



Department of
Public Safety



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STATE HOMELAND SECURITY PROGRAM - LAW ENFORCEMENT FY2020 GRANT GUIDANCE & APPLICATION

Application and Grant Agreement
Due by December 18, 2020

OHIO EMERGENCY MANAGEMENT AGENCY
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Introduction

The State Homeland Security Program-Law Enforcement (SHSP-LE) is a core homeland security assistance program that provides funds to build capabilities at the state and local levels through planning, equipment, training, and exercise activities and to implement the goals and objectives included in the State Investment Justification and the State Homeland Security Strategy, and to fill gaps identified in Ohio's THIRA/SPR. Funding continues to support the six mission areas of homeland security to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and align with the U.S. Department of Homeland Security's (DHS) National Priorities, National Preparedness System and the Core Capabilities, as they relate to terrorism prevention in Ohio. Amongst these preparedness tools, DHS has built a process that gives DHS, the State of Ohio, and its local jurisdictions a benchmark from which to determine:

- How prepared we are now?
- How prepared we need to be?
- How we will prioritize each year to fulfill those capability gaps?

Federal Grant Guidance stipulates that a minimum of 25% of the total SHSP-LE must be allocated to law enforcement use. The federal fiscal year FY2020 State Homeland Security Program – Law Enforcement (SHSP-LE) grant consists of 30% of the FY2020 overall Ohio SHSP award and provides funding for Planning, Equipment, Training, Exercises and limited Organizational costs focusing on providing resources to law enforcement and public safety communities (working with their private partners) to support critical terrorism prevention activities. Federal funding allocations are based, in part, on the effectiveness of state and local agencies to address unmet preparedness capabilities over time. Those needs are identified in the State of Ohio Homeland Security Strategy, Threat and Hazard Identification and Risk Assessment (THIRA) Stakeholder Preparedness Review (SPR), and the FY2020 HSGP Investment Justification.

The purpose of this package is to provide an overview of the FY2020 SHSP-LE, as well as the grant guidance and application materials needed to apply for funding under the program. The package outlines both federal and state requirements for the application. The Ohio Emergency Management Agency (Ohio EMA) serves as the State Administrative Agency (SAA) and is responsible for administering the use of SHSP-LE grant funds, but will continue to coordinate with Ohio Homeland Security (OHS) regarding program implementation.

Key Changes

Federal Changes

National Priorities

For FY2020, DHS/FEMA now requires a statewide investment (minimum 20% of the total statewide allocation) in four identified National Priorities. These priorities include enhancing cybersecurity (5%), enhancing the protection of soft targets/crowded places (5%), enhancing information and intelligence sharing (5%), and addressing emergent threats (5%). In addition, there will need to be projects that address election security in both the cybersecurity and the soft targets/crowded places investment areas. Please see page XX for more detailed information.

Cybersecurity Assessment

FY2020 recipients and subrecipients will once again be required to complete the Nationwide Cybersecurity Review (NCSR), which is open annually from October to December, by the end of calendar year 2020 in order for agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each subrecipient is required complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional will be required to complete the assessment.

Prohibition of Procurement of Restricted Communications Equipment/Services

FEMA now requires all subrecipients to comply with the *John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY2019 NDAA)* which prohibits the use of federal funding to procure certain identified communications equipment/services. Please see the attached memorandum under Appendix A in this guidance document.

State Changes

Performance Period

The FY2020 SHSP Performance Period will be from September 1, 2020 to March 31, 2023.

Waiver Process

Ohio EMA has developed a waiver process to request approval from FEMA for manned and unmanned watercraft and aircraft (i.e. drones).

Travel

Subrecipients will generally be limited to 3 personnel per agency per training or conference. Additional personnel will require written justification and prior approval by Ohio EMA Grants Branch staff.

Budget Modifications

All budget modifications will require prior approval from Ohio EMA Grants Branch staff prior to incurring expenses. Modifications will need to be entered into EGMS and approved prior to obligating grant funds. **Any budget modification made after the purchase of equipment or services will not be reimbursed.**

Award Information

Issued By

Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grants Program Directorate (GPD) through Ohio Emergency Management Agency as the State Administrative Agency (SAA)

Assistance Listings (AL) Number and Title:

97.067 - Homeland Security Grant Program

Authorizing Authority for Program

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

Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2020 (Pub. L. No. 116-93)

Period of Performance

The period of performance of this grant will be September 1, 2020 through March 31, 2023. 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, 2023, all activities associated with the 2020 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 subrecipient asking for the extension will need to demonstrate something truly beyond the control of the subrecipient in order to be considered for the extension. Subrecipients 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.

FY2020 SHSP 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 SHSP-LE 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.

Program Overview

State Investment Strategy

The SHSP-LE is an important part of Ohio's larger, coordinated effort to strengthen homeland security preparedness and terrorism prevention. The SHSP-LE will implement objectives addressed in Ohio's FY2020 Investment Justification. As the State Administering Agency, the Ohio EMA expects our State, local and private partners to be familiar with the state preparedness architecture and to incorporate elements of this architecture into their counter-terrorism planning, operations and capability-building efforts.

Successful regional collaboration allows for a multi-jurisdictional and multidisciplinary approach to building capabilities, spreading costs, and mitigating risk across geographic areas. As federal homeland security funds become more competitive, agencies should be diligently working with their neighboring and regional jurisdictions to better coordinate homeland security expenditures and planning efforts to avoid duplicative or inconsistent investments. Thus, agencies must determine what levels of preparedness they can realistically develop and sustain over the long-term without continued reliance on federal funding.

To accomplish this, agencies should already be using the Threat and Hazard Identification and Risk Assessment (THIRA), Stakeholder Preparedness Review (SPR), and Core Capabilities List to review their current readiness. The Ohio Homeland Security Strategic Plan identifies the goals and objectives needed to address and meet Ohio's priorities.

Each Project must explain how the proposed activity will support the applicant's efforts to:

- Prevent a threatened or an actual act of terrorism;
- Prepare for all hazards and threats, while explaining the nexus to terrorism preparedness;
- Protect citizens, residents, visitors, and assets against the greatest threats and hazards, relating to acts of terrorism; and/or
- Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of an act of terrorism or other catastrophic incident.

