



U.S. DEPARTMENT OF HOMELAND SECURITY

FISCAL YEAR 2009

**A.R.R.A. Assistance to Firefighters
Fire Station Construction Grants**

GUIDANCE AND APPLICATION KIT

MAY 2009



U.S. DEPARTMENT OF HOMELAND SECURITY

Title of Opportunity: A.R.R.A. Assistance to Firefighters Fire Station Construction Grants (CFDA 97-115)

Federal Agency Name: Department of Homeland Security, Federal Emergency Management Agency

Announcement Type: Initial

Dates: Completed applications must be submitted **no later than 5:00 p.m., Eastern Time, July 10, 2009.**

Additional overview information: The American Recovery and Reinvestment Act (ARRA) of 2009 (Public Law 111-5) provided the Department of Homeland Security with \$210,000,000 to fund the construction and modification of fire stations. The program will be administered by the Assistance to Firefighters Program Office under FEMA's Grant Programs Directorate. The grants under this new program will be awarded directly to the fire departments on a competitive basis.

In creating this new program, the Assistance to Firefighters Program Office utilized the established process employed for all other grant opportunities. DHS involved the nine major fire service organizations to obtain insight and expertise providing funding priority recommendations. Applications will be submitted via the automated e-grant application. The submitted applications will be screened using the answers to the questions in the application to determine which applications will go to panel. Finally, a panel of peers will review each application sent to panel and provide recommendations regarding which applications will be funded.

Procurement Integrity

Through audits conducted by the Department of Homeland Security's Office of Inspector General (OIG), State-level reviews, and Assistance to Firefighters Program Office grant monitoring, it has become apparent some grant recipients are not totally adhering to the proper procurement requirements when spending grant funds. Anything less than full compliance with Federal procurement policies jeopardizes the integrity of the grant as well as the grant program. As such, in FY 2009 DHS has placed an increased emphasis on oversight of grantees' procurement actions. The requirements and DHS expectations of fire departments when buying goods and services with Federal grant funds are reiterated below.

Competition: All procurement transactions shall be conducted in a manner that provides, to the maximum extent practical, open and free competition. Grantees are expected to promote competition and ensure advantageous pricing by soliciting bids from multiple vendors. Purchases shall be made from the vendor whose bid is responsive to the solicitation and is most advantageous to the grantee when price, quality, and other factors are considered. Grantees may use their own procurement procedures, which reflect applicable State and local laws and regulations, provided the procurements conform to applicable Federal laws and standards. Grantees who fail to adhere to their own procurement policy or otherwise fail to fully "compete" any purchase involving Federal funds, may find their expenditures questioned and subsequently disallowed.

Documentation: Grantees are required to maintain and retain backup documentation such as bids, quotes, and cost/price analyses on file for review by Federal personnel. The required documentation for federally funded purchases includes specifications, solicitations, competitive quotes or proposals, basis for selection, purchase orders or contracts, invoices and cancelled checks. Grantees who fail to fully document their purchases may find their expenditures questioned and subsequently disallowed.

Specifications: Specifications developed for solicitations must clearly set forth all requirements the bidder shall fulfill in order for the bid or offer to be evaluated by the recipient. However, those specifications may not be so narrowly constructed or contain features which unduly limit, restrict or eliminate competition unnecessarily. Additionally, grantees cannot impose in-State or local geographical preferences in the evaluation of bids or proposals.

Applicants and grantees may obtain product information from vendors in order to be more informed about the items they plan to purchase. However, applicants and grantees may not use specifications obtained from vendors for any purchase with Federal grant funds if the specifications would be found to be restrictive. It is the grantee's responsibility to assure that vendor specifications are not used in a manner which would result in restricting or limiting competition from other vendors of similar products. Additionally, if a vendor or manufacturer drafts, writes, edits, critiques, or provides any direct consultation on a grant application that vendor or manufacturer

cannot submit a bid for that purchase. Likewise, if a vendor or manufacturer drafts, writes, edits, critiques, or provides any direct consultation on a specification to be used for the solicitation for the purchase of a specific product, that vendor or manufacturer cannot submit a bid for that purchase. See Conflicts of Interest below.

Grantees shall, on request, make available to DHS pre-award review and procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc., if (1) the purchase specifies a "brand name" product or (2) the proposed award is to be awarded to other than the apparent low bidder under a sealed bid process. Grantees found to be using proprietary, or otherwise limiting specifications, may find their expenditures questioned and subsequently disallowed.

Personal and Organizational Conflicts of interest: In order to ensure objective vendor performance and eliminate a real or apparent unfair competitive advantage, anyone who develops or drafts specifications, requirements, statements of work (including the grant application), invitations for bids, and/or requests for proposals is excluded from competing for such procurements. Additionally, no employee, officer or agent of the grantee should participate in the selection, award or administration of a procurement supported by Federal funds if a real or an apparent conflict of interest is involved. A conflict of interest could arise when any of the following conditions exists:

- a) An officer, employee or agent of the grantee has a financial or other interest in the vendor selected for the procurement.
- b) Any member of the grantee's officers', employees' or agents' immediate family has a financial or other interest in the vendor selected for the procurement.
- c) An organization which employs a grantee's officer, employee or agent is a vendor or has a financial or other interest in the vendor selected for the procurement.

For the purposes of this program, DHS considers volunteers of an organization and grant writers to be employees, officers and/or agents of the grantee. As such, no volunteer or member of an organization or anyone involved in the application for funding can participate in, or benefit from, the procurement if Federal funds are involved. Grantees purchasing items with grant funds from vendors who employ any of their volunteers/members must document how they avoided a conflict of interest during the procurement process (*i.e.*, specific details must be provided regarding how the members/volunteers removed themselves or how they were prevented from participating in the process). Grantees who fail to fully document their purchases may find their expenditures questioned and subsequently disallowed.

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PART I.

FUNDING OPPORTUNITY DESCRIPTION

Assistance to Firefighters Fire Station Construction Grants (FSC) provide financial assistance directly to fire departments on a competitive basis to build new or modify existing fire stations in order for departments to enhance their response capability and protect the community they serve from fire and fire-related hazards. The authority for FSC is derived from the American Recovery and Reinvestment Act (ARRA) of 2009 (Public Law 111-5). Congress appropriated a total of \$210 million for this Fiscal Year (FY) 2009 program. Our primary goal is to help fire departments meet their firefighting and emergency response needs. FSC seeks to support organizations lacking the tools and resources necessary to effectively protect the health and safety of the public and their emergency response personnel with respect to fire and all other hazards.

