



Ohio Emergency Management Agency

John R. Kasich, Governor

John Born, Director

Sima S. Merick, Executive Director

State Homeland Security Grant Program - Regional

Applications and Grant Agreement Due
by November 16, 2018



FY 2018
**Local Program Guidance and
Application Package**

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HIGHLIGHTS & CHANGES TO LOCAL GUIDANCE FY2018

- ✚ Controlled Equipment is allowable under FY2018 SHSP, however there are very specific guidelines that must be met prior to procurement. Please see Controlled Equipment in section IV. Grant Administration of this guidance.
- ✚ Sub-recipients should pay particular attention to procurement and the requirements of 2 CFR 200.318 -200.326. Within this section are socioeconomic requirements for solicitation of small and minority businesses, women's business enterprises, and labor surplus area firms. The contracting requirements at 2 C.F.R. 200.321 apply to the following procurement methods: micro-purchases, small purchase procedures, sealed bids, competitive proposals, and non-competitive proposals.
- ✚ Effective June 20, 2018, the federal micro-purchase threshold increased from \$3,500 to \$10,000. Per 2 CFR 200 sub-recipients must follow the most stringent of federal, state, and local procurement policies. The federal micro-purchase threshold, as compared with the state purchasing requirements, continues to be more stringent. Please be sure to review your local policy as compared to the \$10,000 micro-purchase threshold, and ensure you are following the more stringent. With this change Ohio EMA will now require a copy of your local procurement policy be submitted with your first micro-purchase cash request in order to demonstrate compliance with federal code.
- ✚ Each region must coordinate with their Grants Specialist in order to ensure that proposed projects involve allowable costs and are aligned with priorities outlined in grant guidance. The Grants Specialist for each region is available to attend regional meetings and to coordinate by phone/email for this purpose. A grant agreement, signed and dated by the Executive Director of Ohio EMA, has been forwarded to the regional fiscal agents along with this guidance. The fiscal agent is to sign and return the grant agreement and assurances, along with a list of the prioritized regional projects (signed by each EMA director), to Ohio EMA. Grant agreements, assurances, and the prioritized list are due to Ohio EMA by November 16, 2018.
- ✚ Ohio EMA, in its capacity as the State Administrative Agency (SAA), has decided to break the overall SHSP award into the following categories of funding:
 - ❖ Communications
 - ❖ Early Warning/Notification
 - ❖ Exercise
 - ❖ Cyber Security
 - ❖ Planning
 - ❖ Targeted Sustainment of Specialty Teams
 - ❖ Mass Casualty and Fatality Management
- ✚ No paper applications are to be submitted to Ohio EMA. The official detailed application for each project will be the budget entered and approved in EGMS once the grant has been opened

in the system. The regional fiscal agent will be authorized to obligate grant funds once the region's budget is approved in EGMS.

- ✚ In accordance with the requirements of 2 CFR 200, Ohio will continue to require sub-recipients to obtain pre-approval on purchases or other procurements exceeding \$100,000.
- ✚ The FY2018 SHSP will continue with awards made directly to the designated fiscal agent within each planning region. Ohio EMA will again use the eight (8) Ohio Homeland Security Planning Regions to distribute funds. Each region will receive a set amount of funding.
- ✚ Ohio EMA's Electronic Grants Management System will be the sole mechanism for project management and payment of the FY2018 HSGP grant programs.
- ✚ EHP's **must** be completed and submitted with applications in EGMS (as applicable per this guidance) and approved by FEMA before beginning the project. If you are unsure as to whether an EHP is required for a project or purchase, it is always safer to go ahead and file the EHP.
- ✚ Quarterly reporting and cash reimbursement requests for expenses already incurred are required from all FY2018 HSGP sub-recipients and are due the 30th of the month following quarter end.
- ✚ The Annual Inventory Control Requirement form, certifying compliance with 2 CFR 200 inventory regulations, and the Master Inventory Listing of HSGP funded assets are due to Ohio EMA by January 31, 2019.
- ✚ Failure to submit required documents and reports or show satisfactory progress will result in a hold, suspension, or termination of funds.

I. PROGRAM OVERVIEW

Introduction

The FY2018 HSGP plays an important role in the implementation of the National Preparedness System by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, requires the combined effort of the whole community. The FY2018 HSGP supports core capabilities across the five mission areas of Prevention, Protect, Mitigate, Respond, and Recover based on allowable costs.

HSGP is comprised of three interconnected grant programs:

- State Homeland Security Program (SHSP)
 - includes the Law Enforcement State Homeland Security Program (LE-SHSP) to be run through a separate funding opportunity; and
- Operation Stonegarden (OPSG) to be run through a separate funding opportunity.
- Urban Area Security Initiative (UASI) to be run through a separate funding opportunity. (Ohio was not awarded UASI funding for FY2018.)

The purpose of this package is to provide:

1. The formal grant guidance and application materials needed to apply for funding under the SHSP program (LE-SHSP and OPSG are separately administered for FY2018).
2. Administrative requirements that must be met by all sub-recipients in order to meet the requirements of federal regulations, mandates and orders.

Program Overview and Priorities

SHSP supports the implementation of risk driven, capabilities-based State Homeland Security Strategies to address capability targets set in Urban Area, State, and regional Threat and Hazard Identification and Risk Assessments (THIRAs). The capability levels are assessed in the State Preparedness Report (SPR) and inform planning, organization, equipment, training, and exercise needs to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other catastrophic events.

Multiple Purpose or dual-use of Funds

For SHSP, many activities which support the achievement of core capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other hazards unrelated to acts of terrorism. However, all SHSP funded projects must assist sub-recipients in achieving core capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism. **Projects that do not make explicitly clear the nexus to terrorism will be deemed ineligible regardless of regional support and prioritization.** The primary purpose of all projects funded by this award must be preventing, preparing for, protecting against, or responding to acts of terrorism and any other use is accessory to the purpose for which these funds are approved.

Supporting the National Preparedness System (NPS) and National Preparedness Goal (NPG)

The FY2018 HSGP plays an important role in the implementation of the National Preparedness System (NPS) by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal (NPG). The Goal is a “secure and resilient Nation

with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.”

The objective of the National Preparedness System is to facilitate an integrated, risk informed, capabilities-based, whole community approach to preparedness. Complex and far-reaching threats and hazards require the engagement of individuals, families, communities, private and nonprofit sectors, faith-based organizations, and all levels of government.

Capabilities are the means to accomplish a mission, function, or objective based on the performance of related tasks, under specified conditions, to target levels of performance. The most essential of these capabilities are the core capabilities identified in the National Preparedness Goal. Complex and far-reaching threats and hazards require the whole community to integrate preparedness efforts in order to build, sustain, and deliver the core capabilities and achieve the desired outcomes identified in the National Preparedness Goal. The components of the National Preparedness System provide a consistent and reliable approach to support decision making, resource allocation, and measure progress toward these outcomes. While each of the components of the National Preparedness System is essential to achieve preparedness, it is critical that the components be understood and used in the context of each other. Ultimately, this integrated approach becomes a means to achieve the National Preparedness Goal in a consistent and measurable way.



The FY2018 HSGP supports investments that improve the ability of jurisdictions nationwide to:

- Prevent a threatened or an actual act of terrorism;
- Protect our citizens, residents, visitors, and assets against the greatest threats and hazards;
- Mitigate the loss of life and property by lessening the impact of future catastrophic events;
- Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of catastrophic incident; and/or
- Recover through a focus on the timely restoration, strengthening, accessibility and revitalization of infrastructure, housing and a sustainable economy, as well as health, social, cultural, historic, and environmental fabric of communities affected by a catastrophic incident; and do so in a manner that engages the whole community while ensuring the protection of civil rights

Sustaining and Building Core Capabilities

The FY2018 HSGP plays an important role in supporting the development and sustainment of core capabilities. Core capabilities are essential for the execution of each of the five mission areas outlined in the *National Preparedness Goal* (NPG). The development and sustainment of these core capabilities are not exclusive to any single level of government or organization, but rather require the combined effort of the whole community. The FY2018 HSGP supports a

range of core capabilities in the Prevent, Protect, Mitigate, Respond, and Recover mission areas based on allowable costs.

Core Capabilities List

Prevention	Protection	Mitigation	Response	Prevention
Planning	Planning	Planning	Planning	Planning
Public Information and Warning	Public Information and Warning	Public Information and Warning	Public Information and Warning	Public Information and Warning
Operational Coordination	Operational Coordination	Operational Coordination	Operational Coordination	Operational Coordination
Forensic and Attribution	Access Control and Identity Verification	Community Resilience	Critical Transportation	Economic Recovery
Intelligence and Information Sharing	Cybersecurity	Long-Term Vulnerability Reduction	Environmental Response/Health and Safety	Health and Social Services
Interdiction and Disruption	Intelligence and Information Sharing	Risk and Disaster Resilience Assessment	Fatality Management Services	Housing
Screening, Search, and Detection	Interdiction and Disruption	Threat and Hazards Identification	Fire Management and Suppression	Infrastructure Systems
	Physical Protective Measures		Logistics and Supply Chain Management	Natural and Cultural Resources
	Risk Management for Protection Programs and Activities		Infrastructure Systems	
	Screening, Search, and Detection		Mass Care Services	
	Supply Chain Integrity and Security		Mass Search and Rescue Operations	
			On-Scene Security, Protection, and Law Enforcement	
			Operational Communications	
			Public Health, Healthcare, and Medical Services	
			Situational Assessment	

Working together, subject matter experts, government officials, and elected leaders can develop strategies to allocate resources effectively and leverage available assistance to reduce risk. The investment justification developed should consider both how to sustain current levels of capability and address gaps in order to achieve the NPG. Achieving the NPG will require participation and resource support from all levels of government. Not all capabilities can be addressed in a given funding cycle, nor can funding be expected to flow from any one source. Ohio continues to rely on the review of the federally identified core capabilities, however, the following is a list of the capabilities Ohio has chosen to fund for FY2018.

- ❖ Communications
- ❖ Early Warning/Notification
- ❖ Exercise
- ❖ Cyber Security
- ❖ Planning
- ❖ Targeted Sustainment of Specialty Teams (Specialty Teams listed in the State Fire Response Plan and Mission Ready Packages contained in the EMAC Operating System)

❖ Mass Casualty and Fatality Management

The federal Notice of Funding Opportunity (NOFO) asserts that HSGP recipients should ensure funding is used to sustain core capabilities funded by past HSGP funding cycles and grant programs. This is especially important in an environment where funding has been cut dramatically in previous cycles, yet there are projects that need sustainment funding. Sustainment must be addressed before we look to build new capabilities.

Local officials must prioritize the achievement of capabilities to most effectively ensure security and resilience while understanding the effects of not addressing identified gaps. Building and sustaining capabilities will include a combination of organizational resources, equipment, training, and exercising. Consideration must also be given to finding, connecting to, and strengthening community resources by leveraging the expertise and capacity of individuals, communities, private and nonprofit sectors, faith-based organizations, and all levels of government. Jurisdictions may also choose to use mutual aid agreements to fill gaps or work with partners to develop regional capabilities. Ultimately, a jurisdiction may need to rely on other levels of government to address a gap in capability. This expectation should be communicated well before the time arises when the capabilities are most urgently needed.

Defining Sustainment

Sustainment has been a term used in recent grant offerings to mean costs of maintenance, repair and user fees for equipment or specific items. For the FY2018 SHSP grant, the concept is sustaining capabilities. Sustaining a capability entails costs associated with keeping a capability at the level it was designed to function. The “sustainment” focus of the FY2018 is a continuation in the preparedness cycle as outlined in PPD-8 and a mechanism to ensure that capabilities that have been built over the last decade remain viable to address the hazards and risks faced by Ohio and the nation.

Issues regarding what is considered maintenance, sustainment, and routine upkeep created some confusion for sub-recipients in previous cycles of funding. Some further clarification is provided below for a few common issues. Questions regarding projects in this area should be directed to grants staff before submission for further guidance.

Note: Training and exercise of existing capabilities is considered sustainment and is highly encouraged for consideration by locals when developing applications.

Note: Sustainment should not be understood to include routine upkeep of equipment. Routine upkeep is not an allowable cost. For example, if a vehicle was procured with homeland security funding it is the responsibility of the agency that received the equipment to provide for oil changes and other required service of the vehicle.

Routine upkeep of equipment would also be considered the repair of blades, hammers, chainsaws or other equipment damaged in training or exercise events. These costs are not allowable under the grant program.

Note: Warranties MUST be the standard warranty and be purchased with the piece of equipment as a part of the cost of the equipment. No additional cost can be paid for a warranty or service agreement which extends outside the period of performance.

Planning to Deliver Capabilities

Sub-recipients shall develop, maintain, or revise as necessary, jurisdiction-wide, all threats and hazards EOPs consistent with CPG 101 v.2, which serves as the foundation for State, local, tribal, and territory emergency planning. For grant purposes, sub-recipients must update their EOP at least once every two years. This does not supersede the Ohio Revised Code requirement for county EMA to update their plans annually.

All sub-recipients will report what equipment was purchased and what specific capability it supports as part of the reporting requirements to include progress made in completing project; All sub-recipients will report the number of people trained in a given capability to support a reported number of defined resource teams (e.g., 63 responders were trained in structural collapse to support a Type II Ohio Regional Search and Rescue Team); All sub-recipients will report the total number of a defined type of resource and core capabilities built utilizing the resources of this grant as part of the reporting requirement. Sub-recipients will be required to support this reporting requirement by supplying information in quarterly reports to Ohio EMA for submittal to DHS-FEMA.

NIMS Compliance

Grantees and sub-recipients receiving HSGP funding are required to implement the National Incident Management System (NIMS). FY2018 grantees must utilize standardized resource management concepts such as typing, inventorying, organizing, and tracking resources that facilitates the identification, dispatch, deployment, and recovery of their resources. In order to receive FY2018 HSGP funding, the county is required to certify as part of their grant application that they are addressing and/or have met the most current NIMS requirements. Please refer to the NIMS Certification form, which is included in the application packet to certify NIMS compliance. Additional information about NIMS compliance and resources for achieving compliance can be found at Ohio EMA NIMS website <http://www.ema.ohio.gov/NimsGuidance.aspx> or the *NIMS Integration Center web page*: <http://www.fema.gov/national-incident-management-system>.

Grant Program Governance

The authority and responsibility for submittal and acceptance of any project/award will lie completely within the executive structure (Commissioners, Executive or Executive Board/Committee) associated with the County EMA designated as fiscal agent for the region.

Eligible Applicants

In accordance with Ohio EMA's past administration of the SHSP (Non-LE) grant, eligible applicants are limited to the **8 Homeland Security Regions of Ohio, which are made up of the 88 County Emergency Management Agencies**. While it is understood that the grant requires a regional approach, each region will have a pre-identified EMA fiscal agent who will serve as the eligible applicant for the region. The fiscal agent process will be explained in depth throughout this guidance. As with FY2017 guidance documents, regional will be defined as a project submitted and prioritized by a homeland security planning region committee made up of each County Director within the region. Each application packet submitted to Ohio EMA must include a letter affirming priority on proposed projects and signed by each Director.

II. AWARD INFORMATION

Issued By

U.S. Department of Homeland Security (DHS): Federal Emergency Management Agency (FEMA) through Ohio Emergency Management Agency as the State Administrative Agency (SAA)

Catalog of Federal Domestic Assistance (CFDA) Number and Title:

97.067 - Homeland Security Grant Program

Authorizing Authority for Program

Section 2002 of The Homeland Security Act of 2002, as amended (Pub. L. No. 107-296), (6 U.S.C. § 603)

Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2018 (Pub. L. No. 115-141)

Period of Performance

The period of performance of this grant is expected to be **September 1, 2018, through March 31, 2021**. Applications should clearly address how actions will be completed within the timeframe allowed by this guidance. Applicants should be aware that **as of March 31, 2021, all activities associated with the 2018 SHSP program must be complete and all equipment purchased with the grant must be received, installed, and in service and cash requests submitted.**

Extension of the Performance Period

It is highly unlikely that extensions to the performance period stated above will be granted by the State Administrative Agency (SAA), which is the Executive Director of Ohio EMA. The sub-recipient asking for the extension will need to demonstrate something truly beyond the control of the sub-recipient in order to be considered for the extension. Sub-recipients should consider the unlikely event of an extension when planning project timelines and when doing bids for projects. Federal Procurement guidelines cannot be avoided based on grant timelines.

FY2018 HSGP Funding

As required by the *Homeland Security Act of 2002* (Public Law 107–296), Title XX, § 2006, as amended by the 9/11 Act, Title I, §101, August 3, 2007, 121 Stat. 280, 6 U.S.C. § 607, Ohio is required to ensure that at least 25% of funding is dedicated to law enforcement terrorism prevention activities. This requirement has been met by dedicating funding to Ohio’s LE-SHSP program to be administered through a separate process. As the SAA, Ohio EMA is required to obligate at least 80% of funds to local units of government.

III. FUNDING GUIDELINES

In order to be funded by FY2018 HSGP funds, Ohio is requiring that local projects meet the following criteria:

1. **Must support terrorism preparedness/demonstrate nexus to terrorism**
2. Have measurable and detailed goals to explain what gaps are being filled
3. Regional capability as demonstrated by support of all counties within the Ohio

- Homeland Security Planning Region where the project originates;
4. If requesting capability that is deployable/sharable within the region, state and nation- must indicate a commitment to do so per existing EMAC agreements;
 5. If requesting sustainment of core capability not physically deployable, must still support national response capabilities such as Geographic/Geospatial Information Systems (GIS), interoperable communications systems, capabilities as defined under the mitigation mission area of the Goal, and fusion centers
 6. Must directly support at least one of the core capabilities outlined in this document as being supported by Ohio's FY2018 SHSP funding
 7. Must be connected to a terrorism plan-local plan, regional plan, THIRA (if applicable), State Preparedness Report, etc.
 8. Sub-recipients with Communication Projects will be required to explain and show how it ties into the State Communications Interoperable Plan priorities (SCIP).