Based upon ongoing intelligence analysis, capability review and assessment, Ohio will continue to focus available grant funding on investments to build risk-based capabilities where a nexus to terrorism exists. Ohio's FY2020 Regional SHSP-LE terrorism prevention investment area is as follows:

Enhance Intelligence Fusion and Information Sharing Capabilities

The focus for Ohio's FY2020 SHSP-LE continues to be support for the maturation of the Information Sharing Environment (ISE), and specifically, the continued enhancement of State and Major Urban Area fusion centers to include support for implementation of the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI). These centers provide an important linkage between local, State, tribal, regional, and Federal partners, as well as private industry, and as part of a national information sharing capability must establish and maintain the capacity to receive threat-related information, understand its implications locally and further disseminate it to other local, State, tribal, and private sector entities. At the same time, State and Major Urban Area fusion centers need to be able to aggregate, blend, and analyze information gathered from local law enforcement and share that information with Federal authorities. Allowable expenditures of funding include support for equipment and consultation necessary

to enable connection to information sharing systems such as the National Data Exchange (NDEx), the Nationwide SAR Initiative, and supporting program areas.

Fusion centers are a critical component of our State's distributed homeland security and counterterrorism architecture. They provide grassroots intelligence and analytic capabilities within the state and local jurisdictions (<http://www.dhs.gov/state-and-major-urban-area-fusion-centers>). To that end, the SHSP-LE will continue to support designated state and major Urban Area centers (<http://www.dhs.gov/fusion-center-locations-and-contact-information>) and the maturation of the Information Sharing Environment (ISE).

Participating in the Nationwide SAR Initiative (NSI) enables fusion centers to receive and analyze suspicious activity reporting from frontline public safety personnel, the private sector, and the public, and ensure the sharing of SAR with the Federal Bureau of Investigation's Joint Terrorism Task Forces (JTTF) for further investigation.

In support of this strategic vision, the U.S. DHS/FEMA requires designated State and Major Urban Area fusion centers to participate in an annual assessment of their achievement of Critical Operational Capabilities (COCs) and Enabling Capabilities (ECs).

Maturation of the Ohio Fusion Center Network continues to be a high priority for the FY2020 SHSP-LE.

Regions with fusion centers receiving SHSP-LE grant funds will be evaluated based on compliance with the guidance and requirements for the National Network as set forth by DHS Intelligence and Analysis (I&A) through the annual Fusion Center Assessment Program.

- FY 2020 Fusion Center Grant requirements are listed at <http://www.dhs.gov/homeland-security-grant-program-hsgp>.
- DHS/FEMA approved analyst courses that meet the grant requirement are listed at <http://www.dhs.gov/fema-approved-intelligence-analyst-training-courses>.

Through the Performance Progress Report (SF-PPR), fusion centers will report on the achievement of capabilities and compliance with measurement requirements within the Maturation and Enhancement of State and Major Urban Area fusion centers priority through the annual Fusion Center Assessment Program managed by DHS I&A and reported to FEMA. (This process is subject to change by U.S. DHS I&A)

In support of these efforts, Ohio EMA and Homeland Security (OHS) are encouraging the Regional/Major Urban Area fusion centers to prioritize the allocation of LE SHSP-LE grant funding to meet and maintain identified levels baseline capabilities, as outlined in the Global Justice Information Sharing Initiative's (Global) Baseline Capabilities for State and Major Urban Area Fusion Centers.

Additionally, fusion centers should assess their achievement of the baseline capabilities, so they may identify any resulting gaps. Requested LE SHSP-LE grants funds should then be prioritized to target and address these gaps, and the results of this gap analysis should be included in grant applications for any fusion center funding. All efforts should be made to address gaps that are identified by taking advantage of the service deliveries made available through the joint US DHS and Department of Justice Fusion (DOJ) Process Technical Assistance Program. All fusion center employees are expected to complete the online 28 CFR Part 23 certification training made available through this program.

FY2020 SHSP-LE grant funds may not be used to support fusion center-related initiatives unless the fusion center is able to certify that privacy and civil rights/civil liberties (CR/CL) protections are in place that are

determined to be at least as comprehensive as the Information Sharing Environment (ISE) Privacy Guidelines by the ISE Privacy Guidelines Committee (PGC) within 6 months of the award date on this FY2020 award. If these protections have not been submitted for review and on file with the ISE PGC, LE SHSP-LE grants funds may only be leveraged to support the development and/or completion of the fusion center's privacy protections requirements.

In order to effectively measure implementation of this priority, designated Major Urban Area fusion centers leveraging SHSP-LE grant funds will be evaluated based upon compliance with the following set of requirements. These requirements are tracked for all primary or recognized fusion centers through the 2020 Fusion Center Assessment.

1. Successful completion of the annual Fusion Center Assessment Program managed by the DHS I&A. The Fusion Center Assessment Program evaluates each fusion center against the Critical Operational Capabilities (COC) and Enabling Capabilities (EC) and is comprised of the self-assessment questions, staffing, product, and cost assessment data tables, and validation (this process is subject to change by U.S. DHS I&A)
2. Maintain approved plans, policies, or SOPs and, per the Fusion Center Assessment Program, and, when applicable, demonstrate improvement in each of the four COCs
3. Develop and implement privacy, civil rights, and civil liberties (P/CRCL) protections, including:
 - a. Maintaining an approved P/CRCL policy that is determined to be at least as comprehensive as the ISE Privacy Guidelines
 - b. Ensuring the approved P/CRCL policy is publicly available
 - c. Conducting a compliance review of their P/CRCL policy in accordance with the Privacy Civil Rights and Civil Liberties Compliance Verification for the Intelligence Enterprise
 - d. Ensuring there is a process in place for addressing and adjudicating complaints alleging violations of P/CRCL
 - e. Ensuring all analytic products (as defined by the annual assessment process) are reviewed for P/CRCL issues prior to dissemination
 - f. Ensuring all staff receive annual training on the center's P/CRCL policies
 - g. Ensure all staff are trained on 28 CFR Part 23
 - h. Ensure all Federally funded criminal intelligence databases comply with 28 CFR Part 23
4. All fusion center analytic personnel must meet designated competencies, as identified in the Common Competencies for State, Local, and Tribal Intelligence Analysts, that have been acquired through experience or approved training courses within six months of hire.
5. Successfully complete an exercise to evaluate the implementation of the COCs at least once every two years and address any corrective actions arising from the successfully completed exercises within the timeframe identified in the each exercise's After Action Report (AAR)
6. Post 100 percent (100%) of distributable analytic products (as defined by the annual assessment process) to the Homeland Security Information Network – Intelligence (HSIN-Intel) as well as any other applicable portals, such as Law Enforcement Enterprise Portal (LEEP), Regional Information Sharing Systems (RISS), their agency portal, etc.
7. Ensure all analytic products are tagged to Homeland Security Standing Information Needs (HSEC SINS).

State and local LE SHSP-LE applications must align with terrorism prevention investment area of "Enhancing Intelligence Fusion and Information Sharing Capabilities" to be eligible for funding.

FY2020 SHSP-LE Regional Process

Eligible Applicants

Only applicants who are designated representatives of a homeland security Regional Law Enforcement Advisory Group are eligible to apply for FY2020 SHSP-LE funding.

