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July 18, 2012

Honorable Members of the City Council
City of Los Angeles
City Hall, Room 395
Attention: City Clerk

Honorable Antonio R. Villaraigosa
Mayor, City of Los Angeles
Room 303, City Hall
Attention: Mandy Morales, Legislative Coordinator

[BFC 12-104] – 2011 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) URBAN SEARCH AND RESCUE TASK FORCE COOPERATIVE AGREEMENT FUND TRANSFER REQUEST, COUNCIL FILE 11-1941

At its meeting of July 17, 2012, the Board of Fire Commissioners approved a fund transfer request to the 2011 FEMA Urban Search and Rescue Task Force Cooperative Agreement. The report is hereby transmitted concurrently to the Mayor and City Council for review and approval.

Should you need additional information, please contact the Board of Fire Commission Office at 213-978-3838.

Sincerely,

Leticia Gómez
Commission Executive Assistant

Attachment

cc: Board of Fire Commissioners
Fire Chief Cummings

APPROVED: 7/17/12

BOARD OF FIRE COMMISSIONERS

By: *[Signature]*

LOS ANGELES FIRE DEPARTMENT

COMMISSION EXECUTIVE ASSISTANT

BRIAN L. CUMMINGS
FIRE CHIEF

June 22, 2012

BOARD OF FIRE COMMISSIONERS
FILE NO. 12-104

TO: Board of Fire Commissioners

FROM: Brian L. Cummings, Fire Chief

SUBJECT: 2011 FEMA URBAN SEARCH AND RESCUE TASK FORCE
COOPERATIVE AGREEMENT FUND TRANSFER REQUEST,
COUNCIL FILE 11-1941

FINAL ACTION:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

Recommendations: That the Board:

1. Approve and transmit the report to the Mayor and the City Clerk for Committee consideration and City Council approval.

It is also respectfully recommended that the Board request that the Mayor and City Council:

2. Authorize the Controller to transfer \$345,000 from Department 38, Fund 100, Account 001012 (Salaries, Sworn) to Department 38, Fund 335, Account 38011R, to support the necessary expense and purchase of equipment items that will be reimbursed by the Federal Emergency Management Agency (FEMA) grant.
3. Authorize the Fire Chief, or his designee, to deposit the FEMA grant funds received under this cooperative agreement into Department 38, Fund 335 (Fire Department Grants).
4. Authorize the Controller to transfer FEMA grant funds, from Department 38, Fund 335 to Department 38, Fund 100, Account 001012 (Sworn Salaries), based on the Los Angeles Fire Department (LAFD) submissions to the Office of the City Administrative Officer (CAO) documenting actual costs incurred for this FEMA Urban Search and Rescue (US&R) no-match Cooperative Agreement Program through the end of the grant term of January 31, 2013.
5. Authorize the Controller to transfer the uncommitted balance of advanced funds as of February 1, 2013, from Department 38, Fund 335, Appropriation Account 38011R to Department 38, Fund 100, Account 001012 (Sworn Salaries) to meet payroll needs.

Summary:

On April 4, 1993, the Mayor and City Council authorized the LAFD to execute a Memorandum of Agreement (MOA) with the Governor's Office of Emergency Services and the FEMA. These actions established LAFD as a sponsoring agency and host of a FEMA US&R Task Force, California Task Force 1 (CA-TF 1). Through the MOA, FEMA supports CA-TF 1 annually using a Cooperative Agreement (Attached) to fund the program. The Agreement supports an equipment cache, CA-TF 1 member training, and full-time personnel to manage the cache and administrate CA-TF 1's US&R program.

FEMA's ongoing method of supporting US&R Task Forces throughout the country is by funding Cooperative Agreement Grants to sponsoring agencies for necessary equipment, training, supplies, and program administration costs. On January 13, 2012, the Council accepted a FEMA Cooperative Agreement Grant (EMW-2011-CA-00049) in the amount of 1,085,079 for a period of August 1, 2011 through January 31, 2013. (C.F. 11-1941). As of June 8, 2012 a balance of \$579,940 remained unspent. The period of performance of this grant spans over two fiscal years, therefore a funds transfer is needed to complete the goals of this grant.

The amounts we spent this past Fiscal Year was primarily for the support of the resolution authorities, covering two (2) Captain I positions, and one (1) Management Analyst II position. Fringe benefits were covered for these positions as well. Our CA-TF 1 training was provided through the use of v-hours paid for by the 2011 FEMA Grant in order to maintain the skill levels from the rostered Task Force members. Travel expenses and the maintenance expense of cellular and satellite equipment were paid for out of these grant funds.

The Agreement's funding mechanism uses a "draw-down" system where the LAFD loans funds from its existing general fund accounts for CA-TF 1 expenditures, which is reimbursed by drawing down from the grant award and reimbursing LAFD accounts. The Agreement does not require a cost-share by either the Department or City. All grant mandated expenditures shall be reimbursed from the FEMA US&R account in a timely, on-going basis, as expenditures are processed according to City procedures.

Fiscal Impact:

The Department needs to transfer \$345,000 from Department 38, Fund 100, Account 001012 (Salaries, Sworn) to Department 38, Fund 335, Account 38011R to support the expense and equipment purchases necessary for the programs operations in Fiscal Year 2012/2013. The remaining grant funds are salary expenses for the program administration and training personnel costs, these costs will come directly from the salary accounts and be reimbursed back into the salary accounts.

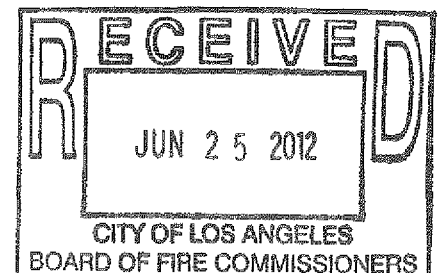
The 2011 Cooperative Agreement is a fully reimbursable, "draw-down" grant with no cost-share. There is no long-term fiscal impact.

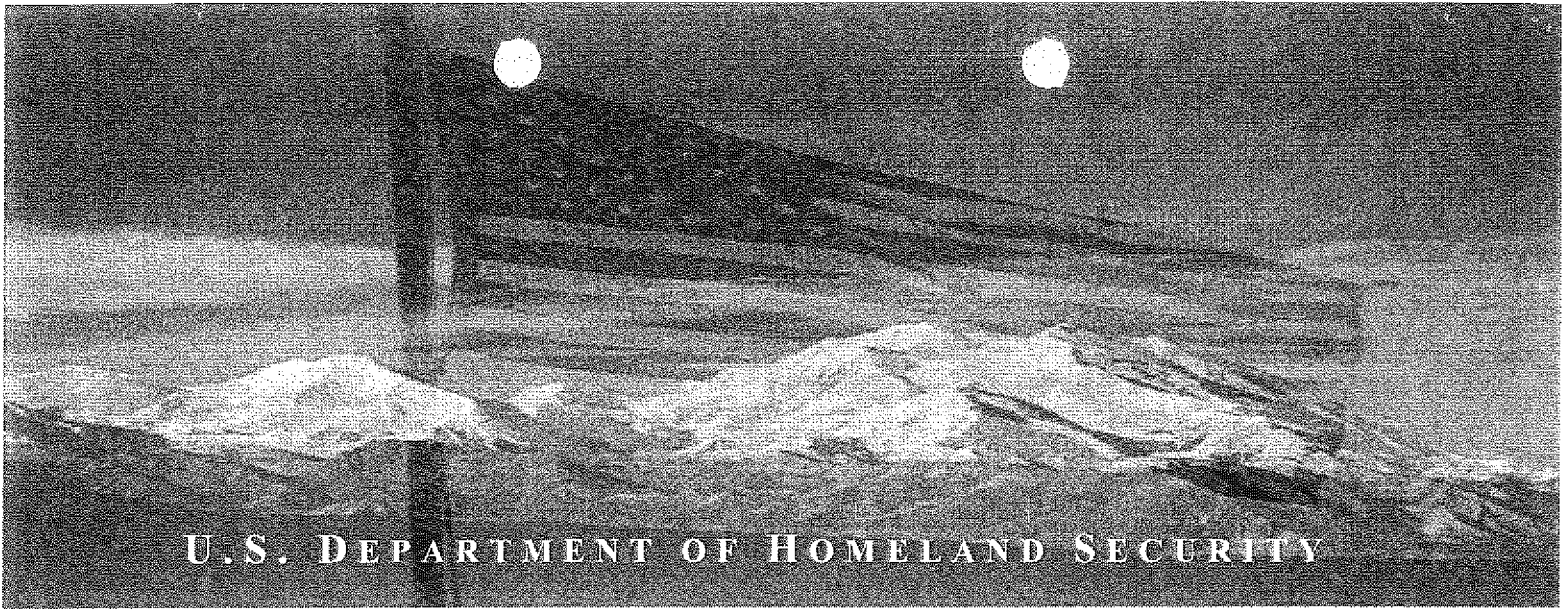
Conclusion:

As the sponsoring agency of a US&R Task Force, CA-TF 1, the LAFD receives annual grants to support, maintain, and enhance CA-TF 1's readiness. The report recommendations are necessary to ensure that appropriate accounting and financial procedures are in place to allow the LAFD to expend the grant funds. This is a no-match reimbursement grant of \$1,085,079 of which \$345,000 remains available for expense and equipment.