The purpose of this package is to provide an overview of the FSC, the formal grant guidance and the application materials needed to apply for funding under this program. An explanation of the Department of Homeland Security (DHS) requirements for implementation of a successful application is also included. Our job at DHS is to provide clear guidance and effective application tools to assist applicants. Our customers are entitled to effective assistance during the application process and transparent, disciplined management controls to support grant awards. DHS intends to be good stewards of precious Federal resources and common-sense partners with our first responder colleagues.

A. Federal Strategy

The FSC Program is an important part of the Administration's larger, coordinated effort to stimulate the economy while strengthening homeland security preparedness. The National Preparedness Guidelines, which comprise an all-hazards vision regarding the Nation's four core preparedness objectives: prevent, protect, respond and recover from both terrorist attacks and catastrophic natural disasters, and their associated work products are of particular significance.

The National Preparedness Guidelines define a vision of accomplishment, and provide a set of tools to forge a unified national consensus about what to do and how to work together at all levels of government in order to effectively respond to all hazards. First responder participation is paramount to the Guidelines' success. DHS expects its first responder partners to be familiar with the National Preparedness Guidelines, and to consider these guidelines when assessing their needs and developing their grant requests.

B. Priority Development Process

As with other grant opportunities for fire departments, DHS consulted with a panel of fire service professionals representing the nine major fire service organizations to recommend funding priorities and other implementation criteria for FSC. This criteria development panel was charged with making recommendations to DHS regarding the creation of funding priorities, as well as developing criteria for awarding grants. These nine organizations are:

- Congressional Fire Services Institute (CFSI)
- International Association of Arson Investigators (IAAI)
- International Association of Fire Chiefs (IAFC)
- International Association of Firefighters (IAFF)
- International Society of Fire Service Instructors (ISFSI)
- National Association of State Fire Marshals (NASFM)
- National Fire Protection Association (NFPA)
- National Volunteer Fire Council (NVFC)
- North American Fire Training Directors (NAFTD)

For this funding opportunity, we asked additional stakeholder organizations to provide input into the FSC program priorities. The following non-fire service organizations provided feedback for our proposed priorities:

- National Association of Counties
- National Governor's Association
- National League of Cities
- U.S. Conference of Mayors

This document reflects DHS' incorporation of the recommendations provided by the criteria development panel with respect to the priorities, direction and criteria for awarding grants. All of the funding priorities for the FSC are designed to address first responder safety, enhance response capabilities and/or expand mutual aid.

In evaluating requests for assistance under the FSC, DHS takes into account the benefit to be derived from the costs of the grant activity when considering each application for award. DHS has determined a risk-based focus achieves this cost-benefit consideration. In addition, frequency of use and level of population protected are measures of risk as well as indicators of the benefit derived from an award. Therefore, DHS provides a higher level of consideration to applicants with significant levels of incidents and those who protect large populations relative to other applicants, regardless of the type of community served.

The specific criteria for our highest priorities are set forth in *Part I. Section C. Funding Priorities* of this guidance.

C. Funding Priorities

The purpose of FSC is to provide economic stimulus in the form of jobs and increase the safety of the firefighters and the communities they serve. As such, all program priorities focus on the timeliness of the implementation of the construction project, the effect the new or modified facility will have on the health and safety of the firefighters as well as the benefit the new or modified facility will have on the protection of the community.

Since one of the priorities of the ARRA is to stimulate the economy by providing jobs, DHS will provide the high consideration to departments serving communities that have suffered the highest increases in joblessness rates. To assess this criterion, the change in the joblessness rates from 2007 to 2008 in your county or community will be compared.

We provide the highest consideration to fire departments that own or have otherwise already acquired the land where they plan to construct or modify their fire station. We also provide the highest consideration to requests where the applicant's land is already zoned for the new or modified structure and where the applicants have already obtained the permits for their project including any State or locally required environmental assessments. However, no preference is given to requests for constructing new stations or to requests for modifying/improving stations already in existence.

While the type of the project is not considered (i.e., DHS will not differentiate between new construction and modifications), the **purpose** of the construction or modification will have a bearing on the award determination. In this regard, the ARRA has two, equally high priorities:

- 1) To replace unsafe or uninhabitable structures regardless of whether the project calls for the construction of a new building or the rehabilitation of an existing structure. Applicants claiming unsafe or uninhabitable structures may be required to provide documentation regarding the nature of the health or safety deficiencies. Any health-code violations or orders to vacate unsafe structures must pre-date the enactment of the ARRA for consideration.
- 2) To fund projects expanding fire protection coverage to meet increased service demand in compliance with NFPA 1710 or 1720. In these instances, expanding fire protection coverage under a community's capital improvement plan will receive higher consideration than expansion projects not engaged in capital improvement planning.

The next priority is to fund projects modifying or expanding existing structures to provide sleeping quarters and/or amenities for full-time occupancy (to allow for habitation 24 hours per day). A slightly lower priority is to fund modifying or expanding existing structures to accommodate support functions such as

communications. The lowest priority is to fund projects replacing or expanding habitable structures that are cramped or inefficiently configured for operation.

Another community characteristic that will be assessed is the community's status under the National Flood Insurance Program (NFIP). Applicants serving communities not in good standing under NFIP receive lower consideration than departments serving those communities in good standing or those which have not been mapped.

In determining which requests should be funded, the ultimate result of the project will be considered. The criteria development panel recommended and DHS concurred that the highest priority is projects providing a safer working environment for the department's firefighters or projects providing improved response times to the population the department protects. DHS believes expanding a structure to provide amenities for full-time occupancy in order to meet service demand would comply with this criterion by improving response times. Lower priorities are assigned to projects expanding an existing structure to house support functions such as communications.

Based on recommendations provided by the criteria development panel, additional consideration is provided to projects that will be designed and built according to the most recently approved requirements, codes, and standards developed by the International Code Council (ICC) as well as NFPA standards that involve fire station construction. These standards include sprinkler systems (in accordance with NFPA 1, chapter 13) as well as smoke/carbon monoxide detection systems and vehicle exhaust extraction systems (in accordance with NFPA 1500, chapter 9). FSC projects must include these features in order to receive consideration. Also, additional consideration will be provided to projects that include sleeping quarters and other amenities to allow for full-time occupancy – 24 hours per day, seven days a week, 365 days a year.