The FY2020 SHSP-LE funds will be distributed for projects that are regionally-based and developed by Regional Law Enforcement Advisory Groups. These groups are essential to the funding process, as they allow for collaborative planning and resource distribution throughout the state. The Advisory Groups are based in the eight (8) Homeland Security Planning Regions.

Membership for the Regional Law Enforcement Advisory Groups include, at minimum:

- Three (3) police chiefs – from within the largest and smallest counties and one mid-sized county
- Three (3) county sheriffs – representing the largest and smallest counties and one mid-sized county
- One (1) university law enforcement representative (where applicable)
- One (1) representative from a criminal justice services agency (where applicable)
- One (1) representative from a terrorism early warning group or fusion center (where applicable)

The Regional Law Enforcement Advisory Group will come to a consensus on the projects for which the region will be applying and will submit the list of projects to Ohio EMA Grants Branch with a signed copy of the Regional Project Sign-Off form that includes signatures from all members of the Regional Law Enforcement Advisory Group.

All regional applicants must have a single organization, or sub-grantee, that will serve as the fiscal agent and assume overall responsibility for the grant. Eligible sub-grantees are units of local government or council of governments as defined below:

- A unit of local government has legislative autonomy, jurisdiction, and authority to act in certain circumstances. Units of government include a city, county, township, or village. If two or more jointly apply, they must designate one body to take the lead role and identify that agency's fiscal officer.

Regional proposals will be accepted on behalf of each Homeland Security region. All law enforcement agencies within a region receiving funds or other benefits through the SHSP-LE must be in compliance with crime statistics reporting, using either the Ohio Incident-Based Reporting System or Uniform Crime Reporting, per Ohio Revised Code Section §5502.62(C)(6) and be NIMS Compliant.

Furthermore, agencies receiving funding should designate an individual to serve as the agency's point of contact to maintain a Communication and Information Management System (CIMS) account and check it regularly in order to relay timely information to appropriate partners.

A current listing of the Regional Law Enforcement Advisory Group's membership, programmatic agent, and fiscal agent must be submitted with the application in order to be eligible for funding. This information must be maintained with Ohio EMA throughout the grant period in order to continue to remain eligible for funding.

Cybersecurity Assessment

Once again for FY2020, subrecipients will be required to complete the Nationwide Cybersecurity Review (NCSR) by December 31, 2020. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each subrecipient is required to complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional is required to complete the assessment. Additional guidance will be forthcoming from FEMA.

NIMS Compliance

Grantees and sub-recipients receiving HSGP funding are required to implement the National Incident Management System (NIMS). 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 funding, the Fiscal Agent is required to certify as part of their grant application that they are addressing and/or have met the most current NIMS requirements. Any agency benefiting from funds must be NIMS compliant. A link to the mandatory NIMS Certification form, 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>. Evidence of compliance with these requirements must be made available, upon request, to Ohio EMA. Failure to do so may result in suspended or terminated funding.

FY2020 SHSP-LE Regional Allocations



| Region | Fiscal Agent | Award Amount |
|----------|----------------------------------------------------------|--------------|
| Region 1 | Allen County Sheriff's Office | \$194,339 |
| Region 2 | Cuyahoga County Public Safety and Justice Services | \$269,244 |
| Region 3 | Montgomery County Emergency Management | \$165,826 |
| Region 4 | Franklin County Emergency Management & Homeland Security | \$266,845 |
| Region 5 | Summit County Emergency Management Agency | \$276,146 |
| Region 6 | Hamilton County Sheriff's Office | \$236,554 |
| Region 7 | Jackson County Emergency Management Agency | \$106,543 |
| Region 8 | Muskingum County Sheriff's Office | \$99,943 |

Funding Priorities

Ohio's FY2020 Investment Justification outlined the initiatives that will be accomplished and thus funded via the FY2020 SHSP-LE. As per federal restrictions, no LE SHSP-LE applications written outside of the scope identified in the State Investment Justification will be funded.

To be eligible for Ohio's FY2020 SHSP-LE funding, regional project applications must directly align with the following seven (7) state terrorism prevention priorities outlined below. Please note that Priority #4 should remain of paramount concern as the grant awards totals continue to decrease. Please ensure that your region is aware of grant obligations, ongoing costs such as maintenance agreements and, as well as grant performance periods of each fiscal year.

- Information Sharing and Intelligence Fusion
- Regional Terrorism Information Program (this priority includes the Intelligence Liaison Officers & Regional Information Coordinators)
- Early Identification Technology
- Project Planning, Training, Communications & Sustainability
- Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) Equipment
- Countering Violent Extremism
- Physical Protection Measures

Applicants must describe how their project relates to one or more priorities and directly aligns with an investment milestone summarized in the list below

National Priorities

For FY2020, DHS/FEMA now requires a statewide investment in four identified National Priorities. These priorities include enhancing cybersecurity, enhancing the protection of soft targets/crowded places, enhancing information and intelligence sharing, and addressing emergent threats. Each of these national priorities require a minimum investment of 5% of the total HSGP award. Previously submitted project allocations from both the SHSP and SHSP-LE (Law Enforcement) grants were used to satisfy the minimum investment requirements for most priorities.

DHS/FEMA anticipate that in future years, national priorities will continue to be included and will be updated as the threats evolve and as capability gaps are closed. Applicants are strongly encouraged to begin planning to sustain existing capabilities through other funding mechanisms.

Cybersecurity

All eight Ohio Homeland Security regions (for both SHSP and SHSP-LE) will be required to invest in one or more Cybersecurity projects. Your required allocation to the cybersecurity investment has been predetermined by a formula based on your region's overall allocation. Your cybersecurity allocation will be provided to you with your grant agreement.

Regions will have one of two options to proceed (whichever option your region chooses, Ohio EMA Grants Branch will provide technical assistance and guidance as needed):

1. Develop an eligible Cybersecurity Project that aligns with the National Priority requirements
2. Enter into a Memorandum of Understanding (MOU) with the State of Ohio to develop and deliver a cybersecurity project for the benefit of your region. This process will require you to de-obligate the portion of your regional allocation attributed to cybersecurity.

The table below provides a breakdown showing the core capabilities enhanced and lifelines supported, as well as examples of eligible project types for the Cybersecurity priority.

| National Priority | Cybersecurity (including Election Security) |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Core Capabilities | Cybersecurity; Intelligence and Information Sharing |
| Lifelines | Safety and Security |
| Example Project Types | Cybersecurity risk assessments Projects that address vulnerabilities identified in cybersecurity risk assessments <ul style="list-style-type: none"> • Improving cybersecurity of critical infrastructure to meet minimum levels identified by the Cybersecurity and Infrastructure Security Agency (CISA) • Cybersecurity training and planning |

Soft Targets/Crowded Places

Given the increased risk to soft targets and crowded places, at least one investment must be in support of the state’s efforts to protect soft targets/crowded places. Additional resources and information regarding securing soft targets and crowded places are available through the Cybersecurity and Infrastructure Security Agency.