Board report prepared by Mary Reuschel, Management Analyst II, Emergency Services Bureau.

Attachment





U.S. DEPARTMENT OF HOMELAND SECURITY

FISCAL YEAR 2011

URBAN SEARCH & RESCUE PROGRAM

GUIDANCE AND APPLICATION KIT

JULY 2011



U.S. DEPARTMENT OF HOMELAND SECURITY

Title of Opportunity: National Urban Search and Rescue (US&R) Response System

Funding Opportunity Number: DHS-11-DOD-025-000-01

CFDA Number: 97.025

Federal Agency Name: U.S. Department of Homeland Security (DHS) Federal
Emergency Management Agency (FEMA)

Announcement Type: Initial

Dates: Completed application must be submitted no later than 11:59 PM Eastern,
August 25, 2011.

Additional overview information: N/A

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PART I.
FUNDING OPPORTUNITY DESCRIPTION

The U. S. Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) maintain a high level of accountability and provide support and funding to maintain the readiness of the National Urban Search & Rescue Response System. The purpose of this funding opportunity is to establish yearly Cooperative Agreements with the 28 State and local emergency management Sponsoring Agencies currently designated by FEMA as members of the National Urban Search and Rescue (US&R) Response System.

The Cooperative Agreement funding will assist the US&R Response System resources to be prepared for mission response and provide qualified personnel in support of Emergency Support Function-9 (ESF-9) activities under the National Incident Management System (NIMS) and the National Response Framework (NRF). Specifically, these Cooperative Agreements will provide a mechanism for distribution of Cooperative Agreement funding to prepare the 28 designated Task Forces for US&R disaster response, including response to incidents involving weapons of mass destruction (WMD) that would require a limited hazmat capability for the core structural collapse mission, National Special Security Events (NSSE) or other designated disasters or emergencies. US&R Task Force Sponsoring Agencies are directed to use the funding to meet the following objectives: provide task force administration and management, training, equipment cache procurement, and maintenance and storage.

PART II.

AWARD INFORMATION

Type of Award

Only the 28 State and local Sponsoring Agencies currently designated by FEMA as members of the National US&R Response System are eligible for applying for these operations and maintenance project Cooperative Agreements. Applications and budget plans will be reviewed by the DHS/FEMA US&R Program Office and Grant Programs Directorate. Any issues or concerns noted in the application will be negotiated with the successful applicant prior to the award being issued. The substantial involvement is provided under Part VIII Other Information, Article VII, DHS/FEMA/US&R Program Office Responsibility.

Authorizing Statutes

Homeland Security Act of 2002, as amended, 6 U.S.C. §§ 101 *et seq.*; Section 634 of the Post-Katrina Emergency Management Reform Act of 2006, 6 U.S.C. § 722; Sections 303, 306, 403 and 621 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. §§ 5144, 5149, 5170b, and 5197; and 44 CFR Part 208; Department of Defense and Full Year Continuing Appropriations Act, 2011 (Public Law 112-10, Section 2, Division B, Title VI Homeland Security).

Period of Performance

The period of performance for the Cooperative Agreements is 18 months. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. The period of performance is anticipated to be August 01, 2011 thru January 31, 2013.

Available Funding

In FY 2011, the total amount of funds distributed under the Cooperative Agreements will be \$31,080,684. The amount of funding per award will range between \$1,077,078 and \$1,197,578.

PART III.
ELIGIBILITY INFORMATION

A. Eligible Applicants

Only the 28 State and local Sponsoring Agencies currently designated by FEMA as members of the National US&R Response System are eligible for applying for funding for these operations and maintenance project Cooperative Agreements.

B. Cost Sharing

There is no required cost sharing, matching, or cost participation for the FY 2011 US&R Cooperative Agreements.

C. Restrictions

Only the 28 National DHS/FEMA designated Task Force Sponsoring Agencies are eligible to apply.

D. Other

National Incident Management System Implementation Compliance

In accordance with Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the adoption of the National Incident Management System (NIMS) is a requirement to receive Federal assistance, through grants, contracts, and other activities. The NIMS provides a consistent nationwide template to enable all levels of government, tribal nations, nongovernmental organizations, and private sector partners to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity.

FY 2010 NIMS implementation must be considered prior to allocation of any Federal awards in FY 2011. The primary grantee/administrator of FY 2011 US&R Readiness award funds is responsible for determining if sub-awardees have demonstrated sufficient progress to disburse awards.

To be eligible to receive FY 2011 Cooperative Agreement funding, applicants must meet NIMS compliance requirements. See Part VIII, Other Information, Article VIII, A.13 for NIMS information. The NIMSCAST will be the required means to report FY 2011 NIMS compliance for FY 2011 award eligibility. Each Sponsoring Agency Task Force will deal with NIMSCAST thru their State requirements.

PART IV.
**APPLICATION AND SUBMISSION
INFORMATION**

A. Address to Request Application Packages

FEMA makes all funding opportunities available through the common electronic "storefront", [grants.gov](http://www.grants.gov), accessible on the Internet at <http://www.grants.gov>. If you experience difficulties accessing information or have any questions please call the [grants.gov](http://www.grants.gov) customer support hotline at (800) 518-4726.

Application forms and instructions are available at [grants.gov](http://www.grants.gov). To access these materials, go to <http://www.grants.gov>, select "Apply for Grants," and then select "Download Application Package." Enter the Catalog of Federal Domestic Assistance (CFDA) and/or the funding opportunity number located on page i of this announcement. Select "Download Application Package," and then follow the prompts to download the application package. To download the instructions, go to "Download Application Package" and select "Instructions."

B. Content and Form of Application

1. **Application via www.grants.gov.** All applicants must file their applications using the Administration's common electronic "storefront" - www.grants.gov. Eligible grantees must apply for funding through this portal, accessible on the Internet at www.grants.gov.

The application must be started and submitted using www.grants.gov after Central Contractor Registration (CCR) is confirmed. The on-line application includes the following required forms and submissions:

- Standard Form 424, Application for Federal Assistance

The application must be completed and submitted through the ND Grants system located at <https://portal.fema.gov>. If you need assistance registering for the ND Grants system, please contact FEMA's Enterprise Service Desk at 1-888-457-3362. The ND Grants system includes the following required forms and submissions:

- Standard Form 424 A, Budget Information (Non-construction)
- Standard Form 424 B, Standard Assurances (Non-construction)
- Standard Form LLL, Disclosure of Lobbying Activities
- Grants.gov (GG) Lobbying Form, Certification Regarding Lobbying

- FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- Attachments: Project Narrative and the Budget Justification

The program title listed in the Catalog of Federal Domestic Assistance (CFDA) is "National Urban Search and Rescue (US&R) Response System Cooperative Agreement Program". The CFDA number is 97.025. When completing the application, applicants should identify their submissions as new, non-construction applications.

2. Dun and Bradstreet Data Universal Numbering System (DUNS) number. The applicant must provide a DUNS number with their application. This number is a required field within www.grants.gov and for CCR Registration. Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one, as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at (866) 705-5711.

3. Valid CCR Registration. The application process also involves an updated and current registration by the applicant. Eligible applicants must confirm CCR registration at <http://www.ccr.gov>, as well as apply for funding through www.grants.gov.

C. Submission Dates and Times

Completed applications must be submitted through grants.gov **no later than 11:59 PM Eastern, August 25, 2011**. Additional information and instruction will be provided.

D. Intergovernmental Review

This funding opportunity is not subject to Executive order (EO) 12372, "Intergovernmental Review of Federal Programs".

E. Funding Restrictions

DHS grant funds may only be used for the purpose set forth in the grant, and must be consistent with the statutory authority for the award. Grant funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal government or any other government entity.

Pre-award costs are allowable only with the written consent of DHS and if they are included in the award agreement.

Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this program. Federal employees may not receive funds under this award.

