

# The U. S. Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2024 Intercity Passenger Rail Program

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Release Date: 4? 16, 2024

## [Download the NOFO.](#)

All entities wishing to do business with the federal government must have a unique entity identifier (UEI). The UEI number is issued by the SAM system. Requesting a UEI using SAM.gov can be found at <https://sam.gov/content/entity-registration>.

Grants.gov registration information can be found at <https://www.grants.gov/web/grants/register.html>.

## **Updates in Grant Application Forms:**

The Data Universal Numbering System (DUNS) Number was replaced by a new, non-proprietary identifier requested in, and assigned by SAM.gov. This new identifier is the Unique Entity Identifier.

Additional Information can be found on Grants.gov: <https://www.grants.gov/forms/forms-development/planned-uei-updates>.

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## **A. Program Description**

### **1. Issued By**

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD)



**FEMA**

**2. Assistance Listings Number**

97.075

**3. Assistance Listings Title**

Rail and Transit Security Grant Program

**4. Funding Opportunity Title**

Fiscal Year 2024 Intercity Passenger Rail Program (IPR)

**5. Funding Opportunity Number**

DHS-24-GPD-075-00-98

**6. Authorizing Authority for Program**

Section 1513 of the *Implementing Recommendations of the 9/11 Commission Act of 2007* (Pub. L. No. 110-53) (6 U.S.C. § 1163)

**7. Appropriation Authority for Program**

Department of Homeland Security Appropriations Act, 2024, Pub. L. No. 118-47, Title III, "Protection, Preparedness, Response, and Recovery"

**8. Announcement Type**

Initial

**9. Program Category**

Preparedness: Infrastructure Security

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

**a. Overview**

The Fiscal Year (FY) 2024 Intercity Passenger Rail (IPR) – Amtrak program is one of four grant programs that constitute DHS/FEMA’s focus on transportation



infrastructure security activities. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by DHS to help strengthen the Nation’s critical infrastructure against potential terrorist attacks. The IPR provides funds to the National Railroad Passenger Corporation (Amtrak) to protect critical surface transportation infrastructure and the traveling public from acts of terrorism. Examples of recent IPR accomplishments include successfully executed full-scale and tabletop exercises building upon the outcomes of previously funded exercises with a focus on response plans, policies, and procedures. Additional examples of IPR accomplishments include efforts to increase security awareness through public campaigns (e.g., Text-a-Tip, passenger security awareness videos displayed through kiosks) as well providing training for law enforcement personnel focusing on railroad infrastructure and counter-terrorism.

For FY 2024, DHS is focused on the criticality of information sharing and collaboration to building a national culture of preparedness and protecting against terrorism and other threats to our national security. DHS and its homeland security mission were born from the “failures among federal agencies and between the federal agencies and state and local authorities to share critical information related to the threat of terrorism” prior to the September 11, 2001, attacks.<sup>[1]</sup> The threat profile has changed in the last two decades – we now face continuous cyber threats by sophisticated actors, threats to soft targets and crowded places, threats to our democratic election process and threats from new and emerging technologies. But information sharing and cooperation between state, local, tribal, and territorial authorities, and federal agencies, including all DHS officials, is just as vital, and perhaps even more vital, today. Therefore, we have identified two priority areas for 2024 related to some of the most serious threats that Amtrak should address with IPR funds. These two priorities areas include enhancing cybersecurity and enhancing the protection of soft targets/crowded places. DHS also will continue to forge partnerships to strengthen information sharing and collaboration in each of these priority areas.

For FY 2023, one application was received and one approved for funding. Amtrak is the only permitted recipient for this grant.

## **b. Goals, Objectives, and Priorities**



Goals: Strengthen the nation’s critical transportation infrastructure against risks associated with potential terrorist attacks.

Objectives: IPR achieves this goal through the following objectives:

1. Building and sustaining Amtrak’s core capabilities (Core capabilities are the means required to deal with the security risks Amtrak is most likely to face, an assessment of which will describe the security and resilience posture for Amtrak. Core capabilities are outlined in the [National Preparedness Goal](#));
2. Building and sustaining Amtrak’s capabilities in the national priority areas (see below for the FY 2024 priorities); and
3. Addressing and closing gaps identified in Amtrak’s Vulnerability Assessment and Security Plan (e.g., based on the Baseline Assessment for Security Enhancement).

Priorities: Given the evolving threat landscape, it is incumbent upon DHS/FEMA to continuously evaluate the national risk profile and set priorities that help ensure the appropriate allocation of scarce security dollars. In assessing the national risk profile for FY 2024, two areas attract the most concern. As a result, DHS is requiring a minimum percentage of the FY 2024 IPR be spent in the following areas:

1. Enhancing cybersecurity – (no minimum percent); and
2. Enhancing the protection of soft targets/crowded places – 5%.

For more information about these priorities, see Section D.10.b.

Additionally, there are several enduring security needs that crosscut the homeland security enterprise. The following are second-tier priorities that help recipients implement a comprehensive approach to securing critical transportation infrastructure:

1. Effective planning;
2. Training and awareness campaigns;
3. Equipment and capital projects; and
4. Exercises.

The table below provides a breakdown of these priority areas for the FY 2024 IPR, showing both the core capabilities enhanced and lifelines supported, as well as



examples of eligible project types for each area. More information on allowable investments can be found in the Funding Restrictions and Allowable Costs section below.

## **FY 2024 IPR Funding Priorities**

*All priorities in this table concern the Safety and Security and Transportation Lifelines.*

### **National Priorities**

Priorities	Core Capabilities	Example Project Types
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Enhancing  
Cybersecurity

- Cybersecurity
  - Intelligence and information sharing
  - Planning
  - Public information and warning
  - Operational coordination
  - Screening, search, and detection
  - Access control and identity verification
  - Supply chain integrity and security
  - Risk management for protection programs and activities
  - Long-term vulnerability reduction
  - Situational assessment
  - Infrastructure systems
  - Operational communications
- Cybersecurity risk assessments
  - Projects that address vulnerabilities identified in cybersecurity risk assessments
  - Improving cybersecurity of critical infrastructure to meet minimum levels identified by the Cybersecurity and Infrastructure Security Agency, and the [National Institute of Standards and Technology Cybersecurity Framework \(Version 1.1\)](#)
  - Adoption of cybersecurity performance goals ([CISA's Cross-Sector Cybersecurity Performance Goals](#))
  - Cybersecurity training and planning



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<p>Enhancing the Protection of Soft Targets/Crowded Places</p>	<ul style="list-style-type: none"> <li>■ Operational coordination</li> <li>■ Public information and warning</li> <li>■ Intelligence and Information Sharing</li> <li>■ Interdiction and disruption</li> <li>■ Screening, search, and detection</li> <li>■ Access control and identity verification</li> <li>■ Physical protective measures</li> <li>■ Risk management for protection programs and activities</li> </ul>	<ul style="list-style-type: none"> <li>■ Physical security enhancements at Amtrak-owned stations <ul style="list-style-type: none"> <li>■ Closed-circuit television security cameras</li> <li>■ Security screening equipment and technology for people and baggage</li> <li>■ Access controls: Fencing, gates, barriers, etc.</li> </ul> </li> <li>■ Use of visible, unpredictable deterrence, to include Operational Packages: <ul style="list-style-type: none"> <li>■ Explosives Detection Canine Teams</li> <li>■ Mobile Explosives Detection Screening Teams</li> <li>■ Anti-Terrorism Teams</li> </ul> </li> <li>■ Directed/Surge Patrols on Overtime</li> </ul>
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## **Enduring Needs**