Given the importance of the Nation’s election infrastructure, and the multiple and evolving threats to that infrastructure, at least one project within this investment must be in support of the state’s efforts to enhance election security. Additional resources and information regarding election security are available through the Cybersecurity and Infrastructure Security Agency.

As indicated above, previously submitted projects from both the SHSP and SHSP-LE (Law Enforcement) grants were used to satisfy the minimum investment requirements for this priority.

The table below provides a breakdown showing the core capabilities enhanced and lifelines supported, as well as examples of eligible project types for the Soft Targets/Crowded Places priority.

| National Priority | Soft Targets/Crowded Places (including Election Security) |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Core Capabilities | Operational coordination; Public information and warning; Intelligence and information sharing; Interdiction and disruption; Screening, search, and detection; Access control and identity verification; Physical protective measures; Risk management for protection programs and activities |
| Lifelines | Safety and Security |
| Example Projects | Operational overtime Physical security enhancements: <ul style="list-style-type: none"> - Security cameras (CCTV) - Security screening equipment for people and baggage - Lighting - Access controls - Fencing, gates, barriers, etc. |

Information & Intelligence Sharing

Given the importance of information sharing and collaboration to effective homeland security solutions, at least one investment must be in support of the state’s efforts to enhance information sharing and cooperation with DHS and other federal agencies. This investment will primarily be filled via projects from the FY2020 SHSP-LE grant allocations

The table below provides a breakdown showing the core capabilities enhanced and lifelines supported, as well as examples of eligible project types for the Information and Intelligence Sharing priority.

| National Priority | Information and Intelligence Sharing (including Fusion Centers) |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Core Capabilities | Intelligence and information sharing |
| Lifelines | Safety and Security |
| Example Projects | <p>Fusion center operations.</p> <p>Information sharing with all DHS components, fusion centers, and other entities designated by DHS.</p> <p>Cooperation with DHS officials and other entities designated by DHS in intelligence, threat recognition and analysis.</p> <p>Joint training and planning with DHS officials and other entities designated by DHS.</p> |

Emerging Threats

The spread of rapidly evolving and innovative technology, equipment, techniques, and knowledge presents new and emerging dangers for homeland security in the years ahead. Terrorists remain intent on acquiring weapons of mass destruction (WMD) capabilities, and rogue nations and non-state actors are aggressively working to develop, acquire, and modernize WMDs that they could use against the Homeland. Meanwhile, biological and chemical materials and technologies with dual use capabilities are more accessible throughout the global market.

The table below provides a breakdown showing the core capabilities enhanced and lifelines supported, as well as examples of eligible project types for the Emerging Threats priority.

| National Priority | Addressing Emergent Threats |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Core Capabilities | Interdiction & disruption; Screening, search and detection; Physical protective measures; Intelligence and information sharing; Planning; Public Information and Warning; Operational Coordination |
| Lifelines | Safety and Security |
| Example Projects | <p>Sharing and leveraging intelligence and information.</p> <p>UAS detection technologies</p> <p>Enhancing weapons of mass destruction (WMD) and/or improvised explosive device (IED) prevention, detection, response and recovery capabilities</p> <ul style="list-style-type: none"> - Chemical Biological Radiological Nuclear and Explosive (CBRNE) detection, prevention, response, and recovery equipment |

State Priorities

Beyond the four required National Priorities, Ohio will continue to invest in the following priority areas.

Information Sharing and Intelligence Fusion

Strengthen information sharing, collection, fusion, and analysis statewide by integrating existing electronic information sharing systems and providing for real-time submission of suspicious activity reports to regional terrorism early warning groups, regional fusion centers, and the Statewide Terrorism Analysis and Crime Center (STACC).

- Complete the strategy leveraging the existing plans of stakeholders.
- Complete or expand a NIEM-compliant electronic Suspicious Activity Reporting (SAR) system aligned with the national SAR effort, to include a statewide solution to report suspicious LE field contacts (FI contacts).
- Manage and Support a criminal intelligence database to integrate intelligence from agencies across Ohio in one location for statewide queries.
- Implement cyber and physical solutions to integrate existing information/intelligence systems.
- Purchase new (or expand existing) electronic platforms and equipment to expand state and local fusion centers.
- Integrate GIS, video and acoustic sensor platforms, including public and private surveillance systems, into fusion centers and EOCs within bounds of privacy policies.
- Fusion Center Personnel (planning, outreach and training) and Equipment Sustainment.

Regional Terrorism Information Program

Develop a multi-disciplined regional terrorism information program to share information and intelligence horizontally and vertically.

- Provide continuing education for regional terrorism information programs to inform and deploy multi-disciplinary intelligence liaisons in every county.
- Terrorism information programs can include planning conferences and workshops, public outreach, and specific courses to incorporate terrorism awareness and SAR reporting.

Early Identification Technology

Develop statewide early identification capabilities that enable law enforcement officers and other criminal justice stakeholders to detect threats at the earliest possible stage.

- Deploy early identification equipment (biometric identification equipment, UAVs, robot surveillance equipment, license plate readers, etc.) and mobile data equipment to LE agencies and other criminal justice entities.

Project Planning, Training, Communications & Sustainability

Conduct project planning and training for coordination of programs, communications, and sustainability of projects.

- Regional Law Enforcement Advisory Groups will hold planning summits to ensure the continued development, **tactical interoperable communications**, & sustainability of programs.

Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) Equipment

Build statewide risk-based CBRNE capabilities.

- Under FEMA guidelines, deploy CBRNE equipment for regional response teams.
- Complete CBRNE gap analysis and implement plan to coordinate/build-out the regional CBRNE capability.
- **Please note that all equipment purchased under this priority must follow FEMA guidelines and must demonstrate a nexus to intelligence and information sharing (e.g. requesting agency participation in the ILO program, etc.)**

Countering Violent Extremism

Provide training to law enforcement personnel on countering violent extremism.

- Develop and promote terrorism awareness training, workshops, and conferences for law enforcement personnel, including dispatchers, on potential behaviors and indicators of violent extremism and how to appropriately analyze and report them; officer engagement and partnership with diverse communities; and intervention strategies.

Physical Protection Measures

Strengthen the capability to protect public and private entities to include the 16 Infrastructure Protection sectors, Key Resources, and target groups.