With the regional process, the requirement of a regional capability comprised of multiple counties or supported by multiple counties and deployable within the region, state, and nation shall now be understood to be a regional project. There is no change to the requirement that *projects must support terrorism preparedness/demonstrate a nexus to terrorism.*

DHS grant funds may only be used for the purpose set forth in the grant, and 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. *Per FEMA policy, the purchase of weapons or weapons accessories is not allowed with HSGP funds.*

Allowable Investments made in support of the HSGP priorities as well as other capability-enhancing projects must fall into the categories outlined below. All projects should also fit within the established project areas of planning, equipment, organization, training, exercise, and M&A activities. Additional detail about each of these allowable expense areas, as well as sections on additional activities including explicitly unallowable costs, is provided.

FY2018 Regional Process

Again with FY2018 SHSP, Ohio will continue the regional concept, introduced in the FY2016 grant cycle, by making awards directly to the fiscal agent within each planning region. The planning regions for the purpose of the FY2018 SHSP grant will be the eight (8) Ohio Homeland Security Planning Regions. Each region must coordinate with their Grants Specialist in order to ensure that proposed projects involve allowable costs and are aligned with priorities outlined in grant guidance.

The Grants Specialist for each region is available to attend regional meetings and to coordinate by phone/email for this purpose.

The Ohio Homeland Security Planning Regions are outlined below. Ohio EMA received the award amount for SHSP and each of the regions will be provided a specific amount of funding. Staff of the Ohio EMA Grants Branch worked with staff of Ohio Homeland Security to determine funding for each region based upon a risk-based formula that takes into account population within the region. Not all regions in the State of Ohio will receive equal amounts of funding in light of these factors, but each planning region within the state is guaranteed to receive

funding if they comply with the requirements of this guidance. Sub-recipients are encouraged to focus on the needs of a region as opposed to a funding number when developing a list of prioritized projects. This is particularly important if funding becomes available later in the performance period of FY2018 SHSP due to de-obligations or other issues with spending in the planning regions.

Regional Fiscal Agent

The appointed fiscal agent will be required to submit all FY2018 SHSP applications for a region and will assume fiscal responsibility for ensuring the regional award is distributed as appropriate and spent in accordance with this guidance. It will be the responsibility of the fiscal agent to assume all additional responsibilities outlined in this guidance including, but not limited to, sub-recipient training and working with Ohio EMA staff to get budgets set up within the Electronic Grants Management System (EGMS) as well as request reimbursement for the region.

Grant Advisory Team

The fiscal agent should work with all of the Emergency Management Agencies in the region to develop a grant advisory team to begin accepting projects on behalf of the region. It is the responsibility of the fiscal agent to schedule meetings, ensure proper regional representation based on guidance, create and file notes of the meetings in case of audit, ensure a quorum is available if votes are taken, coordinate representation of Ohio EMA personnel, and all other administrative duties that might arise in connection with this advisory team.

Planning regions should take advantage of the availability of Grants Branch staff to act as a guide through the process. Regions are encouraged to develop a future schedule of meetings and utilize Grants Branch staff if desired. Including Grants Branch staff in meetings or conference calls has many benefits. In addition to implementation, Grants Branch staff can provide guidance on the development of projects and can offer advice as to allowability of the project in accordance with the guidance.

The grants advisory committee for each region must include, at a minimum, representation from each county EMA in the region, as well as a representative from a UASI or largest city in the region. Individual regions may choose to add members to this committee based upon past grant experience or current advisory groups in place. Ohio EMA asks that regional representation of police and fire agencies is also considered.

Once this group is assembled, it will be the responsibility of the group and the fiscal agent to identify projects that are appropriate for submission for FY2018 SHSP funding. Each region will submit a list of prioritized projects, signed by each advisory group member, and the fully executed grant agreement by the deadline of November 16, 2018. A grant agreement received without a signed list of prioritized projects will not be considered complete. Going forward each project submitted as a new line in EGMS will require a regional sign-off from all members of the regional advisory committee.

The only exception to this signature requirement is if a County EMA Director or City/UASI representative chooses not to participate in the process. It is the responsibility of the fiscal agent in the planning region to ensure that all County EMA Directors/City/UASI representatives within the region participate in the project review/prioritization and sign off on the projects submitted to Ohio EMA. If the fiscal agent can document that a reasonable number of attempts were made to include all and that one or more participants refused to participate, the projects from the region

will still be considered responsive to the guidance. Documentation of this non-participation and of the reasonable attempts made, along with signatures of all representatives, must be attached to each regional application not receiving full support.

The county that is designated the fiscal agent for the region also bears responsibility for procuring any equipment through FY18 SHSP. This means that the regional fiscal agent is in charge of developing the specifications and solicitation, soliciting quotes/bids/proposals, awarding the project, documenting the procurement procedure from start to finish, tracking and transferring equipment and requesting reimbursement.

De-obligation of Funding

Should a region decide not to participate in the process or not submit enough projects to expend available funding, Ohio EMA will work with the region to get funding de-obligated as early in the process as possible. It is the responsibility of Ohio EMA as the SAA to ensure HSGP dollars are spent effectively and efficiently across the state and we will work with the planning regions to ensure this responsibility is met. A process has been developed for any funding that is de-obligated and Ohio EMA will follow that process in order to distribute de-obligated funding.

OHIO HOMELAND SECURITY PLANNING REGIONS

Ohio Homeland Security Region 1

- Allen
- Auglaize
- Defiance
- Erie
- Fulton
- Hancock
- Henry
- Huron
- Lucas
- Mercer
- Ottawa
- Paulding
- Putnam
- Sandusky
- Seneca
- Van Wert
- Williams
- Wood

Ohio Homeland Security Region 2

- Ashtabula
- Cuyahoga
- Geauga
- Lake
- Lorain

Ohio Homeland Security Region 3

- Champaign
- Clark
- Darke
- Greene
- Miami
- Montgomery
- Preble
- Shelby

Ohio Homeland Security Region 4

- Crawford
- Delaware
- Fairfield
- Fayette
- Franklin
- Hardin
- Knox
- Licking
- Logan
- Madison
- Marion
- Morrow
- Pickaway
- Union
- Wyandot

Ohio Homeland Security Region 5

- Ashland
- Carroll
- Columbiana
- Holmes
- Mahoning
- Medina
- Portage
- Richland
- Stark
- Summit
- Trumbull
- Tuscarawas
- Wayne

Ohio Homeland Security Region 6

- Adams
- Brown
- Butler
- Clermont
- Clinton
- Hamilton
- Highland
- Warren

Ohio Homeland Security Region 7

- Athens
- Gallia
- Hocking
- Jackson
- Lawrence
- Meigs
- Perry
- Pike
- Ross
- Scioto
- Vinton

Ohio Homeland Security Region 8

- Belmont
- Coshocton
- Guernsey
- Harrison
- Jefferson
- Monroe
- Morgan
- Muskingum
- Noble
- Washington

The following table outlines the award per region and fiscal agent:

FISCAL AGENT	REGION	AWARD AMOUNT
Lucas County EMA	Region 1	\$496,097.95
Cuyahoga County EMA	Region 2	\$687,444.13
Montgomery County EMA	Region 3	\$423,105.98
Franklin County EMA	Region 4	\$681,258.37
Summit County EMA	Region 5	\$630,947.52
Hamilton County EMA	Region 6	\$677,546.91
Jackson County EMA	Region 7	\$272,173.44
Muskingum County EMA	Region 8	\$255,265.70

Ohio EMA in its capacity as the State Administrative Agency has decided to target specific projects with the SHSP award in order to most effectively use Homeland Security grant funds. Listed below are the categories to which applicants should target their projects.

Homeland Security Grant Program 2018 Allocations

In order to streamline the efficiency and facilitate the most effective use of federal Homeland Security Grant Program funds, the State of Ohio has developed a mechanism to target areas of response and preparedness capabilities. In this way, the funds will be directed to areas to either sustain current capabilities or fill in functional gaps that may impact the citizens of Ohio and will address needs of specialty response teams to maintain their state of readiness to protect the citizens of the State of Ohio. It is possible that some building of new capabilities may occur, but the preference is to sustain current capabilities or fill in functional gaps.

All projects must adhere to the guidelines stated within this guidance and applicable laws and regulations. The funding sections for Search and Rescue, Hazardous Materials, and Bomb are narrower in scope and applicants should consult the appropriate section before submitting an application.

Allowable Costs

The following pages outline allowable costs guidance applicable to all programs included in the SHSP funding. Applicants must ensure that costs directly support the funding guidelines listed previously and all other requirements of this guidance.

COMMUNICATIONS

Promoting Interoperable Communications continues to be a priority for local jurisdictions across the state of Ohio, which led to the decision by Ohio EMA to accept applications in this category. Sub-recipients seeking to receive funding for communication projects must describe how activities align to the statewide Communication Interoperable Plan (SCIP) priorities and describe how the project supports the statewide strategy to improve emergency communications and is compatible and interoperable with surrounding systems.

Sub-recipients that are using FY2018 HSGP funds to support emergency communications activities **must**

comply with Appendix D of the *SAFECOM Guidance for Emergency Communication Grants*. Appendix D outlines requirements for any FEMA recipient (or sub-recipient) using funds for emergency communications activities. The requirements include alignment to national and state communications plans, project coordination, and technical standards for emergency communications technologies. The *SAFECOM Guidance* is intended to ensure that Federally-funded investments are compatible, interoperable, and support the national goals and objectives for improving emergency communications nationwide. Recipients (including sub-recipients) investing in broadband-related investments should review IB 386, Clarification on Use of DHS/FEMA Public Safety Grant Funds for Broadband-Related Expenditures and Investments, and consult their Ohio EMA Grants Specialist on such Investments before developing applications. SAFECOM guidance can be found at <https://www.dhs.gov/safecom/blog/2018/05/16/release-fy-2018-safecom-guidance-emergency-communications-grants>.

The *FY2018 SAFECOM Guidance* provides a list of the following emergency communication priorities, which Federal funding recipients are strongly encouraged to target grant funding toward:

- Priority 1: Governance and Leadership
- Priority 2: Statewide Planning for Emergency Communications
- Priority 3: Emergency Communications Training and Exercises
- Priority 4: Activities that Enhance Operational Coordination
- Priority 5: Standards-Based Equipment

An initial EHP should be submitted with the project application for appropriate projects (*e.g.* a communications tower). Ohio EMA will work with the recipient of funding to ensure an EHP is approved before the project is initiated. The project cannot commence and no funding can be expended until the EHP has been approved and received by the project director listed in the SHSP application. For additional information on the EHP requirement please see the section in this guidance entitled *Environmental Planning and Historic Preservation (EHP) Compliance*.

EARLY WARNING/NOTIFICATION

Ohio EMA recognizes the need for local jurisdictions to be better prepared to provide early alerts to the public as it relates to terrorism. In light of this growing need, this category was included to assist locals in funding projects that meet the need.

This category of funding is not intended to support the purchase and installation of weather sirens (*i.e.* “tornado sirens”). Applicants in this category must demonstrate the nexus to terrorism in their applications. Sirens that are all-hazard outdoor sirens tied to a jurisdiction’s or region’s **terrorism plans** for public warning would be an eligible expense and must be clearly outlined within the project description.

An initial EHP should be submitted with the project application for appropriate projects (*e.g.* installation of a warning siren). Ohio EMA will work with the recipient of funding to ensure an EHP is approved before the project is initiated. The project cannot commence and no funding can be expended until the EHP has been approved and received by the project director listed in the SHSP application. For additional information on the EHP requirement please see the section in this guidance entitled *Environmental Planning and Historic Preservation (EHP) Compliance*.

EXERCISE

Exercise Activities and Requirements

Ohio EMA requires that exercises conducted with FEMA grant funding must be managed and conducted in accordance with the US Department of Homeland Security's Homeland Security Exercise and Evaluation Program (HSEEP) and the State of Ohio's Terrorism/All-Hazard Exercise and Evaluation Manual (EEM). HSEEP Guidance for exercise design, development, conduct, evaluation, and improvement planning is located at https://www.fema.gov/media-library-data/20130726-1914-25045-8890/hseep_apr13_.pdf.

Programmatic information requests and requests for the State of Ohio's Terrorism/All-Hazard EEM should be directed to the OEMA Exercise Program Supervisor (David Nunley, 614-799- 3677 or via e-mail at dbnunley@dps.state.oh.us). All exercises using HSGP funding must be NIMS compliant. More information is available online at the National Integration Center at <http://www.fema.gov/national-incident-management-system>.

Exercise projects selected for funding must be coordinated with the State's Multi-Year Training and Exercise Plan and must have representation from the participating county/counties at the State's Training and Exercise Plan Workshop (TEPW), which will be conducted in the fall of 2018.

Applications requesting exercise funding should demonstrate that personnel and resources exist to ensure compliance with the HSEEP requirement and sound exercise management practices.

The scenarios used in HSGP-funded exercises must be based on the State Homeland Security Investment Justification and plans. Acceptable scenarios for SHSP exercises include: chemical, biological, radiological, nuclear, explosive, cyber, agricultural or technological disasters. The scenarios used in HSGP-funded exercises must focus on validating existing capabilities, must be large enough in scope and size to exercise multiple activities and warrant involvement from multiple counties and disciplines and non-governmental organizations, and take into account the needs and requirements for individuals with disabilities. Exercise scenarios should align with objectives and capabilities identified in the Multi-year Training and Exercise Plan.

More specific exercise guidance will be contained within the grant agreement and must be agreed to for exercise projects to be funded.

Allowable Exercise Costs

Allowable exercise-related costs include:

- Funds Used to Design, Develop, Conduct, and Evaluate an Exercise. Includes costs related to planning, meeting space and other meeting costs, facilitation costs, materials and supplies, travel, and documentation. Grantees are encouraged to use government or free public space/locations/facilities, whenever available, prior to the rental of space/locations/facilities. Exercises should provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. Any exercise or exercise gaps, including those for children and individuals with disabilities or access and functional needs, should be identified in the AAR/IP and addressed in the exercise cycle.
- Full or part-time staff may be hired to support exercise-related activities. Such costs must be included within the funding allowed for program management personnel expenses.
- The applicant's formal written procurement policy or 2 CFR 200 (**NOTE:** Please see procurement section in this document for additional guidance) – whichever is more stringent – must be followed.
- Overtime and Backfill. The entire amount of overtime costs, including payments related to backfilling

personnel, which are the direct result of time spent on the design, development, and conduct of exercises are allowable expenses. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the State or unit(s) of local government and has the approval of the State or the awarding agency, whichever is applicable. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities. A Memorandum of Understanding (MOU) or other formal agreement is necessary to encompass all of the requirements with sub-granting funds to other entities for reimbursement of their personnel expenditures. Pre-approval is required for all sub-grants from Ohio EMA.

- Travel. Travel costs are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of exercise project(s) or HSEEP programmatic requirements as described in the HSEEP website (e.g., Improvement Plan Workshops, Training and Exercise Plan).
- Supplies. Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise project(s) (e.g., gloves, non-sterile masks, and disposable protective equipment).
- Disability Accommodations. Materials, services, tools and equipment for exercising inclusive of people with disabilities (physical, programmatic and communications access for people with physical, sensory, mental health, intellectual and cognitive disabilities).
- Other Items. These costs include the rental of equipment and other expenses used specifically for exercises, costs associated with inclusive practices and the provision of reasonable accommodations and modifications to provide full access for children and adults with disabilities.

Unauthorized Exercise Costs

Unauthorized exercise-related costs include:

- Reimbursement for the maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles), medical supplies, and emergency response apparatus (e.g., fire trucks, ambulances).
- Equipment that is purchased for permanent installation and/or use beyond the scope of exercise conduct (e.g., electronic messaging signs).

If you have questions regarding eligibility during the developmental stages of your exercise project proposal, please contact OEMA Exercise Program Coordinator David Nunley, dbnunley@dps.ohio.gov, 614-799-3677.

An initial Environmental Planning and Historic Preservation (EHP) should be submitted with the project application for appropriate projects (e.g. an exercise not specifically excluded from a FEMA EHP review per the GPD Programmatic Environmental Assessment). Ohio EMA will work with the recipient of funding to ensure an EHP is approved before the project is initiated. The project cannot commence and no funding can be expended until the EHP has been approved and received by the project director listed in the SHSP application. For additional information on the EHP requirement please see the section in this guidance entitled *Environmental Planning and Historic Preservation (EHP) Compliance*.

CYBER SECURITY

The core capability of Cyber Security is defined as a capability to protect (and if needed, restore) electronic communications systems, information, and services from damage, unauthorized use, and exploitation.

For FY2018 cyber security funding will be targeted to projects at the state level. Local jurisdictions are encouraged to utilize a range of free resources listed below. These resources will allow jurisdictions to assess their cyber posture and prepare for future funding opportunities.

A. Resources

1. DHS strongly recommends participation in its Cyber Hygiene Program:
 - a. The no-cost DHS Cyber Hygiene Program provides vulnerability scanning to help secure internet-facing systems from known vulnerabilities, detects insecure configurations, and encourages the adoption of security best practices.
 - b. DHS performs regular network and vulnerability scans and delivers a weekly report for your action.

Once initiated, this service is mostly automated and requires little direct interaction. After DHS receives the required paperwork for Cyber Hygiene, scans start within 72 hours and state, local, tribal, and territorial (SLTT) governments will begin receiving reports within two weeks. SLTT governments can sign up and obtain further details by contacting NCATS_INFO@hq.dhs.gov.

2. DHS has several additional no-cost cybersecurity resources for SLTT governments. From cyber awareness and technical training to vulnerability assessments, there are resources available which do not require the expenditure of grant funds. To help SLTT government leaders get started in building a cybersecurity program, or enhance an existing program, DHS has created resources specifically designed to help leaders recognize and address their cybersecurity risks. Resources include discussion points for government leaders, steps to start evaluating a cybersecurity program, and a list of hands-on resources available to SLTT governments. Many of these resources are described in further detail at <https://www.us-cert.gov/ccubedvp/sltd>.
3. Additional technical assistance available to SHSP and UASI recipients and sub-recipients includes the following:
 - a. General Resources
 - i. The DHS Office of Cybersecurity and Communications (CS&C), within the National Protection and Programs Directorate, enhances the security, resilience, and reliability of the Nation's cyber and communications infrastructure. CS&C serves as the hub for each state, territory, and urban area's cybersecurity inquiries and resources. States, territories, and urban areas should review these resources with their CIO and CISO to determine which resources will best serve their community's efforts to build and sustain a robust cybersecurity program.

