

**The Department of Homeland Security (DHS)  
 Notice of Funding Opportunity (NOFO)  
 Fiscal Year 2022 Flood Mitigation Assistance**

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

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

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

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

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

**2. Assistance Listings Number**

97.029

**3. Assistance Listings Title**

Flood Mitigation Assistance

**4. Funding Opportunity Title**

Fiscal Year 2022 Flood Mitigation Assistance (FMA)

**5. Funding Opportunity Number**

DHS-22-MT-029-000-98

**6. Authorizing Authority for Program**

Section 1366 of The National Flood Insurance Act of 1968, Pub. L. No. 90-448 (codified as amended at 42 U.S.C. § 4104c) and Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 1387–1388 (2021).

**7. Appropriation Authority for Program**

Department of Homeland Security Appropriations Act, 2022, Pub. L. No. 117-103, Division F and Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021), 135 Stat. 1387–1388 (2021).

**8. Announcement Type**

Initial

**9. Program Category**

Mitigation: Natural Hazards

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

The FMA grant program makes federal funds available to states, U.S. territories, federally recognized tribal governments,<sup>1</sup> and local governments to reduce or eliminate the risk of repetitive flood damage to buildings and structures insured under the National Flood Insurance Program (NFIP). It does so with a recognition of the growing flood hazards associated with climate change<sup>2</sup>, and of the need for flood hazard risk mitigation activities that promote climate adaptation, equity, and resilience with respect to flooding. These include both acute extreme weather events and chronic stressors which have been observed and are expected to increase in intensity and frequency in the future. From Fiscal Year (FY) 1996 to FY 2019, FMA obligated over \$1.5 billion in federal share mitigating over 8,000 properties insured by the National Flood Insurance Program.

The FMA Program aligns with the [2020-2024 DHS Strategic Plan](#) through pursuing Goal 5: Strengthen Preparedness and Resilience. Specifically, Objective 5.1: Build a National Culture of Preparedness has several sub-objectives that the FMA program supports. FMA serves primarily to bolster Sub-Objective 5.1.1: Incentivize investments that reduce risk and increase pre-disaster mitigation, including expanding the use of insurance to manage risk through funding flood mitigation projects. The FMA program addresses Presidential Policy Directive 21, Critical Infrastructure Security and Resilience.

The [2022-2026 FEMA Strategic Plan](#) outlines a bold vision and three ambitious goals designed to address key challenges the agency faces during a pivotal moment in the field of emergency management: Goal 1 - Instill equity as a foundation of emergency management, Goal 2 - Lead the whole of community in climate resilience, and Goal 3 - Promote and sustain a ready FEMA and prepared nation. Most notably, the FMA Program supports Objective 1.2: Remove barriers to FEMA programs through a people first approach, Objective 1.3: Achieve equitable outcomes for those we serve, and Objective 2.2: Build a climate resilient nation. FMA also supports the National Mitigation Investment Strategy and the FIMA FY 2021-2023 Mitigation Strategy by advancing mitigation investment to reduce risks posed by natural hazards and increasing the nation's resilience to natural hazards.

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

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<sup>1</sup> The term “federally recognized tribal government,” as used in this NOFO, has the same meaning as “Indian tribal government,” as defined at 44 C.F.R. § 77.2(f).

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

## b. Objectives

FMA aims to implement projects that reduce flood risks posed to repetitively flooded properties insured under the NFIP.

The FMA program also aims to promote equity in the delivery of funds in line with the Administration's Justice40 Initiative, established in [Executive Order \(EO\) 14008: Tackling the Climate Crisis at Home and Abroad](#). In implementing the Justice40 Initiative, the FMA program is prioritizing assistance that benefits disadvantaged communities as referenced in [EO 14008](#) and subsequent guidance. A disadvantaged community may be characterized by variables including, but not limited to: low income, high and/or persistent poverty, high unemployment and underemployment, racial and ethnic segregation particularly where the segregation stems from discrimination by government entities, linguistic isolation, high housing cost burden and substandard housing, distressed neighborhoods, high transportation cost burden and/or low transportation access, disproportionate environmental burden and high cumulative impacts, limited water and sanitation access and affordability, disproportionate climate impacts, and high energy cost burden and low energy access, jobs lost through the energy transition, access to health care, and all geographic areas within Tribal jurisdictions.<sup>3</sup>

FY 2022 (FY 22) FMA funds are sourced from congressionally appropriated funding from the National Flood Insurance Fund (NFIF) as well as funding made available for FY 22 Flood Mitigation Assistance via the Infrastructure Investment and Jobs Act. The IJA funding allows increased federal cost share for a property: located within a census tract with a Centers for Disease Control and Prevention Social Vulnerability Index score of not less than 0.5001. (Refer to Section C.4, Cost Share or Match).

Further, in FY 22, the FMA program is using the Centers for Disease Control and Prevention (CDC) Social Vulnerability Index (SVI) score of not less than 0.6 as included in the project's benefiting area map as a priority scoring criterion for Capability and Capacity Building (C&CB), Localized Flood Risk Reduction Project, and Individual Flood Mitigation Project.

## c. Priorities

FEMA will distribute the available FY 22 FMA funding amount as follows:

### I. CAPABILITY AND CAPACITY BUILDING (C&CB)

FEMA will select up to \$60 million of Capability and Capacity Building (C&CB) to develop future Localized Flood Risk Reduction Projects and/or Individual Flood Mitigation Projects that will subsequently reduce flood claims against the NFIP. C&CB activities will be prioritized and selected according to the following hierarchical order: Multi-Hazard Mitigation Plans under 42 U.S.C. 4104c(c)(3)(F); Technical Assistance under 42 U.S.C. 4104c(c)(3)(J); Project Scoping; and Additional C&CB Activities (Partnership Development; Enhancing Local Floodplain Management; Severe Repetitive Loss (SRL)/Repetitive Loss (RL) Strategy Plan Development; and other eligible C&CB activities under 42 U.S.C. 4104c(c)(3)(G).

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

For more information, refer to the C&CB Fact Sheet at <https://www.fema.gov/grants/mitigation/floods/fma-resources>

## II. LOCALIZED FLOOD RISK REDUCTION PROJECT

FEMA will select up to \$340 million of Localized Flood Risk Reduction Projects that address community flood risk for the purpose of reducing NFIP flood claim payments.

For more information, refer to the Localized Flood Risk Reduction Projects at <https://www.fema.gov/grants/mitigation/floods/fma-resources> and Localized Flood Risk Reduction Projects in Hazard Mitigation Assistance Guidance at <https://www.fema.gov/grants/mitigation/hazard-mitigation-assistance-guidance>.

## III. INDIVIDUAL FLOOD MITIGATION PROJECT

FEMA will select at least \$400 million of projects that mitigate the risk of flooding to individual NFIP insured structures.

For more information on FY 22 FMA funding priorities and eligible activities, see Section E, Application Review Information, Review, and Selection Process. For more information about uses of assistance under FMA, including how to submit various project types in FEMA Grants Outcomes (FEMA GO), refer to FMA resources at <https://www.fema.gov/grants/mitigation/floods/fma-resources>.

## 11. Performance Measures

FMA aims to implement projects that reduce flood risks posed to repetitively flooded properties insured under the National Flood Insurance Program (NFIP), by funding priority projects and activities. To achieve these goals, for FY 22 FMA is prioritizing the following types of projects: Capability and Capacity Building (C&CB), Localized Flood Risk Reduction Projects, and Individual Flood Mitigation Projects that mitigate flood risks to NFIP participating communities and active policyholders.

FEMA will assess input and output indicators of each federal award by measuring the total properties mitigated that carry a Severe Repetitive Loss (SRL) and Repetitive Loss (RL) definition pursuant to 42 U.S.C. § 4104c(h)(2) and (3), that are included in a final mitigation action. FEMA will also assess each award output by measuring project capability to positively influence the government's goal of mitigating SRL and RL designated properties and thereby the reduction of future losses to the NFIP under this award. FEMA will also assess each award output by measuring the total NFIP insured structures within subapplications within socially vulnerable communities as defined by Center for Disease Control and Prevention (CDC) Social Vulnerability Index (SVI) score at the census tract not less than 0.5001.

FEMA will further assess the recipient's performance against the program objective during the award closeout process as outlined in Section F.3.c of this NOFO.