The timing of the project would have an effect on both stimulating the local economy in addition to improving protection of the firefighters and the community. As such, projects capable of starting immediately upon receipt of DHS approval receive higher priority. Also, projects that will be completed on an expedited schedule will receive higher priority.

The length of time your department has been attempting to build a new station would be an indication of need. Departments having permits or that have forgone capital building plans for extended periods of time receive higher priority than departments that do not yet have permits or that have not yet forgone their capital building plans. Projects already having the utilities on or adjacent to, the property where the construction will occur receive a higher consideration than projects not having immediate utility access.

There is no cost-share required under the FSC. However, the willingness or ability of a community to contribute to the project is a desirable attribute. A community

contribution demonstrates commitment, enhances the award and provides a greater cost-benefit to the project. As such, applicants who contribute toward the project receive higher consideration than applicants who are relying entirely on the grant funding for their project. The higher the percentage of the contribution, the higher the consideration the grantee receives for funding. Grantees will be obligated to provide the cost-share if they pledged to provide the cost-share in their application. Be advised that the cost-share declared in the application is only applicable to the eligible costs of the project. Costs associated with ineligible portions of the construction project – such as the cost of a ballroom or law enforcement annex – are not considered to be part of the grantee's cost-share.

As stated above, one of the primary concerns of this program is firefighter safety. In addition, one of the program's priorities is to improve a department's response times. The criteria development panel recommended and DHS agreed training is critical for achieving both firefighter safety and effectively improving response. As such, the FSC will take applicants' training levels into consideration when award decisions are made. Applicants with significant numbers of firefighters trained to NFPA 1001 receive higher consideration than departments with low compliance.

Other department characteristics taken into consideration are the applicant's call volume, the population protected by the department, whether or not the applicant provides EMS service in addition to fire suppression, and the positive affect the new structure will have on the department's ability to improve mutual aid. DHS determined the frequency of use and the size of population protected are both a measure of benefits derived from any award. Higher consideration is given to departments with higher call volume and a higher population protected. Higher consideration is also provided to applicants who, if awarded, will improve their ability to provide mutual aid.

With regard to protection of wetlands and floodplain management, DHS will not support development or new construction or substantial renovation in wetlands, designated floodways or velocity zones. Fire stations can be newly constructed or undergo substantial renovation in flood plain areas, provided that the clearance process steps of Executive Order 11988 is followed (e.g., no other reasonable alternative location exists) and provided that all appropriate flood plain management requirements of National Flood Insurance Program participation are followed. This would include protection of the new construction or substantial renovation. Fire stations are considered critical facilities for flood plain management purposes, and therefore new construction or major renovations must be protected to the 500 year flood level. DHS will take the location of the modification and/or new construction into account when evaluating the viability of any project.

PART II.

AWARD INFORMATION

This section summarizes the award period of performance and the total amount of funding available under the FY 2009 Assistance to Firefighters Station Construction Grants (FSC), describes the basic distribution method used to determine final grants awards and identifies all eligible applicants for FY 2009 funding.

A. Award Period of Performance

The period of performance for FSC Grants is 36 months from the date of award. Extensions to the period of performance will only be considered through formal requests to DHS with specific, compelling justifications regarding why an extension is required. Extensions are considered on a case-by-case basis.

B. Available Funding

This section describes departments and organizations eligible to apply for funding under the FY 2009 FSC, the total available funding in FY 2009 and the allocation of those funds. Funds appropriated for the FY 2009 FSC are available to DHS for obligation and award until September 30, 2010.

C. Specific Funding Parameters

Congress appropriated a total of \$210 million to implement the activities of the FY 2009 FSC Program. Grants awarded under the FSC shall be to a variety of fire departments, including, paid, volunteer and combination fire departments; fire departments located in communities of varying sizes; and fire departments located in urban, suburban and rural communities.

The American Recovery and Reinvestment Act directs DHS to limit the funding for any one grant to \$15.0 million per award. In order to maximize the benefits of the stimulus funding, DHS will also impose a \$5.0 million funding limitation on each project within an application. There is no limit to the number of projects that can be included in an application as long as no one project exceeds the \$5.0 million limit and the total request does not exceed the \$15.0 million limit. In instances where an applicant submits a request with multiple projects, each project will be considered in all levels of the evaluation of the application – preliminary review, the panel review, and the subsequent technical reviews. See Part V of this guidance for more information.

DHS will not impose any other funding parameters on the FSC.

D. Awards

DHS anticipates between 5,000 and 10,000 applications for assistance will be received during the FY 2009 FSC application period. DHS also anticipates over \$30.0 billion in requests will be received. From this universe of applications DHS anticipates it will award approximately 100 grants with the \$210 million of available funding.

PART III.

ELIGIBILITY INFORMATION

A. Eligible Applicants

Eligible applicants for FSC are limited to non-Federal fire departments operating in any of the 50 states plus the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa and Puerto Rico are eligible for funding. Any authority having jurisdiction (AHJ) may apply on behalf of the fire department if the AHJ has authority over the fire department and will be contributing toward the project administratively, financially or both.

A “fire department” is defined as an agency or organization having a formally recognized arrangement with a State, territory, local or tribal authority (city, county, parish, fire district, township, town or other governing body) to provide fire suppression to a population within a fixed geographical area on a first-due basis.

For the purposes of these grants, DHS considers two or more separate fire departments sharing facilities as one organization. This determination is designed to avoid duplication of benefits. DHS believes two or more fire departments sharing facilities should be able to satisfy all of their facility needs with one application. Therefore, if two or more organizations sharing facilities each submit an application, all applications will be deemed ineligible.

Non-Federal airport and/or port authority fire departments are only eligible if they have a formally recognized arrangement with the local jurisdiction to provide fire suppression on a first-due basis outside the confines of the airport or port facilities. Airport or port authority fire departments whose sole responsibility is suppression of fires on the airport grounds or port facilities are not eligible for funding under FSC.

B. Ineligible Applicants

For the FY 2009 program year, each eligible applicant may only submit one FSC application. If an eligible applicant submits multiple applications, all applications will be deemed ineligible.