- ii. The National Institute of Standards and Technology (NIST) Cybersecurity Framework (the Framework) provides standards, guidelines, and best practices to promote the protection of critical infrastructure. Grant recipients and sub-recipients can use the Framework to align cybersecurity investments to policy, communicate cybersecurity requirements to stakeholders, measure current cybersecurity posture through self- assessment, and analyze trade-offs between expenditure and risk. DHS resources aligned to the Framework Function Areas can be found at <https://www.us-cert.gov/ccubedvp/sltd>.
 - iii. Funded by DHS, the Multi-State Information Sharing and Analysis Center (MS-ISAC) improves the overall cybersecurity posture of the Nation's SLTT governments through focused cyber threat prevention, protection, response, and recovery. It is a no-cost, membership-based community that includes 24/7 cybersecurity support, analysis and monitoring, and a central location for reporting threats and suspicious activities. For more on the MS-ISAC, visit <https://www.cisecurity.org/ms-isac/> .
- b. Training Resources

The Federal Virtual Training Environment (FedVTE) provides more than 800 hours of free online cybersecurity training to U.S. government (including SLTT government) employees, Federal contractors, and veterans. DHS manages the FedVTE program. It is administered through an interagency agreement with the U.S. Office of Personnel Management and supported by the Department of Defense's Defense Information Systems Agency through course development initiatives. Course proficiency ranges from beginner to advanced levels and have topics such as ethical hacking, risk management, and malware analysis. For more information on how to register for courses and obtain a log-in visit <https://fedvte.usalearning.gov/>.

PLANNING

Planning Activities

FY2018 SHSP funds may be used for a range of emergency preparedness and management planning activities and such as those associated with the development, review and revision of the THIRA, SPR, continuity of operations plans and other planning activities that support the Goal. An emphasis should be placed on updating and maintaining a current EOP that conforms to the guidelines outlined in CPG 101 v 2.0 For additional information, please see:

http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf

Upon completion of a given planning project, the sub-grantee will submit copies of the completed plans and/or planning tasks that were developed, enhanced, or updated using FY2018 HSGP funds. These will be submitted to Ohio EMA's Grants Branch not later than end of the grant performance period and will be used to validate the work was completed as per the budget. Failure to do so may result in forfeiture or repayment of grant funds.

All publications created with FY2018 HSGP funding shall prominently contain the following statement: "This document was prepared under a grant from the U.S. Department of Homeland Security (DHS). Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. DHS."

Allowable Planning Activities

According to *Appendix F-HSGP Allowable Cost Matrix* of the HSGP Notice of Funding Opportunity (NOFO), the following are examples of allowable program activities:

- Developing hazard/threat-specific annexes that incorporate the range of prevention, protection, response, and recovery activities;
- Developing and implementing homeland security support programs and adopting ongoing DHS/FEMA national initiatives;
- Developing related terrorism and other catastrophic event prevention activities;
- Activities to achieve planning inclusive of people with disabilities and others with access and functional needs;
- Coordination with Citizens Corps Councils for public information/education and development of volunteer programs;
- Update governance structures and processes and plans for emergency communications.

A more comprehensive list of specific allowable planning activities is provided as Appendix C of this document.

TARGETED SUSTAINMENT OF SPECIALTY TEAMS

Ohio EMA recognizes that capabilities associated with specialty teams were often built with homeland security funding. Therefore, sustainment of these specialty teams remains a priority in FY2018 SHSP. Specialty teams listed in the Ohio Fire Chiefs' Association Emergency Response System, FBI accredited Bomb Teams, and Mission Ready Packages contained in the EMAC Operating System are also eligible for sustainment funding.

Specialty Team Eligibility

Applications for sustainment of search and rescue teams, Hazardous Materials (HazMat) response teams, Incident Management Teams (IMT), and swift water rescue teams are eligible for funding through this category. Teams must be listed within the Ohio Fire Chiefs' Association Emergency Response System to be considered for funding. Funding may include the purchase of equipment or needed training and exercise assistance for the teams.

Applicants in this category should ensure they are following the equipment, training and exercise guidance established in other parts of this guidance, especially earlier guidance on maintenance and routine upkeep costs. Applicants should also refer to the guidance on EHP throughout this document. If an EHP form is required for the project and is not submitted with the application, it could result in the project not being reviewed.

Applicants in this category should ensure they are following the equipment, training and exercise guidance established in other parts of this guidance. Applicants should also refer to the guidance on completing an EHP throughout this document. If an EHP form is required for the project and is not submitted with the application it could result in the project not being reviewed.

MASS CASUALTY AND FATALITY MANAGEMENT

The traditional concept of *Mass Casualty* incident response is a component of the core capability of **Public Health, Healthcare, and Emergency Medical Services**. The focus of this core capability is to provide lifesaving medical treatment via Emergency Medical Services and related operations, and to avoid additional disease and injury by providing targeted public health, medical, and behavioral health support and products to all affected populations. The goal is to build a capability that can complete triage and initial stabilization of casualties and begin definitive care for those likely to survive their injuries and illnesses, return medical surge resources to pre-incident levels, complete health assessments and identify recovery processes, and deliver medical countermeasures to exposed populations. Investments that can be shown to sustain or build this capability and which are allowable under other provisions and stipulations of this grant would be considered for funding.

The core capability of **Fatality Management** includes providing fatality management services, including decedent remains recovery and victim identification, and work with multiple levels of government and the private sector to provide mortuary processes, temporary storage or permanent interment solutions, sharing information with Mass Care services for the purposes of reunifying family members and caregivers with missing persons/remains, and providing counseling to the bereaved. The goal is to build a capability that can establish and maintain operations to recover a significant number of fatalities over a geographically dispersed area, and to mitigate hazards from remains, facilitate care to survivors, and return remains for final disposition. Investments that can be shown to sustain or build this capability and which are allowable under other provisions and stipulations of this grant would be considered for funding.

IV. GRANT ADMINISTRATION

Grant Administration information is intended to help sub-recipients in understanding the rules and regulations associated with administering federally-funded grant awards and the state's process for meeting these requirements. We attempted to pull this standard financial and administrative information together in order to create a comprehensive source of information related to the preparedness grant programs.

Standard Financial Requirements

Any sub-recipient(s) accepting grant funds from Ohio EMA shall comply with all applicable laws and regulations outlined here. The administrative requirements that apply to most Department of Homeland Security (DHS) award recipients and specifically the awards made to our governmental partners through the grant program(s) included in this guidance arise from 2 CFR 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

The requirements for allowable costs/cost principles are contained in 2 CFR 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, DHS program legislation, Federal awarding agency regulations, the terms and conditions of the award and the accompanying grant guidance. The applicable costs principles for the grants included in this guidance are:

- 2 CFR 2 Subpart E-*Cost Principles*
- 48 CFR Part §31.2, Federal Acquisitions Regulations (FAR), *Contracts with Commercial Organizations*.

The sub-recipient is required to ensure that the requirements of the federal grant are met as well as any applicable requirements of the state and local government. Acceptance of a federal grant and its requirements do not relieve the sub-recipient of requirements of local and/or state government. In addition, acceptance of federal grant funding means sub-recipient Fiscal Agent is must comply with and assume financial responsibility for audit findings. You must meet all local, state, and federal guidelines, whichever is stricter.

Controlled and Prohibited Equipment (SHSP and OPSG)

In connection with *FEMA Grant Programs Directorate Information Bulletin No. 426*, Ohio EMA will accept applications for controlled equipment beginning with the FY 2018 grant cycle. Items appearing on the *Prohibited Equipment List* will still not be allowed to be purchased using federally-provided funds.

Purchase of these items comes with a great deal of responsibility on the part of the applicant as well as coordination with Ohio EMA. Applicants planning to apply for controlled equipment in the FY 2018 cycle should begin working immediately with their regional fiscal agent as well as Grants Staff at Ohio EMA.

Please read the following information carefully to determine your eligibility to make an application for controlled equipment.

Equipment Lists

The *Prohibited Equipment List* identifies categories of equipment that recipients are prohibited from acquiring using federally-provided funds or via transfer from federal agencies, which includes:

- **Tracked Armored Vehicles: Vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.**
- **Weaponized Aircraft, Vessels, and Vehicles of Any Kind: These items will be prohibited from purchase or transfer with weapons installed.**

- Firearms of .50-Caliber or Higher
- Ammunition of .50-Caliber or Higher
- Grenade Launchers: Firearm or firearm accessory designed to launch small explosive projectiles. This does not include launchers specifically designed and built to launch less lethal projectiles.
- Bayonets: Large knives designed to be attached to the muzzle of a rifle/shotgun/long gun for the purpose of hand-to-hand combat.
- Camouflage Uniforms: Does not include woodland or desert patterns or solid color uniforms. Camouflage-patterned uniforms acquired through federal programs are authorized to be worn only in environments where they actually camouflage the wearer, and may not be worn in cities, towns, and other urban or populous areas.

The *Controlled Equipment List* identifies categories of equipment that have significant utility for state, local, tribal, territorial, and private sector grant recipients. Due to the nature of this equipment and the potential impact on communities, additional controls will be imposed on the acquisition, use, and transfer of this equipment. While several of the items below are not allowable expenses under DHS/FEMA preparedness grants (please see the *Authorized Equipment List*), the full *Controlled Equipment List* includes:

- Manned Aircraft, Fixed Wing: Powered aircraft with a crew aboard, such as airplanes, that use a fixed wing for lift—REQUIRES FEMA WAIVER FOR PURCHASE.
 - Justification must be submitted that addresses:
 - Need for aircraft and how requested equipment best meets needs as compared to other options;
 - How requested aircraft fits into State/Urban Area’s integrated operational plans;
 - Types of terrorism incident response and prevention equipment with which the requested aircraft will be outfitted;
 - How the aircraft will be used operationally and which response assets will be deployed using the requested aircraft;
 - How aircraft will be utilized on regular, non-emergency basis
 - PLEASE NOTE: Licensing, registration fees, insurance, and all ongoing operational expenses will be the responsibility of the sub-recipient and will not be an allowable grant expense.
- Manned Aircraft, Rotary Wing: Powered aircraft with a crew aboard, such as helicopters, that use a rotary wing for lift—REQUIRES FEMA WAIVER FOR PURCHASE. *See requirements above for Fixed Wing.*
- Unmanned Aerial Vehicles: A remotely piloted, powered aircraft without a crew aboard (including Small Unmanned Aerial Systems SUAS).
 - *The justification process outlined for aircrafts above must be followed;*
 - *In addition, all requests to purchase this type of equipment must also include copies of policies and procedures in place to safeguard individuals’ privacy, civil rights, and civil liberties in the jurisdiction that will take title to the equipment*
- Armored Vehicles, Wheeled: Any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as Mine-Resistant Ambush Protected (MRAP) vehicle or an Armored Personnel Carrier.

- **Tactical Vehicles, Wheeled:** A vehicle purpose-built to operate on-and off-road in support of military operations, such as HMMWV (“Humvee”), 2.5-ton truck, 5-ton truck, or a vehicle with a breaching or entry apparatus attached. This excludes commercially available vehicles not tactical in nature, such as pick-up trucks or Sport Utility Vehicles (SUV).
- **Command and Control Vehicles:** Any wheeled vehicle either purpose-built or modified to facilitate the operational control and direction of public safety units responding to an incident.
- **Specialized Firearms and Ammunition Under .50 Caliber (excludes firearms and ammunition for service-issued weapons):** Weapons and corresponding ammunition for specialized operations or assignments. This excludes service-issued handguns, rifles, or shotguns that are issued or approved by the agency to be used during the course of regularly assigned duties (NOTE: in spite of its inclusion on the Government-wide Controlled Equipment List, equipment defined under this category is not an allowable expense under any FEMA preparedness grant program).
- **Explosives and Pyrotechnics:** Includes “flash bangs” as well as explosive breaching tools often used by special operations units.
- **Breaching Apparatus (e.g. battering ram, similar entry device):** Tools designed to provide law enforcement rapid entry into a building or through a secured doorway. These tools may be mechanical in nature (a battering ram), ballistic (slugs), or explosive.
- **Riot Batons (excluding service-issued telescopic or fixed-length straight batons):** Non-expandable baton of greater length (generally in excess of 24 inches) than service-issued types and are intended to protect its wielder during melees by providing distance from assailants (NOTE: in spite of its inclusion on the Government-wide Controlled Equipment List, equipment defined under this category is not an allowable expense under any FEMA preparedness grant program).
- **Riot Helmets:** Helmets designed to protect the wearer’s face and head from injury during melees from projectiles including rocks, bricks, liquids, etc. Riot helmets include a visor which protects the face (NOTE: in spite of its inclusion on the Government-wide Controlled Equipment List, equipment defined under this category is not an allowable expense under any FEMA preparedness grant program).
- **Riot Shield:** Shields intended to protect wielders from their head to their knees in melees. Most are designed for the protection of the user from projectiles including rocks, bricks, and liquids. Some afford limited ballistic protection as well. Riot shields may also be used as an offensive weapon to push opponents (NOTE: in spite of its inclusion on the Government-wide Controlled Equipment List, equipment defined under this category is not an allowable expense under any FEMA preparedness grant program).

Equipment Modifications

Grant recipients may not modify equipment acquired using federal resources in a way that would cause it to be considered prohibited equipment.

APPLICATION PROCESS

An entity wishing to acquire controlled equipment must follow a rigorous application process. The project will still need to be worked through the regional process the same as any request for homeland security dollars. If the project receives appropriate approval/ranking in the region and is submitted to Ohio EMA, additional steps must be taken by the applicant.

The applicant must complete the FEMA Form (FF) 087-0-0-1 *Controlled Equipment Request Form* and submit to Ohio EMA as the State Administrative Agency (SAA). The form must be submitted and approved before the acquisition of controlled equipment. Using FF 087-0-0-1, the entity requesting the controlled equipment must include a clear and persuasive explanation demonstrating the need for the controlled equipment and the purpose it will serve. This is in addition to any justifications and required policies outlined above.

The entity will be asked to supply information about the current inventory of controlled equipment acquired through federal programs, pending applications for controlled equipment, previous denials for controlled equipment, and any findings of violations of federal civil rights statutes or programmatic terms involving controlled equipment.

Form FF 087-0-0-1 contains a section pertaining to approval by the jurisdiction's governing body (Commissioners, Executive, Mayor, etc.).

1. **For EMA applicants:** Evidence of the jurisdiction's approval for the acquisition of the requested controlled equipment. Evidence of the governing body's approval should be explicit.
2. **For LE applicants:** Same as above except the applicant can provide evidence that the governing body was given reasonable opportunity to review the controlled equipment request but failed to affirmatively approve or deny the request. Such inaction will constitute evidence of approval.
3. **For LE applicants with popularly elected chief executive (e.g. Sheriffs):** The agency must provide official written notice to their civilian governing body at least 30 days in advance of any application to acquire controlled equipment but are not required to receive that body's approval.

Failure to receive both SAA and FEMA approval before purchasing the controlled equipment will result in a denial of reimbursement. In addition, the approved FEMA Form (FF) 087-0-0-1 *Controlled Equipment Request Form* must be submitted with your request for reimbursement.

Policy and Protocol Requirements

At the time of application, the entity must have written policies and protocols (in addition to any outlined above) in place and approved by the relevant governing body that specifically govern the 1) appropriate use of controlled equipment; 2) supervision of use of controlled equipment; 3) effectiveness evaluation; and 4) auditing and accountability:

- 1) **Appropriate Use of Controlled Equipment:** Requesting organizations should examine scenarios in which controlled equipment will likely be deployed, the decision-making process that will determine whether controlled equipment is used, and the potential that both use and misuse of controlled equipment could create fear and mistrust in the community. Protocols should consider whether measures can be taken to mitigate that

effect and any alternatives to the use of such equipment and tactics to minimize negative effects on the community.

- 2) **Supervision of Use:** The protocols must specify appropriate supervision of personnel operating or utilizing controlled equipment. Supervision must be tailored to the type of equipment being used and the nature of the engagement or operation during which the equipment will be used. Policies must describe when a supervisor of appropriate authority is required to be present and actively overseeing the equipment's use in the field.
- 3) **Effectiveness Evaluation:** The protocols must articulate that the requesting organization will monitor and evaluate regularly the effectiveness and value of controlled equipment to determine whether continued deployment and use is warranted on operational, tactical, and technical grounds. Requesting organizations should review after-action reports routinely and analyze any data on, for example, how often controlled equipment is used or whether controlled equipment is used more frequently in certain law enforcement operation or in particular locations or neighborhoods.
- 4) **Auditing and Accountability:** There must be strong auditing and accountability provisions in the protocols that state the requesting organization's personnel will agree to and comply with and be held accountable if they do not adhere to agency, state, local, and Federal policies associated with the use of controlled equipment.

Ohio EMA must have evidence of the policies being in place and approved, but will provide no guidance on the policies and protocols other than what is spelled out within this guidance. Evidence of approval should be submitted with the application packet. Applicants should consult their prosecutor or other appropriate legal authority to develop policies and protocols. Evidence of approval include, but are not limited to: resolutions, approved board meeting minutes, etc. Actual policies and protocols as well as evidence of approval by the appropriate governing body should be kept on file and updated appropriately in the event of a monitoring or audit of the applicant.

TRAINING REQUIREMENTS:

The requesting entity must provide or obtain necessary training regarding appropriate use of controlled equipment prior to the use of controlled equipment, including:

Technical Proficiency-All entity personnel who will use controlled equipment must be trained properly on, and have achieved technical proficiency in, the operation of utilization of the controlled equipment at issue prior to its use. The controlled equipment may be used for technical training and certification prior to deployment or official use.

Scenario-based training-To the extent possible, trainings related to controlled equipment should include scenario-based training. Personnel authorized or directing the use of controlled equipment should have enhanced scenario-based training to examine, deliberate, and review the circumstances in which controlled equipment should or should not be used.