This Cooperative Agreement may not be used for funding new capital construction. However, costs associated with leasing, upgrading, minor renovations and modifications of existing warehouse facilities that do not change the footprint of the structure are permitted. Refer to Part VIII, Other Information for further guidance.

PART V.
APPLICATION REVIEW INFORMATION

A. Review Criteria

Applications will be reviewed and recommended for funding by the DHS/FEMA based on the program criteria identified in this announcement. The applications will be reviewed to ensure the items listed have costs that are reasonable, allowable, and allocable to the program. Any questions will be submitted to the applicants for discussion. This is not a competitive program.

B. Review and Selection Process

The applications will be reviewed by the US&R Program Office and the Grant Programs Directorate, and the awards will be made by the Grant Programs Directorate Assistance Officers.

Funds will not be made available for obligation, expenditure, or drawdown until the applicant's budget and budget narrative have been approved by FEMA.

The applicant must provide a detailed budget for the funds requested. The detailed budget must be submitted as an attachment to the grant application package in grants.gov. The budget must be complete, reasonable, and cost-effective in relation to the proposed project. The budget should provide the basis of computation of all project-related costs, any appropriate narrative, and a detailed justification of Management and Administrative (M&A) costs.

For more information regarding a sample budget worksheet and all attachments referenced in the guidance, please contact the program office (Points of Contact are listed in Part VII, FEMA Contacts).

C. Anticipated Announcement and Award Dates

FEMA will evaluate and act on applications within 60 days following the close of the application period. Awards will be made on or before September 30, 2011. Congressional Notification is required prior to FEMA issuing awards in excess of \$1M.

PART VI.
AWARD ADMINISTRATION INFORMATION

A. Notice of Award

Upon approval of an application, the grant will be awarded to the grantee. The date that is done is the "award date." Notification of award approval is made through the ND Grants system. Once an award has been approved, a notice is sent to the authorized grant official. Follow the directions in the notification to accept your award documents. The authorized grant official should carefully read the award package.

The period of performance is 18 months and begins on the Project Period/Budget Period start date listed in the award package. Any unobligated funds will be de-obligated at the end of the close-out period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. All extension requests must be submitted to FEMA at least 60 days prior to the expiration of the period of performance and must address:

- Reason for delay;
- Current status of the activity/activities;
- Approved period of performance termination date and new project completion date;
- Remaining available funds, both Federal and non-Federal;
- Budget outlining how remaining Federal and non-Federal funds will be expended;
- Plan for completion including milestones and timeframe for achieving each milestone and the position/person responsible for implementing the plan for completion; and
- Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA

B. Administrative and National Policy Requirements

The recipient and any sub-recipient(s) must, in addition to the assurances made as part of the application, comply and require each of its subcontractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders, OMB Circulars, terms and conditions of the award, and the approved application.

1. Standard Financial Requirements. The grantee and any subgrantee(s) shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

1.1 – Administrative Requirements. The administrative requirements that apply to most Department of Homeland Security (DHS) award recipients through a grant or cooperative agreement arise from two sources:

- Office of Management and Budget (OMB) Circular A-102, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* (also known as the “A-102 Common Rule”), found under DHS regulations at Title 44, Code of Federal Regulations (CFR) Part §13, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.”
- OMB Circular A-110, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*, relocated to 2 CFR Part §215.

1.2 – Cost Principles. The requirements for allowable costs/cost principles are contained in the A-102 Common Rule, OMB Circular A-110 (2 CFR §215.27), DHS program legislation, Federal awarding agency regulations, and the terms and conditions of the award. The four costs principles circulars are as follows:

- OMB Circular A-21, *Cost Principles for Educational Institutions*, relocated to 2 CFR Part §220.
- OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments*, relocated to 2 CFR Part §225.
- OMB Circular A-122, *Cost Principles for Non-Profit Organizations*, relocated to 2 CFR Part §230.
- OMB Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*.
- 48 CFR Part §31.2, Federal Acquisitions Regulations (FAR), *Contracts with Commercial Organizations*.

1.3 – Audit Requirements and other Assessments

- *Improper Payments Information Act (IPIA) of 2002*, (Public Law 107-300). Enacted to ensure the correct use of Federal funds and to avoid improper or erroneous payments.

1.4 – Duplication of Benefits. There may not be a duplication of any Federal assistance by governmental entities, per 2 CFR Part 225, Basic Guidelines

Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and 48 CFR 31.2.

To allow follow-up on A-133 audit findings or to test operational procedures safeguarding Federal funds, the grantee or sub-grantee must give FEMA or any authorized Federal representative access to all books, records, and related documents supporting the management and use of these grant funds.

2. **Payment.** DHS/FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to Recipients. To enroll in the DD/EFT, the Recipient must complete a Standard Form 1199A, Direct Deposit Form, found at <http://www.fms.treas.gov/eft/1199a.pdf>.

FEMA utilizes The Department of Health and Human Services, Division of Payment Management, Payment Management System, SmartLink to transfer funds between FEMA and Grantees.

2.1 – Advance Payment. In accordance with Treasury regulations at 31CFR Part 205, the Recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds (See 44 CFR Part 13.21(i)) regarding payment of interest earned on advances. In order to request an advance, the Recipient must maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds from DHS and expenditure and disbursement by the Recipient. When these requirements are not met, the Recipient will be required to be on a reimbursement for costs incurred method.

NOTE: FUNDS WILL NOT BE AUTOMATICALLY TRANSFERRED UPON ISSUANCE OF THE GRANT. GRANTEES MUST SUBMIT A REQUEST FOR ADVANCE/REIMBURSEMENT (SF-270) IN ORDER FOR THE FUNDS TO BE TRANSFERRED TO THE GRANTEE'S ACCOUNT.

3. **Non-supplanting Requirement.** 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.

4. **Technology Requirements.**

4.1 – National Information Exchange Model (NIEM). FEMA requires all grantees to use the latest NIEM specifications and guidelines regarding the use

of Extensible Markup Language (XML) for all grant awards. Further information about the required use of NIEM specifications and guidelines is available at <http://www.niem.gov>.

4.2 – Geospatial Guidance. Geospatial technologies capture, store, analyze, transmit, and/or display location-based information (i.e., information that can be linked to a latitude and longitude). FEMA encourages grantees to align any geospatial activities with the guidance available on the FEMA website at <http://www.fema.gov/grants>.

4.3 – 28 CFR Part 23 Guidance. FEMA requires that any information technology system funded or supported by these funds comply with 28 CFR Part 23, *Criminal Intelligence Systems Operating Policies*, if this regulation is determined to be applicable.

5. Administrative Requirements.

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

5.2 – Compliance with Federal civil rights laws and regulations. The grantee is required to comply with Federal civil rights laws and regulations. Specifically, the grantee is required to provide assurances as a condition for receipt of Federal funds that its programs and activities comply with the following:

- ***Civil Rights Act of 1964.*** All recipients of financial assistance will comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- ***Civil Rights Act of 1968.*** All recipients of financial assistance will comply with Title VIII of the *Civil Rights Act of 1968*, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. §3601 *et seq.*), as implemented by the Department of Housing and Urban Development at 24 CFR Part §100. The prohibition

on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—*i.e.*, the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 CFR Part §100.201).

- **Title IX of the *Education Amendments of 1972 (Equal Opportunity in Education Act)*.** All recipients of financial assistance will comply with the requirements of Title IX of the *Education Amendments of 1972* (20 U.S.C. §1681 *et seq.*), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part §19.
- ***Age Discrimination Act of 1975.*** All recipients of financial assistance will comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.
- ***Americans with Disabilities Act of 1990.*** All recipients of financial assistance will comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12101–12213).

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes. The grantee is also required to submit information, as required, to the DHS Office for Civil Rights and Civil Liberties concerning its compliance with these laws and their implementing regulations. If you have any additional questions or concerns regarding civil rights compliance, please feel free to contact the Office for Civil Rights and Civil Liberties by telephone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov.

5.3 – Services to Limited English Proficient (LEP) Persons

- **Limited English Proficiency (*Civil Rights Act of 1964, Title VI*).** All recipients of financial assistance will comply with the requirements of Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or

encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding LEP obligations, go to <http://www.lep.gov>.

5.4 – Certifications and Assurances. Certifications and assurances regarding the following apply:

- **Lobbying Prohibitions.** None of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement. These lobbying prohibitions can be found at 31 U.S.C. §1352.
- **Drug-Free Workplace Regulations.** All recipients of financial assistance will comply with the requirements of the *Drug-Free Workplace Act of 1988* (412 U.S.C. §701 *et seq.*), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at 44 CFR Part §17.
- **Debarment and Suspension.** Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government. The recipient must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see 2 CFR Part §3000.
- **Federal Debt Status.** The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129, also refer to SF-424, item number 17.)
- **Hotel and Motel Fire Safety Act of 1990.** In accordance with section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, 15 U.S.C. §2225.