Priorities	Core Capabilities	Example Project Types
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<p>Planning</p>	<ul style="list-style-type: none"> <li>■ Planning</li> <li>■ Risk management for protection programs and activities</li> <li>■ Risk &amp; disaster resilience assessment</li> <li>■ Threats and hazards identification</li> <li>■ Operational coordination</li> </ul>	<ul style="list-style-type: none"> <li>■ Development of: <ul style="list-style-type: none"> <li>■ System-wide Security Risk Management Plans</li> <li>■ Continuity of Operations Plans</li> <li>■ Response Plans/Station Action Plans</li> <li>■ System-wide and/or asset-specific vulnerability assessments</li> </ul> </li> <li>■ Assessments should consider the impacts of climate change on investments to close identified security gaps<sup>[2]</sup></li> <li>■ Efforts to strengthen governance integration between/among regional partners</li> </ul>
<p>Training &amp; Awareness</p>	<ul style="list-style-type: none"> <li>■ Long-term vulnerability reduction</li> <li>■ Public information and warning</li> </ul>	<ul style="list-style-type: none"> <li>■ Active shooter training, including integrating the needs of persons with disabilities</li> <li>■ Security training for employees</li> <li>■ Public awareness/preparedness campaigns</li> </ul>



Equipment & Capital Projects	<ul style="list-style-type: none"> <li>■ Long-term vulnerability reduction</li> <li>■ Infrastructure systems</li> <li>■ Operational communications</li> <li>■ Interdiction and disruption</li> <li>■ Screening, search and detection</li> <li>■ Access control and identity verification</li> <li>■ Physical protective measures</li> </ul>	<ul style="list-style-type: none"> <li>■ Top Transit Asset List risk remediation</li> <li>■ Protection of other high-risk, high-consequence areas or systems that have been identified through system-wide risk assessments</li> <li>■ Chemical, Biological, Radiological, Nuclear and Explosive detection, prevention, response and recovery equipment</li> <li>■ Explosives Detection Canine Teams</li> <li>■ Security screening equipment and technology for people and baggage</li> <li>■ Unmanned Aircraft System detection technologies</li> </ul>
Exercise	<ul style="list-style-type: none"> <li>■ Long-term vulnerability reduction</li> </ul>	<ul style="list-style-type: none"> <li>■ Response exercises</li> </ul>

**c. Alignment to Program Purpose and the DHS and FEMA Strategic Plan**

Among the five basic homeland security missions noted in the [DHS Strategic Plan for Fiscal Years 2020-2024](#), the IPR supports the goal to Strengthen Preparedness and Resilience.

The [2022-2026 FEMA Strategic Plan](#) outlines three bold, ambitious goals in order to position FEMA to address the increasing range and complexity of disasters, support the diversity of communities we serve, and complement the nation’s growing expectations of the emergency management community. The IPR supports Goal 3 to Promote and Sustain a Ready FEMA and Prepared Nation. We invite our stakeholders and partners to also adopt these priorities and join us in building a more prepared and resilient nation.

**11. Performance Measures**

Performance metrics for this program are as follows:



- Percentage of funding allocated by the recipient to core capabilities to build or sustain the national priorities identified in the section above.

## **B. Federal Award Information**

### **1. Available Funding**

\$9,000,000

### **2. Period of Performance**

36 months

Extensions to the period of performance are allowed. For additional information on period of performance extensions, please refer to the [Preparedness Grants Manual](#) (FM-207-23-001).

### **3. Projected Period of Performance Start Date(s)**

September 1, 2024

### **4. Projected Period of Performance End Date(s)**

August 31, 2027

### **5. Projected Budget Period(s)**

**There will be only a single budget period with the same start and end dates as the period of performance.**

### **6. Funding Instrument Type**

Cooperative Agreement

Program authority and responsibility under this Cooperative Agreement reside with DHS/FEMA. DHS/FEMA retains the right to terminate all or part of the



Cooperative Agreement as permitted by 2 C.F.R. § 200.340 and may conduct site visits and monitoring throughout the period of performance.

DHS/FEMA will work with Amtrak to develop and refine the details of executing this award, for example, including work plans, goals and objectives, timelines, deliverables and effectiveness measures, selection of key partners, development of outreach or educational materials, coordination of multistate efforts, and defining eligible and ineligible tasks to ensure that the program is effectively implemented. Amtrak shall not develop or engage in the development of tasks not approved in the application without prior approval and the issuance of an amendment to the award by DHS/FEMA.

### **IPR Program Management: Roles and Responsibilities at DHS (Substantial Role of Agency)**

Effective management of the IPR program entails a collaborative effort and partnership within DHS/FEMA. For the FY 2024 IPR program, DHS/FEMA is responsible for designing and operating the required administrative mechanisms to implement and manage the grant program. The Transportation Security Administration (TSA) within DHS provides programmatic subject matter expertise for the transportation industry. TSA assists by coordinating the intelligence information and risk/vulnerability assessments resulting in ranking and rating rail and mass transit assets nationwide against threats associated with potential terrorist attacks and in defining the parameters for identifying, protecting, deterring, responding, and recovering from such incidents. Together, these two DHS agencies, with the additional assistance and cooperation of the Federal Railroad Administration (FRA), determine the primary security architecture of the IPR program.

DHS/FEMA and DHS/TSA provide substantial federal involvement with the following activities:

- Review and approve the Investment Justifications before submitting the formal application;
- Retain the authority to halt Amtrak's funded activity immediately if Amtrak does not meet all conditions as listed in the award;
- Review Amtrak's project management plans and decisions;



- Require Amtrak to maintain close collaboration with federal program staff for the purpose of controlling all aspects of Amtrak’s performance of grant program activities; and
- On a quarterly basis, review Amtrak’s progress towards resolution of identified project issues.

## C. Eligibility Information

### 1. Eligible Applicants

The National Railroad Passenger Corporation (Amtrak) is the only eligible entity per the Department of Homeland Security Appropriations Act, 2024, Pub. L. No. 118-47, Title III, “Protection, Preparedness, Response, and Recovery.”

### 2. Applicant Eligibility Criteria

Sections 1512 and 1513 of the *Implementing Recommendations of the 9/11 Commission Act of 2007* (6 U.S.C. §§ 1162 and 1163) require a recipient to complete a vulnerability assessment and develop a security plan. To be eligible for the FY 2024 IPR, Amtrak must have developed, or updated, its security plan. The security plan must be based on a security assessment, such as the Baseline Assessment for Security Enhancement, which is performed by TSA’s Transportation Security Inspectors-Surface. This security assessment must have been conducted within the last three years prior to receiving the FY 2024 IPR award. A copy of the security plan and security assessment must be provided to DHS/FEMA upon request. Please see the [Preparedness Grants Manual](#) for more information on security plan requirements.

Amtrak, in receiving funds through this program, must participate in Regional Transit Security Working Groups (RTSWG) in participating urban areas. The RTSWG should serve as the forum for regional partners to discuss risk, planning efforts, and mitigation strategies. These discussions should be held regardless of funding to continue enhancing the overall security of the region. Regional working groups are a best practice for enhancing security and are encouraged for all jurisdictions.



An application submitted by an otherwise eligible non-federal entity (i.e., the applicant) may be deemed ineligible when the person that submitted the application is not: 1) a **current employee, personnel, official, staff or leadership** of the non-federal entity; and 2) **duly authorized to apply** for an award on behalf of the non-federal entity at the time of application.

Further, the Authorized Organization Representative (AOR) and Signatory Authority (SA) must be a duly authorized current employee, personnel, official, staff or leadership of the recipient and **provide an email address unique to the recipient at the time of application and upon any change in assignment during the period of performance. Consultants or contractors of the recipient are not permitted to be the AOR or the SA of the recipient. It is the sole responsibility of the recipient to keep their points of contact for the organization up-to-date and accurate in all federal systems.**

The AOR is responsible for submitting programmatic and financial performance reports, accepting award packages, signing assurances and certifications, and submitting award amendments.

### **3. Subawards and Beneficiaries**

#### **a. Subaward allowability**

Subawards are not allowed under the IPR Program.

#### **b. Beneficiaries or Participants**

This NOFO and any subsequent federal awards create no rights or causes of action for any participant or beneficiary.

### **4. Other Eligibility Criteria/Restrictions**

#### **a. National Incident Management System (NIMS) Implementation**



Prior to allocation of any federal preparedness awards, recipients must ensure and maintain adoption and implementation of NIMS. The list of objectives used for progress and achievement reporting is on FEMA's website at <https://www.fema.gov/emergency-managers/nims/implementation-training>.