### B. Federal Award Information

1. Available Funding for the NOFO: \$800,000,000

a. *Activity Caps*

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The federal funding activity caps for FMA Capability and Capacity Building (C&CB) activities per subapplication are:

- \$100,000 for Multi-Hazard Mitigation Plans under 42 U.S.C. 4104c(c)(3)(F) per Applicant with maximums of:
  - \$50,000 for state multi-hazard mitigation planning
  - \$25,000 for local multi-hazard mitigation planning
- \$50,000 for Technical Assistance to states (42 U.S.C. 4104c(c)(3)(J))
- \$900,000 for Project Scoping
- \$300,000 for Additional C&CB Activities (Partnership Development, Enhancing Local Floodplain Management, SRL/RL Strategy Plan Development, and other eligible C&CB activities under 42 U.S.C. 4104c(c)(3)(G).

The federal funding activity cap for Localized Flood Risk Reduction Project is \$50,000,000 per project.

**b. *Projected Number of Awards*** ***40 awards; 725 subawards***

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

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

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

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

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

## C. Eligibility Information

### 1. Eligible Applicants

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

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

Communities, including local governments, cities, townships, counties, special district governments, and tribal governments (including federally recognized tribes who choose to apply as subapplicants), are considered subapplicants and must submit subapplications to their state/territory/tribal applicant agency. Certain political subdivisions (for example, regional flood control districts or county governments) may apply and act as subapplicants if they are part of a community participating in the NFIP where the political subdivision provides zoning and building code enforcement or planning and community development professional services for that community. Contact information for the State Hazard Mitigation Officers (SHMOs) is provided on the FEMA website at [State Hazard Mitigation Officers | FEMA.gov](https://www.fema.gov/state-hazard-mitigation-officers).

### 2. Eligibility Criteria

- All applicants and subapplicants must be participating in the NFIP, and not be withdrawn, on probation, or suspended. NFIP community status can be verified at <https://www.fema.gov/flood-insurance/work-with-nfip/community-status-book>.
- Structures identified in the subapplication must have an NFIP policy (including a Group Flood Insurance Policy [GFIP]) in effect prior to the opening of the application period and the policy must be maintained throughout the life of the structure. The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property. If the subapplicant does not comply with this requirement, FEMA may take one or more actions as remedies for noncompliance, as appropriate. This could include disallowing all or part of the cost of the activity or action not in compliance. For additional details, see 44 C.F.R. § 77.6.

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- Applicants are required to have a FEMA-approved State or Tribal Hazard Mitigation Plan in accordance with Title 44 of the Code of Federal Regulations (C.F.R.) Part 201 by the application deadline and at the time of obligation of the award. More detailed information is provided in Part III, E.5, Hazard Mitigation Plan Requirement, of the HMA Guidance, available on the FEMA website at <https://www.fema.gov/media-library/assets/documents/103279>.
- Subapplicants are required to have a FEMA-approved Local or Tribal Hazard Mitigation Plan in accordance with 44 C.F.R. Part 201 by the application deadline and at the time of obligation of grant funds for Capability and Capacity Building activities, Localized Flood Risk Reduction Project, and Individual Flood Mitigation Project subapplications. Mitigation planning subapplications are exempt from the hazard mitigation plan requirement for subapplicants only. Mitigation plan integration, while not required to be eligible for FMA, is encouraged. See section H.14 for additional information. Local hazard mitigation plans must conform to the Local Plan Review Guide, or any subsequent local mitigation planning guide that supersedes it.
- To be considered for financial assistance, all applicants must submit their FY 2022 FMA grant applications to FEMA via FEMA GO (see Section D, Application and Submission Information).

### 3. Other Eligibility Criteria

- All subapplications submitted under the C&CB priority must demonstrate that the C&CB project will reduce flood claims against the NFIP. C&CB activities should result in a resource, strategy, or tangible mitigation product that will reduce or eliminate risk and damage from future flooding, increase resilience, and promote a culture of preparedness.
- All subapplications submitted under the Localized Flood Risk Reduction Project priority (see Section E, Application Review Information, of this NOFO) must demonstrate that the proposed project benefits NFIP insured properties by submitting a map and associated geospatial file(s) (e.g., Shapefile, KML/KMZ, Geodatabase, or other GIS enabled document) delineating: the proposed project footprint boundary, the area benefitting from the project, and active NFIP policies (if this data is available).
- All non-critical structure elevation, dry floodproofing, and mitigation reconstruction projects in a Special Flood Hazard Area must apply, at a minimum, the flood elevations of the Federal Flood Risk Management Standards Freeboard Value Approach. All other types of projects are strongly encouraged to apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach. See [EO 14030, Climate-Related Financial Risk](#) and [FEMA Policy #-206-21-0003, Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs \(Interim\)](#).

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- For critical actions in the Special Flood Hazard Area, the elevation requirements from 44 CFR § 9.11 continue to apply. For any new construction or substantial improvement of structures, the lowest floor of the structure (including the basement) must be at or above the level of the 500-year flood<sup>4</sup>.
- All C&CB activities, Localized Flood Risk Reduction Project, and Individual Flood Mitigation Project subapplications submitted as part of an FMA grant application must be consistent with the goals and objectives identified in the current, FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan and the local mitigation plan for the jurisdiction in which the project is located. Hazard Mitigation Plans should reflect state-wide mitigation priorities across all potential federal and non-federal mitigation funding sources. Current mitigation plans are not required for applicants and subapplicants submitting planning subapplications to develop a new mitigation plan or to update a mitigation plan.
- When subapplications include an information technology or operational technology component as part of a larger project, FEMA will allow activities that enable greater community resilience through cybersecurity as eligible costs when those activities are performed in accordance with the cybersecurity performance goals for critical infrastructure and control systems directed by the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems, found at <https://www.cisa.gov/control-systems-goals-and-objectives>.
- FEMA encourages the use of environmentally friendly construction practices when completing FMA projects.
  - When subapplications include the use of concrete or asphalt products, FEMA encourages for the inclusion of low embodied carbon concrete and environmentally preferable asphalt.
  - Subrecipients should ensure that federally-funded infrastructure investments reduce life cycle emissions of construction materials, specifically concrete, asphalt, and steel.
  - Subrecipients should request disclosure of Environmental Product Declarations (EPD) to evaluate and incentivize acquisition of these lower carbon materials.

#### 4. Cost Share or Match

Cost share is required for most subapplications funded under this program. Generally, the cost share for this program is 75 percent federal / 25 percent non-federal. This means federal funding is available for up to 75 percent of eligible costs. The remaining 25 percent of eligible costs must be derived from non-federal sources. For example, if the total cost of the activity is \$400,000 and the non-federal cost share is 25 percent, then the non-federal contribution is

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<sup>4</sup> In accordance with Section 2(a)(1) of [EO 11988: Floodplain Management](#), as amended by [EO 13690: Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input](#), before taking an action, FEMA must determine whether a proposed action will occur in a floodplain.

\$100,000: 25 percent of \$400,000 is \$100,000. The non-federal contribution would be provided by the applicant or subapplicant. Likewise, the federal share of that activity would be \$300,000: 75 percent of \$400,000 is \$300,000. The federal contribution would be provided by FEMA. FEMA may consider the non-federal cost share based on availability of remaining federal funds, as noted in Section E, Application Review Information.

FEMA may contribute up to 100 percent federal cost share for Severe Repetitive Loss (SRL) properties within Individual Property Flood Mitigation Projects. An SRL property, as defined under 42 U.S.C. § 4104c(h)(3), is a structure that:

- (a) Is covered under a contract for flood insurance made available under the NFIP; and
- (b) Has incurred flood-related damage
  - i. For which four or more separate claims payments (includes building and contents) have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000, or
  - ii. For which at least two separate claims payments (includes only building) have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

FEMA may contribute up to 90 percent federal cost share for Repetitive Loss (RL) properties. An RL property, as defined under 42 U.S.C. § 4121(a)(7), is a structure covered by a contract for flood insurance made available under the NFIP that:

- (a) Has incurred flood-related damage on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and
- (b) At the time of the second incidence of flood-related damage, the contract for flood insurance contains Increased Cost of Compliance (ICC) coverage.

To receive an increased federal cost share under these provisions, properties must meet one of the definitions for SRL or RL properties. Applicants and subapplicants that are requesting an increased federal cost share must submit documentation with their application or subapplication demonstrating that properties meet these definitions. If documentation is not submitted with the application or subapplication to support a reduced non-federal cost share, FEMA will provide no more than 75 percent federal cost share of the total eligible costs. The remaining 25 percent of eligible activity costs would then be derived from non-federal sources.