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes.

5.5 – Integrating Individuals with Disabilities into Emergency Planning

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

For additional detailed information, please refer to the following:

- **FEMA Office of Disability Integration and Coordination.** There are many useful tools available through this office at <http://www.fema.gov/about/odc>.
- **Guidelines for Accommodating Individuals with Disabilities in Disaster.** These Guidelines are available at <http://www.fema.gov/oe/reference/>.
- **Disability and Emergency Preparedness Resource Center.** The "Resource Center" is available at <http://www.disabilitypreparedness.gov>.
- **ADA Best Practices.** The Civil Rights Division within the U.S. Department of Justice provides a resource entitled "the Americans with Disabilities Act ("ADA") Best Practices Toolkit for State and Local Governments." The ADA Best Practices Toolkit for State and Local Governments is available at <http://www.ada.gov/pca toolkit/toolkitmain.htm>.

5.6 – Environmental Planning and Historic Preservation (EHP) Compliance

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

For more information on FEMA's EHP requirements, Applicants should refer to:

- **Information Bulletin 329, Environmental Planning and Historic Preservation Requirements for Grants,** available at <http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf>,

- **Information Bulletin 345, Programmatic Environmental Assessment**, available at <http://www.fema.gov/pdf/government/grant/bulletins/info345.pdf>.
- **Information Bulletin 356, EHP Screening Form**, available at <http://www.fema.gov/pdf/government/grant/bulletins/info356.pdf>.

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

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

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

5.10 – National Flood Insurance Act of 1968. All recipients of financial assistance will comply with the requirements of Section 1306(c) of the National Flood Insurance Act, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining

caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at 44 CFR Part §63.

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

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

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

5.14 – Trafficking Victims Protection Act of 2000. All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. §7104), located at 2 CFR Part §175. This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a

condition that authorizes the agency to terminate the award, without penalty, if the recipient or a sub-recipient —

- Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
- Procures a commercial sex act during the period of time that the award is in effect; or
- Uses forced labor in the performance of the award or sub-awards under the award. Full text of the award term is provided at 2 CFR §175.15.

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

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

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

5.18 – Use of DHS Seal, Logo, and Flags. All recipients of financial assistance must obtain DHS' approval prior to using the DHS seal(s), logos, crests or

reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

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

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

C. Reporting Requirements

Reporting requirements must be met throughout the life of the grant (refer to the program guidance under Part VIII Other Information, Article IX Reporting and the special conditions found in the award package for a full explanation of these requirements). Any reports or documents prepared as a result of this grant shall be in compliance with Federal “plain English” policies, directives, etc.

- 1. Federal Financial Report (FFR) – required quarterly.** Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425), which replaced the SF-269 and SF-272, which is due within 30 days of the end of each calendar quarter (e.g., for the quarter ending March 31, the FFR is due

no later than April 30). A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and fund draw downs may be withheld if these reports are delinquent. The final FFR is due 90 days after the end date of the performance period.

FFRs must be filed according to the process and schedule below:

FFRs must be filed electronically through SMARTLINK.

Reporting periods and due dates:

- October 1 – December 31; *Due January 30*
- January 1 – March 31; *Due April 30*
- April 1 – June 30; *Due July 30*
- July 1 – September 30; *Due October 30*

2. Progress Reports.

Programmatic reporting requirements are identified in Part VIII Section IX of this document.

- 3. Financial and Compliance Audit Report.** Recipients that expend \$500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO's *Government Auditing Standards*, located at <http://www.gao.gov/govaud/ybk01.htm>, and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, located at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY 2011 US&R Readiness assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

The State shall require that sub-grantees comply with the audit requirements set forth in OMB Circular A-133. Recipients are responsible for ensuring that sub-recipient audit reports are received and for resolving any audit findings.

4. Monitoring.

Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met. Programmatic monitoring may also include the Regional Federal Coordinators, when appropriate, to ensure consistency of project

investments with Regional and National goals and policies, as well as to help synchronize similar investments ongoing at the Federal, State, and local levels.

Monitoring will be accomplished through a combination of office-based desk reviews and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining adequate financial records, and refunding expenditures disallowed by audits.

5. **Grant Close-Out Process.** Within 90 days after the end of the period of performance, grantees must submit a final FFR and final progress report detailing all accomplishments throughout the period of performance. After these reports have been reviewed and approved by FEMA, a close-out notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for three years from the date of the final FFR. The grantee is responsible for returning any funds that have been drawdown but remain as unliquidated on grantee financial records.

Required submissions: (1) final SF-425, due 90 days from end of grant period; and (2) final progress report, due 90 days from the end of the grant period. Use current grant closeout package template to ensure all necessary documents are submitted for closeout.

PART VII.
FEMA CONTACTS

1. **Grant Programs Directorate (GPD).** FEMA GPD's Grant Administration and Assistance Division (GAAD) will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation.

Tawana Mack (202) 786-9863
Email: Tawana.Mack@dhs.gov

Additional guidance and information can be obtained by contacting the FEMA Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov.

2. **US&R Program Office.** The Points of Contact from the US&R Program Office for Program Questions are:

Catherine Deel: (202) 646-3796
Email: Catherine.deel@dhs.gov

Rayna Bal: (202) 646-7933
Email: Rayna.Bal@dhs.gov

Doretha Herald: (202) 646-4332
Email: Doretha.Herald@dhs.gov

3. **GSA's State and Local Purchasing Programs.** The U.S. General Services Administration (GSA) offers two efficient and effective procurement programs for State and local governments to purchase products and services to fulfill homeland security and other technology needs. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term, indefinite delivery, indefinite quantity, government-wide contracts with commercial firms of all sizes.

- **Cooperative Purchasing Program**
Cooperative Purchasing, authorized by statute, allows State and local governments to purchase a variety of supplies (products) and services under specific GSA Schedule contracts to save time, money, and meet their everyday needs and missions.

The Cooperative Purchasing program allows State and local governments to purchase alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services off of



Schedule 84 and Information Technology products and professional services off of Schedule 70 and the Consolidated Schedule (containing IT Special Item Numbers) **only**. Cooperative Purchasing for these categories is authorized under Federal law by the *Local Preparedness Acquisition Act* (Public Law 110-248) and Section 211 of the *E-Government Act of 2002* (Public Law 107-347).

Under this program, State and local governments have access to GSA Schedule contractors who have voluntarily modified their contracts to participate in the Cooperative Purchasing program. The U.S. General Services Administration provides a definition of State and local governments as well as other vital information under the frequently asked questions section on its website at <http://www.gsa.gov/cooperativepurchasing>.

- **Disaster Recovery Purchasing Program**

GSA plays a critical role in providing disaster recovery products and services to Federal agencies. Now State and Local Governments can also benefit from the speed and savings of the GSA Federal Supply Schedules. Section 833 of the *John Warner National Defense Authorization Act for Fiscal Year 2007* (Public Law 109-364) amends 40 U.S.C. §502 to authorize GSA to provide State and Local governments the use of ALL GSA Federal Supply Schedules for purchase of products and services to be used to *facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack*.

GSA provides additional information on the Disaster Recovery Purchasing Program website at <http://www.gsa.gov/disasterrecovery>.

State and local governments can find a list of contractors on GSA's website, <http://www.gsaelibrary.gsa.gov>, denoted with a  PURCH or  RECOV symbol.

Assistance is available from GSA on the Cooperative Purchasing and Disaster Purchasing Program at the local and national levels. For assistance at the local level, visit <http://www.gsa.gov/csd> to find a local customer service director in your area. For assistance at the national level, contact Tricia Reed at tricia.reed@gsa.gov, (571) 259-9921. More information is available on all GSA State and local programs at: www.gsa.gov/stateandlocal.

Note: FEMA has spoken with GSA regarding the use of Disaster Recovery Purchasing by National Urban Search and Rescue System Task Forces to repair and replace items in the standard equipment cache. Since any anticipated response by a US&R Task Force would involve recovery from a Stafford Act event, terrorism, or nuclear, biological, chemical, or radiological attack. Task Forces are permitted to use Disaster Recovery Purchasing *both before and after* an event has occurred, even if there is no immediately anticipated event. Task Forces are not permitted to use Disaster Recovery Purchasing

for items that are intended solely for use during training exercises; as such activities do not directly aid recovery efforts.