- Deploy physical protection equipment (e.g. - barriers, fences, jersey walls, access control systems, etc.), to include transportation of allowable equipment (i.e. trailer).
- Planning, training, support (to include operational overtime), and risk assessments.
- **Physical protective measures should be mobile and include plans for regional caches.**

All SHSP-LE projects must be pre-approved by Ohio EMA and be aligned with the following plans, assessments, and/or guidance:

- Ohio's FY2020 Investment Justification
- Ohio's Threat and Hazard Identification and Risk Assessment (THIRA)
- Ohio's Stakeholder Preparedness Review (SPR)
- State of Ohio Homeland Security Strategic Plan
- National Preparedness System Core Capabilities
- National Incident Management System (NIMS)
- National Response Framework (NRF)

Recipients investing in emergency communications projects must describe how activities align to the Ohio Statewide Communications Interoperability Plan (SCIP). Recipients must coordinate with the Statewide Interoperability Coordinator (SWIC) and/or Statewide Interoperability Governing Body (SIGB) when developing an emergency communications investment prior to submission to ensure the project supports the statewide strategy to improve emergency communications and is compatible and interoperable with surrounding systems.

Funding Guidelines

Recipients must comply with all the requirements in 2 C.F.R. Part 200 (*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*). In general, subrecipients should consult with Ohio EMA Grants Branch staff prior to making any investment that does not clearly meet the allowable expense criteria. Funding guidelines established within this section support the five mission areas—Prevention, Protection, Mitigation, Response, and Recovery—and associated core capabilities within the Goal.

Allowable investments made in support of the SHSP priorities as well as other capability-enhancing projects must have a nexus to terrorism preparedness and fall into the categories of planning, organization, exercises, training, or equipment, aligned to closing capability gaps or sustaining capabilities identified in the THIRA/SPR. Recipients are encouraged to use grant funds for evaluating grant-funded project effectiveness and return on investment. Ohio EMA encourages subrecipients to provide the results of that analysis to Ohio EMA.

Multiple Purpose or Dual-Use of Funds

Many activities that 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-LE funded projects must assist recipients and subrecipients in achieving core capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

Planning

SHSP-LE funds may be used for a range of emergency preparedness and management planning activities 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 and placing an emphasis on updating and maintaining a current EOP that conforms to the guidelines outlined in [CPG 101 v2](#).

The following are examples of Allowable Planning Activities:

- Developing hazard/threat-specific annexes
- Developing and implementing homeland security support programs and adopting ongoing DHS/FEMA national initiatives
- Developing related terrorism and other catastrophic event prevention activities
- Developing and enhancing plans and protocols
- Developing or conducting assessments
- Hiring of full- or part-time staff or contract/consultants to assist with planning activities
- Materials required to conduct planning activities
- Travel/per diem related to planning activities
- Overtime and backfill costs (in accordance with guidance)
- Issuance of WHTI-compliant Tribal identification cards
- Activities to achieve planning inclusive of people with disabilities and others with access and functional needs and limited English proficiency.
- Coordination with Citizen Corps Councils for public information/education and development of volunteer programs
- Update governance structures and processes and plans for emergency communications
- Development, and review and revision of continuity of operations plans
- Development, and review and revision of the THIRA/SPR continuity of operations plans

Organization

Personnel Activities

Personnel hiring, overtime, and backfill expenses are permitted under this grant in order to perform allowable FY2020 SHSP-LE 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
 - 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.

FY2020 SHSP-LE 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.

Operational Overtime Costs

In support of efforts to enhance capabilities for detecting, deterring, disrupting, and preventing acts of terrorism and other catastrophic events, operational overtime costs are allowable for increased protective security measures at critical infrastructure sites or other high-risk locations and to enhance public safety during mass gatherings and high-profile events. In that regard, SHSP-LE recipients are urged to consider using grant funding to support soft target preparedness activities. SHSP-LE funds may be used to support select operational expenses associated with increased security measures in the authorized categories cited in the list below, but this list is not exhaustive. FEMA retains the discretion to approve other types of requests that do not fit within one of the categories of the table. All allowable operational overtime costs are also subject to the administration requirements outlined in the following subsection.

The following are examples of Allowable Organizational Activities:

- Program management
- Development of whole community partnerships, through groups such as Citizen Corp Councils
- Structures and mechanisms for information sharing between the public and private sector
- Implementing models, programs, and workforce enhancement initiatives to address ideologically inspired radicalization to violence in the homeland
- Tools, resources, and activities that facilitate shared situational awareness between the public and private sectors
- Operational Support
- Utilization of standardized resource management concepts such as typing, inventorying, organizing, and tracking to facilitate the dispatch, deployment, and recovery of resources before, during, and after an incident
- Responding to an increase in the threat level under the National Terrorism Advisory System (NTAS) or needs resulting from a National Special Security Event

Equipment

The 21 allowable prevention, protection, mitigation, response, and recovery equipment categories for SHSP are listed on the [Authorized Equipment List \(AEL\)](#). Some equipment items require prior approval from DHS/FEMA before obligation or purchase of the items. Please reference the grant notes for each equipment item to ensure prior approval is not required or to ensure prior approval is obtained if necessary.

Unless otherwise stated, all equipment must meet all mandatory regulatory and/or DHS/FEMA-adopted standards to be eligible for purchase using these funds. In addition, recipients will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment. 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.

Before any equipment item is added to the subrecipient 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 subrecipient must receive approval for the item through the EGMS from Ohio EMA Grants Branch. This clarification must take place prior to any encumbrance or expenditure of funds for the item in question.

Investments in emergency communications systems and equipment must meet applicable [SAFECOM Guidance](#). Such investments must be coordinated with the SWIC and the State Interoperability Governing Body (SIGB) to ensure interoperability and long-term compatibility.

Subrecipients that are using FY2020 SHSP-LE funds to support emergency communications activities should comply with the FY2020 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.

Requirements for Small Unmanned Aircraft System and Watercraft

All manned and unmanned aircraft/watercraft require an approved waiver from FEMA. All requests to purchase Small Unmanned Aircraft Systems (SUAS) with FEMA grant funding must comply with [IB 426](#) and [IB 438](#) and also include a description 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.

Ohio EMA has developed a formal process for requesting a waiver from FEMA. Please utilize the Waiver Form (available via https://ema.ohio.gov/PreparednessGrants_Toolkit.aspx) and work with Ohio EMA Grants Branch staff to navigate the FEMA approval process. It is imperative that the subrecipient begin this process as early as possible to ensure completion within the performance period.

Training

Allowable training-related costs under SHSP-LE include the establishment, support, conduct, and attendance of training specifically identified under the SHSP-LE program and/or in conjunction with emergency preparedness training by other federal agencies (e.g., HHS and DOT). Training conducted using SHSP 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 training related to under-represented diverse populations that may be more impacted by disasters, including children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity and other underserved populations, should be identified in a TEP and addressed in the state or high-risk urban area training cycle. Recipients are encouraged to use existing training rather than developing new courses. When developing new courses, recipients are encouraged to apply the Analyze, Design, Develop, Implement, and Evaluate (ADDIE) model of instructional design.

