authorized
Agent(s)** The Governing Body Resolution allows for the appointment of individuals or positions. **For each person or position appointed by the governing body, you must submit the following information, with the resolution, to Cal OES on the applicant's letterhead:**

- | | |
|---|--|
| <input type="checkbox"/> Name | <input type="checkbox"/> Title |
| <input type="checkbox"/> Jurisdiction | <input type="checkbox"/> E-Mail Address |
| <input type="checkbox"/> Street Address (City & Zip Code) | <input type="checkbox"/> Phone & Fax Numbers |
-

**Authorized
Agent Changes**

- If the Governing Body Resolution identified Authorized Agents by position and/or title, changes can be made by submitting new Authorized Agent information to Cal OES, as indicated above.
- If the Governing Body Resolution identified Authorized Agents by name, a new Resolution is needed when any changes are made. The information list above must also be submitted with the new Resolution.