Training on Civil Rights and Liberties-Annual, appropriate, and relevant training for grant recipient personnel on the 1st, 4th, and 14th Amendments is required. Training on how to protect the civil rights and civil liberties of those in the surrounding community where the controlled equipment will be used is vital to ensuring the use of controlled equipment complies with constitutional standards for the protection of civil rights and civil liberties. Training objectives

should define and explain relevant concepts and demonstrate the application of such concepts through equipment-based scenarios to show appropriate and proper use of controlled equipment by both law enforcement and non-law enforcement personnel and the negative effects and consequences of misuse.

Training Records-the entity must retain comprehensive training records, either in the personnel file of the individual who was trained or by the recipient's training division or equivalent entity, for a period of at least three (3) years after the training date. A copy of these records must be provided, upon request, to DHS/FEMA and the Ohio Emergency Management Agency.

AFTER-ACTION REPORT REQUIREMENTS FOLLOWING A SIGNIFICANT EVENT

For purposes of this grant, a significant event or incident includes:

- 1) A demonstration or other public exercise of First Amendment rights or any other event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is needed;
- 2) When unlawful or inappropriate police actions are alleged and trigger a federal compliance review, and FEMA determines that controlled equipment was used in the law enforcement activity under review; and
- 3) Any law enforcement operation or action that involves (a) a violent encounter among civilians or between civilians and the police; and/or (b) a use of force that causes death.

When a significant event occurs, the entity must collect and retain the following information:

- 1) Identification of controlled equipment used (e.g., categories and number of units of controlled equipment used, make/model/serial number);
- 2) Description of the significant incident/event involving the controlled equipment;
- 3) Identification of personnel who used the equipment and, if possible, a list of those involved in the incident; and
- 4) Result of the controlled equipment use (e.g., arrests, use of force, victim extraction, injuries).

Records of these after-action report must be kept for at least three (3) years following any significant event and must be provided upon request to DHS/FEMA and the Ohio Emergency Management Agency.

TRANSFER AND DISPOSITION OF CONTROLLED EQUIPMENT

Controlled equipment must remain in the possession of the original FEMA grant recipient and may not be transferred without the written consent of Ohio EMA (in conjunction with FEMA). The use of controlled equipment under an MOU or other regional sharing agreement does not constitute a transfer of controlled equipment. Prior to the disposition of controlled equipment, the recipient must request that Ohio EMA and FEMA prepare disposition instructions. Disposition must occur in accordance with these instructions, 2 C.F.R. Part 200, and the award agreement. Recipients must also abide by all applicable federal, state, and local laws, regulations, and programmatic terms when disposing of controlled equipment.

VIOLATIONS OF USE OF CONTROLLED EQUIPMENT

Ohio EMA, in conjunction with FEMA, may take appropriate action in accordance with 2 C.F.R. Part 200 for violations of any federal statutes or any regulations of the terms and conditions of the award related to controlled equipment. Ohio EMA will pursue any course of action FEMA deems necessary with regards to the controlled equipment including, but not limited to, requesting the return of the grant dollars from the recipient entity that paid for the controlled equipment.

Personnel Activities

Personnel hiring, overtime, and backfill expenses are permitted under this grant in order to perform allowable FY2018 SHSP planning, training, exercise, equipment and M&A activities.

A personnel cost cap of up to 50 percent (50%) of total may be used for personnel and personnel-related activities as directed by the *Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act* (Public Law 110-412). In general, the use of SHSP funding to pay for staff and/or contractor regular time or overtime/backfill is considered a personnel cost. Activities that are considered personnel and personnel-related, and therefore count against the personnel cost cap of 50 percent (50%), include, but are not limited to:

- Overtime/backfill to participate in approved training or exercise deliveries;
- Salaries and personnel costs of planners, equipment managers, exercise coordinators, and/or training coordinators;
- Salaries and personnel costs under the M&A category;
- Contractor costs associated with performing the above activities
 - o A scope of work and contract detailing the job duties and deliverables for all consultants and/or contractors must be provided and approved by the Ohio EMA Grants Branch prior to finalizing any consultant/contractor agreements or contracts;
- Costs associated with providing reasonable accommodations and modifications for workers with disabilities.

FY2018 HSGP funds may not be used to support the hiring of any personnel for the purposes of fulfilling traditional public health and safety duties or to supplant traditional public health and safety positions and responsibilities.

The following are definitions for the terms as used in this grant guidance:

- **Hiring.** State and local entities may use grant funding to cover the salary of newly hired personnel who are exclusively undertaking allowable FEMA program activities as specified in this guidance. This may not include new personnel who are hired to fulfill any non-FEMA program activities under any circumstances. Hiring will always result in a net increase of Full Time Equivalent (FTE) employees.
- **Overtime.** These expenses are limited to the additional costs which result from personnel working over and above 40 hours of weekly work time as a direct result of their performance of FEMA-approved activities specified in this guidance. Overtime associated with any other activity is not eligible.
- **Backfill-related Overtime.** Also called “Overtime as Backfill,” these expenses are limited to overtime costs which result from personnel who are working overtime (as identified above) to perform the duties of other personnel who are temporarily assigned to FEMA- approved activities outside their core responsibilities. Neither overtime nor backfill expenses are the result of an increase of FTE employees.
- **Supplanting.** Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants or grantees may be required to supply documentation certifying that a reduction in non-Federal resources

occurred for reasons other than the receipt or expected receipt of Federal funds.

Equipment Activities

All equipment procured under SHSP must be in support of the maintenance or development of a capability described and typed under the NIMS where such typing guidance exists as published by FEMA. More information on the AEL can be found at the following location: <https://www.fema.gov/authorized-equipment-list>. Unless otherwise stated, equipment must meet all mandatory regulatory and/or DHS-adopted standards to be eligible for purchase using these funds. In addition, agencies will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment.

Before any equipment item is added to the sub-recipient budget, they must first confirm the item conforms to a specific AEL equipment item. It is recognized that the AEL is not an all-inclusive list. Some items that wish to be purchased may not exactly match a specific item in the AEL. In those cases, the county must consult Ohio EMA's Grants Branch to determine whether or not the item meets the intent and restrictions of a given AEL equipment category/item. If Ohio EMA cannot concur or determine the eligibility of the item, they will consult with DHS to confirm eligibility of the item. The sub-recipient must receive approval for the item through the EGMS from Ohio EMA's Grants Branch. This clarification must take place prior to any encumbrance or expenditure of funds for the item in question.

Sub-recipients that are using FY2018 HSGP funds to support emergency communications activities should comply with the *FY2018 SAFECOM Guidance for Emergency Communication Grants*, including provisions on technical standards that ensure and enhance interoperable communications. Emergency communications activities include the purchase of Interoperable Communications Equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission Waiver Order. SAFECOM guidance can be found at <http://www.safecomprogram.gov>.

Maintenance and Sustainment Costs

The use of DHS/FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable, as described in FEMA Policy FP-205- 402-125-1 under all active and future grant awards unless otherwise noted. With the exception of maintenance plans purchased incidental to the original purchase of equipment, the period covered by maintenance or warranty plan must not exceed the period of performance of the specific grant funds used to purchase the plan or warranty.

As an example of maintenance plan purchased incidental to the original purchase, you may submit a grant application to purchase a new piece of equipment and as part of the purchase include the cost of a five year warranty. Even though the warranty exceeds the period of performance, the warranty will be considered an eligible cost.

Grant funds are intended to support the Goal by funding projects that build and sustain the core capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation. In order to provide recipients (or sub-recipients) the ability to meet this objective, the policy set forth in GPD's IB 379 (*Guidance to State Administrative Agencies to Expedite the Expenditure of Certain DHS/FEMA Grant Funding*) allows for the expansion of eligible maintenance and sustainment costs which must be in (1) direct support

of existing capabilities; (2) must be an otherwise allowable expenditure under the applicable grant program; (3) be tied to one of the core capabilities in the five mission areas contained within the Goal, and (4) sharable through the Emergency Management Assistance Compact. Additionally, eligible costs must also be in support of equipment, training, and critical resources that have previously been purchased with either federal grant or any other source of funding other than DHS/FEMA preparedness grant program dollars.

Routine upkeep (e.g., gasoline, tire replacement, routine oil changes, monthly inspections, grounds, and facility maintenance, etc.) *is not considered a maintenance cost*, and as such it is the responsibility of the grantee and may not be funded with preparedness grant funding.

Training Activities

Allowable training-related costs under HSGP include the establishment, support, conduct, and attendance of training specifically identified under the SHSP and UASI program priorities and/or in conjunction with emergency preparedness training by other Federal agencies (e.g., HHS, Department of Transportation). Training conducted using HSGP funds should address a performance gap identified through a TEP or other assessments (e.g., National Emergency Communications Plan [NECP] Goal Assessments) and contribute to building a capability that will be evaluated through a formal exercise.

Any training or training gaps, including those for vulnerable populations including children, the elderly, pregnant women, and individuals with disabilities or access and functional needs, individuals with limited English proficiency and other who have functional needs, should be identified in a TEP and addressed in the State or Urban Area training cycle. Recipients (or sub-recipients) are encouraged to use existing training rather than developing new courses. When developing new courses, grantees are encouraged to apply the Analysis, Design, Development, Implementation and Evaluation model of instructional design (Course Development Tool) located at <https://www.firstrespondertraining.gov>

Training Requirements

All training activities supported by FY2018 HSGP must be eligible based on DHS-FEMA FY2018 grant guidance to Ohio. Training questions from sub-grantees can be answered by Ohio EMA by contacting the following staff: Lisa Jones, Training Coordinator (*ICS, EMI and Consortium Site Courses*) (614) 799-3824 ljones@dps.ohio.gov; Susan Traylor, Training Coordinator (*FEMA G Courses and Ohio Courses*) (614) 799-3666 sctraylor@dps.ohio.gov.

Applicants requesting courses must describe how the course will address both DHS's mission-scope and support the State Investment Justification.

Sub-grantees are required, within 30 days after attendance, to submit information through the SAA via Web-Forms on all training not provided by FEMA, but supported with HSGP funds. This information will consist of course title, course description, mission area, level of training, the training provider, the date of the course, the number and associated disciplines of the individuals, and the sponsoring county.

Sub-grantees intending to use FEMA funds to support attendance at training not provided by FEMA must ensure these courses:

- Fall within the FEMA mission scope to prepare State, local, Tribal, and territorial personnel to prevent, protect against, respond to, and recover from acts of terrorism and catastrophic

- events;
- Build additional capabilities that: (a) support a specific training need identified by the State, territory, and Urban Area, and (b) comport with the State, territory, or Urban Area Homeland Security Strategy ;
- Address specific tasks and/or competencies articulated in FEMA's *Emergency Responder Guidelines* and the *Homeland Security Guidelines for Prevention and Deterrence*
- Address specific capabilities and related tasks articulated in the NPG.
- Support the specific program training activities identified in the individual HSGP grant programs for which the funding will be used

Allowable Training Costs

Allowable training-related costs include, but are not limited to, the following:

- *Developing, Delivering, and Evaluating Training*. Includes costs related to administering the training, planning, scheduling, facilities, materials and supplies, reproduction of materials, disability accommodations, and equipment.
- *Overtime and Backfill*. The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of attendance at FEMA and/or approved training courses and programs, are allowable. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the State or unit(s) of local government and has the approval of the State or the awarding agency, whichever is applicable.
 - In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.
- *Travel*. Costs (e.g., airfare, mileage, per diem, hotel) are allowable as expenses by employees who are on travel status for official business related to an approved training.
- *Hiring of Full or Part-Time Staff or Contractors/Consultants*. Payment of salaries and fringe benefits to full or part-time staff or contractors/consultants must be in accordance with the policies of the State or unit(s) of local government and have the approval of the State or awarding agency, whichever is applicable. Such costs must be included within the funding allowed for program management personnel expenses.
 - A scope of work and contract detailing the job duties and deliverables for all consultants and/or contractors must be provided and approved by the Ohio EMA Grants Branch prior to finalizing any consultant/contractor agreements or contracts.
- *Certification/Recertification of Instructors*. States are encouraged to follow the NTE Instructor Quality Assurance Program to ensure a minimum level of competency and corresponding levels of evaluation of student learning. This is particularly important for those courses that involve training of trainers. This information is contained in IB 193, issued October 20, 2005.

Management and Administration (M&A) Costs and Requirements

Sub-recipients may retain a maximum of up to five percent (5%) of requested funding for management and administrative purposes associated with the HSGP award. M&A costs are specifically attributed to the management and administration of the FY2018 award(s). Indirect costs are not considered administrative costs and are not permitted under the FY2018 HSGP grants. The allowable costs specifically include the following:

- Hiring of full-time or part-time staff or contractors to include, but not limited to, completing pre-grant application Budget Worksheets and Program Narrative; initiating, documenting, and tracking grant expenditures; inventorying equipment purchases; producing or completing required grant reports such as the Request for Cash, Encumbrance Report, and federally-required ISIP and BSIR;
- Overtime and backfill costs related to accomplishing allowed administrative tasks only to the extent the payment for such services is in accordance with the policies of the local unit(s) of government;
- Applicable travel expenses to the extent the payment for such services is in accordance with the policies of the local unit(s) of government;
- Non-food meeting related expenses (2 CFR 200) associated with County's Terrorism Advisory Team to discuss local homeland strategy implementation and/or grant program management;
- Acquisition of authorized office equipment, including personal computers, laptop computers, printers, LCD projectors, and other equipment or software which is required to support the implementation of the FY2018 SHSP and *only when* no such equipment is currently available to accomplish the task;
- Recurring fees/charges associated with *authorized office equipment*, such as cell phones, faxes, etc. (this does *not* pertain to *response equipment* purchased under the eligible equipment program category); and
- Leasing and/or renting of office space for *newly hired personnel* who will administer the programs within FY2018 HSGP, or for personnel currently being paid with SHSP funds for grant administration and will now be responsible to additionally administer FY2018 HSGP funding.

Food Costs

With the exception of food costs associated with travel/per-diem or providing for a meal during the conduct of an exercise where participants do not have the ability to leave, food costs will not be approved. In all cases where food is permitted, costs must be reasonable. Costs will be determined to be reasonable if the per person (documented participants) cost for food is equal to or less than the permitted per diem for the meal provided per the GSA website.

Construction and Renovation

Use of HSGP funds for construction is generally prohibited and will have limited applicability to Ohio's FY2018 offering of HSGP funding.

Environmental Planning and Historic Preservation (EHP) Compliance

FEMA is legally required to consider the potential impacts of all grant-funded projects on environmental resources and historic properties. For HSGP and other preparedness grant programs, this is accomplished via FEMA's EHP Review. Sub-grantees must comply with all applicable EHP laws, regulations, and Executive Orders (EOs) in order to draw down their FY2018 HSGP grant funds. Any project with the potential to impact natural resources or historic properties cannot be initiated until FEMA has completed the required FEMA EHP review. Grantees that implement projects prior to receiving EHP approval from FEMA risk de-obligation of funds.

HSGP projects that involve the installation of equipment, exercises not specifically excluded from a FEMA EHP review per the GPD Programmatic Environmental Assessment (PEA) (for more

information on the PEA see IB 345 and ground-disturbing activities, new construction, including communication towers, or modification/renovation of existing buildings or structures must undergo a FEMA EHP review.

Furthermore, for those proposed construction or renovation projects that are part of larger projects funded from a non-FEMA source (such as an EOC that is part of a larger proposed public safety complex), a FEMA EHP review must be complete before the larger project is initiated. For these types of projects, sub-grantees must complete the FEMA EHP Screening Form (included in this guidance) and submit it, with all supporting documentation, to their Ohio EMA Grant Programs Specialist. Refer to IBs 329, 345, and 356 located at <http://www.fema.gov/> for further details on EHP requirements.

The following activities would not require the submission of the FEMA EHP Screening Form:

- planning and development of policies or processes;
- management, administrative or personnel actions;
- classroom-based training;
- table top exercises and;
- acquisition of mobile and portable equipment (not involving installation).

Projects using HSGP funds that were initiated or completed before an EHP review was concluded will be de-obligated. To avoid unnecessary delays in starting a project, grantees are encouraged to pay close attention to the reporting requirements for an EHP review.

A. Application Requirements

Submission Requirements

Grant agreements, assurances, and additional required documents signed by the fiscal agent, as well as a prioritized list of projects with each regional advisory committee member's signature, must be mailed to Ohio EMA with a postmark no later than November 16, 2018. It is highly recommended that the applicant use a method of delivery that can be tracked, as applications received after the deadline will not be considered. An application template is included with this guidance, however, it is to be used only as a tool to gather project information. The physical applications are not to be submitted, but should be kept on file with the fiscal agent for reference when entering information into EGMS and for audit purposes. All EHP documentation will also need to be submitted with your region's grant package submission.

For FY2018 a completed application package under HSGP consists of **nine** parts:

- FY2018 HSGP regional grant agreement
- 20-16 Summary Sheet for Assurances
- 20-16A Assurances Non-construction
- 20-16B Assurances Construction Program
- 20-16C Lobbying, Debarment, Suspension and Other Requirements
- 20-SF-LLL Disclosure of Lobbying Activities
- NIMS Compliance Certification Statement*
All of the above are to be completed and signed by the fiscal agent
- Regional Project Sign-off Form with an attached list of prioritized projects
- EHP screening tool (as required) for each project

*In order to receive FY2018 HSGP funding, the sub-recipient is required to certify as part of their grant application that they are addressing and/or have met the most current NIMS requirements. Additional information about NIMS requirements, compliance and resources for achieving compliance can be found at Ohio EMA NIMS website <http://www.ema.ohio.gov/NimsGuidance.aspx> or the NIMS Integration Center web page, <http://www.fema.gov/national-incident-management-system>. ****This is still being finalized****

B. Application Processing

Standards for Review

Grants Branch staff will review projects submitted in the Electronic Grants Management System (EGMS) to ensure compliance with this guidance document. Approval of each project will be completed in EGMS. Sub-recipients should utilize the technical expertise of grants staff to ensure they are submitting projects that meet the requirements established in this guidance.

Sub-recipient (regional Fiscal Agent) budget applications in EGMS that do not provide minimum levels of documentation as described in this guidance will be returned to the applying county for revision.

It is the intention of all involved to work from the first prioritized project through the list sequentially until the regional award is expended, provided the projects are allowable and meet all other review criteria established in this section.