Please see the [Preparedness Grants Manual](#) for more information on NIMS.

## 5. Cost Share or Match

There is no cost share or cost match requirement for the FY 2024 IPR program.

## D. Application and Submission Information

### 1. Key Dates and Times

#### a. Application Start Date:

04/16/2024

#### b. Application Submission Deadline:

06/24/2024 at 5 p.m. ET

All applications **must** be received by the established deadline.

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

**FEMA will not review applications that are received after the deadline or consider these late applications for funding.** FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good





cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant’s control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

**Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline.** Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. “Timely notification” of FEMA means the following: prior to the application deadline and within 48 hours after the applicant became aware of the issue.

A list of FEMA contacts can be found in Section G of this NOFO, “DHS Awarding Agency Contact Information.” For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at [femago@fema.dhs.gov](mailto:femago@fema.dhs.gov) or (877) 585-3242, Monday through Friday, 9:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Preparedness Officer or Grants Management Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov), Monday through Friday, 9:00 AM – 5:00 PM ET.

**c. Anticipated Funding Selection Date:**

No later than August 23, 2024

**D. Anticipated Award Date:**

No later than September 30, 2024

**d. Other Key Dates**

Event	Suggested Deadline for Completion
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Obtaining Unique Entity Identifier (UEI) number	Four weeks before actual submission deadline
Obtaining a valid Employer Identification Number (EIN)	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or updating SAM registration	Four weeks before actual submission deadline
Registering Organization in FEMA GO	Prior to beginning application
Submitting complete application in FEMA GO	One week before actual submission deadline

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

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

## 3. Address to Request Application Package

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

## 4. Requirements: Obtain a Unique Entity Identifier (UEI) and Register in the System for Award Management (SAM)

Each applicant, unless they have a valid exception under 2 CFR §25.110, must:

1. Be registered in Sam.Gov before application submission.
2. Provide a valid UEI in its application.



3. Continue to always maintain an active SAM registration with current information during the federal award process. Note: Per 2 C.F.R. § 25.300, subrecipients are NOT required to go through the full SAM registration process. First-tier subrecipients (meaning entities receiving funds directly from the recipient) are only required to obtain a UEI through SAM, but they are not required to complete the full SAM registration in order to obtain a UEI. Recipients may not make subawards unless the subrecipient has obtained and provided the UEI.

Lower-tier subrecipients (meaning entities receiving funds passed through by a higher-tier subrecipient) are not required to have a UEI and are not required to register in SAM. Applicants are also not permitted to require subrecipients to complete a full registration in SAM beyond obtaining the UEI.

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

Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines. Please review the table above for estimated deadlines to complete each of the steps listed. Failure of an applicant to comply with any of the required steps before the deadline for submitting an application may disqualify that application from funding.

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

1. Apply for, update, or verify their UEI number and Employer Identification Number (EIN) from the Internal Revenue Service;
2. In the application, provide an UEI number;
3. Have an account with [login.gov](https://login.gov);
4. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
5. Register in FEMA GO, add the organization to the system, and establish the AOR. The organization's electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see <https://www.fema.gov/grants/guidance-tools/fema->



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[go/startup](#);

6. Submit the complete application in FEMA GO; and
7. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

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

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

## 6. Electronic Delivery

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



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

## 7. How to Register to Apply

### a. General Instructions:

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

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

Organizations must have an UEI number, an EIN, and an active SAM registration to apply for a federal award under this funding opportunity.

### b. Obtain an UEI Number:

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

For more detailed instructions for obtaining a UEI number, refer to: [SAM.gov](https://sam.gov).

### c. Obtain Employer Identification Number

All entities applying for funding must provide an Employer Identification Number (EIN). The EIN can be obtained from the IRS by visiting:

<https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>.

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



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

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

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

For more information on the login.gov requirements for SAM registration, refer to: <https://www.sam.gov/SAM/pages/public/loginFAQ.jsf>.

#### **e. Register with SAM:**

All applicants applying online through FEMA GO must register with SAM. Failure to register with SAM will prevent an applicant from completing the application in FEMA GO. SAM registration must be renewed annually. Organizations will be issued a UEI number with the completed SAM registration.

For more detailed instructions for registering with SAM, refer to: <https://apply07.grants.gov/help/html/help/Register/RegisterWithSAM.htm>.

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

#### **i. Additional SAM Reminders**

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



**before FEMA’s system recognizes the information.**

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

## **ii. Help with SAM**

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

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

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

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

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

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



## 8. Submitting the Application

Applicants will be prompted to submit the standard application information and any program-specific information required as described in Section D.10 of this NOFO, “Content and Form of Application Submission.” The Standard Forms (SF) may be accessed in the Forms tab under the <https://grants.gov/forms/forms-repository/sf-424-family>. Applicants should review these forms before applying to ensure they have all the information required.

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

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

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

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

**Applicants who experience system-related issues will be addressed until 3:00 PM ET on the date applications are due.** No new system-related issues will be addressed after this deadline. Applications not received by the application submission deadline will not be accepted.

## 10. Content and Form of Application Submission





## a. Standard Required Application Forms and Information

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

The following forms or information are required to be submitted via FEMA GO. The Standard Forms (SF) are also available at <https://grants.gov/forms/forms-repository/sf-424-family>.

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

## b. Program-Specific Required Forms and Information

The following program-specific forms or information are required to be submitted in [FEMA GO](#):

- Associated Investment Justifications
- Detailed budgets
- Associated Memoranda of Understanding/Memoranda of Agreement

## i. Priority Investments



## Cybersecurity (no minimum percentage)

Cybersecurity investments must support the security and functioning of critical infrastructure and core capabilities as they relate to achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism. Additional resources and information regarding cybersecurity [and cybersecurity performance goals are available through the Cybersecurity and Infrastructure Security Agency, Cross-Sector Cybersecurity Performance Goals](#) , and the [National Institute of Standards and Technology](#).

## Soft Targets and Crowded Places (5% minimum)

Soft targets and crowded places are increasingly appealing to terrorists and other violent extremist actors because of their relative accessibility and the large number of potential targets. This challenge is complicated by the prevalent use of simple tactics and less sophisticated attacks. Segments of our society are inherently open to the general public, and by nature of their purpose do not incorporate strict security measures. Given the increased emphasis by terrorists and other violent extremist actors to leverage less sophisticated methods to inflict harm in public areas, it is vital that the public and private sectors collaborate to enhance security of locations such as transportation centers, parks, restaurants, shopping centers, special event venues, and similar facilities. Additional resources and information regarding securing soft targets and crowded places are available through the [Cybersecurity and Infrastructure Security Agency](#).

## ii. Investment Justification (IJ)

As part of the FY 2024 IPR application process, applicants must develop a formal IJ that addresses each initiative being proposed for funding, including a project's management and administration (M&A) costs. **Applicants may submit up to eight IJs.** IJs must demonstrate how proposed projects address gaps and deficiencies in current programs and capabilities and link to one or more core capabilities identified in the National Preparedness Goal. Applicants are encouraged to submit a separate IJ for each proposed project. IPR projects must be: 1) feasible and effective at reducing the risks for which the project was designed, and 2) able to be fully completed within the three-year period of performance. Applicants must ensure that the IJs are consistent with all applicable requirements outlined in this NOFO. IJs must be submitted with the grant



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application as a file attachment within [FEMA GO](#). Applicants must use the following file naming convention when submitting IJ attachments through [FEMA GO](#) as part of the FY 2024 IPR program:

**Name of Applicant\_IJ Number (Example: Amtrak\_IJ 1)**

Applicants must provide information in the following categories for **each** proposed investment:

1. Background
2. Strategic and Program Priorities
3. Impact
4. Funding/Implementation Plan

**iii. Operational Packages (OPacks)**

Applicants that meet basic OPack eligibility requirements may elect to pursue OPack funding for Canine Teams, Mobile Explosives Detection Screening Teams, and Anti-Terrorism Teams, for new capabilities, as well as to sustain existing OPacks. Applicants pursuing both new OPacks and sustainment funding for existing OPacks must indicate in their IJs which option is the higher priority for their agency. Additionally, applicants pursuing either new teams or sustainment of existing teams must include the number of OPack teams already in place (either funded by the agency or by IPR). In addition, recipients must commit to minimum training standards for all federally funded OPack positions. In order for an application for an OPack to be considered eligible, it must include a *Five-Year Security Capital and Operational Sustainment Plan*. Please see [www.grants.gov](http://www.grants.gov) for the required template. Please refer to the Operational Activities section below for more information.