FEMA

PART VIII.
OTHER INFORMATION

National Urban Search and Rescue Response System
US&R Task Force FY 2011 Readiness Cooperative Agreement
"Statement of Work"

I. PURPOSE

The U. S. Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) are accountable to provide support and funding for the maintenance and readiness of the National Urban Search and Rescue (US&R) Response System. The purpose of this **Readiness Cooperative Agreement** is to support the continued development and maintenance of a national urban search and rescue capability.

Specifically, this agreement provides a mechanism for distribution of Cooperative Agreement funding for certain purposes in preparation for US&R disaster response. This Cooperative Agreement allows each Sponsoring Agency of a US&R Task Force the opportunity to maintain a high standard and condition of operational readiness and includes guidance on key areas for Task Force management to focus on continued preparedness efforts.

This cooperative agreement provides direction to the US&R Task Force Sponsoring Agency for the use of funding to provide: administrative and program management, training, support, equipment cache procurement, maintenance and storage.

II. BACKGROUND

DHS/FEMA, in cooperation with other Federal, State and local agencies created the National US&R Response System to provide a national rescue capability that provides lifesaving resources to victims of structural collapse. When this system was developed in 1990, there was limited capability in only a few States to perform this mission and no resources were available for a coordinated national response.

In 1992, the Federal Response Plan (FRP) was published by FEMA and coordinated activities with 26 Federal agencies. The Federal government's response to disasters was classified into 12 Emergency Support Functions (ESF). ESF-9, Urban Search and Rescue, was established with FEMA as the Primary Agency. FEMA maintains a national consensus on standard operating procedures, organizational structure,

equipment, training and exercise requirements. Currently, 28 state and local Sponsoring Agencies in 19 states participate in the National US&R Response System by making their Task Forces available for national disaster response.

DHS/FEMA had no organic heavy rescue capability of its own and realized the best sources for US&R knowledge and skills reside at the State and local level. The National US&R Response System was developed and continues as a Federal–State–local partnership, based on a Memorandum of Agreement (MOA) and individual Response and Readiness Cooperative Agreements. While the MOAs provide the basic operational “**Agreement**” between DHS/FEMA, the State and Sponsoring Agency, the individual Readiness Cooperative Agreement provides the mechanism for distributing Federal funds to the Sponsoring Agencies of the 28 US&R Task Forces for continued readiness efforts.

In December 2004, the National Response Plan (NRP) was published by DHS which integrates the Federal Response Plan into the NRF. NRP has since been updated in January 2008 and is now referred to as the National Response Framework (NRF). At this time, ESF-9 was expanded to include urban, water-borne, wide area, aerial, and land-based search and rescue.

III. DHS/FEMA OBJECTIVES

DHS/FEMA, through the National US&R Program Office and Grant Programs Directorate, shall:

1. Provide oversight and funding to US&R Sponsoring Agencies to manage and administer Task Force affairs and activities in accordance with accepted standard business practices.
2. Provide oversight and funding to train and exercise Task Force members and other National US&R Response System personnel to safely perform assigned US&R duties in accordance with established FEMA/US&R approved standards and guidance.
3. Provide oversight and funding to acquire and maintain the equipment in accordance with the US&R Equipment Cache List as approved by the FEMA US&R Program Office.
4. Provide oversight and funding for the lease of space to provide offices, training facilities and/or storage of vehicles and equipment, as needed.
5. Provide resources (e.g., staff, equipment, funding) to support readiness and standby activities, subject to availability of funds (e.g., catastrophic planning, technical assistance, mobilization exercises, etc.).

6. Provide a forum for discussion on strategic issues by hosting an annual Sponsoring Agency Chief/Head meeting with the DHS/FEMA Administrator, or designee.

IV. APPROVALS

Advance approval must be obtained in writing from both the US&R Program Office and the FEMA Grants Assistance Officer for the following (in accordance with Grants Management Policy and 44 CFR Part 13 and 2 CFR Part 215):

- Approval for activities or expenditures not identified in the Task Force narrative and budget, but are allowable within the scope of work for this Cooperative Agreement (i.e., budget changes);
- Requests for extension of the period of performance for this Cooperative Agreement
- Requests for spending Cooperative Agreement funds prior to the beginning of this period of performance ("pre-award costs")

Unauthorized expenditures may be denied and required to be reimbursed to DHS/FEMA. Use of Cooperative Agreement funds provided through this agreement for any activity that occurs outside the United States and its territories, is prohibited unless authorized by the US&R Program Office, FEMA Grants Office and FEMA International Affairs prior to incurring costs for the activity.

V. APPLICABLE LAWS AND POLICIES/ORDER OF PRECEDENCE

This award is subject to the laws and regulations of the United States. This Cooperative Agreement incorporates the terms and requirements of any applicable Agency policies and all US&R Program Directives issued by the US&R Program Office, including those issued during the term of this Cooperative Agreement.

Any inconsistency or conflict in terms and conditions specified in the award will be resolved according to the following order of precedence: public laws, regulations (including the US&R Interim-Final Rule at 44 CFR Part 208), applicable notices published in the Federal Register, Executive Orders, OMB Circulars, agency award conditions, the terms and conditions of the Sponsoring Agency's Memorandum of Agreement with FEMA, applicable DHS and FEMA policies, and US&R Program Directives.

Some of the terms and conditions contained herein may contain, by reference or substance, a summary of the pertinent statutes, regulations, Executive Orders, or OMB Circulars. To the extent that it is a summary, such provision is not in derogation of, or an amendment to, any such statute, regulation, Executive Order, or OMB Circular.

VI. COOPERATIVE AGREEMENT FUNDING

The FY 2011 Cooperative Agreements basic total for each Task Force is \$1,077,078. The US&R Program Office recommended and/or required allocations are outlined in Attachment A of this document. Additional funds allocated to specific Task Forces are provided by the US&R Program Office in Attachments A & B.

Each Task Force can apply for up to the amount allocated to their agency as shown in Attachment B (previously provided by US&R Program Office). All Sponsoring Agencies must submit supporting documentation with each application.

The Period of Performance for the FY 2011 US&R Readiness Cooperative Agreement funding is 18 months and is specifically identified in the Agreement Articles. Each Task Force should submit budget plans covering only 12 months for salary expenses, lease costs and scheduled training costs within the period of performance. However, the 18 month performance period is available for internal acceptance of funds and procurement of equipment and supplies. Should a continuing resolution impact the US&R appropriation within the FY2011 cooperative agreement period of performance, a waiver may be given by FEMA to allow Task Forces to submit a budget change to cover salary expenses and lease costs for more than a 12 month period.

VII. DHS/FEMA/US&R PROGRAM OFFICE RESPONSIBILITY

1. Review, approve, and adopt US&R-related products, including technical manuals, operational procedures, training curriculum and supporting manuals, meeting agendas and other requirements for the National US&R Response System.
2. Coordinate and support meetings relating to the National US&R Response System activities, to develop and implement policies, procedures and US&R System documents.
3. Establish and disseminate policy and Program Directives for the National US&R Response System based on 44 CFR Part 208 and with substantial involvement and input from the partner sponsoring agencies and their members.
4. In cooperation with the Strategic Group determine annual funding levels for readiness activities.
5. Purchase equipment and deliver to US&R Task Forces, based on need and available funding.
6. Review and/or approve expenditure reports, performance reports, personnel records, training records, Task Force self-evaluation documents, equipment cache and excess property inventories and other deliverables required by the US&R Program Office.

7. Review and approve/disapprove in writing, in conjunction with the Grants Assistance Officer, any cost deviations or budget revisions from those prescribed in this agreement or from other DHS/FEMA established policies.
8. Implement the policy, criteria and procedure for Task Force evaluations. Distribute an annual Task Force self-evaluation survey with a 90-day submission suspense, on or about March 1st, for completion by the Task Forces. Conduct a cooperative peer-based operational readiness evaluation program.
9. Track, disseminate, and consistently update the status of Operations and Work Group recommendations to all System components.
10. Based on available funding, the US&R Program Office may activate Task Forces for activities associated with scheduled NSSEs. Task Forces activated under this section will be notified in advance, through written activation orders that will provide authorization for travel and to carryout activities of the required operations. Prior to any activities under this section, the US&R Program Office will request cost estimates from identified Task Forces. This item would be funded separately from annual Cooperative Agreement funding, but could be either an amendment to this Cooperative Agreement or the Response Cooperative Agreement.
11. Provide at least one full-time program office staff member to each of the recognized work groups to assist the Work Group Chair in the administration of the work group.
12. Annually provide the Sponsoring Agencies/Task Forces with an organization chart of the program office staff delineating program staff responsibilities, and contact information.