C. Post Award Requirements

Issuance of Grant Agreement

A grant agreement, signed and dated by the Ohio EMA Executive Director, has been forwarded with this guidance to the regional fiscal agent. The fiscal agent is to sign and return the grant agreement, along with a list of the region's prioritized projects, to Ohio EMA. Once all projects are entered and approved in EGMS, the regional fiscal agent is authorized to obligate grant funds.

Sub-grantee training

With the acceptance of FY2018 SHSP funding, sub-recipient fiscal agents will be required to participate in grant management/administration training provided by Ohio EMA when such training is made available.

Grant Performance Period

The performance period for the FY2018 HSGP sub-grants can be found on the grant agreement for each sub-grantees' specific award. Note that all costs must be incurred within the period of performance to include receipt and installation of all equipment. No funds may be spent on activities or costs that occur outside of the defined grant performance period. Extensions to the grant performance period listed on the grant agreement is highly unlikely, so sub-recipients should plan accordingly.

Demonstrating progress

Fiscal agents will be held accountable for meeting the milestones listed in the project application.

While there will be a level of flexibility extended, obvious or repetitive lack of progress towards completion of grant funded activities will result in de-obligation of funds. Any de-obligated funds will be re-programmed by the state to projects that can be completed within the period of performance.

Standards for Financial Management

Sub-recipients are required by 2 CFR 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* to have in place an accounting system that maintains records which adequately identify the source and application of funds provided for grant funded projects. The accounting system must include information pertaining to sub-grant awards, obligations, un-obligated balances, assets, liabilities, outlays or expenditures and income. Ohio EMA requirements for sub-recipient accounting include the ability to track expenditures by grant program and by federal fiscal of the award (i.e. FY2009 CCP, FY2010 CCP, etc.).

Procurement

The procurement process is one of, if not the most, scrutinized aspect of the federal grant programs. The emphasis on how procurements are made is based from the 2 CFR200 requirements that “all procurement transactions be conducted in a manner providing full and open competition with the standards of this section (§200.319)”. Additionally, sub-recipients must ensure that they meet the procurement requirements of the Ohio Revised Code and local procurement regulations. All sub-recipients are strongly urged to seek out their procurement department/individual to seek guidance on implementing the grant requirements into the procurement of any grant funded item or service. In accordance with this requirement, sub-recipients will be required to document actions that demonstrate compliance with the “full and open” regulation. 2 CFR 200 (§200.320) offers the following guidance in an effort to help sub-recipients navigate the requirements of procurement:

The non-Federal entity must use one of the following methods of procurement:

- a. **Micro-purchases** – Effective June 20, 2018, the federal micro-purchase threshold was increased from \$3,500 to \$10,000. Micro-purchases are defined as the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$10,000 or the local procurement policy, whichever is more stringent. To the extent possible, the non-Federal entity must distribute these purchases equitably among qualified suppliers; micro-purchases may be awarded without soliciting quotes if the price is considered reasonable and the local policy allows for this; in light of the reasonableness requirement Ohio EMA is suggesting sub-recipients should still seek quotes where feasible. In order to document that the sub-recipient has utilized the strictest of local, state, and federal procurement policies, Ohio EMA will require a copy of the sub-recipient’s local procurement policy with **each** cash request.
- b. **Procurement by small purchase**—price or rate quotations must be obtained from three sources if the cost is more than the Simple Acquisition Threshold and the local policy does not establish a different, lower amount
- c. **Procurement by sealed bid (formal advertising)**-Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price; consult 2 CFR 200 §200.320(c)(1) as well as local policy to determine what conditions make a sealed bid feasible

- d. Procurement by competitive proposals-generally used when conditions are not appropriate for the use of sealed bids; consult 2 CFR 200 §320(d) and local policy to determine the requirements that apply if this type of procurement method is used and must list each of the criteria the selection will be based on.
- e. Procurement by noncompetitive proposals- Will **not** be approved except in RARE circumstances when it is extremely well documented and only due to inadequate competition. Should you only receive one bid or quote you will need to contact the Grants Branch. Any procurement without 3 quotes or bids must have a pre-approval by Ohio EMA.

Sub-recipients should note that the following situations are considered to be restrictive of competition and should be avoided (2 CFR 200 §200.319):

- Placing unreasonable requirements on firms in order for them to qualify to do business,
- Requiring unnecessary experience and excessive bonding,
- Noncompetitive pricing practices between firms or between affiliated companies,
- Noncompetitive awards 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 of other relevant requirements of the procurement, and
- Any arbitrary action in the procurement process.

Sub-recipients will maintain records sufficient to detail the significant history of any procurement. These records will include, but are not necessarily limited to the following: local procurement policy, rationale for the method of procurement, request for quote correspondence, selection of contract type, contractor selection or rejection, and the basis for the contract price. Sub-recipients alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements.

Socioeconomic Contracting Requirements

This section lists the requirements of 2 CFR 200.321 with regard to contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms. While documentation on compliance with this standard will not be required prior to reimbursement, it MUST be in your grant files and available for a monitoring visit by Ohio EMA and FEMA as well as subsequent audits. Sub-grantees can use the resources of the Small Business Administration (SBA) to create a list of women and minority owned businesses that they can contact for solicitation. FEMA has created several tools to assist non-Federal entities with meeting the above-requirements. For further information, visit <https://www.fema.gov/procurement-disaster-assistance-team> and view documents under the Other Resources tab.

Keep in mind that each subgrantee must meet its own documented procurement procedures that reflect State and local laws and regulations, provided that the procurements conform to applicable Federal laws and standards established in 2 C.F.R. §§ 200.318 – 200.326.

- **For example, if we assume that a city has a Minority and Woman-Owned Business Department, and it requires all of its departments to use the resources available through this department when it procures goods and services, then the city must not only meet this local procurement requirement, but also use the services of the SBA.**

- The key for subgrantees is to document in grant files that steps have been taken to meet each of the six requirements of this section. When a subgrantee determines that one of the requirements is infeasible or unnecessary, such as establishing a delivery schedule that encourages participation by small and minority businesses, it needs to document its determination and the facts in the file. This documentation will show that it affirmatively attempted to meet each of the six requirements.
- **IMPORTANT NOTE:** The socioeconomic contracting requirements at 2 C.F.R. 200.321 apply to the following procurement methods: micro-purchases, small purchase procedures, sealed bids, and competitive proposals. Per FEMA legal counsel, “It is possible to follow the requirements, taking into consideration that some have qualitative language (“when economically feasible,” “where the requirements permit”).”

“2 CFR 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

- a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.*
- b) Affirmative steps must include:*
 - 1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;*
 - 2) Assuring that small and minority businesses, and women's business enterprises are solicited **whenever they are potential sources**;*
 - 3) Dividing total requirements, **when economically feasible**, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;*
 - 4) Establishing delivery schedules, **where the requirement permits**, which encourage participation by small and minority businesses, and women's business enterprises;*
 - 5) Using the services and assistance, **as appropriate**, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and*
 - 6) Requiring the prime contractor, **if subcontracts are to be let**, to take the affirmative steps listed in paragraphs (1) through (5) of this section.”*

Source Documentation

2 CFR Part 200 also requires that accounting records be supported by such source documentation as cancelled checks, paid bills, auditor payroll journals, signed (by employee and supervisor) time and attendance records, contract and sub-grant award documents, etc. As such, Ohio EMA requires that sub-recipients have source documentation available prior to requesting cash reimbursement. Proper documentation for select items is as follows but not all inclusive but can be used as a minimum guideline:

- Travel costs
 - Copy of the government unit travel policy. Please specify if employee is being reimbursed directly by Fiscal Agent Jurisdiction or another local agency and their policy
 - Receipts/documentation as required by travel policy

- Federal Per Diem Policy must be followed unless the jurisdiction reimbursing employee has outlined their own specific per diems.
- Personnel costs
 - Current official jurisdiction approved position description
 - Time and Effort documentation with activity reports reflecting allowable work and accomplishments as it pertains to the program and outlined in 2 CFR 200.
- Contract costs
 - Procurement Documentation
 - Copy of draft contract for eligibility review prior to contract award
 - Copy of awarded contract for grant file
 - Deliverables and timeline listed in contract
 - Terms of payment outlined in contract
 - For contracts to an individual, a signature of the “contractor” is required.
- Equipment costs
 - Procurement
 - Contracts
 - Invoice (not quote) for equipment purchased
 - Documentation that equipment is received on site and installed as necessary
- Meeting/Conference/Training costs
 - Procurement Documentation
 - Invoices
 - Contracts
 - Agenda/Course Description
 - Attendance roster or Certification (certificate required for training)

Changes

Per 2 CFR Part 200, sub-recipients must obtain prior approval of the awarding agency (Ohio EMA) in any case where a change is to be made to the scope of the project, regardless of budget impact. Ohio EMA will require all sub-recipients to request a budget modification and approval, to include EHP approval, through EGMS prior to costs being incurred for the item(s) to be changed. Costs incurred prior to appropriate actions being taken to modify and approve the budget may result in costs being denied for reimbursement.

Equipment and Supplies Requirements

Utilization of HSGP funds for equipment purchases requires that sub-recipients maintain specific documentation on each item through its useful life until final disposition occurs. Per 2 CFR 200, procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

- Property records must be maintained that include (2 CFR 200 §200.313(d) *Management requirements*):
 - A description of the property,
 - A serial number or other identification number,
 - Who holds title,
 - The acquisition date, and cost of the property,
 - The source of property,
 - Percentage of Federal participation in the cost of the property,
 - The location, use and condition of the property, and

- Any ultimate disposition data including the date of disposal and sale price of the property.
- A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
- A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.
- Adequate maintenance procedures must be developed to keep the property in good condition.
- If the sub-grantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

When the equipment is no longer needed for the original project and/or has outlasted its useful life, 2 CFR 200 §200.313(e) prescribes the following requirements for final disposition:

- Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.
- Except in limited circumstances, items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency (FEMA through Ohio EMA) shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.
- The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the fair market value of the property.
- In cases where a recipient or sub-recipient fails to take appropriate disposition actions, the awarding agency may direct the recipient or sub-recipient to take excess and disposition actions.

Supplies as defined as tangible personal property other than “equipment” for used in this guidance have a disposition requirement when the residual value of the combined unused inventory exceeds \$5,000. In cases where this may occur, the awarding agency is entitled to its share of the value of the remaining inventory.

Sub-Granting

No sub-recipient receiving FY2018 HSGP funding may sub-grant funding to another entity without prior coordination and approval from Ohio EMA. In order to be granted permission to sub-grant, the managing county will have to demonstrate an ability to ensure compliance with all terms, conditions and requirements of the federal grant guidance and this guidance.

Single Audit Requirements

Sub-recipients are responsible for obtaining audits in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–7507); 31 U.S.C. 503, 1111; Executive Order 8248; Executive Order 11541; and 2 CFR 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.*” The audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial audits. Sub-recipients must ensure that funds received and expended under this grant program are coordinated with the county’s fiscal office (treasurer, auditor, etc.)

Audit Findings

Ohio EMA as the SAA takes serious the responsibility of administering the grant funds we are entrusted with from DHS/FEMA. This guidance refers to the Super Circular (2 CFR Part 200) and the requirements therein. Sub-recipients (regional fiscal agents) should refer to the Super

Circular and ensure they are meeting all requirements set forth therein. In addition all requirements set forth in this guidance are passed along to sub-recipients (regional fiscal agents). Sub-recipients (regional fiscal agents), by signing the grant agreement, agree to be bound by all requirements set forth in this guidance, the grant agreement, and the Super Circular. As a result, any audit findings that occur with respect to improper procurement or from not abiding by the requirements set forth in this guidance will be the responsibility of the sub-recipient (regional fiscal agent). Ohio EMA will assume no financial responsibility for said audit findings, and if forced to pay on behalf of the sub-recipient (regional fiscal agent) will take all action necessary to recover those costs.

Reporting Requirements

Upon official award, applicants acknowledge they agree to complete quarterly reports to the Ohio EMA; and also agree to update the Bi-annual Strategy Implementation Report (BSIR) on the federal Grants Reporting Tool (GRT), due as available from DHS-FEMA and coordinated by Ohio EMA each year until the grant concludes, and then to complete one final BSIR within 120 days of the federal grant closure date. Further information on quarterly and bi-annual reporting will be provided with issuance of the official grant agreement.

Continuing in the FY2018 cycle, sub-recipients (regional fiscal agents) will be monitored for fiscal performance utilizing the quarterly reports. Ohio EMA staff will be contacting sub-recipients (regional fiscal agents) that do not reflect adequate spending levels on the quarterly reports in an effort to encourage active spending of the grant award and proactively address problems the Sub-recipient (regional fiscal agent) is experiencing.

D. Payment

Reimbursement Requests

The reimbursement request process for the FY2018 HSGP programs will be executed solely through the EGMS system. In order to be processed, Ohio EMA will require that reimbursements include documentation noting that services have been completed (contract, personnel, etc.) and/or that equipment has been received on site and invoiced. To be reimbursed, costs must be eligible and proper back-up documentation must be submitted through the EGMS.

Sub-Recipients must submit cash reimbursement requests as expenses are incurred or no less than once a quarter. Failure to do so will result in improper federal reporting and may result in loss of funds.

Upon approval by the Grants Branch, the sub-recipients' funds will be requested for payment from Ohio EMA's fiscal unit. The payment process entails requesting money from the federal entity, receiving funds at the state level, vouchering the funds and the dispatching of an EFT/warrant to the sub-grantee. While this process relies heavily on external stakeholders, Ohio EMA will work to ensure the quickest processing of sub-grantee payments.

Standards for Review

The reimbursement review process includes an initial review for completeness, determination of eligibility and data entry of the cash request for tracking/monitoring. This review is conducted by the Grants Specialist and focuses on accuracy of requests, prior approval of costs in the budget and ensuring complete documentation accompanies the request. Cash requests that are properly executed by the sub-recipient will be processed in 10 business days or less.

If a request is not complete (including but not limited to the following items: lack of proper documentation, costs not included on the approved budget, no prior EHP approval, etc.) the request will be rejected to the sub-recipient fiscal agent for revision. Sub-recipients are encouraged to utilize their Grants Specialist for technical assistance in filling out the cash request and compiling documentation to support the cash request prior to submission in an attempt to expedite the approval process.

E. Enforcement, Termination and After the Grant Requirements

Ohio EMA is required to monitor the sub-recipient's (regional fiscal agent's) compliance with the Federal statutes, regulations, State law and terms and conditions of the sub award as codified in 2 CFR 200.331. If Ohio EMA becomes aware of an area of non-compliance it will inform the sub-recipient (regional fiscal agent) through a Notice-of-Non-Compliance. The sub-recipient (regional fiscal agent) may be given steps to remedy the area(s) of non-compliance, or if the non-compliance cannot be remedied then Ohio EMA will take action against the sub-recipient (regional fiscal agent) congruent to 2 CFR 200.338-339. Ohio EMA can impose any of the following actions for non-compliance: temporary withholding of funding, disallowing costs and/or reimbursements, wholly or partially suspend an award of funds, initiate suspension or other departmental proceedings, withhold further funding or participation in the program, and any other remedy that is legally available. Below is an outline of the monitoring process the sub-recipient is agreeing to follow:

- A. Notice of Non-Compliance: The Ohio EMA Grants Branch Chief will send electronic notice of Non-Compliance to the sub-recipient. The Notice of Non-Compliance will inform the sub-recipient of the following: The area(s) of non-compliance;
 - B. Either (1) the steps required to of the sub-recipient to come into compliance and the date by which the sub-recipient must demonstrate compliance and the agency action if compliance is not met; or (2) Ohio EMA's action against the sub-recipient if Ohio EMA determines non-compliance cannot be remedied;
 - C. The method for requesting review of compliance steps or agency action.
2. Review sub-recipient's submission of compliance: In the event the sub-recipient submits compliance documentation, Ohio EMA Grants Administrator, in conjunction with the Grants Branch Chief, will review the sub-recipient's written submission and determine if there is full compliance. If the sub-recipient has not met full compliance, Ohio EMA will take agency action, through a Notice of Action, the sub-recipient received notice of in the previously issued Notice of Non-Compliance.
 3. Method for requesting review: Sub-recipient will have thirty (30) days from the date of the Notice of Action to request reconsideration with the Executive Director. The sub-recipient must send the request in writing and should include any additional information or documentation within the thirty day period for the Executive Director to consider. The Executive Director will make a decision in writing within sixty (60) days of receipt of the request for reconsideration. However, if the Executive Director needs additional time she will notify the sub-recipient of the extended time frame. The decision of the Executive Director is final. The sub-recipient is not entitled to any further appeals within Ohio EMA, or pursuant to any federal or state regulation, code, or procedure.

Ohio's Public Records Law generally requires disclosure of information. Ohio Revised Code Section 149.43 sets forth requirements, along with exceptions for disclosure. Specifically, Section 149.433 allows some security information to be exempt from disclosure.

Applicants are encouraged to consult state and local laws and regulations and discuss these requirements with their legal counsel. Sub-recipients should be familiar with the regulations governing protected critical infrastructure information (6 C.F.R. Part 29) and sensitive security information (49 C.F.R. Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

POINTS OF CONTACT

For **Grant Fiscal and Administrative** needs, contact:

Grants Specialists

- Rudi Blaser – Regions 3,5,8 614-799-3825 or via rblaser@dps.ohio.gov
- Dan Green – Regions 1,2, 614-799-3820 or via dpgreen@dps.ohio.gov
- Tim Manns – Regions 4,6,7 614-799-6624 or via trmanns@dps.ohio.gov

- Margo Schramm, Interim Grants Branch Chief 614-799-3843 or via mlschramm@dps.oh.gov

LIST OF APPENDICES:

Appendix A) Terms and Conditions of the Grant and Sub-Grant

Appendix B) Grant Application Checklist

Appendix C) Detailed list of Planning Activities

Appendix D) Information Bulletin No. 426 FEMA Guidance Regarding Implementation of Executive Order #13809 Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources

Appendix A: Terms and Conditions of the Grant

Ohio EMA, as the recipient of this grant is required to advise all sub-recipients of the HSGP program of the requirements imposed upon them by Federal statute, executive orders and regulations. Please carefully review and understand the following pages.