Other applicants who are ineligible for funding include:

- Fire departments that are Federal, or contracted by the Federal government, whose sole responsibility under a formally recognized agreement is suppression of fires on Federal installations or land
- Non-firefighting organizations such as EMS or rescue organizations

- Fire stations that are not independent entities, but are part of, controlled by or under the day-to-day operational direction of a larger fire department or agency
- Fire departments that are for-profit departments (*i.e.*, do not have specific nonprofit status or are not municipally based)
- Airport fire departments
- Fire training centers
- Emergency communications centers
- Auxiliaries and fire service organizations or associations
- Dive teams and search and rescue teams, or any similar organizations that do not have fire suppression responsibilities

C. Cost Sharing

There are no cost share requirements under FSC. However, if the applicant pledges to contribute toward the construction project in their application, as a condition of award, they are required to contribute to the final costs of project in the same ratio pledged in the final approved application. Costs associated with ineligible portions of these construction projects (such as the addition of a ballroom) are not eligible, thus cannot be considered as part of any cost-share.

D. Allowable Expenses and Cost Restrictions for Fire Station Construction

The only activities funded by the FSC are the building of new or modification of existing fire stations. Construction of any facilities other than fire stations (e.g., structures for training or emergency operations centers) is not eligible for funding.

D.1. Eligible Items

When formulating the costs associated with a building modification, the applicant should be aware of costs for code improvements that may be triggered by “substantial improvement” stipulations under the National Flood Insurance Program’s regulations and/or local building codes. Generally, reconstruction, rehabilitation, addition, or other improvement of a structure where the cost exceeds 50 percent of the market value of the structure may trigger other code upgrade requirements that the applicant may have to incorporate into their project.

Within the fire stations built or modified under the FSC, the following items, activities or expenses are eligible:

- Building construction
- Environmental assessment
- Building site preparation, including demolition, if necessary

- Design, planning, and engineering expenses incurred **after** award
- Expenses necessary to comply with the most current edition of NFPA1500
- Expenses necessary to comply with the locally adopted building, fire, plumbing, mechanical and electrical codes.
- Sprinklers or other life safety and fire protection systems
- Vehicle exhaust extraction systems
- Decontamination areas
- Space for training (up to 600 square feet)
- Space for gender-segregated sleeping
- Gender-segregated restrooms
- Space for exercise equipment
- Kitchens
- Kitchen appliances
- Dining/eating area
- ADA compliance
- Gear racks, storage and shelving for gear/equipment
- Internet cabling
- Energy conservation systems (Leadership in Energy and Environmental Design - LEED™)
- Renewable energy for HVAC and power systems

D.2. Ineligible Items

- Land acquisition
- Cost overruns
- Fire station staffing
- Pre-award costs (including but not limited to design, planning, and engineering expenses incurred **prior** to award)
- Grant writing fees
- Space for public use (ballrooms, community meetings, fund raising)
- Furnishings (including office/training equipment)
- Exercise equipment
- Firefighting equipment
- Personal protective equipment
- Washers/extractors
- Apparatus
- Vehicle mounted exhaust extraction systems
- Landscaping
- Security systems
- Decorative items (curtains, wall hangings, etc.)
- Projects that duplicate any other Federal awards
- Demolition costs not related to the funded project

The cost for space for any activities that are not directly related to the daily operation of the fire department – such as community meeting space, ballrooms,

administrative support, or other governmental functions such as police or emergency management annexes – are not eligible for Federal funding. These types of amenities, facilities, or functions may be included in the overall design and construction of the station project, but the costs would not be eligible for Federal reimbursement. Eligible costs will be limited to the cost of the operational space. The eligible cost of the construction will be total cost net of the cost of the non-operational or otherwise ineligible space. The cost of the non-operational space will be based on square footage of the identified ineligible space compared to the overall project square footage of the entire project.

The ability of the department to use non-operational space for eligible activities, such as training, does not mean that the space is eligible. For example, a room that is 50 feet by 100 feet could be used for training, but it is likely that the primary purpose of that room would be for social or community events, not for training. We will not fund space that is clearly meant for non-operational use.

While the cost of non-operational space is not eligible for Federal funding, it does contribute to the purpose of the ARRA (i.e., creating and/or sustaining jobs). As such, DHS will not penalize any applicant that includes additional, non-fire operational space in their construction project. However, applicants will be required to identify the additional costs associated with the non-operational space in their application. Again, the cost of the non-operational space may be incorporated into a structure, but the costs will not be eligible for Federal funding nor inclusion as a local cost-share. The costs for the non-operational space will be assessed during DHS' technical review and removed from the overall approved project costs. The costs will be determined on a prorated basis – the square footage of the non-operational space compared to the total square footage of the structure.

E. Other Allowable Costs

This section describes additional costs that may be paid using FSC Grant funds. Applicants should be aware all costs will be taken into consideration when evaluating the benefits of the funding being requested. Expenses that support the administration or oversight of the project over and above the direct construction costs are eligible, but if excessive, may affect the overall evaluation of the application.

1. Administrative Costs: Administrative costs are allowable under any of the program areas listed above in accordance with Office of Management and Budget (OMB) Circular A-87, Cost Principles for State, Local and Indian Tribal Governments, or OMB Circular A-122, Cost Principles for Nonprofit Organizations, as applicable. (For more information about Circulars, go to 2 CFR Part 225 or Part 230, respectively, or to www.whitehouse.gov/omb/circulars.) Applicants may apply for administrative costs if the costs are directly related to the implementation of the project(s) for which they are applying. Administrative costs are identifiable costs directly associated with the implementation and management of the grant and cannot exceed three percent (3%) of the award.

2. Indirect Costs: Indirect costs are those incurred for common or joint objectives that cannot be readily identified with a particular final cost objective. A cost may not be allocated to an award as an indirect cost, if any other cost incurred for the same purpose, in like circumstances, has been assigned to an award as a direct cost. In order to charge indirect costs to the grant, an applicant must have a federally approved indirect cost rate. Documentation of a federally approved indirect cost rate agreement must be submitted to DHS prior to submitting any claims for reimbursement of indirect costs. In order to be considered allowable, the rate must be consistent with its established terms and charged appropriately to the applicable base. For example, some indirect cost rates may not apply to capital procurements.

3. Audit Costs: Grantees must comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations. Recipients of Federal funding that expend more than \$500,000 in Federal funds (from all Federal sources) in their fiscal year are required to have a single audit for each year in which their level of expenditures exceeds the threshold. (For more information about OMB Circulars, go to www.whitehouse.gov/omb/circulars.) If a single audit is required, a portion of the audit cost would be allowable, if included in the application budget and should be charged a prorated share of the costs of the single audit to the grant. For example, if you expend \$100,000 from the FSC and \$400,000 from the Forestry Service during your fiscal year, DHS will allow you to charge one-fifth of the audit cost to the FSC Grant. DHS does not require any other audits; therefore, the grantee cannot charge any other audit expenses to the grant.