**iv. Detailed Budget**

Applicants must provide detailed budgets for the funds requested. The detailed budgets must be submitted with the grant application as a file attachment within [FEMA GO](#). The budgets must be complete, reasonable, and cost-effective in



relation to the proposed projects. The budgets should provide the basis of computation of all project-related costs, any appropriate narrative, and a detailed justification of M&A costs. Applicants receiving funds may not obligate, expend, or draw down funds until budgets and budget narratives have been approved by DHS/FEMA. The budget detail worksheet on Grants.gov may be used as a guide to assist applicants in the preparation of budgets and budget narratives. **Note: Design and Planning/Engineering costs must be clearly identified in a separate line item in order for partial funding to be released prior to Environmental Planning and Historic Preservation (EHP) review and approval.** Please see the [Preparedness Grants Manual](#) for information on the EHP review process.

Detailed budgets must be submitted with the grant application as a file attachment within [FEMA GO](#). Applicants must use the following file naming convention when submitting detailed budgets as part of the IPR application process:

***Agency Name\_IJ Number\_Budget (Example: Amtrak IJ\_1\_Budget)***

#### **v. Sensitive Security Information (SSI) requirements**

A portion of the information that is routinely submitted in the course of applying for funding, reporting under certain programs, or that is provided in the course of an entity's grant management activities under those programs that are under federal control may be subject to protection under an SSI marking and must be properly identified and marked accordingly. SSI is a control designation used by DHS/FEMA to protect transportation security-related information. It is applied to information about security programs; vulnerability and threat assessments; screening processes; technical specifications of certain screening equipment and objects used to test screening equipment; and equipment used for communicating security information relating to air, land, or maritime transportation. Further information can be found at 49 C.F.R. Part 1520, Protection of Sensitive Security Information.



For the purposes of the IPR, and due to the high frequency of SSI found in IPR-related IJs, all IPR IJs shall be considered SSI and treated as such until they have been subject to review for SSI by DHS/FEMA. Therefore, applicants shall label all application documents as SSI in accordance with 49 C.F.R. § 1520.13.

## 11. Intergovernmental Review

An intergovernmental review may be required. Applicants must contact their state's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372

(See <https://www.archives.gov/federal-register/codification/executive-order/12372.html>; [Intergovernmental Review \(SPOC List\) \(whitehouse.gov\)](#))

## 12. Funding Restrictions and Allowable Costs

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

Federal funds made available through this award may be used for the purpose set forth in this NOFO, the [Preparedness Grants Manual](#), and the terms and conditions of the award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other federal awards, 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. See the [Preparedness Grants Manual](#) for more information on funding restrictions and allowable costs.

Additionally, costs charged to an IPR award must also be consistent with the cost principles in the Federal Acquisition Regulation (FAR) Part 31.2 in lieu of 2 C.F.R. Part 200, Subpart E. Any conflicts between FAR Part 31.2 and 2 C.F.R. Part 200,



Subpart E shall be resolved in favor of the applicable provision in FAR Part 31.2.

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

See the [Preparedness Grants Manual](#) for information on prohibitions on expending FEMA award funds for covered telecommunications equipment or services.

### **b. Pre-Award Costs**

Pre-award costs are not allowable unless approved in writing by FEMA and included in the grant award.

### **c. Management and Administration (M&A) Costs**

M&A costs are allowed by the FY 2024 Annual Appropriation (Department of Homeland Security Appropriations Act, 2024, Pub. L. No. 118-47, Title III, “Protection, Preparedness, Response, and Recovery,” Section 302). Recipients may use *up to* 5% of the award for their M&A. M&A activities are those defined as directly relating to the management and administration of IPR funds, such as financial management and monitoring. M&A expenses must be based on actual expenses or known contractual costs. M&A requests that are simple percentages of the award, without supporting justification, will not be allowed or considered for reimbursement.

M&A costs are not operational costs but are necessary costs incurred in direct support of the federal award or as a consequence of it, such as travel, meeting-related expenses, and salaries of full/part-time staff in direct support of the program. As such, M&A costs can be itemized in financial reports. Other M&A cost examples include preparing and submitting required programmatic and financial reports, establishing and/or maintaining equipment inventory, documenting operational and equipment expenditures for financial accounting purposes, responding to official informational requests from state and federal oversight authorities, including completing the Civil Rights Evaluation Tool as require by



DHS; and grant performance measurement or evaluation activities. Please see the [Preparedness Grants Manual](#) for additional information on Direct Costs.

Funds may be used for the following M&A costs:

- Hiring of full-time or part-time staff, including contractors and consultants, to execute the following:
- Management of the current fiscal year IPR, Award;
- Design and implementation of the current fiscal year IPR submission meeting compliance with reporting/data collection requirements, including data calls;
- Information collection and processing necessary to respond to FEMA data calls;
- Travel expenses (domestic travel only) related to IPR grant administration, in compliance with 2 C.F.R. Part 200; and
- Acquisition of authorized office equipment, including personal computers or laptops for M&A purposes.

#### **d. Indirect Facilities & Administrative (F&A) Costs**

Indirect (F&A) costs (IDC) mean those costs incurred for a common or joint purpose benefitting more than one cost objective and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. IDC are allowable by the recipient and subrecipients as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated IDC rate agreement who desire to charge indirect costs to a federal award must provide a copy of their IDC rate agreement with their applications. Not all applicants are required to have a current negotiated IDC rate agreement. Applicants that are not required to have a negotiated IDC rate agreement but are required to develop an IDC rate proposal must provide a copy of their proposal with their applications. Applicants who do not have a current negotiated IDC rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to FEMA for further instructions. Applicants who wish to use a cost allocation plan in lieu of an IDC rate proposal must reach out to the FEMA Point of Contact for further instructions. As it relates to the IDC for subrecipients, a recipient must follow the requirements of 2 C.F.R. §§ 200.332 and 200.414 in approving the IDC rate for subawards. For information on procedures for establishing indirect cost rates, see the [Preparedness Grants Manual](#).





## **e. Evaluation Costs**

Evaluation costs are allowable. See Section H.2 “Program Evaluation” for more details.

## **f. Other Direct Costs**

Costs generally need to fit within one of the categories listed below to be allowable under this program. Applicants who have questions about whether a potential cost is allowable or not under this program should contact their Preparedness Officer.

Specific investments made in support of the funding priorities generally fall into one of the following allowable expense categories:

- Planning;
- Operational Activities;
- Equipment and Capital Projects;
- Training and Awareness Campaigns; and
- Exercises.

The following provides guidance on allowable costs within each of these areas:

### **i. Planning**

*Planning activities address the Soft Targets/Crowded Places; Cybersecurity; and Planning Priorities.*

Relevant program funds may be used for the following types of planning activities:

1. Development and enhancement of system-wide security risk management plans that ensure the continuity of essential functions, to include cybersecurity;
2. Development or further strengthening of continuity plans, response plans, station action plans, risk assessments, and asset-specific remediation plans;
3. Development or further strengthening of security assessments, including multi-agency and multi-jurisdictional partnerships and conferences to facilitate planning activities;





4. Hiring of full or part-time staff and contractors or consultants to assist with planning activities only to the extent that such expenses are for the allowable activities within the scope of the grant (not for the purpose of hiring public safety personnel); hiring of contractors/consultants must follow the applicable federal procurement requirements at 2 C.F.R. §§ 200.317-200.327;
5. Materials required to conduct planning activities;
6. Conducting risk and resilience assessments on increasingly connected cyber and physical systems, on which security depends, using the [Infrastructure Resilience Planning Framework](#) and related Cybersecurity and Infrastructure Security Agency (CISA) resources;
7. Planning activities related to alert and warning capabilities; and
8. Other project planning activities with prior approval from FEMA.