Recipients are also encouraged to utilize the National Training and Education Division's National Preparedness Course Catalog. Trainings include programs or courses developed for and delivered by institutions and organizations funded by DHS/FEMA/National Training and Education Division (NTED). This includes the Center for Domestic Preparedness (CDP), the Emergency Management Institute (EMI), and NTED's Training Partner Programs, including the Continuing Training Grants (CTG), the National Domestic Preparedness Consortium (NDPC), the Rural Domestic Preparedness Consortium (RDPC), and other partners.

The catalog features a wide range of course topics in multiple delivery modes to meet FEMA's mission scope as well as the increasing training needs of federal, state, local, territorial, and tribal audiences. All courses have been approved through NTED's courses. The catalog can be accessed at <http://www.firstrespondertraining.gov>.

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.

Training Activities & Requirements

Allowable training-related costs under SHSP-LE include the establishment, support, conduct, and attendance of training specifically identified under the SHSP-LE program priorities and/or in conjunction with emergency preparedness training by other Federal agencies (e.g., HHS, Department of Transportation). Training conducted using SHSP-LE 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>

All training activities supported by FY2020 SHSP-LE must be eligible based on DHS-FEMA FY2020 grant guidance to Ohio. Training questions from subrecipients can be answered by Ohio EMA by contacting the following Ohio EMA Planning, Training, and Exercise Branch staff.

Subrecipients 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 SHSP 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.

Subrecipients 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 SHSP grant programs for which the funding will be used

Exercises

Exercises conducted with grant funding should be managed and conducted consistent with HSEEP. HSEEP guidance for exercise design, development, conduct, evaluation, and improvement planning is located at <https://www.fema.gov/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). 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 Ohio EMA Training & Exercise Supervisor. All exercises using SHSP funding must be NIMS compliant. More information is available online at the National Integration Center at <https://www.fema.gov/national-incident-management-system>.

Applications requesting exercise funding should demonstrate that personnel and resources exist to ensure compliance with the HSEEP requirement and sound exercise management practices. Acceptable scenarios for SHSP exercises include: chemical, biological, radiological, nuclear, explosive, cyber, agricultural or technological disasters. The scenarios used in SHSP-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 consider

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.

If you have questions regarding eligibility during the developmental stages of your exercise project proposal, please contact Ohio EMA Training & Exercise Supervisor, David Nunley, dbnunley@dps.ohio.gov, or at (614) 799-3677.

Unallowable Expenses

- Unauthorized Exercise Costs
- 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).
- Per FEMA policy, the purchase of weapons and weapons accessories, including ammunition, is not allowed with SHSP-LE funds.
- Grant funds may not be used for the purchase of equipment not approved by DHS/FEMA. Grant funds must comply with [IB 426](#) and may not be used for the purchase of the following equipment: firearms; ammunition; grenade launchers; bayonets; or weaponized aircraft, vessels, or vehicles of any kind with weapons installed.

Grant Administration

The Grant Administration section is intended to help subrecipients in understanding the rules and regulations associated with administering federally-funded grant awards and the state's process for meeting these requirements. This comprehensive resource will provide subrecipients with standard financial and administrative processes that will ensure compliance with the preparedness grant programs.

Application Process

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 December 18, 2020**. 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 as a tool to gather project information in a format that will streamline its input into EGMS. All EHP documentation will also need to be submitted with your region's grant package submission.

For FY2020 a completed application package under SHSP-LE consists of twelve parts:

- 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
- Regional Fiscal Agent Contact Form
- Regional Law Enforcement Advisory Group Information
- Regional Project Sign-off Form
- Subaward Financial Management Form (FFATA for subrecipients)
- EHP Screening tool (required unless project is exempt)

*In order to receive FY2020 SHSP-LE funding, the subrecipient 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 can be found at [Ohio EMA NIMS Guidance](#) or via [FEMA's NIMS web page](#).

Post Award Requirements

Issuance of Grant Agreement

A grant agreement will be generated and sent to the subrecipient along with any special conditions. This grant agreement must be mailed with original signature to Ohio EMA by December 18, 2020. Any costs incurred prior to issuance of the executed grant agreement with assurances and official EGMS budget approval may not be reimbursed.

Grant Performance Period

The performance period for the FY2020 SHSP will be September 1, 2020 through March 31, 2023. 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 will only be approved if the subrecipient can provide compelling justification for why the approved projects are incomplete.

Standards for Review

Once the region's prioritized list of projects has the necessary signatures, begin the application process by utilizing the [EGMS Budget Line Item Generator](#) to assist in development of the grant application in EGMS. This excel spreadsheet, with dropdowns and prompts, is aimed at simplifying the application process. Subrecipients should utilize the technical expertise of grants staff to ensure they are submitting projects that meet the requirements established in this guidance. Ohio EMA Grants Branch staff will review the submitted projects to ensure compliance with this guidance document. Once the Regional Fiscal Agents have received written approval of their respective projects, they may then enter all projects and budgets within the Electronic Grants Management System (EGMS).

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.

Demonstrating Progress

Regional 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 may 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

Subrecipients 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 subrecipient accounting include the ability to track expenditures by grant program and by federal fiscal of the award (i.e. FY2018 SHSP-LE, FY2019 SHSP-LE, etc.).

Management and Administration (M&A) Costs and Requirements

Subrecipients may retain a maximum of up to five percent (5%) of requested funding for management and administrative purposes associated with the SHSP-LE award. M&A costs are specifically attributed to the management and administration of the FY2020 award. Indirect costs are not considered administrative costs and are not permitted under the FY2020 SHSP grant. 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 FY2020 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 FY2020 SHSP, or for personnel currently being paid with SHSP funds for grant administration and will now be responsible to additionally administer FY2020 SHSP funding.

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.

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.

Construction and Renovation

Use of SHSP funds for construction is generally prohibited and will have limited applicability to Ohio's FY2020 offering of SHSP funding.

Project construction using SHSP funds may not exceed the greater of \$1,000,000 or 15 percent of the grant award. For the purposes of the limitations on funding levels, communications towers are not considered construction.

Written approval must be provided by DHS/FEMA prior to the use of any SHSP funds for construction or renovation. When applying for construction funds, recipients must submit evidence of approved zoning ordinances, architectural plans, and any other locally required planning permits. Additionally, recipients are required to submit a SF-424C form with budget detail citing the project costs.

Recipients using funds for construction projects must comply with the *Davis-Bacon Act* (codified as amended at 40 U.S.C. §§ 3141 *et seq.*). Recipients must ensure that their contractors or subcontractors for construction projects pay workers no less than the prevailing wages for laborers and mechanics employed on projects of a character like the contract work in the civil subdivision of the State in which the work is to be performed. Additional information regarding compliance with the *Davis-Bacon Act*, including Department of Labor (DOL) wage determinations, is available online at <https://www.dol.gov/whd/govcontracts/dbra.htm>.