VIII. SPONSORING AGENCY RESPONSIBILITY AND REQUIREMENTS

Under this Readiness Cooperative Agreement, the Sponsoring Agency shall use funding to prepare the Task Forces under the following categories: Administration/Management, Training, Equipment, and Storage/Maintenance.

A. ADMINISTRATION AND MANAGEMENT

1. Provide sufficient staff for management and administration of the US&R Task Force day-to-day activities. This staff shall be responsible for program management, grants management, financial management, administrative support, training coordination and instruction, logistics management and property accountability. These management responsibilities include, but are not limited to, Task Force salaries and expenses coordination; record-keeping; inventory and maintenance of the US&R Equipment Caches; communicating with Task Force members and parties who support Task Force activities; and similar management and administrative tasks.

2. Purchase equipment necessary to administer the Task Force. These items may include but are not limited to, laptop and desktop computers, cellular telephones/wireless PDAs, printers, scanners, copy machines, office furniture, video conference capability, etc.
3. Recruit, train and maintain a roster of personnel to enable complete staffing of a Type I US&R Task Force. Positions shall be staffed from within the Task Force organization, unless prior approval is given by the Program Office. The rostered staffing level shall be a maximum 210 personnel, plus up to 10% allowable staffing overage, to address attrition, IST members, etc. The Task Force shall pursue the goal to roster the minimum of 140 deployable personnel; two deep at each of the positions required for a Type I configuration.
4. The Task Force shall equip, train, and maintain Hazmat assets to allow the Task Force to operate in a contaminated environment as defined in the Concept of Operations, accomplished through the application of air monitoring, detection and contamination-reduction capabilities.
5. Ensure each Task Force member meets the necessary license, certification or other professional qualification requirements of their assigned position. Further ensure that the Task Force has the documentation on file to verify this information.
6. Task Force may use funds to cover salary and travel for product research and development efforts, when authorized by the US&R Program Office who will coordinate with the Grant Programs Directorate, subject to available funding. This may be authorized to keep apprised of cutting edge technology for equipment used within the System.
7. Task Force may use funds to cover salary and travel to enable Task Force personnel to collaborate with Federal, State, or other entities (e.g., other US&R system asset(s), emergency responders) to enhance the capabilities of the US&R System.
8. Ensure the Task Force is prepared for ongoing OREs and completes an internal self-evaluation operational readiness and preparedness survey as provided by the National US&R Program Office. The completed electronic copy of the self-evaluation shall be submitted to the National US&R Branch Chief by June 1, or as otherwise directed by the US&R Program Office.
9. Submit to DHS/FEMA Program Office the following items on one compact disk (CD) by June 1st.
 - a. A current database of Task Force Personnel, in a format provided by the Program Office

- b. A current US&R Task Force Equipment cache database in a Microsoft Access-compatible database format. This database shall include both equipment caches.
 - c. A current Time-Phased Force Deployment Data (TPFDD) Form ("Aircraft Loading Data"), in a format provided by the Program Office.
- 10. Ensure funds are properly allocated, accounted for, and reported for those Task Force members who serve as the Sponsoring Agency Chief Representatives, Operations Group Chair, Work Group Chairs, Sub-Group Chairs, National and Divisional Task Force Representatives, as appropriate and authorized by the US&R Program Office. These funds are intended to defray personnel salary, backfill, travel and other administrative costs associated with these positions for assigned Task Forces in accordance with Attachments C and D (previously provided by US&R Program Office).
- 11. Ensure timely reporting of expenditures for readiness activities carried out under this agreement and timely delivery of Cooperative Agreement reporting. Refer to Section IX, Reporting.
- 12. As funding allows, ensure personnel salaries and expenses relating to Task Force administration, development and training preparedness activities are paid in accordance with established Sponsoring and Participating Agency policies/practices and in a timely manner, but no later than 120 days after completion of a training exercise. Appropriate personnel records shall be kept in accordance with 44 CFR Part 13 (FEMA's codified version of OMB Circular A-102), and 2 CFR Part 215 (OMB Circular A-110).
- 13. Compliance with the NIMS is a condition for award of this Cooperative Agreement as outlined in Homeland Security Presidential Directive 5, Managing Domestic Incidents. Sponsoring Agencies must comply with the NIMS Implementation Activities established annually by FEMA. Sponsoring Agencies must report NIMS compliance activities in accordance with State and local NIMS guidance. Additionally, a certificate of completion for each required course must be located in each US&R task force member's personnel file for each required course. The following independent study courses are required for all task force members: IS-100, IS-200, IS-700 and IS-800. State offered NRF NIMS or equivalent certificates may be substituted for those courses offered on the FEMA NIMS website provided they meet Federal NIMS standards. For further information on compliance and guidance, refer to the following website: <http://www.fema.gov/emergency/nims/index.shtm>.
- 14. Attend DHS/FEMA-sponsored or DHS/FEMA-approved US&R meetings, conferences, and training sessions, to include Task Force Representative meetings, the 12 standing US&R Work Groups, Operations Group, Ad Hoc Work Groups and Sub-Groups, IST training/meetings, workshops, Sponsoring Agency Chief/Head Meetings, Strategic Group Meetings, or others as directed by the US&R Program Office as they relate to the National US&R Response System. Other activities include on-site peer ORE of other Task Forces, quality assurance

oversight of FEMA-sanctioned training courses, training with other Task Forces, grants management training, SUSAR Alliance meetings and activities, and research and development for equipment, as directed by the US&R Program Office. The US&R Program Office is allocating certain funds as identified in Attachment A (previously provided by US&R Program Office) for travel. All travel funds shall be accounted for under Management and Administration and/or Training at the Task Force level.

15. Provide complete medical evaluations and immunizations to as many Task Force members as possible (as defined by the US&R Medical Work Group). Medical screening should be conducted, at a minimum, on a triennial basis for each Task Force member. The medical evaluation shall become part of their personal medical record. Please refer to US&R Program Directive 2005-008 or successor, Task Force Medical Screening or a more current directive issued by the US&R Program Office.

B. TRAINING

1. Provide US&R-related or US&R-required training for Task Force personnel, including the delivery of local US&R training courses or other courses specifically required by the US&R Position Descriptions or authorized by the US&R Program Office. This should include equipment specific training provided by the manufacturer and authorized repair technician certification training to allow task forces to have members certified to conduct manufacturer approved repairs in-house.
2. As funding permits, conduct at least one Task Force mobilization or deployment exercise during the Cooperative Agreement period of performance. The Task Force is encouraged to exercise as many Task Force members as possible during this cooperative agreement.
 - a. A Federal Task Force deployment during the period of performance would satisfy this requirement, as long as the Activation Order is filed with the Cooperative Agreement.
 - b. Non-Federal Task Force deployments could satisfy this requirement, but must be authorized by the Program Office in writing.
 - c. If a Task Force is deployed, those funds originally set aside for a deployment exercise may then be used for other US&R approved items within the same budget category. This change must be addressed in their Semi-Annual Performance Report. A budget change is only required when funds are moved to another program budget category.
3. Task forces should notify the US&R Program office of mobilization or full-scale exercises as soon as the exercise is scheduled, but not later than 60 days before the exercise begins. Notification should be brief, but include dates, scope of exercise, number of participants, and other agencies involved. The intent of this notification is to provide the US&R Program Office planning information for Operational Readiness Evaluations, and scheduling joint exercises with other

DOD/Federal Agencies. It does not take the place of, and should not be confused with sanction request letters to obtain FEMA approval of TF sponsored training and exercises in accordance with Program Directive 2004-001.