## ii. Operational Activities

*Operational Activities address the Soft Targets/Crowded Places Priority.*

FEMA encourages applicants to develop innovative operational approaches to enhance the security of transit systems. Projects that use visible, unpredictable deterrence, to include OPacks dealing with explosive detection canine teams, mobile screening teams, and anti-terrorism teams, directly support enhancing the protection of soft targets and crowded places. Implementation of one of the three OPack models discussed below complements existing security systems and provides an appropriate, practical, and cost-effective means of protecting assets.

Agencies may submit IJ to fund transit security police forces/law enforcement providers for patrols and activities on overtime, such as directed patrols, additional canine teams, mobile screening teams, or anti-terrorism team patrols. These activities must be dedicated to the transit environment and must be anti-terrorism in nature. Agencies must identify the type of activity, length of operation (hours), number of personnel, and cost based on length of operation and personnel. Agencies should also provide a risk-based justification for the request, to include linkage to a known event, such as hosting a significant regional sporting or political event; or a period of heightened awareness, such as a national holiday. Three OPack types have been developed to support operational activities and are available for funding under the IPR Program.



1. Explosives Detection Canine Teams (EDCTs). When combined with the existing capability of a transit security/police force, the added value provided through the addition of an EDCT is significant. EDCTs are a proven, reliable resource to detect explosives and are a key component in a balanced counter-sabotage program. The IPR Program will provide funds to establish dedicated security/police force canine teams. Each canine team will be composed of one dog and one handler.
2. Anti-Terrorism Teams (ATTs). The ATT capability provided through the IPR Program funding is for uniformed, dedicated transit patrols on a normal operational basis, rather than using teams only for a surge capacity as provided by FEMA in the past. ATTs do not supersede other local transit security forces; rather, they augment current capabilities. Each ATT will consist of four individuals, including two overt elements (e.g., uniformed transit sector law enforcement officer, canine team, mobile explosive screeners), and two discreet observer elements.
3. Mobile Explosive Screening Teams (MESTs). The MEST OPack will allow recipients the flexibility to deploy combinations of certified explosive ordinance technicians with mobile explosive screening technologies, including during local National Special Security Events. This screening technology will be coupled with mobile explosive screening technologies. Each MEST should have a minimum of two members and one mobile explosive screening apparatus.

*Note: Funds for canine teams may not be used to fund drug detection and apprehension technique training. Only explosives detection training for the canine teams will be funded.*

### **Five-Year Security Capital Plan and Operational Sustainment**

Applicant requests for OPack funding must include the submission of a Five-Year Security Capital and Operational Sustainment Plan in FEMA GO. This plan must include how the agency proposes to implement capital projects and demonstrate how the agency will sustain the operational investments (including officers hired with federal funding) and capabilities after grant funding has been expended. ***Requests for OPacks will not be funded if the applicant does not have a Security Capital and Operational Sustainment Plan.***



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## Funding Availability for OPacks

OPacks have the potential to be funded for up to 36-months from the award date. The monetary figures presented below are stated in terms of cost per period of performance (which indicates actual/complete funding for a 36-month period). Additionally, any OPack costs after the period of performance (including expenses related to the maintenance, personnel, equipment, etc.) are the responsibility of the applicable transit system. Additional funding may be applied for in future grant cycles to maintain this operational capability, but future funding is not guaranteed and requires approval. If these positions are not sustained, the public transportation agency may not be eligible for this personnel support in the future. The table below identifies the maximum funding available for the different OPack types.

### Available Funding for OPacks

Operational Package	Maximum Funding per Year (12 months)	Maximum Funding per Period of Performance (36 months)
EDCT	\$150,000 per team	\$450,000 per team
ATT	\$500,000 per team	\$1,500,000 per team
MEST	\$600,000 per team	\$1,800,000 per team

### OPack Requirements

IPR OPack funds may be used for new positions or to sustain existing capabilities/programs (e.g., canine teams) already supported by the recipient. Applicants submitting IJs for both new OPacks and sustainment funding for existing OPacks must indicate in their IJs which funding the higher priority for their agency is. Additionally, applicants must provide the number of existing teams (EDCT, ATT, and MEST) already in place, regardless of how they are funded (e.g., in-house funding or IPR grant funding). The below table identifies specific OPack requirements.



## OPack Requirements

Operational Package	Requirements
Explosives Detection Canine Teams (EDCTs)	Please refer to the <a href="#">Preparedness Grants Manual</a> for detailed information regarding EDCTs for the IPR Program.
Anti-Terrorism Teams (ATT)	<p>Specific for the Canine Team within the ATT:</p> <ul style="list-style-type: none"> <li>■ Each canine team, composed of one dog and one handler, must be certified by an appropriate, qualified organization;</li> <li>■ Canines should receive an initial basic training course and also weekly maintenance training sessions thereafter to maintain the certification;</li> <li>■ The basic training averages 10 weeks for the team, with weekly training and daily exercising; (comparable training and certification standards, such as those promulgated by the TSA Explosives Detection Canine Program, the National Police Canine Association (NPCA), the United States Police Canine Association (USPCA), or the International Explosive Detection Dog Association (IEDDA) may be used to meet this requirement);</li> <li>■ The individuals hired for the covert and overt elements must be properly trained law enforcement officers; and</li> <li>■ Certifications should be on file with the recipient and must be made available to FEMA upon request.</li> </ul>
Mobile Explosives Screening Team (MEST)	Certifications should be on file with the recipient and must be made available to FEMA upon request

## Allowable Expenses for OPacks



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The below table identifies allowable expenses for the various OPacks. Please see the inserted notes for clarification of certain allowable costs.

### Allowable Expenses for OPacks

Operational Package	Salary and Fringe Benefits	Training and Certification	Equipment Costs	Purchase and Train a Canine	Canine Costs <sup>b</sup>
1. EDCT <sup>a</sup>	?	?	?	? <sup>c</sup>	?
1. ATT	?	?	?	?	?
1. MEST	?		? <sup>d</sup>		

<sup>a</sup> Travel costs associated with training for personnel, handlers, and canines are allowable

<sup>b</sup> Canine costs include but are not limited to veterinary, housing, and feeding costs

<sup>c</sup> One type of allowable training is training specific to the detection of common explosives odors

<sup>d</sup> Equipment and other costs can include but are not limited to explosives detection; stainless steel search tables; consumables such as gloves, swabs, and alcohol; and land mobile radios

### iii. Equipment and Capital Projects

*Equipment and Capital Projects address the Soft Targets/Crowded Places; Cybersecurity; and Equipment/Capital Projects Priorities.*



Priority projects include TTAL risk remediation and protection of other high-risk, high-consequence areas or systems that have been identified through system-wide risk assessments. These costs include:

1. Projects related to physical security enhancements at rail stations, including security cameras, security screening equipment for people and baggage, and access control (e.g., fences, gates, barriers, etc.); and
2. Projects related to cybersecurity of access control, sensors, security cameras, badge/ID readers, Industrial Control Systems (ICS)/Supervisory Control and Data Acquisition (SCADA) systems, process monitors and controls, etc. or passenger/vehicle/cargo security screening equipment support. Cybersecurity assessments are allowable.