28 C.F.R. Part 23 Guidance

DHS/FEMA requires that any information technology system funded or supported by these funds comply with 28 C.F.R. Criminal Intelligence Systems Operating Policies if this regulation is determined to be applicable.

Standard Financial Requirements

Any subrecipient(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 subrecipient 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 subrecipient of requirements of local and/or state government. In addition, acceptance of federal grant funding means subrecipient Fiscal Agent must comply with and assume financial responsibility for audit findings. You must meet all local, state, and federal guidelines, whichever is stricter.

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 SHSP and other preparedness grant programs, this is accomplished via FEMA's Environmental Planning and Historic Preservation (EHP) Review. Subrecipients must comply with all applicable EHP laws, regulations, and Executive Orders (EOs) in order to draw down their FY2020 SHSP 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.

SHSP 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, subrecipients must complete the FEMA EHP Screening Form (available via https://ema.ohio.gov/PreparednessGrants_Toolkit.aspx) and submit it, with all supporting documentation, to Ohio EMA Grant Branch staff. Refer to IBs 329, 345, and 356 located at <https://www.fema.gov/grant-programs-directorate-information-bulletins> 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 SHSP-LE 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.

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, subrecipients must ensure that they meet the procurement requirements of the Ohio Revised Code and local procurement regulations. All subrecipients 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, subrecipients 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 subrecipients navigate the requirements of procurement:

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

- **Micro-purchases:** 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 subrecipients should still seek quotes where feasible. In order to document that the subrecipient has utilized the strictest of local, state, and federal procurement policies, Ohio EMA will require a copy of the subrecipient’s local procurement policy with each cash request.

- **Small Purchase**—price or rate quotations must be obtained from a minimum of three sources if the cost is less than \$50,000 and the local policy does not establish a different, lower amount
- **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
- **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.
- **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.

Subrecipients 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.

Subrecipients 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. Subrecipients 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.

Pre-Procurement Approval Process

Prior to obligating any grant funds for approved projects, grant subrecipients are required to submit the Procurement Process form for review and approval by Ohio EMA Grants Branch staff. This form will detail the required documentation that must accompany the submission based on the intended method of procurement. Review and approval will be returned to the subrecipient within five business days (unless the submission requires additional information and/or clarification). The Pre-Procurement Approval Process applies to any procurement above the Micro-Purchase Threshold (\$10,000 and above).

To provide clarification on several areas of procurement interpretations, the following guidelines will now be required in the procurement process:

- **Micro-Purchase Procurement (<\$10,000)**

- Subrecipients will need to submit Suspension and Debarment verification documentation with their reimbursement request.
- Subrecipients may utilize the GSA Schedule as a source for procuring items under the micro-purchase threshold.
- **Small Purchase Procurement (\$10,000 - \$49,999)**
 - Subrecipients will need to submit Suspension and Debarment verification documentation with their Procurement Process approval form.
 - A minimum of **three valid quotes** will be required to proceed with procurement. A valid quote is one that meets all specifications of the Request for Quote. If any quote is deemed ineligible by the subrecipient or Ohio EMA, the subrecipient will be required to send out additional Requests for Quote until they attain the required minimum of three valid quotes.
 - Subrecipients may utilize the GSA Schedule as a source for one of their valid quotes.
- **Sealed Bid Procurement (\$50,000 and above)**
 - Subrecipients will need to submit Suspension and Debarment verification documentation with their Procurement Process approval form.
 - A minimum of **two valid bids** will be required to proceed with procurement. A valid bid is one that meets all specifications identified in the Invitation to Bid. If any bid is deemed ineligible by the subrecipient or Ohio EMA, the subrecipient will be required to send out additional Requests for Quote until they attain the required minimum of two valid bids.
 - Subrecipients may **NOT** utilize the GSA Schedule as a source for one of their valid bids.
- **Competitive Proposals (\$50,000 and above)**
*****This is only for use when sealed bidding is not possible as the terms of how a project are to be completed must be negotiated.***
 - Subrecipients will need to submit Suspension and Debarment verification documentation with their Procurement Process approval form.
 - The criteria and weight of all scoring criteria must be very clear in the specifications and must not be restrictive of competition per 2 CFR 200.319.
 - A minimum of **two valid proposals** will be required to proceed with procurement. A valid proposal is one that meets all specifications identified in the Request for Proposals. If any proposal is deemed ineligible by the subrecipient or Ohio EMA, the subrecipient will be required to send out additional Requests for Quote until they attain the required minimum of two valid proposals.
- **Inadequate Competition**
*****This is only for use when the minimum amount of quotes, bids, or proposals as specified in the 2 CFR 200 and this guidance are not met.***
 - Subrecipients will need to submit Suspension and Debarment verification documentation with their Procurement Process approval form.
 - Documentation must be provided to demonstrate the effort involved with attempting to competitively solicit price rates.
 - **For Procurements Requiring Quotes:** After a documented effort has been made to achieve three quotes and has not produced three quotes, a subrecipient may then bid the project. The award should then be made to the lowest bidder

- **For Procurements Requiring Bids:** After the initial Invitation to Bid (ITB) has been solicited and has not produced two valid bids, to document sufficient competitive effort a subrecipient may then solicit a second ITB and award to the lowest cost, qualified bid.
- **For Procurements Requiring Proposals:** After the initial Request for Proposals (RFP) has been solicited and has not produced two valid proposals, to document sufficient competitive effort a subrecipient may then solicit a second RFP and award to the lowest cost, qualified proposals considering other clear evaluation criteria.”

Subrecipients are encouraged to work closely with Ohio EMA Grants Branch Staff throughout the procurement process to address any concerns and ensure compliance with federal, state, and local requirements.

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. Subrecipients 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 subrecipient 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 subrecipients is to document in grant files that steps have been taken to meet each of the six requirements of this section. When a subrecipient 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.

1. 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.

2. Affirmative steps must include:
 - a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - c. 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;
 - d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - e. 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
 - f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.”

Food Costs

With the exception of food costs associated with travel/per-diem or providing for a meal during 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.

Project Management

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 Grants Branch requires that subrecipients 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)

Project Changes

Per 2 CFR Part 200, subrecipients 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 subrecipients 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 SHSP funds for equipment purchases requires that subrecipients 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,
 - Source of funding for the property (including CFDA and FAIN)
 - Who holds title,
 - The acquisition date
 - Cost of the property,
 - The source of property,
 - Percentage of Federal participation in the cost of the property,
 - The location of the property,
 - 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 subrecipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.
- Subrecipients who have purchased equipment with Federal funds must submit an annual inventory certification along with a current Master Asset Listing to the Grants Branch no later than January 31 of each year. The Master Asset Listing must be submitted in electronic format (Excel or .csv). The form is located on the [Ohio EMA Grants Toolkit website](#).