4. Costs for Historic and/or Environmental Assessments: Cost incurred in order to comply with guidance on environmental planning and historic preservation (EHP) requirements for grant funded projects involving new construction, renovation, and modifications to buildings and structures that are 50 years old or older – including demolition – are eligible. The projects funded under the FSC have the potential to affect environmental resources and historic properties through ground disturbance, impact to wetlands, floodplains, coastal zones, and other water resources, alteration of historically-significant properties, and impact to threatened and endangered species. As such, the costs associated with compliance with the EHP are eligible if incurred after award.

F. Reasonableness of a Request

The peer review panelists review all applications in the competitive range and judge each application on its own merits. Also, the costs will be reviewed by technical specialists that are familiar with construction projects. The panelists and the technical specialists will consider all expenses budgeted, including administrative and indirect costs, as part of the cost-benefit determination, and may recommend appropriate adjustments. Regardless of the eligibility of any costs requested, DHS reserves the right to reduce any requests for assistance, in whole or in part, that they deem to be excessive or otherwise contrary to the best interests of this program, i.e., DHS may reduce the number of the projects requested contained in an application

or may reduce the funding on a specific project that includes budgeted items that are extraneous or ineligible.

Applicants who submit false information with their applications, or misrepresent their organizations in any material manner, will have their applications deemed ineligible by DHS and referred to the DHS' Office of Inspector General (OIG) for further action, as appropriate.

PART IV.

APPLICATION AND SUBMISSION INFORMATION

This section summarizes the process for applying for an FY 2009 Fire Station Construction Grant.

A. Automated Grant Application

The FY 2009 FSC application is accessible from the Assistance to Firefighter Grants (AFG) Website (www.firegrantsupport.com) and the U.S. Fire Administration's Website (www.usfa.fema.gov). A notice of application will be published on the grants.gov Website (www.grants.gov). We have designed the automated application with many built-in "help screens" and "drop-down menus" to assist applicants throughout the application process. The application can be saved and retrieved as many times as needed to complete it - up to the application deadline or the application submittal.

DHS reserves the right to request additional clarifying information from applicants. However, ***once an application has been submitted, it cannot be changed.*** Updates to applications to correct errors discovered after submission or to reflect changes in an organization's circumstances, regardless of severity, are not accepted. Applicants are automatically notified via email once DHS receives their application. If you do not automatically receive this email acknowledgement of the submittal, log back into your application and resubmit it.

You may decide to hire or engage a grant writer to assist you with the application. However, as the applicant, you are responsible not only for the cost associated with using outside assistance but also for all information contained in your application. By submitting the application, you are certifying all of the information contained therein is true and an accurate reflection of your department. Therefore, prior to submission, please review all work produced by grant writers or other third parties on your behalf. Applicants who falsify their applications or misrepresent their organizations in any material manner will have their applications deemed ineligible by DHS and referred to the DHS OIG for further action, as appropriate.

Applications for the FY 2009 FSC will be accepted beginning June 8, 2009, at 8:00 a.m. Eastern Time. Completed applications must be received by 5:00 p.m. Eastern Time, on July 10, 2009. The Catalog of Domestic Federal Assistance (CFDA) number for the ARRA Assistance to Firefighters Station Construction Grant is 97.115.

B. Application Process

Eligible applicants can apply for FSC funding online via the “e-grants” application. The system will allow an authorized representative of an applicant to log in and create a username and password. The selection of the authorized representative is at the discretion of each applicant. If your organization submitted an application under any other AFG offering in previous years, DHS advises you to use the same username and password used for previous applications.

C. DUNS Number

Effective October 1, 2003, all Federal grant applicants must obtain a Dun & Bradstreet Data Universal Numbering System (DUNS) number. The DUNS number helps the Federal Government identify organizations receiving Federal funding and ensures consistent name and address data for electronic grant applicants. Additional information about DUNS numbers can be found on the Dun & Bradstreet Website: <http://fedgov.dnb.com/webform/displayHomePage.do;jsessionid=B9E740A165>.

There is no charge to obtain a DUNS number, and it is the applicant's responsibility to obtain one. Extensions may not be granted for applicants who are unable to obtain a DUNS number prior to the end of the application period. Since it may take several weeks to obtain the number online, applicants are encouraged to apply for a DUNS number as soon as possible by calling 1-866-705-5711. The DUNS number must be entered in the FSC application.

D. Project Period

The period of performance for any award under FSC will be 36 months from the date of the award – regardless of the number of projects funded. Applicants should consider this when determining the number of projects they wish to include in their application.

E. Application Details

The FSC application includes general questions about the applicant's organization and community as well as specific questions about the proposed project. After completing the general questions, you are asked a series of activity-specific questions regarding the construction project for which you plan to apply. The answers to these questions are used to evaluate the application.

Finally, you are required to provide a written narrative describing the planned project. The narrative portion of the application should provide details of the construction project for which you are seeking funding including budget details for the project. The narrative should also describe your organization's financial need and details about the benefits your community and/or organization will gain from the

expenditure of the grant funds. Applications should particularly note how the grant will enhance your department's ability to protect the community as well as any critical infrastructure for which you may be responsible. Finally, the narrative should explain the extent to which the grant would enhance your daily operations and/or how the grant will positively impact your ability to protect life and property.

DHS recommends you type your narrative offline using any word processing software, such as Word, Word Perfect or Notepad. Once the narrative is complete, copy or "cut-and-paste" it from the word processing document into the narrative block of the application. Space for the narrative is limited and it cannot exceed ten pages. Any text beyond the ten-page limit will be deleted by the electronic system and not included in your application submission. Do **NOT** type the narrative using only capital letters. See Part V of this guidance for more specific information regarding the narrative section of the application.

F. Project Development

Fire departments may submit applications for the construction of new fire stations or modifications of existing stations subject to the statutory funding limitations discussed above. Generally, these fire station projects focus on one of the following two areas:

- **Firefighter Safety.** Fire station projects to enhance firefighter safety would include, but not be limited to, the replacement of condemned structures or rehabilitation of an unhealthy structure.
- **Community Safety.** Projects that improve the fire department's response capabilities and enhance public safety.