## Equipment Acquisition

Program funds must comply with [FEMA Policy 207-22-0002, Prohibited or Controlled Equipment Under FEMA Awards](#). Program funds may be used for the following categories of equipment. A comprehensive listing of allowable equipment categories and types is found in the [Authorized Equipment List \(AEL\)](#). These costs include:

1. Personal protective equipment;
2. Explosive device mitigation and remediation equipment;
3. Chemical, biological, radiological, nuclear, and explosive (CBRNE) operational search and rescue equipment, logistical support equipment, reference materials, or incident response vehicles
4. Interoperable communications equipment, including alert and warning capabilities;
5. Components or systems needed to address flaws in the computerized systems that control generators, switching stations, and electrical substations as well as other threats to infrastructure critical to the U.S. economy;
6. Detection Equipment;
7. Power equipment;
8. Terrorism incident prevention equipment; and
9. Physical security enhancement equipment.



Recipients and subrecipients may purchase equipment not listed on the AEL, but **only** if they first seek and obtain **prior approval** from FEMA.

Unless otherwise noted, equipment must be certified as meeting required regulatory and FEMA-adopted standards to be eligible for purchase using program funds. Equipment must comply with the *Occupational Safety and Health Act* requirement for certification of electrical equipment by a nationally recognized testing laboratory and demonstrate compliance with relevant FEMA-adopted standards through a supplier's declaration of conformity with appropriate supporting data and documentation per International Organization for Standardization/International Electro-technical Commission (ISO/IEC) 17050, Parts One and Two. Agencies must have all necessary certifications and licenses for the requested equipment, as appropriate, prior its purchase. DHS adopted standards are found at [DHS Implementation Statement Regarding Standard Terms and Conditions for Research Grants | Homeland Security](#).

In addition, recipients that are using IPR funds to support emergency communications equipment activities must comply with the [SAFECOM Guidance on Emergency Communications Grants](#), including provisions on technical standards that ensure and enhance interoperable communications. For more information about SAFECOM, see the [Preparedness Grants Manual](#).

### **Requirements for Small Unmanned Aircraft Systems**

For information on sUAS allowability, please see the [Preparedness Grants Manual](#).

### **Cybersecurity Projects**

Program funds may be used for projects that enhance the cybersecurity of: Access controls, sensors, security cameras, badge/ID readers, ICS/SCADA systems, process monitors and controls (such as firewalls, network segmentation, predictive security cloud, etc.); and passenger/vehicle/cargo security screening equipment (cybersecurity assessments are allowable).

When requesting funds for cybersecurity, applicants are encouraged to propose projects that would aid in implementation of all or part of the [Framework for Improving Critical Infrastructure Cybersecurity, Version 1.1](#) (the "Framework")



developed by the National Institute of Standards and Technology (NIST). The Framework gathers existing international standards and practices to help organizations understand, communicate, and manage their cyber risks. For organizations that do not know where to start with developing a cybersecurity program, the Framework provides initial guidance. For organizations with more advanced practices, the Framework offers a way to improve their programs, such as better communication with their leadership and suppliers about management of cyber risks.

DHS's Enhanced Cybersecurity Services (ECS) program is an example of a resource that assists in protecting U.S.-based public and private entities and combines key elements of capabilities under the "Detect" and "Protect" functions to deliver an impactful solution relative to the outcomes of the Cybersecurity Framework.

Specifically, ECS offers intrusion prevention and analysis services that help U.S.-based companies and SLTT governments defend their computer systems against unauthorized access, exploitation, and data exfiltration. ECS works by sourcing timely, actionable cyber threat indicators from sensitive and classified Government Furnished Information (GFI). DHS then shares those indicators with accredited Commercial Service Providers (CSPs). Those CSPs in turn use the indicators to block certain types of malicious traffic from entering a company's networks. Groups interested in subscribing to ECS must contract directly with a CSP to receive services. Please visit <http://www.cisa.gov/enhanced-cybersecurity-services-ecs> for a current list of ECS CSP points of contact.

## **Capital (Construction) Projects Guidance**

See the [Preparedness Grants Manual](#) for more information about IPR Program Capital (Construction) Projects Guidance.

### **iv. Training and Awareness Campaigns**

*Training and Awareness Campaigns address the Soft Targets/Crowded Places; Cybersecurity; and Training and Awareness Campaign Priorities.*

#### **Training**

Program funds may be used for the following training activities:





1. **Training Topics.** Priority topics include active shooter training, security training for employees, and public awareness/preparedness campaigns.
2. **Training Workshops.** Grant funds may be used to plan and conduct training workshops to include costs related to planning, meeting space and other meeting costs, facilitation costs, materials and supplies, travel, and training plan development. Recipients are strongly encouraged to use free public space/locations/facilities, whenever available, prior to the rental of space/locations/facilities. Training should provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. Any training or training gaps, including those for children and individuals with disabilities or other access and functional needs, should be identified in an After-Action Report/Improvement Plan (AAR/IP) and addressed in the training cycle.
3. **Hiring of Full or Part-Time Staff or Contractors/Consultants.** Full or part-time staff or contractors/consultants may be hired to support training-related activities. Hiring of contractors/consultants must follow the applicable federal procurement requirements at 2 C.F.R. §§ 200.317-200.327. Reimbursement of these costs should conform with the policies of the state or local unit(s) of government or the awarding agency, whichever is applicable. Such costs must be included within the funding allowed for program management personnel expenses, which must not exceed 10% of the total allocation. Dual compensation is unallowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government and from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities. Personnel hiring, overtime, and backfill expenses are permitted under this grant only to the extent that such expenses are for the allowable activities within the scope of the grant.
4. **Overtime and Backfill Costs.** The entire amount of overtime costs, including payments related to backfilling personnel, that are the direct result of attendance at FEMA and approved training courses and programs are allowable. Reimbursement of these costs should follow the policies of the state or local unit(s) of government or the awarding agency, whichever is applicable. In no case is dual compensation allowable.
5. **Travel.** Domestic travel costs (e.g., airfare, mileage, per diem, and hotel) are allowable as expenses by employees who are on travel status for official business related, approved training, subject to the restrictions at 2 C.F.R. Part 200. International travel is not an allowable expense.



6. **Supplies.** Supplies, items that are expended or consumed during the course of the planning and conduct of the training projects (s) (e.g., gloves and non-sterile masks), are allowable expenses.
7. **Funds Used to Develop, Deliver, and Evaluate Training,** including costs related to administering the training, planning, scheduling, facilities, materials and supplies, reproduction of materials, and equipment are allowable expenses. Training should provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. Any training or training gaps, including those for children and individuals with disabilities or other access and functional needs, should be identified in the AAR/IP and addressed in the training cycle.

For IPR, recipients are encouraged to use existing training rather than developing new courses. When developing new courses, recipients are encouraged to apply the Analysis, Design, Development, Implementation, and Evaluation (ADDIE) model of instruction design. Information on FEMA-approved training can found at <http://www.firstrespondertraining.gov/>.

## Awareness Campaigns

Program funds may be used for the development and implementation of awareness campaigns to raise public awareness of indicators of terrorism and terrorism-related crime and for associated efforts to increase the sharing of information with public and private sector partners, including nonprofit organizations. DHS currently sponsors or supports a number of awareness campaigns. Please review materials, strategies, and resources at <https://www.dhs.gov/dhs-campaigns> before embarking on the development of an awareness campaign for local constituencies and stakeholders.