As a result of FMA funding made available under the IIJA, FEMA may contribute up to 90 percent federal cost share for qualifying FY22 funding priorities. The increased federal cost share percentage and qualifying criteria are explained in this section. For Capability and Capacity Building activities that impact NFIP-insured properties, FEMA may contribute up to 90 percent federal cost share if the average Centers for Disease Control and Prevention (CDC) Social Vulnerability Index (SVI) score is not less than 0.5001 for the area(s) included in the subapplication. For Localized Flood Risk Reduction Projects, FEMA may contribute up to 90 percent federal cost share if the average CDC SVI score is not less than 0.5001 for the project benefitting area containing the NFIP-insured properties. For Individual Flood Mitigation

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Projects, FEMA may contribute up to 90 percent federal cost share for each NFIP-insured property located within a census tract with a CDC SVI score of not less than 0.5001.

Subapplicants and applicants can view their CDC SVI score at:

[https://www.atsdr.cdc.gov/placeandhealth/svi/data\\_documentation\\_download.html](https://www.atsdr.cdc.gov/placeandhealth/svi/data_documentation_download.html). When IIA funding is exhausted, the enhanced cost share for properties with CDC SVI not less than 0.5001 as defined in IIA cannot be extended to the remaining funds made available in the FY22 FMA NOFO.

Structures with different federal cost-share requirements can be submitted in a single project subapplication. The overall project federal cost share documented in the Cost Share Section of the project subapplication should reflect the combined federal cost shares of the structures. For example, a project with \$100,000 costs for one SRL structure funded at 100 percent federal cost share plus \$100,000 costs for one RL structure funded at 90 percent federal cost share will have an overall project federal cost share of 95 percent, or \$190,000, of the \$200,000 total cost for both structures.

For insular areas including American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands, FEMA automatically waives the non-federal cost share for the recipient when the non-federal cost share for the entire award is under \$200,000. If the non-federal cost share for the entire award is \$200,000 or greater, FEMA may waive all or part of the non-federal cost share at the request of the recipient. The recipient may request 100 percent cost-share in its application.

The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. Cash and third-party in-kind matches must consist of eligible costs (i.e., same eligibility as the federal share). Applicants cannot apply other federal award funds toward the non-federal cost share unless the other federal statutory authority allows the funds to be used to meet cost-share requirements. For example, in certain situations U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery (CDBG-DR) program funds, U.S. Small Business Administration Disaster Loans, United States Department of Agriculture Rural Development Single Family Direct Home Loans or Single Family Repair Loans, the Department of Defense's Readiness and Environmental Protection Integration (REPI) program, and others may be used towards the non-federal match. Additionally, certain American Rescue Plan funds may be used as non-federal cost share as determined by the Department of Treasury.<sup>5</sup> Refer to the HMA Cost Share Guide for more information at [https://www.fema.gov/sites/default/files/2020-08/fema\\_hma\\_cost-share-guide.pdf](https://www.fema.gov/sites/default/files/2020-08/fema_hma_cost-share-guide.pdf). FEMA encourages innovative use of public and private-sector partnerships to meet the non-federal cost share.

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<sup>5</sup> Treasury funds are available through the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program. According to U.S. Department of Treasury, the SLFRF program funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. See Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule at <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>.

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

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

More detailed information is provided in Part III, Section C: Cost Sharing, of the 2015 HMA Guidance, available on the FEMA website at <https://www.fema.gov/media-library/assets/documents/103279>.

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

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

- a. *Application Start Date:* 09/30/2022**
- b. *Application Submission Deadline:* 01/27/2023 at 3:00:00 PM ET**

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

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

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

**Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and no later than 3:00 PM ET on Wednesday, January 25, 2023.** Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. “Timely notification” of FEMA means the following: 48 hours prior to the application deadline and within 48 hours after the applicant became aware of the issue. FEMA may extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline.

A list of FEMA contacts can be found in Section G of this NOFO, “DHS Awarding Agency Contact Information.” For technical assistance with the FEMA GO system, please contact the

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FEMA GO Helpdesk at [femago@fema.dhs.gov](mailto:femago@fema.dhs.gov) or (877) 611-4700, Monday through Friday, 8:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Program Analyst or Grants Management Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the Centralized Scheduling and Information Desk (CSID) by phone at (800) 368-6498 or by e-mail at [askcsid@fema.dhs.gov](mailto:askcsid@fema.dhs.gov), Monday through Friday, 9:00 AM – 5:00 PM ET.

**c. Other Key Dates**

<b>Event</b>	<b>Suggested Deadline for Completion</b>
Obtaining Unique Entity Identifier (UEI) number	Four weeks before actual submission deadline
Obtaining a valid Employer Identification Number (EIN)	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or updating SAM registration	Four weeks before actual submission deadline
Registering in FEMA GO	Four weeks before actual submission deadline
Submitting the final application in FEMA GO	By the submission deadline

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

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

**3. Address to Request Application Package**

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

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

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

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

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

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

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

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

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

## 5. Electronic Delivery

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

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

## 6. How to Register to Apply

### a. *General Instructions:*

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

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

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

### b. *Obtain a UEI Number:*

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

For more detailed instructions for obtaining a UEI number, refer to:

<https://sam.gov/content/home>

### c. *Obtain Employer Identification Number*

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

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

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

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

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

For more information on the login.gov requirements for SAM registration, refer to:

<https://www.sam.gov/SAM/pages/public/loginFAQ.jsf>.

### e. *Register with SAM:*

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

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

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

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

## I. ADDITIONAL SAM REMINDERS

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

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

## II. HELP WITH SAM

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

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

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

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

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

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

## 7. Submitting the Application

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

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

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

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

All applications must be completed in FEMA GO by the application deadline. FEMA GO automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative (AOR) role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission on the date and time that FEMA GO received the application.

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

## 9. Content and Form of Application Submission

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

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

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

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- **SF-LLL, Disclosure of Lobbying Activities**
- **Indirect Cost Agreement or Proposal** if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see Section D.13 of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

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

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

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

Applicants may require their subapplicants to complete and attach the grant application and/or Assurance and Certifications forms to their C&CB, Localized Flood Risk Reduction Project, and Individual Flood Mitigation Project subapplications in FEMA GO.

Subapplicants should contact their applicant agency for information specific to their state/territory/federally recognized tribal government’s application process. Contact information for the SHMOs is provided on the FEMA website at <https://www.fema.gov/state-hazard-mitigation-officers>.

All applicants must submit an FMA grant application via FEMA GO by the application deadline to be considered for funding. The required format for applications and subapplications is built into FEMA GO:

- FMA applications including C&CB (activities ( Multi-Hazard Mitigation Plan Development under 42 U.S.C. 4104c(c)(3)(F), Technical Assistance to states (42 U.S.C. 4104c(c)(3)(J)), Project Scoping, All Other C&CB activities (including Partnership Development, Enhancing Local Floodplain Management, SRL/RL Strategy Plan Development, and other eligible C&CB activities under 42 U.S.C. 4104c(c)(3)(G), Localized Flood Risk Reduction Project, Individual Flood Mitigation Project, and Management Costs subapplications must be submitted in an FY 22 FMA application.
- Multi-Hazard Mitigation Plan Development activities must be submitted in a plan subapplication type.
- Project Scoping activities must be submitted in a project scoping application type.

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- Technical Assistance to states (42 U.S.C. 4104c(c)(3)(J) costs (for recipients to which FEMA obligated an FY 21 FMA award of at least \$1 million federal share) must be submitted in a technical assistance subapplication.
- All other C&CB activities must be submitted in a technical assistance subapplication;
- Localized Flood Risk Reduction Project and Individual Flood Mitigation Project must be submitted in a project subapplication.

Applicant Management Costs (for applicants only) must be submitted in a management costs subapplication.

## I. MANAGEMENT COSTS

States are eligible to receive management costs consisting of a maximum of 10 percent of the planning and project activities awarded to the state, each fiscal year under FMA. These costs must be included in the application to FEMA. A federally recognized tribal government applying directly to FEMA is eligible for management costs consisting of a maximum of 10 percent of grants awarded for planning and project activities under the FMA program.

Subapplicants may include a maximum of 5 percent of the total funds requested for their subapplication for management costs to support the implementation of their planning or project activity. These costs must be included in the subapplication to the State.