Freedom of Information Act (FOIA). Information submitted in the course of applying for funding under this program or provided in the course of an entity's grant management activities which is under Federal control is subject to the *Freedom of Information Act* (FOIA), 5 U.S.C. §552. The applicant is also encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. Note that some information, though not considered classified, may be protected from release or in how it is released. It is important to understand those laws and regulations that fall into an alternate category of Sensitive But Unclassified (SBU) information.

- **Sensitive But Unclassified (SBU).** SBU is a designation of information in the United States Federal government that, though unclassified, often requires strict controls over its distribution. SBU is a broad category of information that includes material covered by such designations as For Official Use Only (FOUO), Law Enforcement Sensitive (LES), Sensitive Homeland Security Information, Security Sensitive Information (SSI), Protected Critical Infrastructure Information (PCII), etc. Some categories of SBU information have authority in statute or regulation (e.g. SSI, CII) while others, including FOUO, do not.
- **Sensitive Security Information (SSI).** Information submitted in the course of applying for funding or reporting under certain programs or provided in the course of an entity's grant management activities under those programs which is under Federal control is subject to protection under SSI, and must be properly identified and marked. Sensitive Security Information (SSI) is a control designation used by the Department of Homeland Security related to protecting information related to transportation security. It is applied to information about security programs, vulnerability and threat assessments, screening processes, technical specifications of certain screening equipment and objects used to test screening equipment, and equipment used for communicating security information relating to air, land, or maritime transportation. The applicable information is spelled out in greater detail in 49 CFR Part §1520.7.
- **Protected Critical Infrastructure Information (PCII).** The PCII Program, established pursuant to the *Critical Infrastructure Act of 2002* (Public Law 107-296) (*CII Act*), created a framework which enables members of the private sector, States, local jurisdictions, and Tribal nations to voluntarily submit sensitive information regarding critical infrastructure to DHS. The Act provides statutory protection from public disclosure and civil litigation for CII that is validated as PCII. When validated as PCII, the information can only be shared with government employees who complete the training requirement, who have homeland security duties, and a need to know. PCII accreditation is a formal recognition that the covered government entity has the capacity and capability to receive and store PCII appropriately. DHS encourages all States, local jurisdictions, and Tribal nations to pursue PCII accreditation to cover their government agencies. Accreditation activities include signing a memorandum of agreement (MOA) with DHS, appointing a PCII Officer and developing a standard operating procedure for handling PCII. For additional information about PCII or the accreditation process, please contact the DHS PCII Program Office at pcii-info@dhs.gov.
- **Chemical-terrorism Vulnerability Information (CVI).** DHS issues a Manual to provide guidance on how to identify, handle and safeguard information developed by private and public entities under Section 550 of Public Law 109-295 and its implementing regulations, the Chemical Facility Anti-Terrorism Standards (CFATS), 6 CFR Part §27. Pursuant to CFATS. This information is known as Chemical-terrorism Vulnerability Information, or CVI, is relevant for anyone authorized to possess or receive CVI (including chemical facility officers, employees, representatives and contractors, and Federal, State, local and Tribal government employees and contractors), as well as anyone who obtains what they reasonably should know is CVI. http://www.dhs.gov/xlibrary/assets/chemsec_cvi_proceduresmanual.pdf

- **Sensitive Personally Identifiable Information (Sensitive PII).** Certain personally identifiable information, if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual and needs to be carefully managed. Social Security number or alien number (A-number), for example, requires stricter handling guidelines because of the increased risk to an individual if compromised. A key part of the DHS mission to protect the homeland is to minimize our impact on individual privacy. In this regard DHS has developed a *Handbook for Safeguarding Sensitive PII, which can be found at http://www.dhs.gov/xlibrary/assets/privacy/privacy_guide_spII_handbook.pdf*. As required by OMB M- 07-16, these rules also apply to DHS licensees, certificate holders, and grantees that handle or collect PII, including Sensitive PII, for or on behalf of DHS.

Civil Rights Act of 1964. All recipients of financial assistance will comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Civil Rights Act of 1968. All recipients of financial assistance will comply with Title VIII of the *Civil Rights Act of 1968*, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. §3601 *et seq.*), as implemented by the Department of Housing and Urban Development at 24 CFR Part §100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—*i.e.*, the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 CFR Part §100.201).

Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act). All recipients of financial assistance will comply with the requirements of Title IX of the *Education Amendments of 1972* (20 U.S.C. §1681 *et seq.*), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part §19.

Age Discrimination Act of 1975. All recipients of financial assistance will comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Americans with Disabilities Act of 1990. All recipients of financial assistance will comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12101–12213).

Limited English Proficiency (Civil Rights Act of 1964, Title VI). All recipients of financial assistance will comply with the requirements of Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding LEP obligations, go to <http://www.lep.gov>.

Lobbying Prohibitions. None of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement. These lobbying prohibitions can be found at 31 U.S.C. §1352.

Drug-Free Workplace Regulations. All recipients of financial assistance will comply with the requirements of the *Drug-Free Workplace Act of 1988* (412 U.S.C. §701 *et seq.*), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at 44 CFR Part §17.

Debarment and Suspension. Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarment or suspending those persons deemed irresponsible in their dealings with the Federal government. The recipient must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see 2 CFR Part §3000.

Federal Debt Status. The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129, also refer to SF-424, item number 17.)

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

Rehabilitation Act of 1973. All recipients of financial assistance will comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. §794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

For additional detailed information, please refer to the following:

FEMA Office of Disability Integration and Coordination. at <http://www.fema.gov/about/odic>.

Guidelines for Accommodating Individuals with Disabilities in Disaster. at <http://www.fema.gov/oer/reference/>.

Disability and Emergency Preparedness Resource Center. available at <http://www.disabilitypreparedness.gov>.

ADA Best Practices. available at <http://www.ada.gov/pcatoolkit/toolkitmain.htm>.

National Environmental Policy Act (NEPA) of 1969. All recipients of financial assistance will comply with the requirements of the *NEPA*, as amended, 42 U.S.C. §4331 *et seq.*, which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for its grant-supported activities, DHS requires the environmental aspects of construction grants (and certain non-construction projects as specified by the component and awarding office) to be reviewed and evaluated before final action on the application.

Equipment Marking. Awardees may consider marking equipment in the following manner, "Purchased with funds provided by the U.S. Department of Homeland Security," in order to facilitate their own audit processes, as well as Federal audits and monitoring visits, which may result from receiving Federal funding. Equipment maintenance requirements are outlined in 44 CFR Part §13.32.

Disadvantaged Business Requirement. Applicants are advised that, to the extent that recipients of a grant use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.

National Preparedness Reporting Compliance. *The Government Performance and Results Act of 1993* (Public Law 103-62) (GPRA) requires that the Department collect and report performance information on all programs. For grant programs, the prioritized Investments and their associated milestones provide an important tool for assessing grant performance and complying with these national preparedness reporting requirements. FEMA will work with grantees to develop tools and processes to support this requirement. FEMA anticipates using this information to inform future-year

grant program funding decisions. Award recipients must agree to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within their grant agreement. This includes any assessments, audits, or investigations conducted by DHS, the Office of the Inspector General, or the U.S. Government Accountability Office (GAO).

Animal Welfare Act of 1966. All recipients of financial assistance will comply with the requirements of the *Animal Welfare Act*, as amended (7 U.S.C. §2131 *et seq.*), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the *Guide for the Care and Use of Laboratory Animals* and comply with the *Public Health Service Policy and Government Principles Regarding the Care and Use of Animals*.

Clean Air Act of 1970 and Clean Water Act of 1977. All recipients of financial assistance will comply with the requirements of 42 U.S.C. §7401 *et seq.* and Executive Order 11738, which provides for the protection and enhancement of the quality of the Nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters is considered research for other purposes.

Protection of Human Subjects. All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part §46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, *Protection of Human Subjects*, prior to implementing any work with human subjects. For purposes of 45 CFR Part §46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part §46.

National Flood Insurance Act of 1968. All recipients of financial assistance will comply with the requirements of Section 1306(c) of the *National Flood Insurance Act*, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at 44 CFR Part §63.

Flood Disaster Protection Act of 1973. All recipients of financial assistance will comply with the requirements of the *Flood Disaster Protection Act of 1973*, as amended (42 U.S.C. §4001 *et seq.*), which provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one year of the identification. The flood insurance purchase requirement applies to both public and private applicants for DHS support. Lists of flood-prone areas that are eligible for flood insurance are published in the *Federal Register* by FEMA.

Coastal Wetlands Planning, Protection, and Restoration Act of 1990. All recipients of financial assistance will comply with the requirements of Executive Order 11990, which provides that federally funded construction and improvements minimize the destruction, loss, or degradation of wetlands. The Executive Order provides that, in furtherance of Section 101(b)(3) of NEPA (42 U.S.C. § 4331(b)(3)), Federal agencies, to the extent permitted by law, must avoid undertaking or assisting with new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. The public disclosure requirement described above also pertains to early public review of any plans or proposals for new construction in wetlands. This is codified at 44 CFR Part §9.

USA Patriot Act of 2001. All recipients of financial assistance will comply with the requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (USA PATRIOT Act), which amends 18 U.S.C. §§175–175c. Among other things, it prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose. The Act also establishes restrictions on access to specified materials. —Restricted persons,^l as defined by the Act, may not possess, ship, transport, or receive any biological agent or toxin that is listed as a select agent.

Trafficking Victims Protection Act of 2000. All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. §7104), located at 2 CFR Part §175. This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a sub-recipient —

Engages in severe forms of trafficking in persons during the period of time that the award is in effect; 15

Procures a commercial sex act during the period of time that the award is in effect; or

Uses forced labor in the performance of the award or sub-awards under the award. Full text of the award term is provided at 2 CFR §175.15.

Fly America Act of 1974. All recipients of financial assistance will comply with the requirements of the Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds requirement, which states preference for the use of U.S. flag air carriers (air carriers holding certificates under 49 U.S.C. §41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. §40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

Activities Conducted Abroad. All recipients of financial assistance will comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained. All recipients of financial assistance will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

Copyright. All recipients of financial assistance will comply with requirements that publications or other exercise of copyright for any work first produced under Federal financial assistance awards hereto related unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this award, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the recipient grants the government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for government purposes in all such copyrighted works. The recipient shall affix the applicable copyright notices of 17 U.S.C. §401 or 402 and an acknowledgement of government sponsorship (including award number) to any work first produced under an award.

Use of DHS Seal, Logo, and Flags. All recipients of financial assistance must obtain DHS' approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

DHS Specific Acknowledgements and Assurances. All recipients of financial assistance must acknowledge and agree—and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

- Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.

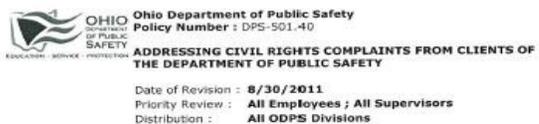
- Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations *and* other applicable laws or program guidance.
- Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
- If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
- In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.
- The United States has the right to seek judicial enforcement of these obligations.

Prohibition on Using Federal Funds

The recipient understands and agrees that it cannot use any Federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.

State Policy Requirements Affecting Grant Programs

The following Ohio Department of Public Safety policies are included as required by the policy.



Summary of Revisions

New policy to ensure compliance with Title VI of the Civil Rights Act of 1964 and other federal laws and regulations prohibiting discrimination.

Purpose

To provide guidelines and procedures that allow the Ohio Department of Public Safety (ODPS) to process and forward complaints alleging discrimination from clients, customers, program participants, or consumers of ODPS or ODPS grant recipients.

Policy

A. STATEMENT OF POLICY

1. All individuals have the right to participate in programs and activities operated by ODPS and ODPS grant recipients regardless of race, color, national origin, sex, religion, disability, and age. **ODPS will make every effort to ensure ODPS and its grant recipients comply with Title VI of the Civil Rights Act of 1964, the Omnibus Crime Control and Safe Streets Act of 1968, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the DOJ regulations on the Equal Treatment for Faith-Based Organizations.**

2. RETALIATION

- a. Persons who believe they have been discriminated against on the basis of their membership in a protected class (race, color, religion, sex, national origin, disability, age, ancestry, or military status) shall not be retaliated against in terms and conditions of employment or services for exercising their right to file a discrimination complaint or inquiry.
- b. No person who participates in the investigation of a complaint, or is a witness in an investigation, or brings attention to a person in authority, of an alleged discrimination shall be retaliated against.

B. DEFINITIONS

1. **Discrimination:** To make a distinction, show bias towards, or be prejudicial against, a person or thing on the basis of the group, class, or category to which the person or thing belongs, rather than according to actual merit.
2. **Civil Rights Complaint Coordinator:** Person designated by ODPS who is responsible for receiving and acknowledging discrimination complaints and forwarding them to the U.S. Department of Justice (DOJ), Office of Justice Programs, Office for Civil Rights (OCR); the Ohio Civil Rights Commission

(OCRC), or other appropriate agency for review of the complaint to determine if a violation was committed. The ODPS EEO Manager shall be the designated Civil Rights Complaint Coordinator.

3. **Grant Recipient:** An agency or organization that receives funding from a division within ODPS, whether it is federal pass-through funding or a state grant. ODPS divisions that provide grants to agencies and organizations include, but are not limited to, the Office of Criminal Justice Services (OCJS), Ohio Emergency Management Agency (EMA) and Ohio Homeland Security (OHS).
4. **Retaliation:** Occurs when adverse action is taken against an individual in a protected class because he or she engaged in protected activity.
5. **Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d):** Prohibits an individual from being excluded from participation in, being denied the benefits of, or being subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, or national origin as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart C).
6. **Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. §3789d(c)(1)):** Prohibits recipients that receive federal funding under this statute from discriminating, either in employment practices or in the delivery of services or benefits, on the basis of race, color, religion, national origin, and sex as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart D).
7. **Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794):** Prohibits discrimination on the basis of disability, in regard to both employment and the delivery of services or benefits, in any program or activity receiving federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart G).
8. **Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132):** Prohibits discrimination against qualified individuals with disabilities, in regard to both employment and the delivery of services or benefits, in all programs, activities, and services of public entities as set forth in the DOJ implementing regulations (28 C.F.R. Part 35). Title II applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments.
9. **Title IX of the Education Amendments of 1972 (20 U.S.C. §1681):** Prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 54).
10. **Age Discrimination Act of 1975 (42 U.S.C. §6102):** Prohibits discrimination on the basis of age in the programs and activities receiving federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart 1). The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meet the Act's requirements.
11. **DOJ regulations on the Equal Treatment for Faith-Based Organizations:** Prohibits discrimination on the basis of religion in the delivery of services and prohibits organizations from using DOJ funding on

inherently religious activities (28 C.F.R. Part 38).

C. COMPLAINT PROCEDURES

1. ODPS shall accept and acknowledge all discrimination complaints from clients, customers, program participants, or consumers of ODPS or ODPS grant recipients. All discrimination allegations and complaints shall be referred to the designated ODPS Civil Rights Complaint Coordinator.
2. A client, customer, program participant or consumer may file a complaint of discrimination via email to the appropriate ODPS grant coordinator or via U. S. Mail to the attention of the ODPS Civil Rights Complaint Coordinator (1970 West Broad Street, Columbus, OH, 43223). The complaint should include the complainant's name, contact information, and a brief explanation of the alleged discrimination. If the complaint is sent to an ODPS Grant Coordinator, that employee shall forward it immediately to the ODPS Civil Rights Complaint Coordinator.
3. The Complaint Coordinator shall provide an acknowledgement of the complaint to the client, customer, program participant, or consumer via e-mail or in a letter confirming the complaint has been received. The contents of the acknowledgement response must include information specifying the external agency to which the complaint has been forwarded for investigation, and provide information in which the complainant can contact that agency directly. If the complaint is against the ODPS or an ODPS grant recipient implementing funding from the DOJ and the ODPS is not forwarding the complaint to the OCR, the acknowledgement response shall also notify the complainant that he/she may file a complaint directly with the OCR at the following address:

**Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street NW
Washington, D.C. 20531**

4. The Complaint Coordinator shall then forward the complaint to OCR, OCRC, or other appropriate agency. The complaint shall be investigated by the appropriate agency.
5. All clients, customers, program participants, or consumers of ODPS or ODPS grant recipients shall have access to these procedures at any time via the ODPS website (www.publicsafety.ohio.gov).
6. Any client, customer, program participant, or consumer may choose to file a complaint directly with the DOJ-OCR (if the complaint is against the ODPS or an ODPS grant recipient implementing funding from the DOJ), OCRC, or the appropriate agency as opposed to filing with ODPS. If a complaint is filed directly with an outside agency, ODPS requests that a courtesy copy be forwarded to the ODPS Civil Rights Complaint Coordinator by the complainant. If the complaint is against an ODPS grant recipient, once the grant recipient becomes aware of the complaint, the grant recipient must notify the ODPS Civil Rights Complaint Coordinator of the complaint and how it is being investigated.

D. TRAINING

1. ODPS shall provide annual training for agency employees on these complaint

procedures. The training shall explain an employee's responsibility to refer discrimination complaints from clients, customers, program participants, or consumers to the Complaint Coordinator. This information shall be disseminated to new ODPS employees during new employee orientation training or as appropriate. ODPS will also disseminate a copy of these complaint procedures to ODPS grant recipients.

2. The current policy shall be evaluated annually to determine its effectiveness. ODPS shall make any necessary changes to ensure the complaint process is timely and efficient.