4. Submit an after-action report within 90 days of the completion of a mobilization or full-scale exercise, or a training activity with duration of more than 24 consecutive hours. Send the report to the attention of the National US&R Branch Chief and written in a format where lessons learned may be shared with other task forces in the National US&R Response System.
5. Ensure training and exercise activities of the Task Force meet National US&R Response System standards, requirements and certifications. Ensure training records for all Task Force personnel are kept in a central, secure location.
6. Provide funding for expenses related to the acquisition, maintenance, training and certification of US&R Canine Search Teams. This statement is not related to the funding provided to host Canine Evaluations.
7. When authorized, ensure funds are distributed in support of Task Forces hosting a Canine Evaluation, as stated in accordance with Canine Evaluation schedules identified in Attachment F (previously provided by the US&R Program Office). When funding for the Canine evaluations exceeds actual costs, the excess allocated funds may be redirected to other US&R Program activities that support the Task Force's Canine program under Item 5. If remaining funds are used to cover costs under Section VIII, A, Item 14, include items and their cost in their Semi-Annual Performance Report submission.
8. Provide third party Grants Management Training to assigned Task Force Grant Managers and Assistants who have not previously attended training. Grant Management Training is mandatory for all US&R Grants Managers and Assistants. Grant Management Training is optional, but highly recommended, for US&R Program Managers and other key personnel assigned to US&R administrative duties. Personnel should attend training from a facility that provides a "Grants Certificate Program" and/or the US&R Grant Manager Course. The Task Force shall submit information regarding the program or classes to the Grants Assistance Officer for written approval prior to registering or attending any classes. The Grants Assistance Officer may be contacted for further information on classes offered. Examples of some Grants Management courses offered are as follows:
 - a. Managing Federal Grants and Cooperative Agreements for Recipients,
 - b. Uniform Administrative Requirements: OMB Circular A-102 and 2 CFR Part 215
 - c. Cost Principles: 2 CFR Part 220 (A-21), 225 (A-87), 230 ((A-122), and FAR 31.2
 - d. Applying for Federal Grants and Cooperative Agreements
 - e. How to Prepare the Application Budget
 - f. Business Management Systems for Recipients
 - g. Audit of Federal Grants and Cooperative Agreements.

Every effort shall be made to attend continuing education by Task Force Grant Managers and Assistants during the cooperative agreement to stay current with regulation updates/changes.

9. Provide Microsoft (MS) Access database and MS Excel training, as needed to US&R Logistics and Program Management personnel to maintain personnel, equipment, grant, financial and accountability records. Program Managers are authorized to use readiness funding to provide "beginner", "intermediate" and "advanced" MS Access Database and MS Excel training to Program Management personnel.

C. EQUIPMENT

1. The Sponsoring Agency is authorized to purchase equipment as listed in the most current approved **DHS/FEMA Task Force Equipment Cache List**. Task Force personnel are reminded and directed not to exceed quantity caps (except in those cases where sufficient numbers are required for sizing) as listed on the cache list and the current manufacturer's suggested retail price (with documentation), unless prior approval is received by the US&R Program Office. Task Forces must follow Sponsoring Agency procurement regulations, which are in accordance with 44 CFR Part 13 or 2 CFR Part 215 to ensure reasonable prices are obtained. Special consideration is given to Task Forces to purchase other equipment items in support of training, administrative, and warehouse/maintenance needs. Any other equipment not specified above can only be purchased after receiving written approval from the Program Office.
2. When funding is provided, ensure that funds are made available to purchase and maintain medical response kits for the IST Medical Officer assigned to the Task Force identified, to the extent that the funding will allow.
3. Specific Task Forces are also identified and provided funds in the amount of \$20,000 covering costs to maintain the IST "B" and "C" cache. Cooperative Agreement regulations apply to these funds and shall not be transferred to a Participating Agency.
4. **All equipment must be tracked as to its origin.** Equipment that is procured with this Cooperative Agreement funding shall be identified with the source, cache list number and Cooperative Agreement number, in accordance with 44CFR, Part 13 or 2 CFR Part 215. Additionally, Federal equipment shall be properly identified as to the ownership and funding source (including Agency name and Cooperative Agreement number or Disaster/contract number). The tracking can be accomplished through procurement documents, through fields in a database, or spreadsheet. It is the responsibility of each Task Force to develop a method of tracking in accordance with this section. However, it should be a system that will easily and quickly identify the information. Additionally, all procurement records and receipts should be cross-referenced and coded with the Cooperative Agreement number, cache list item number, Statement of Work

section, or source of origin, or a system to easily and quickly identify the information.

5. Transportation equipment is authorized for purchase as part of this Cooperative Agreement with prior approval from the National US&R Branch and Grants Assistance Officer in writing.
6. Equipment and prime mover vehicles purchased with Federal funds or provided by DHS/FEMA shall be for the use of the US&R Program and **shall not be used for normal day-to-day operations of the Sponsoring or Participating Agency** for purposes that do not directly support the Task Force. However, this requirement does not preclude the Sponsoring Agency from using this equipment or vehicles on a local, regional or State disaster response or under other **exceptional** circumstance. The National US&R Branch Chief shall be notified immediately in writing of any exceptional use of the two US&R Equipment Caches that diminish the response capability of the Task Force. The Sponsoring Agency is responsible for replacement, re-supply and or repair of equipment used or consumed during activities not associated with the National US&R Response System and return to an immediate state of readiness.
7. **Task Forces are not authorized to purchase equipment with funds authorized through the DHS/FEMA Assistance to Firefighters Grant Program.** However, this does not prevent the Sponsoring Agency from applying to the DHS/FEMA Assistance to Firefighters Grant Program for other costs or items not associated with the US&R Program.
8. Title for the original cache, vehicles, and all equipment purchased under the Cooperative Agreements reside with the Task Forces (44 CFR Part 13).
9. Title to the new DHS (i.e., "Second Cache") Equipment Cache purchased and distributed to the Task Forces by FEMA resides with DHS/FEMA.
10. Title for any equipment purchased under this Cooperative Agreement directly by a Task Force shall reside with the Task Force.
11. Should the Task Forces transfer, sell, or scrap any of the equipment and/or vehicles, they are required to first ask for prior written approval and disposition instructions from the US&R Program Office and Grants Assistance Officer for all Federally-furnished equipment and all grant-purchased equipment with a single item value over \$5,000 (in accordance with 44 CFR 13.32(e) and FEMA Manual 6150.1, dated July 1996, or current edition at time of disposition).
12. For the purpose of accountability and safety, US&R Task Forces are authorized to purchase an ID System, as long as they meet the requirements outlined in US&R Program Directive 2006-019 – Accountability and Medical Information Cards.

D. MAINTENANCE AND STORAGE

1. Maintain an accountability of property acquired under Cooperative Agreement funding, distributed Federal property and acquired Federal Excess Property. Provide an annual report to DHS/FEMA on the status of Federal property each year, as part of the database submittal to the US&R Program Office Branch Chief. Conduct an inventory of Federal property and property acquired under Cooperative Agreement funding, in accordance with 44 CFR Part 13 or 2 CFR Part 215.
2. Provide manufacturer's recommended maintenance and repair to US&R equipment acquired and specifically identified on the DHS/FEMA approved US&R Equipment Cache Lists. Also, provide maintenance and repair to any supplemental equipment as approved by DHS/FEMA, which was purchased with DHS/FEMA funding and delivered to the Task Forces, purchased during a US&R field response, or was acquired with DHS/FEMA approval through the Federal Excess Property Program. Task Forces are expected to perform routine maintenance of equipment to maintain a state of readiness.
3. As part of the operational readiness of each Task Force, all US&R equipment shall be maintained in an immediate state of readiness in a cache storage facility or facilities. This may include planning and engineering and other costs for development, maintenance, and/or lease of storage facilities and associated equipment for US&R equipment and supplies. Any costs for upgrades to existing warehouse facilities associated with this funding must be included in the budget narrative or submitted as a budget change and be approved by the Program Office and the Grants Assistance Officer prior to the start of any work. Task Force personnel are reminded, if they are relying totally on the Cooperative Agreement for funding leased warehouse space, they are not permitted to enter into agreements for longer than the Period of Performance of the Cooperative Agreement. However, contracts can be written with an available funds clause or "option" years for protection. This Cooperative Agreement may not be used for funding new capital construction. However costs associated with leasing, upgrading, minor renovations and modifications of existing warehouse facilities that do not change the footprint of the structure are permitted.
4. The day-to-day repair, maintenance, storage and administrative costs for all equipment purchased or provided by DHS/FEMA will be accomplished via this Cooperative Agreement funding provided and in accordance with the cost principles (2 CFR, Part 225). Refer to 2 CFR Part 225 or 2 CFR Part 230(Cost Principles) for specific guidance on purchasing insurance.

IX. REPORTING

The Sponsoring Agency shall use the following procedure for reporting. There are several types of reports required for this agreement. Refer to Attachment E for specific instructions and points of contact to submit all reports and deliverables (previously provided by the US&R Program Office).