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

## 10. Other Submission Requirements

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

Applicants and subapplicants applying for hazard mitigation projects (Localized Flood Risk Reduction Projects or Individual Flood Mitigation Projects) must provide a BCA or other documentation that validates cost-effectiveness. BCA is a method of estimating the future benefits of a project compared to its cost. The end result is a benefit-cost ratio (BCR), which is derived from a project's total benefits divided by its total project cost. The total benefits and costs must be entered in the Cost-Effectiveness section of the project subapplication, and a FEMA-approved BCA must be attached as documentation, as applicable. C&CB activities (Multi-Hazard Mitigation Plans, Technical Assistance to states, Project Scoping, Additional C&CB Activities [Partnership Development, Enhancing Local Floodplain Management, SRL/RL Strategy Plan Development, and other eligible C&CB activities under 42 U.S.C. 4104c(c)(3)(G)]), and management costs subapplications do not require a BCA.

Structure acquisitions and elevations located in the Special Flood Hazard Area (SFHA) may use pre-calculated benefits to determine cost effectiveness. The updated values for use of pre-calculated benefits to determine cost effectiveness of elevations and acquisitions in the SFHA are: \$323,000 per structure for acquisitions and \$205,000 per structure for Elevations (and Mitigation Reconstruction). More detailed information about pre-calculated benefits and how they can be used is available on the FEMA website at [https://www.fema.gov/sites/default/files/documents/fema\\_acquisition-elevation-precalculated-benefits-memo\\_092021.pdf](https://www.fema.gov/sites/default/files/documents/fema_acquisition-elevation-precalculated-benefits-memo_092021.pdf).

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Additionally, FEMA has determined that the acquisition of a structure designated as RL or SRL, regardless of location within or outside of the SFHA, with total project costs less than or equal to \$323,000 is considered cost-effective. As such, FEMA has expanded the use of pre-calculated benefits to include acquisition projects of RL and SRL properties outside the SFHA with a project cost less than or equal to the existing calculated threshold of \$323,000. More detailed information is available on the FEMA website at <https://www.fema.gov/grants/guidance-tools/benefit-cost-analysis>.

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

Applicants and subapplicants should place careful consideration on how their work would potentially impact disadvantaged communities and minimize negative impacts to any disadvantaged populations. FEMA will work to ensure that at least 40 percent of the benefits go towards disadvantaged communities, in accordance with the Administration's Justice40 Initiative as referenced in [EO 14008](#).

FEMA will review flood mitigation project subapplications during the pre-award process that are competitive and otherwise eligible for selection where communities with very high CDC SVI greater than 0.8 or a federally recognized Tribal government is unable to calculate a BCR to demonstrate cost-effectiveness. In these cases, FEMA may assist such communities with developing a BCA. FEMA will release additional guidance for this approach for communities that may qualify for this consideration. In no case will FEMA award a hazard mitigation project that is not cost-effective. For more information, visit the BCA webpage at <https://www.fema.gov/benefit-cost-analysis>.

#### **b. *Acquisition Project Requirements***

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

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

Subrecipients, as well as recipients and FEMA are responsible for enforcing compliance with open space restrictions pursuant to 44 CFR Part 80 requirements.

#### **c. *Go/No-Go Milestones***

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

**d. *National Environmental Policy Act Requirement for Hazard Mitigation Projects***

Applicants and subapplicants applying for hazard mitigation projects (Localized Flood Risk Reduction Project and/or Individual Flood Mitigation Project) must provide information needed to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321–4370h) and the related DHS and FEMA instructions and directives (i.e., DHS Directive 023-01,<sup>6</sup> DHS Instruction Manual 023-01-001-01,<sup>7</sup> FEMA Directive 108-1,<sup>8</sup> and FEMA Instruction 108-1-1,<sup>9</sup> which can be accessed at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/laws/ehp-directive-instruction>). The required information is included in the subapplication in FEMA GO. Environmental Planning and Historic Preservation (EHP) Job Aids and Supplements are available on the FEMA website at <https://www.fema.gov/grants/guidance-tools/environmental-historic>. The required information is included in the subapplication in FEMA GO.

**11. Intergovernmental Review**

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

**12. Funding Restrictions and Allowable Costs**

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

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<sup>6</sup> DHS Directive 023-01 is titled Implementation of the National Environmental Policy Act.

<sup>7</sup> DHS Instruction Manual 023-01-001-01 is titled Implementation of the National Environmental Policy Act (NEPA).

<sup>8</sup> FEMA Directive 108-1 is titled Environmental Planning and Historic Preservation Responsibilities and Program Requirements.

<sup>9</sup> FEMA Instruction 108-1-1 is titled Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements.

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

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

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

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

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

More detailed information is available in Part III, E.1, Eligible Activities, of the HMA Guidance, available on the FEMA website at <https://www.fema.gov/media-library/assets/documents/103279>.

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

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

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

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

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

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

## I. DEFINITIONS

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

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

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

### b. *Pre-Award Costs*

Pre-award costs directly related to developing the FMA grant application or subapplication that are incurred prior to the date of the grant award are allowed subject to FEMA approval at time of award. Such costs may have been incurred prior to application submission, for example gathering NEPA data or developing a BCA (see Section D, Application and Submission Information), preparing design specifications, or conducting workshops or meetings related to

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development and submission of subapplications. To be eligible for FMA funding, pre-award costs must be identified in the individual line item in the cost estimate of the subapplication.

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

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

If any pre-award activities related to developing an FMA grant application or subapplication result in ground disturbance, the applicant or subapplicant must comply with all applicable federal, state, and local laws and regulations, and obtain any applicable environmental permits and clearances. The applicant or subapplicant must ensure monitoring of ground disturbance, and if any potential archaeological resources are discovered, work will immediately cease, and the appropriate state authority will be notified.

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

### c. *Management Costs*

In addition to funding received as described in Section B.1, Available Funding for the NOFO, applicants and subapplicants are eligible to receive management costs (direct and indirect administrative costs pursuant to 2 C.F.R. Part 200, Subpart E).

Subapplicants may submit up to 5 percent of the total budget of the subapplication for management costs. The total budget refers to the sum of non-federal and federal shares of the proposed subapplication. Subapplicants must use subapplicant management costs to manage their subaward activities. Subapplicant management costs will not exceed 5 percent of the total subapplication budget. Subapplicant management cost activities must be added to the Scope of Work section and identified in the Cost Estimate section of subapplications in FEMA GO.

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

The subapplicant management costs (up to 5 percent) must be added to the subapplication total budget prior to the calculation of the applicant management costs (up to 10 percent). Applicant management costs will not exceed 10 percent of the total application budget.

If the applicant is also implementing the award as the subapplicant, the applicant is allowed to claim subapplicant (up to 5 percent) and applicant management costs (up to 10 percent). Uses of the applicant management costs must be distinct from subapplicant management costs and must adhere to the stated uses, even if being used by the same entity. The total management costs still will not exceed 15 percent of the total award. Management costs are governed by 44 C.F.R. Part 77. Management costs are any indirect costs, any direct administrative costs, and

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other administrative expenses that are reasonably incurred in administering an award or subaward. Eligible applicant or subapplicant management cost activities may include:

- Solicitation, review, and processing of subapplications and subawards
- Subapplication development and technical assistance to subapplicants regarding feasibility and effectiveness and BCA
- Geocoding hazard mitigation projects identified for further review by FEMA
- Delivery of technical assistance (e.g., plan reviews, planning workshops, training) to support the implementation of hazard mitigation activities
- Managing awards (e.g., quarterly reporting for mitigation projects, closeout)
- Technical monitoring (e.g., site visits, technical meetings)
- Purchase of equipment, per diem and travel expenses, and professional development that is directly related to the implementation of HMA programs
- Staff salary costs directly related to performing the activities listed above

#### **I. INDIRECT FACILITIES & ADMINISTRATIVE (F&A COSTS)**

Indirect costs of administering the FMA program are eligible as part of the 10 percent management costs for the recipient or the 5 percent management costs of the subrecipient, but in no case do they make the recipient eligible for additional management costs that exceed the statutory caps. In addition, all costs must be in accordance with the provisions of 2 C.F.R. parts 200 and 3002.

Indirect costs are allowable under this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to the Grants Management Specialist for further instructions. Applicants who wish to use a cost allocation plan in lieu of an indirect cost rate must also reach out to the Grants Management Specialist for further instructions. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above or based upon on the de minimis rate or cost allocation plan, as applicable.

Subapplicants are not required to submit negotiated indirect cost rate agreements or proposals directly to FEMA, but they may need to submit them to the applicable applicants per 2 C.F.R. § 200.332.