Current Form and Supplemental References

Department of Justice Informational Links:

- [Title VI of the Civil Rights Act of 1964 \(42 U.S.C. 42000d\)](#)
- [Omnibus Crime Control and Safe Streets Act of 1968 \(42 U.S.C. 6720\(a\)\(1\)\)](#)
- [Section 504 of the Rehabilitation Act of 1973 \(29 U.S.C. 794, Section 794\)](#)
- [Title II of the Americans with Disabilities Act of 1990 \(42 U.S.C. 62121\)](#)
- [Title IX of the Education Amendments of 1972 \(20 U.S.C. 1681\)](#)
- [Age Discrimination Act of 1975 \(42 U.S.C. 6102\)](#)
- [DOJ regulations on the Equal Treatment for Faith-Based Organizations](#)

Standard References

None

Policy References

DPS-100.01	ADMINISTRATIVE INVESTIGATIONS
DPS-501.01	WORK RULES - NON-SWORN BARGAINING UNIT PERSONNEL
DPS-501.02	WORK RULES - SWORN PERSONNEL
DPS-501.03	WORK RULES - EXEMPT PERSONNEL
DPS-501.04	WORK RULES - TEMPORARY WORKERS, CONTRACT VENDORS, CONSULTANTS, NON-DPS STAFF
DPS-501.15	INITIAL EMPLOYMENT ORIENTATION TRAINING
DPS-501.29	DISCRIMINATION AND UNLAWFUL HARASSMENT
OSP-103.19	ADMINISTRATIVE INVESTIGATIONS - DSP EMPLOYEES
OSP-203.03	POWERS / DUTIES, AUTHORITY / CODE OF ETHICS / OATH / RULES AND REGULATIONS



**ADDRESSING COMPLAINTS OF EMPLOYMENT
DISCRIMINATION AGAINST ODPS GRANT RECIPIENTS**

Date of Revision : **8/30/2011**
Priority Review : **All Employees ; All Supervisors**
Distribution : **All ODPS Divisions**

Summary of Revisions

New policy to ensure compliance with federal laws and regulations prohibiting employment discrimination.

Purpose

To provide guidelines and procedures that allow the Ohio Department of Public Safety (ODPS) to process and forward complaints alleging employment discrimination by employees or applicants of ODPS grant recipients.

Policy

A. STATEMENT OF POLICY

1. It is the policy of ODPS to prohibit discriminatory employment practices against anyone employed by an ODPS grant recipient, and to ensure all employees have equal employment opportunity. It is the policy of the State of Ohio and ODPS to ensure a working environment free from any discrimination and to prohibit sexual harassment of applicants, customers, clients, and employees, including discriminatory sexual advances or harassment adversely affecting an employee's terms and conditions of employment either directly or indirectly. **ODPS will ensure that grant recipients comply with all applicable federal laws regarding employment discrimination.**

2. RETALIATION

- a. Persons who believe they have been discriminated against on basis of their membership in a protected class (race, color, religion, sex, national origin, disability, age, ancestry, or military status) shall not be retaliated against in terms and conditions of employment or services for exercising their right to file a discrimination complaint or inquiry.
- b. No person who participates in the investigation of a complaint, or is a witness in an investigation, or brings attention to a person in authority, of an alleged discrimination complaint shall be retaliated against.

B. DEFINITIONS

- 1. **Discrimination:** To make a distinction, show bias towards, or be prejudicial against, a person or thing on the basis of the group, class, or category to which the person or thing belongs, rather than according to actual merit.
- 2. **Civil Rights Complaint Coordinator:** Person designated by ODPS who is responsible for acknowledging discrimination complaints filed by employees

or applicants of ODPS grant recipients and forwarding them to one of the following: U.S. Equal Employment Opportunity Commission (EEOC); the U.S. Department of Justice (DOJ), Office for Civil Rights (OCR); the Ohio Civil Rights Commission (OCRC); or other appropriate agency. The ODPS EEO Manager shall be the designated Civil Rights Complaint Coordinator.

- 3. **Grant Recipient:** An agency or organization that receives funding from a division within ODPS, whether it is federal pass-through funding or a state grant. ODPS divisions that provide grants to agencies and organizations include the Office of Criminal Justice Services (OCJS), Ohio Emergency Management Agency (EMA) and Ohio Homeland Security (OHS).
- 4. **Retaliation:** Occurs when adverse action is taken against an individual in a protected class because he or she engaged in protected activity.
- 5. **Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. §3789d(c)(1)):** Prohibits discrimination on the basis of race, color, religion, national origin, and sex, in regard to both employment practices and the delivery of services, in any program or activity receiving federal financial assistance under this statute as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart D).
- 6. **Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132):** Prohibits discrimination against qualified individuals with disabilities, in regard to both employment and the delivery of services or benefits, in all programs, activities, and services of public entities as set forth in DOJ implementing regulations (28 C.F.R. Part 35).
- 7. **Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794):** Prohibits discrimination on the basis of disability, in regard to both employment and the delivery of services or benefits, in any program or activity receiving federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart G).
- 8. **Title IX of the Education Amendments of 1972 (20 U.S.C. §1681):** Prohibits discrimination on the basis of sex, in regard to both employment and the delivery of services or benefits, in educational programs receiving federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 54).

C. COMPLAINT PROCEDURES

- 1. ODPS shall accept and acknowledge all discrimination complaints from employees or applicants of ODPS grant recipients. All discrimination allegations and complaints shall be referred to the designated ODPS Civil Rights Complaint Coordinator.
- 2. An employee or applicant of an ODPS grant recipient may file a complaint of discrimination via e-mail to the appropriate ODPS grant coordinator or via U.S. Mail directly to the attention of the ODPS Civil Rights Complaint Coordinator (1970 West Broad Street, Columbus, Oh, 43223). The complaint should include the complainant's name, contact information, and a brief explanation of the alleged discrimination. If the complaint is sent to an ODPS Grant Coordinator, that employee shall forward it immediately to the ODPS Civil Rights Complaint Coordinator.
- 3. The Complaint Coordinator shall provide an acknowledgement of the complaint to the employee or applicant of the ODPS grant recipient via e-

mail or in a letter confirming the complaint has been received. The contents of the acknowledgement response must include information specifying the external agency to which the complaint has been forwarded for investigation. If the complaint is against an ODPS grant recipient implementing funding from the DOJ and the ODPS is not forwarding the complaint to the OCR, the acknowledgement response shall also notify the complainant that he/she may file a complaint directly with the OCR at the following address:

**Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street NW
Washington, D.C. 20531**

4. The Complaint Coordinator shall then forward the complaint to the EEOC, DOJ-OCR, OCRC, or other appropriate agency. The complaint shall be investigated by the appropriate agency.
5. All employees or applicants of ODPS grant recipients shall have access to these procedures at any time via the ODPS website (www.publicsafety.dhs.gov).
6. Any employee or applicant of an ODPS grant recipient may choose to file a complaint directly with the grant recipient, EEOC, DOJ-OCR (if the grant recipient receives funding from the DOJ), OCRC, or other appropriate agency as opposed to filing with ODPS. If a complaint is filed directly with the grant recipient or with an outside agency, once the grant recipient becomes aware of the complaint, the grant recipient must notify the ODPS Civil Rights Complaint Coordinator of the complaint and how it is being investigated.

D. TRAINING

1. ODPS shall provide annual training for agency employees on these complaint procedures. The training shall explain an employee's responsibility to refer discrimination complaints from employees or applicants of ODPS grant recipients to the Complaint Coordinator. This information shall be disseminated to new ODPS employees during new employee orientation training or as appropriate. **The ODPS shall also disseminate a copy of these complaint procedures to ODPS grant recipients.**
2. The current policy shall be evaluated annually to determine its effectiveness. ODPS shall make any necessary changes to ensure the complaint process is timely and efficient.

Current Form and Supplemental References

Department of Justice Informational Links:

- [Omnibus Crime Control and Safe Streets Act of 1968 \(42 U.S.C. §3789\(c\)\(1\)\)](#)
- [Title II of the Americans with Disabilities Act of 1990 \(42 U.S.C. §12132\)](#)
- [Section 504 of the Rehabilitation Act of 1973 \(29 U.S.C. §794, Section 504\)](#)
- [Title IX of the Education Amendments of 1972 \(20 U.S.C. §1681\)](#)

Standard References

None

Policy References

DPS-100.01	ADMINISTRATIVE INVESTIGATIONS
DPS-501.01	WORK RULES - NON-SWORN BARGAINING UNIT PERSONNEL
DPS-501.02	WORK RULES - SWORN PERSONNEL
DPS-501.03	WORK RULES - EXEMPT PERSONNEL
DPS-501.04	WORK RULES - TEMPORARY WORKERS, CONTRACT VENDORS, CONSULTANTS, NON-DPS STAFF
DPS-501.15	INITIAL EMPLOYMENT ORIENTATION TRAINING
DPS-501.29	DISCRIMINATION AND UNLAWFUL HARASSMENT
OSP-103.19	ADMINISTRATIVE INVESTIGATIONS - OSP EMPLOYEES
OSP-203.02	POWERS / DUTIES, AUTHORITY / CODE OF ETHICS / OATH / RULES AND REGULATIONS

Appendix B) Application Preparation Checklist

- ❑ Read the entire guidance and application package.
- ❑ Meet with Regional Advisory Committee to develop and prioritize regional projects (please notify your Grants Coordinator of the dates of your scheduled meetings)
- ❑ Prepare and print out the following forms to be mailed to Ohio EMA Grants:

- _____ Signed grant agreement
- _____ 20-16 Summary Sheet for Assurances
- _____ 20-16A Assurances Non-Construction
- _____ 20-16B Assurances Construction Program
- _____ 20-16C Lobbying, Debarment, Suspension and Other Requirements
- _____ 20-SF-LLL Disclosure of Lobbying Activities
- _____ NIMS certification statement
- _____ EGMS User Form
- _____ Contact Information Form
- _____ Regional Project Sign-off Form
- _____ EHP Screening tool (required unless project is exempt)

All forms can be downloaded from http://ema.ohio.gov/PreparednessGrants_HSGP.aspx

- ❑ Provide a list of prioritized projects from the region signed by all County EMA Directors in designated region, largest city representative, and any other member of the panel

An Application Template has been provided for use in developing each project. Paper applications ARE NOT to be submitted to Ohio EMA, but are to be used as a tool for developing the necessary information to enter each project into EGMS.

With this ensure the following:

- ❑ Application addresses how each project directly supports terrorism preparedness, response, recovery or dual purpose as applicable.
- ❑ Application clearly supports core capability(ies) allowable by funding opportunity
- ❑ EHP has been addressed regardless of project
- ❑ All equipment has been properly identified on the FEMA AEL
- ❑ All projects meet the priorities stated in the FY18 Local Guidance
- ❑ ALL budget figures have been checked for accuracy.
- ❑ Application entered in EGMS is being submitted by County EMA designated as fiscal agent for region.
- ❑ **All grant projects entered in EGMS by November 16, 2018**
- ❑ **The signed grant agreement and all required forms are submitted by mail (postmarked, no faxes**

or emails will be accepted), by November 16, 2018 to Ohio EMA Grants, 2855 W. Dublin-Granville Rd, Columbus, Ohio 43235.

Appendix C) – Detailed Planning Eligible Activities

Detailed Eligible Planning Activities:

- **Developing hazard/threat-specific annexes that incorporate the range of prevention, protection, mitigation, response, and recovery activities as identified in the national planning frameworks**
- **Developing and implementing homeland security support programs and adopting DHS national initiatives including but not limited to the following:**
 - Conducting a THIRA process
 - Implementing the Goal, National Preparedness System, and the Whole Community Approach to Security and Emergency Management including efforts to support strengthening of capacity among whole community partners
 - Pre-event recovery planning
 - Implementing the 2015 National Infrastructure Protection Plan (NIPP) and associated Sector Specific Plans
 - Enhancing and implementing SCIPs and Tactical Interoperable Communications Plans (TICPs) that align with the goals, objectives, and initiatives of the *National Emergency Communications Plan* (NECP)
 - Costs associated with the adoption, implementation, and sustainment of the NIMS, including implementing the NIMS Guideline for Credentialing of Personnel
 - Modifying existing incident management and EOPs to ensure proper alignment with the coordinating structures, processes, and protocols described in the National Frameworks
 - Establishing or enhancing mutual aid agreements
 - Developing communications and interoperability protocols and solutions consistent with NIMS/ICS that include communications support for faith-based and voluntary organizations
 - Developing emergency communications SOPs and plain language protocols
 - Integrating emergency communications SOPs across jurisdiction, disciplines, and levels of government
 - Conducting local, regional, and Tribal program implementation workshops
 - Developing or updating resource inventory assets in accordance to NIMS-typed resource definitions which are managed by FEMA’s National Integration Center (NIC) and can be found at: <http://www.fema.gov/resource-management>
 - Designing State and local geospatial data systems
 - Developing and conducting public education and outreach campaigns, including promoting individual, family, and organizational emergency preparedness and support for the National Preparedness Campaign including America's PrepareAthon! and Ready campaigns, as required by the National Preparedness System; alerts and warnings education; promoting training, exercise, and volunteer opportunities; informing the public about emergency plans, evacuation routes, shelter locations; and evacuation plans as well as CBRNE prevention awareness
 - Designing programs to address targeting at-risk populations and engaging them in emergency management planning efforts
 - Developing and conducting public education and outreach campaigns, including promoting individual, family, and organizational emergency preparedness and support for the national Campaign to Build and Sustain Preparedness, including America’s PrepareAthon!, as required by the National Preparedness System; the Ready Campaign; alerts and warnings education; promoting training, exercise, and volunteer opportunities; informing the public about emergency plans, evacuation routes, shelter locations; and evacuation plans as well as CBRNE prevention awareness activities, materials, services, tools and equipment to achieve planning, protection, mitigation, response and recovery that is inclusive of people with disabilities (physical, programmatic and

communications access for people with physical, sensory, mental health, intellectual and cognitive disabilities)

- Preparing materials for SPRs
- WHTI implementation activities including the issuance of WHTI-compliant Tribal identification cards
- **Conducting statewide emergency communications and preparedness planning, including the following activities:**
 - Conducting/attending planning and governance workshops
 - Engaging and expanding the participation of the whole community in emergency communications planning, response, and risk identification
 - Participating in THIRA development process
 - Collecting and using data (e.g., NECP Goal Assessments, findings from national-level exercises) to assess user needs, capabilities, and gaps, and to facilitate coordination and asset-sharing
 - Assessing emergency communications needs and assets and integrating needs into State plans (e.g., SCIP, SPR, and broadband plans)
 - Coordinating with SWIC, SAA, and State-level planners to ensure proposed investments align to statewide plans (e.g., SCIP, State broadband plan) and comply with technical requirements
- **Developing related terrorism prevention activities:**
 - Coordinating fusion center efforts with other analytical and investigative efforts including, but not limited to JTTFs, Field Intelligence Groups (FIGs), High Intensity Drug Trafficking Areas (HIDTAs), Regional Information Sharing Systems (RISS) Centers, criminal intelligence units, and real-time crime analysis centers.
 - Developing THIRAs that reflect a representative makeup and composition of the jurisdiction
 - Developing initiatives that directly support local efforts to understand, recognize, prepare for, prevent, mitigate, and respond to pre-operational activity and other crimes that are precursors or indicators of terrorist activity, in accordance with civil rights/civil liberties protections
 - Developing law enforcement prevention activities, to include establishing and/or enhancing a fusion center
 - Hiring an IT specialist to plan, develop, and implement the IT applications necessary for a fusion center
 - Developing and planning for information/intelligence sharing groups
 - Integrating and coordinating the fire service, emergency management, public health care, public safety, and health security data-gathering (threats to human and animal health) within designated fusion centers to achieve early warning, monitoring, and mitigation of threats
 - Hiring and training privacy, security, and/or fusion liaison officers (FLO) coordinators to support fusion center operations
 - Integrating and coordinating private sector participation with fusion center activities
 - Developing and implementing preventive radiological/nuclear detection activities
 - Acquiring systems allowing connectivity to State, local, Tribal, territorial, and Federal data networks, such as the National Crime Information Center (NCIC) and Integrated Automated Fingerprint Identification System (IAFIS), as appropriate
 - Planning to enhance security during heightened alerts, terrorist incidents, and/or during mitigation and recovery
 - Accessible public information/education: printed and electronic materials, public service announcements, seminars/town hall meetings, and web postings coordinated through local Citizen Corps Councils
 - Volunteer programs and other activities to strengthen citizen participation
 - Conducting public education campaigns including promoting suspicious activity reporting and preparedness; individual, family, and organizational emergency preparedness; Promoting the national Campaign to Build and Sustain Preparedness and the Ready campaign

- Evaluating Critical Infrastructure Protection (CIP) security equipment and/or personnel requirements to protect and secure sites
- CIP cost assessments, including resources (e.g., financial, personnel) required for security enhancements/deployments
- Underwater Terrorist Protection Plans
- **Developing and implementing a comprehensive model for preventing violent extremism in local communities:**
 - Including existing law enforcement agencies' initiatives and including mechanisms for engaging the resources and expertise available from a range of social service providers, such as education administrators, mental health professionals, and religious leaders;
 - Enhancing engagement with communities to discuss violent extremism in an effort to (1) share sound, meaningful, and timely information about the threat of radicalization to violence with a wide range of groups and organizations, particularly those involved in public safety; (2) respond to concerns about government policies and actions; and (3) increase understanding for how community-based solutions can be supported.
 - Building expertise, including a robust training program to improve cultural competency and to ensure that communities, government, and law enforcement receive accurate, intelligence-based information about the dynamics of radicalization to violence.
- **Developing and enhancing risk centric capabilities-based plans and protocols, including but not limited to:**
 - Community-based planning to advance “whole community” security and emergency management
 - Incorporating government/non-governmental collaboration, citizen preparedness, and volunteer participation into State and local government homeland security strategies, policies, guidance, plans, and evaluations
 - Developing, enhancing, maintaining a current EOP that conforms to the guidelines outlined in the CPG 101 v 2.0
 - Planning for the relocation of existing systems operating in the T-Band
 - Developing or enhancing local, regional, or Statewide strategic or tactical interoperable emergency communications plans including such actions to support communications with faith-based and voluntary entities who act as immediate responders in disaster
 - Developing or enhancing critical infrastructure planning, to include planning for incidents at chemical facilities
 - Developing protocols or SOPs for specialized teams to incorporate the use of equipment acquired through this grant program
 - Developing terrorism prevention/protection plans
 - Developing plans, procedures, and requirements for the management of infrastructure and resources related to HSGP and implementation of State or Urban Area Homeland Security Strategies
 - Developing plans for mass evacuation and pre-positioning equipment
 - Developing or enhancing plans for responding to mass casualty incidents caused by any hazards
 - Developing or enhancing applicable procedures and operational guides to implement the response actions within the local plan including patient tracking that addresses identifying and tracking children, access and functional needs population, and the elderly and keeping families intact where possible
 - Developing or enhancing border security plans
 - Developing or enhancing cybersecurity and risk mitigation plans
 - Developing or enhancing secondary health screening protocols at major points of entry (e.g., air, rail, port)
 - Developing or enhancing agriculture/food security risk mitigation, response, and recovery plans
 - Developing public/private sector partnership emergency response, assessment, and resource sharing plans