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.
- Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold. Approval from Ohio EMA must be secured before any disposition for items with a fair-market value in excess of \$5,000.
- 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 subrecipient fails to take appropriate disposition actions, the awarding agency may direct the recipient or subrecipient to take excess and disposition actions.

Equipment is defined as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

Supplies is defined as tangible personal property other than “equipment” for use 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 subrecipient receiving FY2020 SHSP 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 fiscal agent 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

Subrecipients 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. Subrecipients must ensure that funds received and expended under this grant program are coordinated with the county’s fiscal office (treasurer, auditor, etc.).

Audit Findings

As the State Administrative Authority (SAA), Ohio EMA takes seriously 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. Subrecipients (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 subrecipients (Regional Fiscal Agents). By signing the grant agreement, subrecipients (Regional Fiscal Agent) 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 subrecipient (Regional Fiscal Agent). Ohio EMA will assume no financial responsibility for said audit findings, and if forced to pay on behalf of the subrecipient (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.

Subrecipients (Regional Fiscal Agents) will be monitored for fiscal performance utilizing the quarterly reports. Ohio EMA staff will be contacting subrecipients (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 Subrecipient (regional fiscal agent) is experiencing.

Payment

Reimbursement Requests

The reimbursement request process for the FY2020 SHSP 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.

Subrecipients 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 subrecipients' 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 subrecipient. While this process relies heavily on external stakeholders, Ohio EMA Grants Branch staff will work to ensure the quickest processing of subrecipient 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 subrecipient 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 subrecipient fiscal agent for revision. Subrecipients 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.

Enforcement, Termination and After the Grant Requirements

Ohio EMA is required to monitor the subrecipient'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 subrecipient (regional fiscal agent) through a Notice-of-Non-Compliance. The subrecipient (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 subrecipient (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 subrecipient is agreeing to follow:

- **Notice of Non-Compliance:** The Ohio EMA Grants Branch Chief will send electronic notice of Non-Compliance to the subrecipient. The Notice of Non-Compliance will inform the subrecipient of the following: The area(s) of non-compliance; Either (1) the steps required to of the subrecipient to come into compliance and the date by which the subrecipient 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; The method for requesting review of compliance steps or agency action.
- **Review subrecipient's submission of compliance:** In the event the subrecipient submits compliance documentation, Ohio EMA Grants Administrator, in conjunction with the Grants Branch Chief, will review the subrecipient's written submission and determine if there is full compliance. If the subrecipient has not met full compliance, Ohio EMA will take agency action, through a Notice of Action, the subrecipient received notice of in the previously issued Notice of Non-Compliance.
- **Method for requesting review:** Subrecipient 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, the subrecipient will be given notification of the extended time frame. The decision of the Executive Director is final. The subrecipient is not entitled to any further appeals within Ohio EMA, or pursuant to any federal or state regulation, code, or procedure.

Availability of Public Records

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. Subrecipients 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:

Ohio EMA Grants Branch

Grant Administrators:

| | | |
|--------------------------------------|----------------|--------------------------------------------------------------------|
| Geoffrey Martin, Grants Branch Chief | (614) 799-3836 | gsmartin@dps.ohio.gov |
| Margo Schramm, Grants Supervisor | (614) 799-3843 | mlschramm@dps.ohio.gov |

Grant Management Specialists:

| | | |
|--------------------------------|----------------|----------------------------------------------------------------------|
| Rudi Blaser (Regions 3 & 8) | (614) 799-3825 | rblaser@dps.ohio.gov |
| Colin Campbell (Regions 5 & 6) | (614) 799-3828 | cecampbell@dps.ohio.gov |
| Jocelyn Fykes (Regions 1 & 2) | (614) 799-3832 | jbfykes@dps.ohio.gov |
| Tim Manns (Regions 4 & 7) | (614) 799-3682 | trmanns@dps.ohio.gov |

Grant Monitoring Specialists:

| | | |
|---------------|----------------|--------------------------------------------------------------------|
| Cathy Deck | (614) 799-3684 | cdeck@dps.ohio.gov |
| Seth McDonald | (614) 799-3819 | smcdonald@dps.ohio.gov |

For Training & Exercise needs, contact:

Ohio EMA Planning, Training & Exercise Branch

| | | |
|----------------------------------------------|----------------|----------------------------------------------------------------------|
| David Nunley, Training & Exercise Supervisor | (614) 799-3677 | dbnunley@dps.ohio.gov |
| Lisa Jones, Training Coordinator | (614) 799-3824 | ljones@dps.ohio.gov |
| Matthew Jaksetic, Training Coordinator | (614) 799-3666 | mtjaksetic@dps.ohio.gov |

APPENDIX A: FY2020 NDAA (National Defense Authorization Act)

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

Effective August 13, 2020, FEMA recipients and subrecipients may not use FEMA funding for open or new awards on certain telecommunications products and contracting with certain entities for national security reasons. Please review the following memorandum from FEMA and contact your assigned Ohio EMA Grants Management Specialist if you have any questions or concerns.

ATTACHMENT TO FOLLOW



FEMA

August 3, 2020

MEMORANDUM FOR: All FEMA Regional Administrators
All FEMA Deputy Regional Administrators
All FEMA Regional Grant Division Directors
All FEMA Grant Programs Directorate Points of Contact
All FEMA Office of Response and Recovery Points of Contact
All Federal Insurance and Mitigation Administration Points of Contact
All National Preparedness Directorate Points of Contact
All Tribal Nation Points of Contact

FROM: Christopher Logan
Assistant Administrator (Acting) 
Grant Programs Directorate

SUBJECT: Prohibitions on Expending FEMA Award Funds for Covered
Telecommunications Equipment or Services (Interim)

The purpose of this memorandum is to inform recipients and subrecipients of U.S. Department of Homeland Security (DHS)/ Federal Emergency Management Agency (FEMA) federal financial assistance of the prohibitions described in section 889(b)(1) of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018). Beginning August 13, 2020, the statute—as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors—prohibits obligating or expending federal award funds on certain telecommunications products and contracting with certain entities for national security reasons. FEMA will issue additional guidance in a forthcoming Interim Policy.

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

- i. Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- ii. Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or

Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services (Interim)

- iii. Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

Replacement Equipment and Services

FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition. Recipients and subrecipients should refer to applicable program guidance or contact the applicable program office to determine if replacement equipment or services is eligible under that program.

Definitions

Per section 889(f)(2)-(3) of the FY 2019 NDAA, covered telecommunications equipment or services means:

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