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

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

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

FEMA will review subapplications submitted by each applicant to ensure:

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- Eligibility of the applicant and subapplicant;
- Eligibility of proposed activities and costs;
- Completeness of the subapplication;
- Cost-effectiveness and engineering feasibility of hazard mitigation projects; or expected savings to the NFIF from expected avoided damages through acquisition or relocation activity;
- Eligibility and availability of non-federal cost share;
- Consistency with approved State Mitigation Plan and Local and/or Tribal Hazard Mitigation Plan;
- Conformance with all applicable federal, state, tribal and local environmental and historic preservation laws and regulations;
- Proposed project will solve a problem independently, or constitute a functional portion of a long-term solution where there is assurance that the project as a whole will be completed; and
- Requested funds do not duplicate benefits available from another source for the same purpose or assistance that another federal agency or program has more primary authority to provide.

Subapplicants are exempt from the hazard mitigation plan requirement for the following C&CB activity types: hazard mitigation plan development and hazard mitigation plan updates. A hazard mitigation plan is required for all other C&CB activity subapplications.

For more detailed information, see Part VI, Application Review Information, of the HMA Guidance, available on the FEMA website at <https://www.fema.gov/grants/mitigation/hazard-mitigation-assistance-guidance>.

**b. *Financial Integrity Criteria***

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

FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

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

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

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

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- i. FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, predecessors<sup>10</sup>, if applicable, that is in the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance](#) (FAPIIS).
- ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

## 2. Review and Selection Process

### a. *Selection Order*

FEMA will select subapplications up to the available funding amount of \$800 million in the following order.

#### I. CAPABILITY AND CAPACITY BUILDING (C&CB) – UP TO \$60 MILLION

##### a) C&CB ACTIVITIES

##### i. **Multi-Hazard Mitigation Plans under 42 U.S.C. 4104c(c)(3)(F)**

FEMA will select the highest ranked eligible subapplication(s) for the development or update of a Multi-Hazard Mitigation Plan of \$100,000 per applicant for hazard mitigation planning with maximums of \$50,000 for state multi-hazard mitigation plans and \$25,000 for local multi-hazard mitigation plans federal cost share. Multi-Hazard Mitigation Plan subapplications will be evaluated to ensure that the end result will provide benefits to the NFIP.

##### ii. **Technical Assistance to states (42 U.S.C. 4104c(c)(3)(J))**

FEMA will award \$50,000 to each applicant that meets the eligibility criteria for this funding. Technical Assistance to states funding is provided to maintain a viable FMA program over time. To be eligible to receive this funding, the applicant must have received an FY 21 FMA award of at least \$1 million federal share.

##### iii. **Project Scoping**

FEMA will select the highest ranked eligible subapplication(s) for Project Scoping from each applicant not to exceed \$900,000 total federal cost share. Project Scoping can be used to obtain data and to prioritize, select, and develop Localized Flood Risk Reduction Projects and/or Individual Flood Mitigation Projects for future funding based on current FEMA-approved mitigation plans. Project Scoping subapplications will be evaluated to ensure that the end result will lead to an eligible project subapplication that will provide benefits to the NFIP.

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<sup>10</sup> As defined in 2 C.F.R. Part 25, specifically § 25.447: Predecessor means a non-federal entity that is replaced by a successor and includes any predecessors of the predecessor.

Consideration of Project Scoping early in the decision-making process can help facilitate the development of a viable project, as well as project implementation. FY 22 Project Scoping projects are not eligible for FY 22 Localized Flood Risk Reduction Project or Individual Flood Mitigation Project funding. There is no guarantee for future HMA project funding if Project Scoping is awarded.

All Project Scoping subapplications must prove that the proposed project benefits NFIP insured properties by submitting a map and associated geospatial file(s) (e.g., Shapefile, KML/KMZ, Geodatabase, or other GIS enabled document) delineating the estimated area benefitting from the project. If a proposed benefitting area map is not provided, FEMA will default to the subapplicant jurisdiction to determine NFIP benefits and CDC SVI for prioritization.

#### iv. **Additional C&CB Activities**

Other Capability and Capacity Building (C&CB) activities, which enhance the knowledge, skills, expertise, etc., of the current workforce to expand or improve the administration of flood mitigation assistance. This includes activities in the following sub-categories: Partnership Development, Enhancing Local Floodplain Management, SRL/RL Strategy Plan Development, and other eligible C&CB activities under 42 U.S.C. 4104c(c)(3)(G). For more information about available assistance through the FMA grant program, including eligibility and how to submit various project types in FEMA's Grant Outcomes System (FEMA GO), refer to FMA program support materials accessible at <https://www.fema.gov/grants/mitigation/>.

Additional C&CB Activity subapplications will not exceed \$300,000 total federal cost share. Please note, Multi-Hazard Mitigation Planning, Technical Assistance to states and Project Scoping subapplications have different project caps indicated above.

All Additional C&CB Activity subapplications must prove that the proposed project benefits NFIP insured properties by submitting a map and associated geospatial file(s) (e.g., Shapefile, KML/KMZ, Geodatabase, or other GIS enabled document) delineating the estimated area benefitting from the project. If a proposed benefitting area map is not provided, FEMA will default to the subapplicant jurisdiction to determine NFIP benefits and CDC SVI for prioritization.

#### b) **C&CB PRIORITIZATION**

All eligible Multi-Hazard Mitigation Planning and Technical Assistance to states subapplications will be funded based on eligibility.

FEMA will then select the remaining highest ranked eligible C&CB subapplication(s) from each applicant according to the following hierarchical order: Project Scoping and then Additional C&CB Activities (Partnership Development; Enhancing Local Floodplain Management; SRL/RL Strategy Plan Development; and other eligible C&CB activities under 42 U.S.C. 4104c(c)(3)(G).

All Project Scoping and Additional C&CB Activity subapplications submitted for C&CB funding will be scored and selected based on the priorities in the following table, as needed:

<b>Final Priority Scoring Criteria for Capability and Capacity Building (C&amp;CB)</b>
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Priority	Description	Available Points
CDC Social Vulnerability Index (SVI) and NFIP Properties	<p>The average SVI of all census tracts included in a benefitting area will determine the project's SVI. The benefitting area maps are used to determine which census tracts will be considered for assessment of these points. Points will be assessed as follows:</p> <ul style="list-style-type: none"> <li>• Projects that benefit area(s) with average SVI score of greater than or equal to 0.8 are eligible for this point priority will receive 10 points.</li> <li>• Projects that benefit area(s) with average SVI score of greater than or equal to 0.6, and less than 0.8 are eligible for this point priority will receive 5 points.</li> <li>• Projects where the average SVI benefit area less than 0.6 will not receive points in this category.</li> </ul>	Up to 10
National Violation Tracker (NVT)	<p>Points are assessed for communities in good standing in the NFIP, which is determined by number of floodplain management property violations identified in NVT. Communities will receive points if they do not have any outstanding violations.</p>	3
Community Rating System (CRS) Participation	<p>The CRS recognizes and encourages community floodplain-management activities that exceed the minimum National Flood Insurance Program standards. Depending on the level of participation, flood insurance premium rates for policyholders can be reduced up to 45%.</p>	3
Private-Partnership Cost Share	<p>Cost share contributed by private organizations/businesses. Points will be assigned based on percentage of private cost share invested in the non-federal match. Points will be assessed as follows:</p> <ul style="list-style-type: none"> <li>• Equal to or greater than 51%, applicants will receive 2 points.</li> <li>• Between 25% and 50%, applicants will receive 1 point.</li> </ul>	Up to 2
Cooperating Technical Assistance Partners Program (CTP) Participation	<p>The CTP is a qualified partnership program in which communities commit to collaborate in maintaining up-to-date flood hazard maps and other flood hazard information. Points will be assigned to CTP participating communities.</p>	2

In case of a tie, FEMA will use the highest CDC SVI for the project benefitting area as a tiebreaker for projects.

All C&CB activities will be evaluated to ensure that the end result will provide benefits to the NFIP. C&CB activities must result in a resource, strategy, or tangible mitigation product that will reduce or eliminate risk and damage from future flooding, increase resilience, and promote a culture of preparedness.

After meeting the **\$60 million** available for C&CB activities, or when all eligible C&CB activity subapplications have been selected, FEMA will select eligible subapplications for the remaining funds in the following order.

## II. LOCALIZED FLOOD RISK REDUCTION PROJECT – UP TO \$340 MILLION

FEMA will then select the highest scoring eligible Localized Flood Risk Reduction Project subapplication(s) based on the FEMA scoring criteria (see below). In the event of a tie between two or more Localized Flood Risk Reduction Project subapplications, FEMA will use the highest CDC SVI for the project benefitting area as a tiebreaker for projects. Each subapplication shall not exceed **\$50 million** federal cost share.