Eligible applicants may submit **only one application** for assistance. If multiple applications are submitted on behalf of one organization, either intentionally or unintentionally, all of that organization's applications will be deemed ineligible. The application can include any number of projects regardless of whether the projects are for the construction of new stations or modifications to existing stations subject to the funding limitations under Part II, C of this guidance.

PART V.

APPLICATION REVIEW AND EVALUATION PROCESS INFORMATION

This section summarizes the multi-level review and evaluation process used to select applications for FSC funding.

A. Prescreening Process

As explained earlier, funding priorities and criteria for evaluating FSC applications are established based on recommendations from the criteria development panel. All submitted applications are ranked based on the substance of the application relative to the established funding priorities. Information provided in the application including answers to the application's activity-specific questions provide a basis to determine each application's ranking relative to the stated priorities.

B. Peer Review Process

Applications most consistent with the grant funding priorities (as outlined in Part I, C above) score higher than applications that are inconsistent with the priorities. Applications scoring the highest are determined to be in the "competitive range" and undergo further evaluation through a peer review process. DHS will review a sufficient number of applications in order to assure that the FSC Program's goals and objectives are met. To achieve this, the number of applications reviewed will be the number of applications whose cumulative requests equates to no less than 200 percent (200%) of the appropriated funding for FSC. As such, with \$210 million appropriated for FSC, DHS will consider no less than \$420 million in applications to be in the competitive range and reviewed by a panel of peers.

A panel of at least three peer reviewers evaluates each application scoring in the competitive range from the first phase of evaluation using the project narrative and the specific project details you provide in the application. During the panel review process, panelists provide a subjective but qualitative judgment on the merits of each request.

Panelists evaluate and score the following project elements:

1) Project Description:

- Your narrative should demonstrate the need for the new facility. This would include a description of the existing facility or facilities and their shortcomings.

- Why are you building a new station versus expanding or modifying your existing station (or vice versa)? Provide a basis for site selection for the new construction.
- Describe your construction project(s). What are the characteristics of your project? How many square feet? How many bays/vehicles? What other accommodations will be included such as a kitchen, training, decontamination area, power source, gender specific sleeping quarters, training space, day room or community meeting space?
- What are the budgeted costs associated/estimated for each section?
- What is the current status of the project? Describe where you are in the process. Have you obtained plans, permits, etc.?

2) Financial Need:

- Why can't this project be funded solely through local funding resources?
- What efforts have you employed to generate funds for the construction? Describe the number and types of events.
- How long have the efforts to generate funds for the new station been ongoing?
- Have you applied for or obtained other grants or sources of funding? Have your fund-raising efforts been unsuccessful or declining?
- Have you obtained but lost partial grants due to inability to fund an entire project?
- Describe your local community's economic situation, including unemployment and poverty levels.

3) Cost/Benefit:

- How will your firefighters be safer with the new station (if applicable)?
- How will the new/modified station improve your response capabilities? Do you have the ability to expand service from new structure?
- Describe the possible consequences if the project is not funded.
- Describe the extent of the local contribution that will go toward the project.
- What types of incidents and/or expanded services that will be handled from the new structure?
- What "green" elements do you plan on incorporating into the station?

4) Effect on Daily Operations:

- Describe how this award will affect your department's daily operational effectiveness due to new proximity to population.
- How would this award affect your department's ability to protect lives and property in your community?

- What assurances can you provide that the new station will be staffed/equipped so fire suppression services are not compromised (not stretched too thin to benefit the community)?
- How will the new structure enhance your department's ability to provide mutual aid?

Each of these elements carries equal weight when factored into the panelists' scores (*i.e.*, one-fourth).

Each application is judged on its own merits, not compared to other applications. The panelists consider all expenses budgeted, including administrative and/or indirect costs, as part of the cost-benefit review. Panelists review each application in its entirety and rate the application according to the established evaluation criteria.

DHS will use the answers to the activity-specific questions as well as other information in the application when conducting initial assessments. The answers to these questions are the primary basis for determining whether an application warrants further evaluation through peer review. Applicants whose answers indicate their project is consistent with the established priorities (as outlined in Section 1.C above) have a better chance of scoring within the competitive range and reaching the second level of evaluation, *e.g.*, the peer review, than those applicants whose projects do not reflect the established priorities. Applicants who submit false information with their applications or misrepresent their organizations in any material manner will have their applications deemed ineligible by the AFG Program Office and referred to the DHS' OIG for further action, as appropriate.

C. Technical Review Process

Each application that scores high during the peer review process will be deemed to be in the fundable range. Applications in the fundable range undergo series of Technical Reviews by subject matter specialists as well as a Program Office review prior to being recommended for award. As part of the technical review, subject matter specialists will assess the technical feasibility of the applicants achieving the benefits claimed in their applications. Applications in the fundable range will also be asked to submit more detailed information regarding their construction budget. The instructions regarding the content and format of that information will be transmitted to the applicant during the technical review. We will have a construction specialist perform a detailed review of the proposed budget as well as conformance to accepted engineering practices (codes, standards, modeling, techniques, or best practices). After the Technical Review, the Program Office will conduct an additional review to assess the request with respect to eligibility prior to recommending the application for award.

D. Anticipated Announcement and Award Dates

DHS will commence the panel review process within 60 days of the end of the application period. Award decisions for the FY 2009 FSC program will be completed on or before September 30, 2010.

PART VI.

AWARD ADMINISTRATION INFORMATION

This section summarizes the administration of awards including award procedures and grantee responsibilities.

A. Award Procedure

Awards will be made using the results of peer-reviewed applications as the primary basis for funding decisions, regardless of project. However, applications will be reviewed by subject matter specialists for technical feasibility as well as by DHS for eligibility, allocability, reasonableness, and necessity prior to making award recommendations. Grants awarded under the FSC shall be to a variety of fire departments, including, paid, volunteer and combination fire departments; fire departments located in communities of varying sizes; and fire departments located in urban, suburban and rural communities.

Fire departments that have received funding under the AFG in previous years are eligible to apply for FSC funding in FY 2009. DHS will also take into account an applicant's performance on prior grants when making funding decisions on current applications.

During the initial phase of the evaluation, each application is evaluated based on the answers to the activity-specific questions. The applications most consistent with the established funding priorities will be deemed to be in the "competitive range" and subject to the second phase of review. This second-level review is conducted by a panel of peer reviewers who assess the application's merits with respect to the detail provided in the narrative on the activity, the applicant's financial need and the purported benefit to be derived for the cost. The peer reviewers independently score each application, discuss the merits and shortcomings of the application and reconcile any major discrepancies, if necessary. A consensus is allowed but not required.