- Developing or enhancing plans to engage and interface with, and to increase the capacity of, private sector/non-governmental entities working to meet the human service response and recovery needs of survivors
- Developing or updating local or regional communications plans
- Developing plans to support and assist jurisdictions, such as port authorities and rail and mass transit agencies
- Developing or enhancing continuity of operations and continuity of government plans
- Developing or enhancing existing catastrophic incident response and recovery plans to include and integrate Federal assets provided under the NRF and the National Disaster Recovery Framework (NDRF)
- Developing plans and response procedures for adjudicating, validating and responding to an alarm from a chemical or biological detector (response procedures should include emergency response procedures integrating local first responders)
- Developing or enhancing evacuation plans
- Developing mechanisms for utilizing the National Emergency Family Registry and Locator System (NEFRLS)
- Developing or enhancing plans to prepare for surge capacity of volunteers
- Developing or enhancing the State EMS systems
- Developing or enhancing plans for donations and volunteer management and the engagement/integration of private sector/non-governmental entities, and faith-based organizations in preparedness, mitigation, response, and recovery activities
- Developing school preparedness plans
- Developing preparedness plans for child congregate care facilities, including group residential facilities, juvenile detention facilities, and public/private child care facilities
- Developing plans to educate youth on disaster preparedness
- Ensuring jurisdiction EOPs adequately address warnings, emergency public information, evacuation, sheltering, mass care, resource management from non-governmental sources, unaffiliated volunteer and donations management, and volunteer resource integration to support each Emergency Support Function, to include appropriate considerations for integrating activities, materials, services, tools and equipment to achieve planning inclusive of people with disabilities (physical, programmatic and communications access for people with physical, sensory, mental health, intellectual and cognitive disabilities). Developing and implementing civil rights, civil liberties, and privacy policies, procedures, and protocols
- Designing and developing State, local, Tribal, and territorial geospatial data systems
- Developing and implementing statewide electronic patient care reporting systems compliant with the National Emergency Medical Services Information System (NEMSIS)
- Costs associated with inclusive practices and the provision of reasonable accommodations and modifications to provide full access for children and adults with disabilities
- **Preparing and submitting SCIPs for SHSP, Preparing and submitting reports to the Office of Emergency Communications (OEC) on progress of implementing that State's SCIP and achieving interoperability at the interstate, State, county, regional, and city levels**
- **Updating and implementing SCIP and TICP to:**
 - Address findings and gaps identified in AARs from real world incidents and planned exercises, NECP Goal assessments, other State-level preparedness reports and assessments
 - Incorporate the National Preparedness System and DHS Whole Community initiatives
 - Address plans for implementation of the Federal Communications Commission (FCC) narrowband requirements
 - Describe strategic broadband planning activities and initiatives in preparation for the future deployment of the Nationwide Public Safety Broadband Network (NPSBN)
- **Developing or conducting assessments, including but not limited to:**
 - Developing pre-event recovery plans

- Conducting point vulnerability assessments at critical infrastructure sites/key assets and develop remediation/security plans
- Participating Regional Resiliency Assessment Program (RRAP) activities
- Conducting or updating interoperable emergency communications capabilities assessments at the local, regional, or Statewide level (e.g., Communications Assets and Mapping [CASM])
- **Developing border security operations plans in coordination with CBP**
 - Developing, implementing, and reviewing Area Maritime Security Plans for ports, waterways, and coastal areas
 - Updating and refining threat matrices
 - Conducting cyber risk and vulnerability assessments
 - Conducting assessments and exercising existing catastrophic incident response and recovery plans and capabilities to identify critical capability gaps that cannot be met by existing local, regional, and State resources
 - Activities that directly support the identification of specific catastrophic incident priority response and recovery projected needs across disciplines (e.g., law enforcement, fire service, EMS, public health, behavioral health, public works, agriculture, information technology, and citizen preparedness)
 - Activities that directly support the identification of pre-designated temporary housing sites
 - Activities that support the identification and development of alternate care sites
 - Conducting community assessments, surveys, and research of vulnerabilities and resource needs to determine how to meet needs and build effective and tailored strategies for educating individuals conducting assessments of the extent to which compliance with the integration mandate of disability laws is being achieved
 - Conducting Preparedness research
 - Conducting or updating interoperable emergency communications capabilities and broadband needs assessments at the local, regional, or Statewide level
 - Soft target security planning (e.g., public gatherings)
- **Developing, hosting, or participating in bombing prevention/counter-improvised explosives device (IED)- specific planning initiatives to include:**
 - Incorporating appropriate IED-specific intelligence and threat analysis when developing and maintaining a THIRA;
 - Conducting inventories and assessments of capabilities or typed resource using the counter-IED-specific DHS National Counter-IED Capabilities Analysis Database (NCCAD) program for use in applicable THIRAs, preparedness reporting, or strategies;
 - Conducting DHS Multi-Jurisdiction IED Security Planning (MJIEDSP) workshops to develop THIRA-based plans and strategies that maximize the use of limited resources;
 - Developing IED hazard-specific EOP annexes.
 - Implementing a Corrective Action Plan (CAP) to close IED-related capability gaps identified through MJIEDSP or other planning processes
- **Continuity of Operations/Continuity of Government (COOP/COG) Planning activities, which include but are not limited to:**
 - Determining essential functions and activities, interdependencies, and resources needed to perform them
 - Establishing orders of succession and delegations of authority to key agency positions and establish and maintain current roster(s) of fully equipped and trained COOP personnel with the authority to perform essential functions
 - Providing for the identification and preparation of alternate operating facilities for relocated operations
 - Providing for the regular training, testing, and exercising of COOP personnel, systems, and facilities
 - Providing for reconstitution of agency capabilities and transition from continuity operations to normal operations

- **Identifying resources for medical supplies necessary to support children during an emergency, including pharmaceuticals and pediatric-sized equipment on which first responders and medical providers are trained**
- **Ensuring subject matter experts, durable medical equipment, consumable medical supplies and other resources required to assist children and adults with disabilities to maintain health, safety and usual levels of independence in general population environments**
- **Developing and implementing a community preparedness strategy for the State/local jurisdiction**
- **Building and expanding governance structures to:**
 - Include representatives from multiple agencies, jurisdictions, disciplines, levels of government, Tribes, rural areas, subject matter experts, and private industry
 - Integrate statewide leadership and governance structures into broader statewide planning efforts (e.g., statewide broadband planning activities, grants coordination activities, needs assessments) to ensure emergency communications needs are represented
 - Conduct outreach and education on emergency communications needs and initiatives to stakeholder groups
- **Establishing, expanding, and maintaining volunteer programs and volunteer recruitment efforts that support disaster preparedness and/or response**
 - Allowable volunteer programs and efforts include, but are not limited to: Citizen Corps Councils, partners, and affiliates; CERTs; Fire Corps; Medical Reserve Corps (MRC); Neighborhood Watch/USAonWatch; Volunteers in Police Service (VIPS); and jurisdiction-specific volunteer programs and efforts.
- **Establishing and sustaining Citizen Corps Councils**
- **Working with youth-serving organizations and houses**

Appendix D – FEMA Guidance Regarding Implementation of Executive Order 13809 Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources (*Grant Programs Directorate Information Bulletin No. 426*)

U.S. Department of Homeland Security
Washington, DC 20472



FEMA

**Grant Programs Directorate Information Bulletin
No. 426
November 1, 2017**

MEMORANDUM FOR: All State Administrative Agency Heads
All State Administrative Agency Points of Contact
All Urban Area Security Initiative Points of Contact
All State Homeland Security Advisors
All State Emergency Management Agency Directors
All Eligible Regional Transit Agencies
All Private Sector Transportation Security Partners
All Public and Private Sector Port Security Partners
All Tribal Nation *Points of Contact*

FROM: Thomas DiNanno 
Assistant Administrator for Grant Programs
Federal Emergency Management Agency

SUBJECT: **Guidance to Recipients and Subrecipients of FEMA Preparedness Grants Regarding Implementation of Executive Order 13809 Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources**

I. Purpose

This Information Bulletin (IB) provides guidance to recipients of FEMA preparedness grants regarding the implementation of [Executive Order \(EO\) 13809 Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources](#), signed on August 28, 2017.

II. Applicability

This IB is applicable to all grants awarded by the Federal Emergency Management Agency subject to IB 407a (January 19, 2017) or any previous versions of IB 407, which applied to awards made on or after October 1, 2015.

III. Guidance

A. Executive Order 13809 Implementation

1. On August 28, 2017, the President signed EO 13809, "Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources."
2. EO 13809 revoked EO 13688 "Federal Support for Local Law Enforcement Equipment Acquisition," dated January 16, 2015.
3. Since IB #407, "Use of Grant Funds for Controlled Equipment" and IB #407a, "Use of Grant Funds for Controlled Equipment: Update for Fiscal Year 2017" were issued in order to comply with Executive Order 13688, these IBs are rescinded, effective immediately.
4. Similarly, FEMA is no longer requiring the use of FEMA Form 087-0-0-1.
5. All references to IBs 407 and 407a and FEMA Form 087-0-0-1 will be removed from the FEMA Authorized Equipment List (AEL) as soon as practical. Until such time as this action is completed, recipients and subrecipients may disregard any requirements in the AEL referencing these IBs. Recipients should contact their GPD or Regional Program Analyst with any and all specific questions.

B. Policy on Use of FEMA Grant Awards to Purchase Certain Equipment Items

1. All items that were on the Prohibited Equipment List in IBs 407 and 407a except for tracked armored vehicles (AEL # [12VE-00-MISS - Vehicle, Specialized Mission](#)) and urban camouflage uniform items (AEL # [01LE-02-BDUS - Specialized Clothing, NFPA 1975 or NFPA 2112](#)) remain unallowable under any FEMA preparedness grant.
2. Unless noted below, all items that were on the Controlled Equipment List in IBs 407 and 407a are allowable under FEMA preparedness grants, provided that acquisition of the items are consistent with the terms of the award, including the applicable Notice of Funding Opportunity (NOFO).
3. Weapons of any kind (including firearms, grenade launchers, bayonets); ammunition; and weaponized aircraft, vessels, and vehicles of any kind remain unallowable expenses under any FEMA preparedness grant program.
4. Purchase of explosive materials remains subject to the requirements found in [IB 419 Purchase of Energetic Materials Using Homeland Security Grant Program \(HSGP\) Funding](#).
5. Purchase of fixed or rotary wing aircraft (AEL # [18AC-00-ACFT - Aircraft, CBRNE](#)) will continue to require a waiver from FEMA by consulting the appropriate FEMA Program Analyst, providing a detailed justification for obligating funds in this category, and receiving approval to obligate funds. A detailed justification must address the following:
 - a. The need for the aircraft and how the requested platform best meets that need as compared to other options;

- b. How the requested aircraft fits into the State/Urban Area's integrated operational plans;
- c. Types of terrorism incident response and prevention equipment with which the requested aircraft will be outfitted, if purchased using HSGP funds;
- d. How the aircraft will be used operationally and which response assets will be deployed using the requested aircraft; and
- e. How the aircraft will be utilized on a regular, non-emergency basis.

Licensing, registration fees, insurance, and all ongoing operational expenses will continue to be the responsibility of the grantee or the local units of government and are not allowable under the grant.

- 6. Small Unmanned Aircraft Systems (AEL #03OE-07-SUAS - [System, Small Unmanned Aircraft](#)) are considered aircraft and are required to meet the requirements in #3 above. In addition, all requests to purchase SUAS with FEMA grant funding must also include copies of the policies and procedures in place to safeguard individuals' privacy, civil rights, and civil liberties of the jurisdiction that will purchase, take title to, or otherwise use the SUAS equipment, see Presidential Memorandum: [Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties, in Domestic Use of Unmanned Aircraft Systems](#), issued February 20, 2015.
- 7. Equipment intended to be used for riot suppression including riot batons, riot helmets, and riot shields continues to be an unallowable expense under any FEMA preparedness grant program.
- 8. Recipients and subrecipients must continue to comply with all other equipment acquisition requirements of their award's applicable NOFO, including requirements governing the acquisition of equipment not identified in the AEL.

IV. Questions

Questions regarding this IB may be directed to the applicable GPD or Regional Program Analyst.

V. Review Date

This IB will be reviewed within five years (5) from date of issuance.

Appendix E – FEMA Guidance regarding Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OFFICE OF FEDERAL
FINANCIAL MANAGEMENT

June 20, 2018

M-18-18

MEMORANDUM FOR CHIEF FINANCIAL OFFICERS AND HEADS OF SMALL EXECUTIVE AGENCIES

FROM:

Tim Soltis

Deputy Controller, Office of Federal Financial Management

SUBJECT:

Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance

In accordance with recent statutory changes set forth in the National Defense Authorization Acts (NDAA) for Fiscal Years 2017 and 2018, this memorandum raises the threshold for micro-purchases under Federal financial assistance awards to \$10,000, and raises the threshold for simplified acquisitions to \$250,000 for all recipients. Further, it implements an approval process for certain institutions that want to request micro-purchase thresholds higher than \$10,000. Agencies are required to implement these changes in the terms and conditions of their awards, and recipients of existing Federal financial assistance awards may implement them in their internal controls.

Background

This memorandum applies to all Federal agencies, as defined at 5 U.S.C. § 551(1), that award grants or cooperative agreements. It implements changes to the micro-purchase and simplified acquisition thresholds for financial assistance under the NDAs for Fiscal Year (FY) 2017 and FY2018. The micro-purchase threshold refers to purchases of supplies or services using simplified acquisition procedures, not to exceed an established amount pursuant to the Office of Management and Budget (OMB) Governmentwide Guidance for Grants and Agreements (“Uniform Guidance”) at 2 C.F.R. § 200.67 (Micro-purchase). The simplified acquisition threshold refers to purchases of property or services using small purchase methods not to exceed an established amount pursuant to 2 C.F.R. § 200.88 (Simplified acquisition threshold). For Federal financial assistance awards, these purchases are acquired for use by a Federal program. The NDAA for FY2017 increased the micro-purchase threshold from \$3,500 to \$10,000 for institutions of higher education, or related or affiliated nonprofit entities, nonprofit research organizations or independent research institutes (41 U.S.C. § 1908). The NDAA for FY2018 increases the micro-purchase threshold to \$10,000 for all recipients and also increases the simplified acquisition threshold from \$100,000 to \$250,000 for all recipients.

Implementing the NDAA for FY2017

Section 217(b) of the NDAA for FY2017 raises the micro-purchase threshold to \$10,000 for procurements under grants and cooperative agreements for institutions of higher education, or related or affiliated nonprofit entities, nonprofit research organizations or independent research institutes.¹

¹ Pub. L. No. 114-328 (codified at 41 U.S.C. § 1902(a)(2)).

The NDAA for FY2017 also establishes an interim uniform process by which these recipients can request and Federal agencies can approve requests to apply a higher micro-purchase threshold. Specifically, the 2017 NDAA allows a threshold above \$10,000 if approved by the head of the relevant executive agency. For purposes of this approval, the institution's cognizant Federal agency for indirect cost rates will be the relevant executive agency as defined in 2 C.F.R. § 200.19 (Cognizant agency for indirect costs). To receive a higher threshold, the institution must either have "clean single audit findings" (*i.e.*, in accordance with 2 C.F.R. § 200.520 - Criteria for a low-risk auditee), have an acceptable internal institutional risk assessment, or the higher threshold must be consistent with State law for public institutions.

Agencies should reflect this change through policy or terms and conditions in awards for those institutions. The effective date for this change was when the NDAA for FY2017 was signed into law on December 23, 2016. OMB intends to revise the Uniform Guidance to conform with the law.²

Process for Requesting a Higher Threshold Under the NDAA for FY2017

Requests for approval should be submitted to the institution's cognizant Federal agency for indirect cost rates; however, institutions should contact the agency before sending the request to determine the correct point of contact. The cognizant Federal agency will assign review of the request to the appropriate office within the agency to determine whether to approve, and will maintain records and justification of all approvals. The request should include the threshold level being requested and the justification(s) for it based on the criteria above per Section 217(b) of the NDAA for FY2017.

Implementing the NDAA for FY2018

This memorandum also implements provisions of the NDAA for FY 2018, Pub. L. No. 115-91, which became law on December 12, 2017. Specifically, section 806 raised the micro-purchase threshold from \$3,500 to \$10,000, and section 805 raised the simplified acquisition threshold from \$100,000 to \$250,000. Pursuant to 2 C.F.R. § 200.67 (Micro-purchase) and 2 C.F.R. § 200.88 (Simplified acquisition threshold), these higher thresholds are not effective until implemented in the Federal Acquisition Regulation (FAR) at 48 C.F.R. Subpart 2.1 (Definitions).³

In order to allow maximum flexibility for grant recipients in light of the changes to the NDAA for FY2018, OMB is granting an exception allowing recipients to use the higher threshold of \$10,000 for micro-purchases and \$250,000 for simplified acquisitions in advance of revisions to the FAR at 48 C.F.R. Subpart 2.1 and the Uniform Guidance. Pursuant to 2 C.F.R. § 200.102 (Exceptions), OMB may allow exceptions to the Uniform Guidance when exceptions are not prohibited by statute. The exception takes effect upon the date of issuance of this memo. Agencies should apply this exception to all recipients. Recipients should document any change based on this exception in accordance with 2 C.F.R. § 200.318 (General procurement standards).

If you have any questions regarding this memorandum, please contact Mary Tutman at Mary.E.Tutman@omb.eop.gov or Gil Tran at Hai_M._Tran@omb.eop.gov.

² The American Innovation and Competitiveness Act, Pub. L. No. 114-329, § 207(b) (2017) states that the Uniform Guidance shall be revised to conform with the requirements concerning the micro-purchase threshold.

³ Codified at 41 U.S.C. § 1902(f).