FEMA will convene an internal review panel to ensure that projects will provide benefits to the NFIP, in accordance with 44 C.F.R. Part 77 and the 2015 HMA Guidance. The Localized Flood Risk Reduction Project review panel will include experts from across FEMA to broaden understanding of project benefits. Panelists will consider Localized Flood Risk Reduction Project subapplications holistically to determine if the projects will provide benefits to the NFIP, including but not limited to, the context of the project scale, community scale, transformative mitigation potential, and alignment with the Administration’s Justice40 Initiative.

All Localized Flood Risk Reduction Project subapplications must include the following elements:

- Prove that the proposed project benefits NFIP insured properties by submitting a map and associated geospatial file(s) (e.g., Shapefile, KML/KMZ, Geodatabase, or other GIS enabled document) delineating:
  - The proposed project footprint boundary,
  - Area benefitting from project, and
  - Active NFIP policies (if data available).

Eligible activities must benefit NFIP insured properties. Examples include, but are not limited to:

- Localized flood control
- Floodwater storage and diversion
- Floodplain and stream restoration
- Stormwater management
- Wetland restoration/creation

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Subapplications submitted for the Localized Flood Risk Reduction Project funding will be scored and selected based on the priorities in the following table, as needed:

<b>Final Priority Scoring Criteria for Localized Flood Risk Reduction Project</b>		
<b>Priority</b>	<b>Description</b>	<b>Available Points</b>
NFIP Policy Holder	Points will be assessed for every NFIP policy that is active as of the FMA application start date (Section D, Application and Submission Information, Key Dates and Times) and is verified within the benefitting area of the project.	2 points per NFIP Policy, up to 250 points
CDC Social Vulnerability Index (SVI)	The average SVI of all census tracts included in a benefitting area will determine the project's SVI. The benefitting area maps are used to determine which census tracts will be considered for assessment of these points. Points will be assessed as follows: <ul style="list-style-type: none"> <li>• Projects that benefit area(s) with average SVI score of greater than or equal to 0.8 are eligible for this point priority will receive 200 points.</li> <li>• Projects that benefit area(s) with average SVI score of greater than or equal to 0.6, and less than 0.8 are eligible for this point priority will receive 150 points.</li> <li>• Projects where the average SVI benefit area less than 0.6 will not receive points in this category.</li> </ul>	Up to 200
Consideration for Climate Change <sup>11</sup> and Other Future Conditions	Projects that describe how the project will enhance climate adaptation and resilience, detail how the project is being responsive to the effects of climate change (such as sea level rise <sup>12</sup> , increased rainfall, increased likelihood of flash flood due to wildfire, etc.) and/or other future conditions (population/demographic/land use, etc.), and cites data sources, assumptions, and models.	100

<sup>11</sup> Climate change is defined as “Changes in average weather conditions that persist over multiple decades or longer. Climate change encompasses both increases and decreases in temperature, as well as shifts in precipitation, changing risk of certain types of severe weather events, and changes to other features of the climate system.” (Fourth National Climate Assessment)

<sup>12</sup> Applicants and subapplicants may use any valid source that is based on recognized sea level rise estimation methods for sea level rise. Several federal government sources are available for relative sea level rise data along coastal areas. Some of these sources include, but are not limited to National Oceanic and Atmospheric Administration Center for Operational Oceanographic Products and Services’ Mean Annual SLR Trend Data (<https://tidesandcurrents.noaa.gov/sltrends/sltrends.html>) and U.S. Army Corps of Engineers Sea-Level Change Curve Calculator (Version 2021.12) ([https://cwbi-app.sec.usace.army.mil/rccslc/slcc\\_calc.html](https://cwbi-app.sec.usace.army.mil/rccslc/slcc_calc.html))

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Incorporation of Nature-Based Solutions	Projects that incorporate nature-based solutions <sup>13</sup> .	100
Severe Repetitive Loss (SRL) and Repetitive Loss (RL) Properties	Points are assessed for SRL and/or RL structure verified within the benefitting area of the project.	5 points per RL and 10 points per SRL, up to 100 points
Private-Partnership Cost Share	Cost share contributed by private organizations/businesses. Points will be assigned based on percentage of private cost share invest in the non-federal match. Points will be assessed as follows: <ul style="list-style-type: none"> <li>• Equal to or greater than 51%, applicants will receive 100 points.</li> <li>• Between 25% and 50%, applicants will receive 50 points.</li> </ul>	Up to 100
National Violation Tracker (NVT)	Points are assessed for communities in good standing in the NFIP determined by number of floodplain management property violations identified in the NVT for the community. Communities will receive points if they do not have any outstanding violations.	50
Community Rating System (CRS) Participation	The CRS recognizes and encourages community floodplain-management activities that exceed the minimum National Flood Insurance Program standards. Depending on the level of participation, flood insurance premium rates for policyholders can be reduced up to 45%.	50
Cooperating Technical Assistance Partners Program (CTP) Participation	The CTP is a qualified partnership program in which communities commit to collaborate in maintaining up-to-date flood hazard maps and other flood hazard information. Points will be assigned to CTP participating communities.	30

<sup>13</sup> For more information on nature-based solutions, please reference [Building Community Resilience with Nature-Based Solutions: A Guide for Local Communities](#).

FEMA Generated Projects or Other Federal Grant Award	Application generated from a previous <sup>14</sup> FEMA HMA Project Scoping award or any other federal grant award, or the subapplicant is a past recipient of Building Resilient Infrastructure and Communities (BRIC) non-financial Direct Technical Assistance.	20
Implementation Measures	The subapplication adequately describes how the costs and schedule will be managed, how the project will be successfully implemented, and how innovative techniques to facilitate implementation will be incorporated. The project’s scope of work identifies sufficient technical and managerial staff and resources to successfully implement this project. The subapplication should describe whether and how the project will incorporate strong labor standards to ensure high-quality work, avert disruptive and costly delays, and promote efficiency. For example, strong labor standards include use of project labor agreements (PLAs), requiring workers to be paid wages at or above the prevailing rate, use of local hire provisions, using a directly employed workforce (as opposed to a subcontracted workforce), use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded); and use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure).	40

After meeting the **\$340 million** available for Localized Flood Risk Reduction Projects or when all eligible Localized Flood Risk Reduction Project subapplications have been selected, FEMA will select eligible subapplications for the remaining funds in the following order.

### III. INDIVIDUAL FLOOD MITIGATION PROJECT – UP TO \$400 MILLION

FEMA will then select the highest scoring eligible Individual Flood Mitigation Project subapplication(s) based on the FEMA scoring criteria (see below).

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<sup>14</sup> To receive the points for an application being generated from an HMA Project Scoping award or any other federal grant award please answer “Yes” to the question in FEMA GO that asks “Was this created from a previous FEMA HMA Project Scoping award?” and attach a PDF of the award letter to the application and provide the name of the attached file in the free text field that asks “If yes, please provide the project identifier.”

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Please note, as stated in Section C.3 Other Eligibility Criteria, all non-critical structure elevation, dry floodproofing, and mitigation reconstruction projects in an SFHA must, at a minimum, apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach. All other types of projects are strongly encouraged to apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach.

For critical actions in the SFHA, the elevation requirements from 44 C.F.R. § 9.11 continue to apply. For any new construction or substantial improvement of structures, the lowest floor of the structure (including the basement) must be at or above the level of the 500-year flood.<sup>15</sup>

FEMA will select eligible Individual Flood Mitigation Project subapplications on a competitive basis in the following prioritized order:

- a. Projects that will mitigate flood damage to at least 50 percent of structures included in the subapplication that meet the definition in 42 U.S.C. § 4104c(h)(3)(B)(ii) of an SRL property: At least two separate NFIP claim payments have been made with the cumulative amount of such claims exceeding the market value of the insured structure.
- b. Projects that will mitigate flood damage to at least 50 percent of structures included in the subapplication that meet the definition of a RL property: have incurred flood-related damage on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event.
- c. Projects that will mitigate flood damage to at least 50 percent of structures included in the subapplication that meet the definition in 42 U.S.C. § 4104c(h)(3)(B)(i) of an SRL property: four or more separate NFIP claims payments have been made with the amount of each claim exceeding \$5,000, and with the cumulative amount of claims payments exceeding \$20,000.

FEMA may rank subapplications lower where the average elevation federal cost share is greater than \$250,000 for all single dwelling units or the average acquisition federal cost share is greater than \$750,000 for all single dwelling units.