Once every application in the competitive range has been through the peer panel review, the applications are ranked according to the average score awarded by the panel. The ranking is summarized in a Technical Report prepared by the AFG Program Office. At that time, the AFG Program Office makes award recommendations to the grants management specialists in the Grants Management Division of the Grants Programs Directorate. The grants management specialists conduct the required regulatory reviews before authorizing the award of Federal grant dollars.

DHS will select a sufficient number of awardees from this application period to obligate all of the FY 2009 funding available. Awards are announced as decisions are made over several weeks after the results of the panel evaluations are analyzed. Awards are not made in any specified order.

B. Grantee Responsibilities

FSC award recipients (grantees) must agree to:

- (1) Perform, within the designated period of performance, all tasks (scope of work) as outlined in the grantee's application as approved by DHS in accordance with the Articles of Agreement. Failure to adhere to the policies, terms and conditions of award as set forth in this document, as well as the Articles of Agreement and all references, including clarifications provided in the frequently asked questions, may result in loss of the current award as well as future eligibility. Additional instructions on administering the FSC grant will be issued prior to award.
- (2) Provide the pledged cost-share. The grantee is not required to provide any cost-share for the FSC. However, the grantee must provide a cost-share for their project if they pledged to provide one in their original application (at no less than the percentage pledged). Failure to adhere to this cost-sharing provision may result in a reduced award.
- (3) Retain grant files and supporting documentation for three years after the conclusion and closeout of the grant or any audit subsequent to closeout.
- (4) Follow the standards identified in the Buy American Act, 41 U.S.C. §§ 10a-10d. The Buy American Act requires that all supplies and construction materials purchased must be produced in the United States, unless such materials are not reasonably available, or such a purchase would not be in the public interest. Additionally, ARRA requires that projects funded by the Act, for the construction, alteration, maintenance, or repair of a public building or public work use American iron, steel, and manufactured goods in the project unless one of the specified exemptions applies. The Act provides that this requirement be applied in a manner consistent with U.S. obligations under international agreements. Definitions of "manufactured good," "public building and public work," and other terms as they pertain to the Buy American guidance in 2 CFR part 176 are found in 176.140 and 176.160. Grant recipients must follow the Federal Acquisition Regulations implementing the Buy American Act, 48 CFR Part 25.
- (5) Comply with guidance on environmental planning and historic preservation (EHP) requirements for grant funded projects involving new construction, renovation, and modifications to buildings and structures that are 50 years old or older – including demolition. These projects have the potential to affect environmental resources and historic properties through ground disturbance, impact to wetlands, floodplains, coastal zones, and other water resources, alteration of historically-significant properties, and impact to threatened and endangered species and

migratory birds. Consequently, FEMA engages in a compliance review process to ensure proposed projects comply with applicable Federal EHP laws, regulations, and Executive Orders. Compliance with all applicable environmental requirements must be met prior to starting any project funded under the FSC. See Appendix for more information.

(6) Comply with requirements under the Davis-Bacon Act (40 U.S.C.A. §§ 276a to 276a-5). Specifically, grant recipients must ensure that their contractors or sub-contractors for construction projects pay workers employed directly at the work-site no less than the prevailing wages and fringe benefits paid on projects of a similar character. Additional information, including Department of Labor wage determinations, is available from the following website:
<http://www.dol.gov/esa/programs/dbra/>.

(7) Administer the grant in accordance with the administrative rules for Federal grants and cooperative agreements, specifically 44 CFR Part 13 and 2 CFR Part 215.

(8) Ensure all procurement transactions are conducted in a manner to provide, to the maximum extent practical, open and free competition. Grantees are expected to promote competition and ensure advantageous pricing by soliciting bids from multiple vendors and selecting the lowest bidder capable of meeting the requirements. Procurements should be made from the bidder whose offer is responsive to the solicitation and most advantageous to the grantee when price, quality and other factors are considered. The grantee must follow their established procurement policies when purchasing equipment and services with FSC funds. Grantees who fail to adhere to their own procurement policy or otherwise fail to fully “compete” any transaction involving Federal funds may find their expenditures questioned and subsequently disallowed.

Specifications developed for solicitations must clearly set forth all requirements the bidder must fulfill in order for the bid or offer to be evaluated by the recipient. However, those specifications may not be so narrowly constructed or contain features which unduly limit, restrict or eliminate competition unnecessarily. If the specifications for procurement are provided by a vendor or manufacturer of a specific product, that vendor or manufacturer cannot submit a bid for the procurement. See Conflicts of Interest below.

Grantees must, on request, make available to DHS, pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc., if (1) the procurement specifies a “brand name” product or (2) the proposed award is to be granted to other than the apparent low bidder under a sealed bid process. Grantees found to be using proprietary specifications may find their expenditures questioned and subsequently disallowed.

(9) Conduct all bidding activities (solicitation, receipt, and evaluation) after award, *i.e.*, during the period of performance. Quotes obtained prior to submittal of the

application - for the purposes of applying for this grant - are not considered to be sufficient to satisfy the requirements for competition as outlined at 44 CFR Part 13. Grantees may jeopardize their awards by not adhering to these requirements.

(10) Avoid conflicts of interest to ensure objective vendor performance and eliminate a real or an apparent unfair, competitive advantage. Grantees must assure that anyone who develops or drafts specifications, requirements, statements of work (*including the grant application*), invitations for bids and/or requests for proposals are excluded from competing for such procurements. Grantees must assure no employee, officer or agent of their organization participates in the selection, award or administration of any procurement supported by Federal funds if a real or an apparent conflict of interest is involved. A conflict of interest could arise when any of the following conditions exists:

- a) An officer, employee or agent of the grantee has a financial or other interest in the vendor selected for the procurement.
- b) Any member of the grantee's officers, employees or agents immediate family has a financial or other interest in the vendor selected for the procurement.
- c) An organization which employs a grantee's officer, employee or agent is a vendor or has a financial or other interest in the vendor selected for the procurement.

For the purposes of this program, DHS considers volunteers of an organization and grant writers to be employees, officers and/or agents of the grantee. As such, grantees must assure no volunteer or member of their organization or anyone involved in the application for funding participates in, or benefits from, the procurement if Federal funds are involved. Grantees who select vendors employing volunteers or members of the organization must document how they avoided a conflict of interest during their procurement process. Grantees who fail to fully document their purchases may find their expenditures questioned and subsequently disallowed.