***Note: DHS requires that all public and private sector partners wanting to implement and/or expand the DHS “If You See Something, Say Something®” campaign (“campaign”) using grant funds work directly with the DHS Office of Partnership and Engagement (OPE). This will help ensure that the awareness materials (e.g., videos, posters, trifolds, etc.) remain consistent with DHS’s messaging and strategy for the campaign and compliant with the initiative’s trademark, which is licensed to DHS by the New York Metropolitan Transportation Authority. Coordination with OPE, through the campaign’s office ([seesay@hq.dhs.gov](mailto:seesay@hq.dhs.gov)), must be facilitated by the FEMA***



## **HQ Preparedness Officer.**

### **v. Exercises**

*Exercise activities address the Soft Targets/Crowded Places; Cybersecurity; and Exercises Priorities.*

Program funds may be used for the following exercise activities:

- 1. Funds Used to Design, Develop, Conduct and Evaluate an Exercise.**  
This includes costs related to planning, meeting space, and other meeting costs, facilitation costs, materials and supplies, travel, and documentation. Exercises afford organizations the opportunity to validate plans and procedures, evaluate capabilities, and assess progress toward meeting capability targets in a controlled, low risk setting. Any shortcoming or gap identified, including those for children and individuals with disabilities or other access and functional needs, should be identified in an effective corrective action program that includes development of improvement plans that are dynamic documents, with corrective actions continually monitored and implemented as part of improving preparedness through the exercise cycle.
- 2. Hiring of Full or Part-Time Staff or Contractors/Consultants.** Full or part-time staff may be hired to support exercise-related activities. In order to be eligible for reimbursement, the costs for hiring staff must conform to the policies of the non-federal entity and federal statutes, where applicable. See, e.g., 2 C.F.R. § 200.430(a). The costs for hiring contractors or consultants must comply with the applicable federal procurement standards at 2 C.F.R. §§ 200.317 – 200.327. The costs for hiring staff, consultants, or contractors to support exercise-related activities costs must be included within the funding allowed for program management personnel expenses, which must not exceed 10% of the total allocation. Dual compensation is never allowable, meaning, in other words, that an employee of a unit of government may not receive compensation from their unit or agency of government and from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though their work may benefit both entities. Personnel hiring, overtime, and backfill expenses are permitted under this grant only to the extent that such expenses are for the allowable activities within the scope of the grant.



3. **Overtime and Backfill Costs.** The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of time spent on the design, development and conduct of exercises are allowable expenses. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of the state or the awarding agency, whichever is applicable. Dual compensation is never allowable.
4. **Travel.** Domestic travel costs are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of exercise projects, subject to the restrictions at 2 C.F.R. Part 200. International travel is not an allowable expense.
5. **Supplies.** Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise projects (e.g., gloves, non-sterile masks, and disposable protective equipment).
6. **Other Items.** These costs include the rental of space/locations for exercise planning and executing, rental of equipment, etc. Recipients are encouraged to use free public space/locations/facilities, whenever available, prior to the rental of space/locations/facilities. These also include costs that may be associated with inclusive practices and the provision of reasonable accommodations and modifications to provide full access for children and adults with disabilities.

## vi. Construction and Renovation

Construction and renovation costs to achieve capability targets related to preventing, preparing for, protecting against, or responding to acts of terrorism are allowed under this program. For construction costs to be allowed, they must be specifically approved by DHS/FEMA in writing prior to the use of any program funds for construction or renovation. All proposed construction and renovation activities must undergo an EHP review, including approval of the review from FEMA, prior to undertaking any action related to the project. Failure of a grant recipient to meet these requirements may jeopardize Federal funding. See the [Preparedness Grants Manual](#) for additional information. Additionally, recipients are required to submit an SF-424C Form and budget detail citing the project costs.

## vii. Backfill, Overtime, and Hiring



Backfill, overtime, and hiring costs are allowed under this program only as described in this NOFO.

#### **viii. Travel**

Domestic travel costs are allowed under this program as described in this NOFO. International travel is not an allowable cost under this program unless approved in advance by DHS/FEMA.

#### **ix. Maintenance and Sustainment**

Maintenance and sustainment related costs are allowed under this program only as described in this NOFO and the [Preparedness Grants Manual](#).

#### **g. Unallowable Costs**

Specific unallowable costs for **IPR** include:

- Grant funds must comply with [FEMA Policy 207-22-0002, Prohibited or Controlled Equipment Under FEMA Awards](#), and may not be used for the purchase of the following prohibited equipment: firearms, ammunition, grenade launchers, bayonets, or weaponized aircraft, vessels, or vehicles of any kind with weapons installed. Expenditures for items unrelated to grant allowable activities, such as general-use software, general-use computers, and related equipment (other than for allowable M&A activities or for other associated preparedness or response functions), general-use vehicles, licensing fees, weapons systems, and ammunition are also prohibited;
- Personnel costs (except as detailed above or otherwise allowed by statute);
- Activities unrelated to the completion and implementation of the IPR program;
- Other items not in accordance with the AEL or not previously listed as allowable costs;
- Costs related to any matching or cost share requirement for any other federal award;
- Costs related to lobbying or intervention in federal regulatory proceedings;
- Costs related to suing the Federal Government or any other government entity;
- Pre-award costs, unless approved in writing by FEMA and included in the grant award; and



- Costs that are not consistent with the Cost Principles located in FAR 31.2, as applicable.

## **h. Excess Funds**

After completing the initial project proposed in the recipient's application, some recipients may have unexpended funds remaining in their budgets. These excess funds may result from any combination of under-budget acquisition activities or competitive procurement processes. In such cases, excess funds must be returned to FEMA upon project completion. Please also see Section C of this NOFO regarding cost share requirements, including the implications if the project costs are less than what was applied for.

## **E. Application Review Information**

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

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

The FY 2024 IPR application will be evaluated through a review process for completeness, adherence to programmatic guidelines, and anticipated effectiveness of the proposed investments. Amtrak is the only entity eligible to submit an application for IPR and must comply with all administrative requirements described herein ? including the submission of IJs, budgets and other application materials as required. IJs will be reviewed and selected based on the following criteria:

1. **Funding priorities.** Projects will be evaluated and prioritized based on the extent to which they address the priorities contained in this NOFO.
2. **Ability to reduce risk of catastrophic events.** Projects will be evaluated and prioritized on their ability to reduce risks associated with potential terrorist attacks and all other types of hazards. For projects where an applicant's collaboration with others is relevant to the project's ability to reduce risks, projects will be evaluated based on the degree to which the proposal adequately details how the applicant will use investments to



overcome existing logistical, technological, legal, policy and other impediments to collaborating, networking, sharing information, cooperating and fostering a culture of national preparedness with federal, state, regional and nonprofit partners. In evaluating an applicant's ability to collaborate, FEMA will consider any information provided by the applicant and may also consider relevant information from other sources.

3. **Sustainability without additional federal funds and leveraging of other funding.** Projects will be evaluated and prioritized regarding the extent to which they exhibit a likelihood of success or continued success without requiring additional federal assistance.
4. **Timelines.** Projects will be evaluated and prioritized based on Amtrak's ability to complete the proposed project within submitted timeframes.

Grant projects must be both (1) feasible and effective at reducing the risks for which the project was designed, and (2) able to be fully completed within the three-year period of performance. DHS/FEMA will use the information provided in the application and any supporting documentation to determine the feasibility and effectiveness of proposed grant projects. Information that would assist in this feasibility and effectiveness determination includes the following:

- Scope of work (purpose and objectives of the project, identification of what is being protected);
- Desired outcomes, including expected long-term impact where applicable;
- Summary of status of planning and design accomplished to date (e.g., included in a capital improvement plan); and
- Project schedule.

Recipients are expected to conform, as applicable, with accepted engineering practices, established codes, standards, modeling techniques, and best practices.

## **b. Financial Integrity Criteria**

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, [as enacted by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 \(2020\)](#); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any Office of Management and Budget (OMB)-designated repositories of government-wide eligibility qualification or financial integrity information, [including whether](#) SAM.gov identifies the applicant as being excluded from receiving federal





awards or is flagged for any integrity record submission. FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

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

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

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

- i. FEMA is required by 41 U.S.C. § 2313 and 2 C.F.R. § 200.206(a)(2) to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance and Integrity Information System](#) (FAPIIS).
- ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

## **2. Review and Selection Process**





AAmtrak is the only eligible entity for the FY 2024 IPR program. The application will be reviewed in accordance with the criteria laid out in the sections above.

## F. Federal Award Administration Information

### 1. Notice of Award

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

See the [Preparedness Grants Manual](#) for information on Notice of Award.

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

Recipients must accept their awards no later than 60 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award through the FEMA GO system.