FEMA will prioritize properties from subapplications if the building value of a single-family dwelling is less than \$750,000, according to best available data, to ensure maximization of the number of NFIP-insured properties selected for mitigation projects in accordance with 44 C.F.R. § 77.4(a). To determine the building value of a single-family dwelling, homeowners can refer to the Replacement Cost Value (RCV)<sup>16</sup> documented in the most recent claim. If no RCV is provided, then homeowners can refer to the Actual Cash Value (ACV)<sup>17</sup> as documented on the most recent claim. If an RCV or ACV for the structure is not available or includes errors, FEMA will evaluate properties on a case-by-case basis for removal from the subapplication.

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<sup>15</sup> In accordance with Section 2(a)(1) of Executive Order (EO) 11988, as amended by EO 13690, before taking an action, FEMA must determine whether a proposed action will occur in a floodplain.

<sup>16</sup> The cost to replace property with the same kind of material and construction without deduction for depreciation.

<sup>17</sup> The cost to replace an insured item of property at the time of loss, less the value of its physical depreciation.

If the structure does not have an RCV, then FEMA will consider the Actual Cash Value (ACV) of the structure, as listed on the most current claim of the property. If the structure has neither RCV nor ACV, FEMA will consider the assessed market value.

If available funding requires prioritization within one of the above priorities, FEMA will apply the “Final Priority Scoring Criteria for Individual Mitigation Project” below. FEMA may reconsider Single-family dwellings that are not selected.

**IV. FEMA WILL SELECT REMAINING ELIGIBLE SUBAPPLICATIONS ONCE ALL ABOVE PRIORITIES ARE MET BASED ON BENEFITS TO THE NFIP.**

Applicants must ensure that accurate NFIP policy numbers and RL numbers are included in all subapplications to be eligible to be selected for the above priorities. After FEMA selects all subapplications in prioritized order (a) through (c) above, FEMA will use the scoring criteria below to determine the selection order for the remaining subapplications. The subapplications will be selected based on cumulative score, from highest to lowest.

<b>Final Priority Scoring Criteria for Individual Flood Mitigation Project</b>		
<b>Priority</b>	<b>Description</b>	<b>Available Points</b>
Substantial Damage <sup>18</sup>	The subapplication includes structures that were determined Substantial Damage by the community within five (5) years of the Application Submission Deadline and a verification letter is included in the subapplication.	10 points per Substantial Damage structure
CDC Social Vulnerability Index (SVI)	The average SVI of all census tracts included in a benefitting area will determine the project’s SVI. The benefitting area maps are used to determine which census tracts will be considered for assessment of these points. Points will be assessed as follows: <ul style="list-style-type: none"> <li>• Projects that benefit area(s) with average SVI score of greater than or equal to 0.8 are eligible for this point priority will receive 60 points.</li> <li>• Projects that benefit area(s) with average SVI score of greater than or equal to 0.6, and less than 0.8 are eligible for this point priority will receive 30 points.</li> </ul>	Up to 60

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<sup>18</sup> Damage of any origin sustained by a building whereby the cost of restoring the building to its before-damaged condition would equal or exceed 50 percent of the market value of the building before the damage occurred. (Hazard Mitigation Assistance Guidance, 2015)

	<ul style="list-style-type: none"> <li>Projects where the average SVI benefit area less than 0.6 will not receive points in this category.</li> </ul>	
Severe Repetitive Loss (SRL)/Repetitive Loss (RL) Property	<p>If greater than 35% of properties in the subapplication are SRL or RL, then 40 points will be assigned.</p> <p>If 25 - 35% of properties in the subapplication are SRL or RL, then 10 points will be assigned.</p>	Up to 40
Implementation Measures	<p>The subapplication adequately describes how the costs and schedule will be managed, how the project will be successfully implemented, and how innovative techniques to facilitate implementation will be incorporated. The project's scope of work identifies sufficient technical and managerial staff and resources to successfully implement this project. The subapplication should describe whether and how the project will incorporate strong labor standards to ensure high-quality work, avert disruptive and costly delays, and promote efficiency. For example, strong labor standards include use of project labor agreements (PLAs), requiring workers to be paid wages at or above the prevailing rate, use of local hire provisions, using a directly employed workforce (as opposed to a subcontracted workforce), use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded); and use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure).</p>	10

FEMA may select a subapplication out of priority order based on one or more of the following factors:

- Availability of funding
- Duplication of subapplications
- Program priorities and policy factors
- Other pertinent information

**b. Selection Status**

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After FEMA has completed its review of all subapplications across Capability and Capacity Building (C&CB), Localized Flood Risk Reduction Project, and Individual Flood Mitigation Project, FEMA will assign each of them one of the following three statuses:

- **Identified for Further Review (IFFR)** – Applicants with C&CB, Localized Flood Risk Reduction Project, and/or Individual Flood Mitigation Project subapplication(s) that are Identified for Further Review that submitted a management costs subapplication in their FMA grant application (see Section D, Application and Submission Information, Content and Form of Application Submission) are eligible to receive applicant management costs not to exceed 10 percent of the selected C&CB and project subapplications.
- **Not Selected** – This means the subapplication is eligible but was not selected due to a lack of available funding under the applicable subtotals.
- **Does Not Meet HMA Requirements** – This means the subapplication is eligible but does not satisfy the eligibility or completeness requirements outlined in the statute, policy, or Section C.3.

**c. *Request for Reconsideration***

At its discretion, and at the request of the applicant or subapplicant (through the applicant), FEMA may reconsider a decision regarding any subapplication that is Not Selected or Does Not Meet HMA Requirements only where there is an indication of substantive technical or procedural error that may have influenced FEMA’s decision. There will be no reconsideration regarding the amount of planning subapplications, applicant management costs, or Technical Assistance costs. Applicants must send requests for reconsideration based on technical or procedural error to the FEMA Regional Office within 60 days of the posting of subapplication status. Subapplicants should contact their applicant agency regarding reconsideration requests, so that the applicant may submit it to the FEMA Regional Office on their behalf. Contact information for each SHMO is provided at [State Hazard Mitigation Officers | FEMA.gov](https://www.fema.gov/state-hazard-mitigation-officers).

The FEMA Regional Office will review reconsideration requests received from applicants and submit the Regional recommendation to FEMA Headquarters. FEMA Headquarters will make a final determination to overturn or uphold the original decision and send the response to the applicant.

Prior to making an award, FEMA will evaluate applicants to determine the level of risk when there is a history of failure to comply with general or specific terms and conditions of a federal award or failure to meet the expected performance goals. If FEMA determines that a federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award, as specified in Part VI, Section B: Risk Assessment Prior to PDM and FMA award, of the 2015 HMA Guidance, available on the FEMA website at <https://www.fema.gov/grants/mitigation/hazard-mitigation-assistance-guidance>.

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

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

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

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

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

Funds will remain on hold until the recipient accepts the award through the FEMA GO system and all other conditions of the award have been satisfied or until the award is otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Recipients and subrecipients proposing projects that have the potential to impact the environment, including, but not limited to, the construction of communication towers, modification or renovation of existing buildings, structures, and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project**

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**description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.**

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

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

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

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

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

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

**d. Construction Project Requirements**

Acceptance of federal funding requires FEMA, the recipient, and any subrecipients to comply with all federal, state, and local laws and regulations prior to the start of any construction

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activity. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding. Also:

- Any change to the approved scope of work will require re-evaluation by FEMA for recipient and subrecipient compliance with the NEPA and other laws and Executive Orders.
- If ground-disturbing activities occur during construction, the recipient and any subrecipients must ensure monitoring of ground disturbance, and if any potential archaeological resources are discovered, the subrecipient will immediately cease construction in that area and notify the recipient and FEMA.
  - All mitigation projects must be in in conformance with flood insurance requirements. This means that if the project is located in a SFHA: (a) the project must be in a jurisdiction participating in the NFIP; and (b) the property owner(s) must obtain and maintain flood insurance for the life of the structure, regardless of transfer of ownership, in an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the mitigated property, whichever is less.

### 3. Reporting

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

#### a. *Financial Reporting Requirements*

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

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

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

Recipients must file the FFR electronically using FEMA GO.

##### II. FFR REPORTING PERIODS AND DUE DATES

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

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

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

January 1 – March 31	April 30
April 1 – June 30	July 30
July 1 – September 30	October 30

**b. *Programmatic Performance Reporting Requirements***

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

In addition to the FFR reports, Recipients must report on the progress of the grant on a quarterly basis to DHS/FEMA using the Quarterly Progress Report in FEMA GO. The Quarterly Performance Reports must be submitted electronically in FEMA GO throughout the period of performance, even for periods where no grant Award activity occurs. Reports are due within 30 days from the end of the first federal quarter following the initial grant Award and within 30 days after every subsequent quarter until the grant ends.