A. REQUIREMENTS

1. **Task Force Self-Evaluation:** as identified in Section VIII, Subsections A.8 of this document is due by June 1st (or when otherwise directed by the US&R Program Office).
2. **Personnel and Equipment Database CD submittal:** as identified in Section VIII, Subsections A. 9 and D. 1. Provide DHS/FEMA with an updated database of the Task Force Personnel and the US&R Equipment Cache in a Microsoft Access database program. Also provide a current Task Force Phased Deployment Data (TFPDD) Form, in a format provided by the Program Office. Copy files onto one CD and forward the disk to the US&R Program Office by overnight carrier. This CD shall be submitted with a cover letter addressed to the US&R Program Office directed in **Attachment E** by June 1st.
3. The **Semi-Annual Performance Report** is due to the DHS/FEMA US&R Readiness Cooperative Agreements Project Officer for the duration of this agreement and is a written report providing a narrative and expenditures, as explained below.
 - a. The Sponsoring Agency shall electronically send the first report semi-annually by January 30th (covering the time period of July 1st through December 31st) and the second by July 30th (covering the time period of January 1st through June 30th) of each year until the Cooperative Agreement is closed.
 - b. The Performance Report shall include Task Force accomplishments and the total budgeted, expenditures and balance for the Cooperative Agreement funding within the following areas:
Administration/Management, Training, Equipment, and Maintenance/Storage.
 - c. Performance Narrative and Funds Report (FEMA Form 089-11) shall be used.
 - d. All changes, whether requiring prior approval or not, shall be noted in the Performance Fund Reports and closeout documents.
 - e. The Final Performance Reports are to be emailed to the US&R Program Office and DHS/FEMA Grants Management Branch. Addresses listed in.
4. **Financial and Compliance Audit Report.** Recipients that expend \$500,000 or more of Federal funds during their fiscal year are required to submit an

organization-wide financial and compliance audit report. The audit must be performed in accordance with the U.S. General Accountability Office, *Government Auditing Standards*, located at <http://www.gao.gov/govaud/ybk01.htm>, and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, located at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY 2011 Cooperative Agreement assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

B. CLOSEOUT REPORTS

The scope of work approved for the Cooperative Agreement must be completed within the Period of Performance. The task force will have 90 days after the Period of Performance to complete the final payments, and prepare the closeout documents. If unable to complete the closeout process by the due date, the task force must contact the Grant Programs Directorate and Program Office to request an extension of the closeout period. At a minimum the following closeout documents must be submitted:

1. **Cover Letter** – Should address the closeout of the Cooperative Agreement and the number. Please note any items that are not applicable. If the equipment and/or supplies are maintained by the Task Force then they will need to include a statement that the equipment/supplies will be used for their intended purpose of the Cooperative Agreement, over the life cycle of the equipment/supplies.
2. **Final Performance Report** should include a summary of qualitative accomplishments that the Cooperative Agreement has made for the duration of the grant period. Quantitative data may be used to support any impact statements. The report should be broken out into the four (4) program categories: Administrative/Management, Training, Equipment, and Storage/Maintenance.
3. **Final Federal Financial Report (FFR)**: A new FFR is provided as an attachment along with the instructions. A standard government-wide FFR (SF-425) is now required, in lieu of the FF20-10 or SF 269A (Short Form).
4. **Equipment Inventory**: This form is required if items purchased with Federal grant funds has a current fair market value of \$5,000 or higher, per single item must be reported (copy of form attached). If the Task Force does not have any items to report that meet the threshold, provide a copy of the form noting such or provide a statement in the Performance Report or Cover Letter to indicate the same information. Provide a statement expressing the intent to continue use of

Federally- Furnished Property for the Federal US&R Program, as noted in the most recent equipment CD submission.

5. **Inventory of Unused or Residual Supplies** purchased with Federal grant funds, which in the aggregate exceed \$5,000 must be reported (copy of form attached). If the task force does not have any residual supplies in the aggregate that exceeds \$5,000, provide a copy of the form noting such or provide a statement in the Performance Report or Cover Letter to indicate the same information.
6. **Patent/Invention Disclosure:** Provide a copy of the completed form if applicable. If the Task Force does not have any patents or inventions provide a copy of the form noting such or provide a statement in the Performance Report or Cover Letter to indicate such.
7. **Audit Requirements:** There are requirements and rights for audits pursuant to the Cooperative Agreement terms and conditions. All grantees must follow the audit requirements of OMB circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. The OMB Circular states that grantees who expend \$500,000 or more in Federal funds (from all Federal sources within their fiscal year) must have a single audit performed yearly in accordance with the circular. **If the Task Force falls under this category they must submit a copy of their Single Audit Report along with their Closeout Documentation.** In addition it is a requirement to send a copy of the Audit to the Single Audit Clearinghouse. The Single Audit Report is required to be reviewed during the closeout process. FEMA retains the right to negotiate any shortages or findings found in the audit reports, disallow costs and recover funds on the basis of an A-133 single audit, other audit or other review.
8. **Refund Checks:** If appropriate, a check should be made payable to FEMA to return any Federal funds drawn under the Cooperative Agreement but not expended. This may also include interest earned in excess of the allowable \$100 for State, Local, and Indian Tribal Governments, or \$250 for all others that are allowable for administrative expenses, or any other appropriate financial adjustment due FEMA, including Audit adjustments.
9. **Record Keeping/Retention:** Retain records pursuant to the grant conditions. Grant records should include a copy of the award document, grant agreement articles, ledgers, documentation of expenditures, documentation-copies of cancelled checks, paid invoices, payrolls, T&A records, contract records, etc. As a reminder all Single Audits must be completed covering the period of performance for the grant and all Single Audit Findings must be resolved prior to the final closeout of the Cooperative Agreement. Upon completion of all required actions, the submission of all required items, and any appropriate financial adjustments and payments, FEMA will advise the Task Force in writing when the award can be considered closed out. This information must be kept for three years after the date of submission of the final closeout documents or later date if the sponsoring agency requires a longer record retention period. See 44 CFR 13

and 2 CFR 215 for further information about the items in this paragraph. It is generally three years from the submittal of the final closeout documents, but may be longer if there are audit findings or the audit covering the period of performance for the Cooperative Agreement has not been completed.

C. TIMELINES

1. **Task Force Self-Evaluation:** on or about June 1st, or as directed by the Program Office (Task Forces shall return the forms 45 days after receipt from the Program Office)
2. **Personnel and Equipment Database CD:** due June 1st to US&R Program Office *only*.
4. **The Semi-Annual Performance Report:** due by January 30 and July 30 each year during the Period of Performance.
5. **Final Performance Report:** due to DHS/FEMA within 90 days after the Period of Performance expires.
6. **The Final Federal Financial Report (FFR), SF-425,** due within 90 days after the Period of Performance expires.
7. **Equipment Inventory and Inventory of Unused or Residual Supplies** due within 90 days after the Period of Performance expires.
8. **Final Payment/Unexpended Funds:** due within 90 days after the Period of Performance expires.

Task Forces must be current with all reports at the time of award of this Cooperative Agreement.

X. TIME IS OF THE ESSENCE

DHS/FEMA is providing an annual **Readiness Cooperative Agreement** and it is strongly recommended that the Sponsoring Agency seek expedited approval for the acceptance and management of the Cooperative Agreement. The US&R Program and Grants Offices acknowledge the time-sensitive nature of processing and awarding the Cooperative Agreement and will make every effort to expedite the process. The time frame provided by DHS/FEMA must be strictly adhered to. The U.S. Congress is closely scrutinizing the timely spending of Readiness Cooperative Agreement funds and failure to meet necessary requirements and time frames may result in the loss of funding for this and future Cooperative Agreement periods.

XI. PROCEDURE TO COMPLETE APPROVAL OF COOPERATIVE AGREEMENT

1. The US&R Program Office and Grant Programs Directorate will review the Task Force's Cooperative Agreement application. Once approved, the Grants Assistance Officer will send two copies of the obligating document, FEMA Form 40-21, to the Task Force Sponsoring Agency for signature. If the cooperative agreement is processed through the web-based Non-Disaster Grant (ND-Grants) system, the documents will be available online.
2. The Task Force Sponsoring Agency is required to obtain the proper original signature on each document and return one signed FF 40-21 document to the Grants Management Branch as instructed. Keep one signed original for Task Force records. Include a cover letter in an acceptable format when returning the FF 40-21.
3. The Task Force Sponsoring Agency is responsible for ensuring the original application package and subsequent FF 40-21 are signed and received by the Grants Management Branch deadlines. Please use the tracking number provided by overnight carrier to ensure timely delivery.

Please contact the US&R program office, reference Part VII, to obtain a copy of the following documents:

- A** Cooperative Agreement Funding – Recommended Allocations
- B** Task Force Allocations and Budget Totals document
- C** Administration Budget
- D** List of US&R System Operations Work Group and Strategic Group Members
- E** Summarized Spreadsheet of Deliverables
- F** US&R Activity Calendar August 2011 – July 2012
- G** FY2011 Budget Narrative Template (FEMA Form 089-10)