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

### 2. Administrative and National Policy Requirements

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



In addition to the information regarding DHS Standard Terms and Conditions and Ensuring the Protection of Civil Rights, see the [Preparedness Grants Manual](#) for additional information on administrative and national policy requirements, including the following:

- Environmental Planning and Historic Preservation (EHP) Compliance
- FirstNet
- National Incident Management System (NIMS) Implementation
- SAFECOM

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

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

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

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

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

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

The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. These terms and conditions can be found in the [DHS Standard Terms and Conditions](#). Additional information on civil rights



provisions is available at <https://www.fema.gov/about/offices/equal-rights/civil-rights>.

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

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

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

See the [Preparedness Grants Manual](#) for information on EHP compliance.

### **d. Environmental Planning and Historic Preservation (EHP) Compliance**

See the [Preparedness Grants Manual](#) for information about NIMS implementation.

### **e. Mandatory Disclosures**

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. (2 CFR 200.113)

Please note applicants and recipients may report issues of fraud, waste, abuse, and mismanagement, or other criminal or noncriminal misconduct to the [Office of Inspector General \(OIG\) Hotline](#). The toll-free numbers to call are 1 (800) 323-8603, and TTY 1 (844) 889-4357.

## **3. Reporting**

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



See the [Preparedness Grants Manual](#) for information on reporting requirements

#### **4. Monitoring and Oversight**

The regulation at 2 C.F.R. § 200.337 provides DHS and any of its authorized representatives with the right of access to any documents, papers, or other records of the recipient and any subrecipients that are pertinent to a federal award in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the recipient's or subrecipient's personnel for the purpose of interview and discussion related to such documents. Pursuant to this right and per 2 C.F.R. § 200.329, DHS may conduct desk reviews and make site visits to review project accomplishments and management control systems to evaluate project accomplishments and to provide any required technical assistance. During site visits, DHS may review a recipient's or subrecipient's files pertinent to the federal award and interview and/or discuss these files with the recipient's or subrecipient's personnel. Recipients and subrecipients must respond in a timely and accurate manner to DHS requests for information relating to a federal award.

See the [Preparedness Grants Manual](#) for information on monitoring and oversight.

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

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

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

FEMA has assigned a Preparedness Officer for the IPR. If you do not know your Preparedness Officer, please contact please contact FEMA Grants News by phone at (800) 368-6498 or by email at [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov), Monday through Friday, 9 a.m. – 5 p.m. ET.

##### **b. FEMA Grants News**



**FEMA Grants News is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. This channel provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns. FEMA Grants News can be reached by e-mail at [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov) OR by phone at (800) 368-6498, Monday through Friday, 9:00 AM – 5:00 PM ET.**

**c. Grant Programs Directorate (GPD) Award Administration Division**

GPD's Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. Additional guidance and information can be obtained by contacting the AAD's Help Desk via e-mail at [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov).

**d. Equal Rights**

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

**e. Environmental Planning and Historic Preservation**

GPD's EHP Team provides guidance and information about the EHP review process to recipients and subrecipients. All inquiries and communications about GPD projects under this NOFO or the EHP review process, including the submittal of EHP review materials, should be sent to [gpdehpinfo@fema.dhs.gov](mailto:gpdehpinfo@fema.dhs.gov).

**2. Systems Information**

**a. FEMA GO**



For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at [femago@fema.dhs.gov](mailto:femago@fema.dhs.gov) or (877) 585-3242, Monday through Friday, 9:00 AM – 6:00 PM ET.

## H. Additional Information

GPD has developed the [Preparedness Grants Manual](#) to guide applicants and recipients of grant funding on how to manage their grants and other resources. Recipients seeking guidance on policies and procedures for managing preparedness grants should reference the [Preparedness Grants Manual](#) for further information. Examples of information contained in the [Preparedness Grants Manual](#) include:

- Actions to Address Noncompliance
- Audits
- Case Studies and Use of Grant-Funded Resources During Real-World Incident Operations
- Community Lifelines
- Conflicts of Interest in the Administration of Federal Awards and Subawards
- Disability Integration
- National Incident Management System
- Payment Information
- Period of Performance Extensions
- Procurement Integrity
- Record Retention
- Termination Provisions
- Whole Community Preparedness
- Report issues of Fraud, Waste, and Abuse
- Hazard Resistant Building Codes
- Other Post-Award Requirements

### 1. Termination Provisions

FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2



C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards. Note that all information in this Section H.1 “Termination Provisions” is repeated in the [Preparedness Grants Manual](#).

### **a. Noncompliance**

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

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

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

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

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



## 2. Program Evaluation

Federal agencies are required to structure NOFOs that incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting agency priority goal(s) and program outcomes.

[OMB Memorandum M-21-27](#), Evidence-Based Policymaking: Learning Agendas and Annual Evaluation Plans, implementing Title I of the Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115-435 (2019) (Evidence Act), urges federal awarding agencies to use program evaluation as a critical tool to learn, improve equitable delivery, and elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act, § 101 (codified at 5 U.S.C. § 311).

As such, recipients and subrecipients are required to participate in a DHS-, Component, or Program Office-led evaluation if selected, which may be carried out by a third-party on behalf of the DHS, its component agencies, or the Program Office. Such an evaluation may involve information collections including but not limited to surveys, interviews, or discussions with individuals who benefit from the federal award program operating personnel, and award recipients, as specified in a DHS-, component agency-, or Program Office-approved evaluation plan. More details about evaluation requirements may be provided in the federal award, if available at that time, or following the award as evaluation requirements are finalized. Evaluation costs incurred during the period of performance are allowable costs (either as direct or indirect). Recipients and subrecipients are also encouraged, but not required, to participate in any additional evaluations after the period of performance ends, although any costs incurred to participate in such evaluations are not allowable and may not be charged to the federal award.

## 3. Financial Assistance Programs for Infrastructure





## a. Build America, Buy America Act

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also 2 C.F.R. Part 184 and Office of Management and Budget (OMB) Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

None of the funds provided under this program may be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

For FEMA's official policy on BABAA, please see FEMA Policy 207-22-0001: Buy America Preference in FEMA Financial Assistance Programs for Infrastructure available at [https://www.fema.gov/sites/default/files/documents/fema\\_build-america-buy-america-act-policy.pdf](https://www.fema.gov/sites/default/files/documents/fema_build-america-buy-america-act-policy.pdf) To see whether a particular FEMA federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please see [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#) and [https://www.fema.gov/sites/default/files/documents/fema\\_build-america-buy-america-act-policy.pdf](https://www.fema.gov/sites/default/files/documents/fema_build-america-buy-america-act-policy.pdf)

## b. Waivers

When necessary, recipients (and subrecipients through their pass-through entity) may apply for, and FEMA may grant, a waiver from these requirements.



A waiver of the domestic content procurement preference may be granted by the agency awarding official if FEMA determines that:

- Applying the domestic content procurement preference would be inconsistent with the public interest.
- The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.
- The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%.

For FEMA awards, the process for requesting a waiver from the Buy America preference requirements can be found on FEMA's website at: ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#).

### **c. Definitions**

For BABAA specific definitions, please refer to the FEMA Buy America website at: ["Programs and Definitions: Build America, Buy America Act | FEMA.gov."](#)

Please refer to the applicable DHS Standard Terms & Conditions for the BABAA specific term applicable to all FEMA financial assistance awards for infrastructure.

## **4. Report issues of fraud, waste, abuse**

Please note, when applying to this notice of funding opportunity and when administering the grant, applicants may report issues of fraud, waste, abuse, and mismanagement, or other criminal or noncriminal misconduct to the Office of Inspector General (OIG) Hotline. The toll-free numbers to call are 1 (800) 323-8603, and TTY 1 (844) 889-4357.

### **Footnotes**



1. Homeland Security Act of 2002: Report Together with Minority and Dissenting Views 222, Select Committee on Homeland Security: 107th Congress, U.S. House of Representatives (2002) (H. Rpt. 107-609).
2. For more information on considering the impacts of climate change, please see [Executive Order 14008, Tackling the Climate Crisis at Home and Abroad](#) and [Executive Order 14030, Climate-Related Financial Risk](#)



**FEMA**