**c. *Closeout Reporting Requirements***

**I. CLOSEOUT REPORTING**

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

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

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

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

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

## II. ADMINISTRATIVE CLOSEOUT

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

When a recipient is not responsive to FEMA's reasonable efforts to collect required reports needed to complete the standard closeout process, FEMA is required under 2 C.F.R. § 200.344(h) to start the administrative closeout process within the regulatory timeframe.

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

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

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

### d. *Additional Reporting Requirements*

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

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

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

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- iv. Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

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

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

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

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

## **III. SINGLE AUDIT REPORT**

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

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

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

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

## **V. Monitoring and Oversight**

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

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Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award.

Effective monitoring and oversight help FEMA ensure that recipients use grant funds for their intended purpose(s); verify that projects undertaken are consistent with approved plans; and ensure that recipients make adequate progress toward stated goals and objectives.

Additionally, monitoring serves as the primary mechanism to ensure that recipients comply with applicable laws, rules, regulations, program guidance, and requirements. FEMA regularly monitors all grant programs both financially and programmatically in accordance with federal laws, regulations (including 2 C.F.R. Part 200), program guidance, and the terms and conditions of the award. All monitoring efforts ultimately serve to assess progress towards grant goals and proactively target and address issues that may threaten grant success during the period of performance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resources and job aids intended to help prepare applications and subapplications are available on FEMA's Hazard Mitigation Assistance webpage at <https://www.fema.gov/grants/mitigation>.

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

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

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

CSID is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact

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information at the federal, state, and local levels. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns.

CSID can be reached by phone at (800) 368-6498 or by e-mail at [askcsid@fema.dhs.gov](mailto:askcsid@fema.dhs.gov), Monday through Friday, 9:00 AM – 5:00 PM ET.

**c. *FEMA Regional Offices***

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

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

**d. *Equal Rights***

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

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

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

**2. *Systems Information***

**a. *FEMA GO***

For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at [femago@fema.dhs.gov](mailto:femago@fema.dhs.gov) or (877) 611-4700, Monday through Friday, 8:00 AM – 6:00 PM ET.

**H. *Additional Information***

**1. *Termination Provisions***

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

**a. *Noncompliance***

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

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

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

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

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

**2. Program Evaluation**

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

**3. Period of Performance Extensions**

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

All extension requests must address the following:

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

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

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

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

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

#### **4. Disability Integration**

Pursuant to Section 504 of the Rehabilitation Act of 1973<sup>19</sup>, recipients of FEMA financial assistance must ensure that their programs and activities do not discriminate against other qualified individuals with disabilities.

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

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<sup>19</sup> FEMA's implementing regulations can be found at 44 C.F.R. Part 16.101.

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

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

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

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

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

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

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

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

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

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

## 6. Procurement Integrity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Under 2 C.F.R. § 200.318(c)(1), non-federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.**

Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity.

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

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

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

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

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

**I. GENERAL SERVICES ADMINISTRATION SCHEDULES**

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

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

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

**II. OTHER SUPPLY SCHEDULES AND PROGRAMS**

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

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

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- e. With respect to the use of a purchasing schedule, the non-federal entity must follow ordering procedures that adhere to applicable state, tribal, and local laws and regulations and the minimum requirements of full and open competition under 2 C.F.R. Part 200.

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

#### e. *Procurement Documentation*

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

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

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

## 7. Record Retention

### a. *Record Retention Period*

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

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

- Records for real property and equipment acquired with federal funds must be retained for **three years after final disposition of the property**. *See* 2 C.F.R. §200.334(c).

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

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

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

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

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

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

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

Non-federal entities receiving financial assistance funding from FEMA are required to comply with requirements in the terms and conditions of their awards or subawards, including the terms

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

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

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

FEMA may discover and take action on noncompliance even after an award has been closed. The closeout of an award does not affect FEMA's right to disallow costs and recover funds as long as the action to disallow costs takes place during the record retention period. *See* 2

C.F.R. §§ 200.334, 200.345(a). Closeout also does not affect the obligation of the non-federal entity to return any funds due as a result of later refunds, corrections, or other transactions. 2 C.F.R. § 200.345(a)(2).

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

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

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

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

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

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- Failure to comply with the POP deadline.

## 9. Audits

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

200.334. In the case of administrative closeout, documents must be retained for at least three years from the date of closeout, or longer subject to the requirements of 2 C.F.R. § 200.334. If documents are retained longer than the required retention period, the DHS OIG, the GAO, and the pass-through entity, as well as FEMA in its oversight capacity, have the right to access these records as well. *See* 2 C.F.R. §§ 200.334, 200.337.

Additionally, non-federal entities must comply with the single audit requirements at 2 C.F.R. Part 200, Subpart F. Specifically, non-federal entities, other than for-profit subrecipients, that expend \$750,000 or more in federal awards during their fiscal year must have a single or program-specific audit conducted for that year in accordance with Subpart F. 2 C.F.R. §

200.501. A single audit covers all federal funds expended during a fiscal year, not just FEMA funds. The cost of audit services may be allowable per 2 C.F.R. § 200.425, but non-federal entities must select auditors in accordance with 2 C.F.R. § 200.509, including following the proper procurement procedures. For additional information on single audit reporting requirements, see section F of this NOFO under the header “Single Audit Report” within the subsection “Additional Reporting Requirements”.

The objectives of single audits are to:

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

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

Non-federal entities must have an audit conducted, either single or program-specific, of their financial statements and federal expenditures annually or biennially pursuant to 2 C.F.R. §

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

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

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

200.339 for noncompliance, pursuant to 2 C.F.R. § 200.505.

## 10. Payment Information

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

Payment requests are submitted through FEMA GO.

## 11. Whole Community Preparedness

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

[Whole Community](#) includes:

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

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

1. Involving people in the development of national preparedness documents.

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2. Ensuring their roles and responsibilities are reflected in the content of the materials.

## 12. Extraordinary Circumstances

Applicants and subapplicants must have a FEMA-approved current hazard mitigation plan at the time of application and award; hazard mitigation plans that are approvable pending adoption are not sufficient. However, for project subawards, the Region, in coordination with HQ, may grant an exception to the local or Tribal Mitigation Plan requirement in extraordinary circumstances. Subapplicants are exempt from the hazard mitigation plan requirement for the mitigation plan development and mitigation plan updates in C&CB activity types. A hazard mitigation plan is required for all other C&CB subapplications.

For subawards, the Region may apply extraordinary circumstances when justification is provided and with concurrence from FEMA Headquarters prior to granting an exception. If this exception is granted, a local or Tribal Mitigation Plan must be approved by FEMA within 12 months of the award of the project subaward to that community. See Section H.8 for guidance to address noncompliance.

Extraordinary circumstances exist when a determination is made by the applicant and FEMA that the proposed project is consistent with the priorities and strategies identified in the State or Tribal (Standard or Enhanced) Mitigation Plan and that the jurisdiction meets at least one of the criteria provided in Part III, Section E.5.3 of the 2015 HMA Guidance, accessible at: <https://www.fema.gov/grants/mitigation/hazard-mitigation-assistance-guidance>.

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

## 13. Phased Projects

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

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funding for construction under a Phase II approval. Phase I funding is part of the project's total estimated cost and is subject to FMA cost-share requirements.

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

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

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

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

**b. *Phase I Award***

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

- *Relevant Technical Data:* The applicant and FEMA will review technical data such as hydrologic and hydraulic, environmental, and geotechnical studies provided by the subapplicant, as appropriate.
- *Preliminary Engineering Design:* Based on the technical data, the subapplicant develops a preliminary engineering design and layout and cost estimates with ad hoc technical assistance from the applicant and FEMA.

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

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

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

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

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

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

In addition, SLTTs are encouraged, but not required, to pursue hazard mitigation planning and projects with co-benefits that advance shared outcomes for economic, environmental, and social resilience. Alignment with SLTT planning mechanisms (economic development, housing, comprehensive plans, transportation plans, building codes, floodplain ordinances, etc.) by and vice versa is vital to build safer, more resilient, equitable communities. This two-way exchange of hazard mitigation principles, risk and vulnerability assessments, and mitigation strategies supports community-wide risk reduction, both before and after disasters occur. Not only will SLTT planning efforts be better integrated, but by going through this process there is a higher

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level of interagency coordination, which is just as important as the planning mechanisms. Additional information on Plan Integration can be found at [Implement, Integrate and Maintain Mitigation Planning Activities](#), [Guides to Expanding Mitigation](#), and <https://planning.org/nationalcenters/hazards/>.