(11) Adhere to all ARRA required reporting requirements. Recipients of Federal awards from funds authorized under Division A of the ARRA must comply with all requirements specified in Division A of the ARRA (Public Law 111-5), including reporting requirements outlined in Section 1512 of the Act. For purposes of reporting, recipients of ARRA funds must report on sub-recipient activities as specified below. The reports must be submitted quarterly and not later than 10 days after the end of each calendar quarter, starting with the first calendar quarter after award. For example, if reporting for the quarter ending June 30, 2009, the quarterly report is due by July 10, 2009. The recipient must submit a report to DHS who will, in turn, post the information to Recovery.gov. The reports must contain the following information:

- a) The total amount of ARRA funds under this award
- b) The amount of ARRA funds received under this award that were obligated and expended to projects or activities

- c) The amount of unobligated award balances
- d) A detailed list of all projects or activities for which ARRA funds under this award were obligated and expended, including
 - i) The name of the project or activity
 - ii) A description of the project or activity
 - iii) An evaluation of the completion status of the project or activity
 - iv) An estimate of the number of jobs created and the number of jobs retained by the project or activity
 - v) For infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and the name of the person to contact at the agency if there are concerns with the infrastructure investment.
- e) Detailed information on any subcontracts or sub-grants awarded by the grant recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282). For any sub-award equal to or larger than \$25,000, the following information:
 - i) The name of the entity receiving the sub-award
 - ii) The amount of the sub-award
 - iii) The transaction type
 - iv) The North American Industry Classification System code or Catalog of Federal Domestic Assistance (CFDA) number
 - v) Program source
 - vi) An award title descriptive of the purpose of each funding action;
 - vii) The location of the entity receiving the award
 - viii) The primary location of performance under the award, including the city, State, congressional district, and country
 - ix) A unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity.
- f) All sub-awards less than \$25,000 or to individuals may be reported in the aggregate, as prescribed by DHS
- g) Recipients must account for each ARRA award and sub-award separately. Recipients will draw down funds on an ARRA award by ARRA award basis. Pooling or commingling of ARRA award funds with other funds for drawdown or other purposes is not permitted.
- h) Recipients must account for each ARRA award by referencing the assigned CFDA number for each award.

The definition of terms and data elements, as well as any specific instructions for reporting, including required formats, will be provided in subsequent guidance issued by FEMA.

(12) Make grant files, books, and records available, if requested, for inspection to ensure compliance with any requirement of the grant program. Grantees are required to maintain and retain backup documentation such as bids, quotes and

cost/price analyses on file for Federal auditors. The required documentation for federally funded purchases includes specifications, solicitations, purchase orders, invoices, cancelled checks, copies of competitive quotes or proposals and basis for selection. Grantees who fail to fully document their purchases may find their expenditures questioned and subsequently disallowed.

(13) Follow the audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations. Grantees who expend \$500,000 or more in Federal funds during the year they were awarded (from all Federal sources) must have a single audit performed in accordance with the Circular. (For more information about the Circulars, go to www.whitehouse.gov/omb/circulars.)

(14) Include to the maximum extent practicable, “green” purchasing requirements and clauses in the projects funded herein. “Green” products include recycled content products; environmentally preferable products; alternative fuels; hybrid and alternative fuel vehicles; non-ozone depleting substances; renewable energy; USDA designated bio-based products; and Environmental Protection Agency (EPA) designated items containing recovered materials. Grantees will be required to identify, track, and report on the purchase and use of these initiatives that contribute to energy conservation and carbon emission.

C. Monitoring

Grant recipients’ projects will be monitored periodically by DHS staff, both programmatically and financially, to ensure the project goals, objectives, performance requirements, timelines, milestone completion, budgets and other related program criteria are met. Monitoring will be accomplished through a combination of office-based reviews and on-site monitoring visits. In addition, it will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each project. It will also identify areas where technical assistance and other support are needed.

D. Grant Closeout Process

Within 90 days after the end of the period of performance, grantees must submit a final closeout report detailing all accomplishments throughout the project. The grantee is responsible for returning any funds that have been drawn down but remain un-liquidated in grantee financial records. After the closeout report has been reviewed and approved by DHS, a closeout notice will be emailed to the grantee to acknowledge the official close out of the grant.

PART VII.

FEMA CONTACTS

This section describes several resources that may help applicants with completing an FSC Grant application.

AFG Help Desk. AFG staffs a help desk throughout the application period. The help desk can provide assistance with the FSC Grant application by providing information about navigation through the automated application. In addition, the help desk can provide programmatic assistance with respect to questions of eligibility. The help desk can be contacted at 1-866-274-0960 or via email at firegrants@dhs.gov. The help desk hours of operation during the application period are from 8:00 a.m. to 8:00 p.m., Monday through Friday; and 9:00 a.m. to 4:00 p.m., Saturday. The exceptions to this schedule are that the helpdesk will only be open from 9:00 a.m. on Friday, July 3rd and will not be open at all on Saturday, July 4th. All times listed are Eastern Time.

DHS Regional Fire Program Specialists. Each of the DHS Regions has specialists that can assist applicants with the application process. The specialists are listed on the AFG Website www.firegrantsupport.com.

APPENDIX 1.

OTHER ADMINISTRATIVE INFORMATION

This section describes several other Federal requirements with which applicants need to comply in order to be considered for funding from the FSC Program.

Freedom of Information Act (FOIA). DHS recognizes much of the information submitted in the course of applying for funding under this program or provided in the course of its grant management activities may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office, and may likely fall within one or more of the available exemptions under the Act. Applicants are encouraged to consult their own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. The grantee should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information.

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

- *Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 et seq.* – no person on the grounds of race, color, or national origin will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity receiving Federal financial assistance.
- *Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794* – no qualified individual with a disability in the United States, shall, by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity receiving Federal financial assistance.
- *Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 et seq.* – discrimination on the basis of gender is eliminated in any education program or activity receiving Federal financial assistance.

- *The Age Discrimination Act of 1975, as amended, 20 U.S.C. § 6101 et seq.* – no person in the United States shall be, on the basis of age, excluded from participation in, denied the benefits of or subjected to discrimination under any program or activity receiving Federal financial assistance.

Grantees must comply with all regulations, guidelines and standards adopted under the above statutes. The grantee is also required to submit information, as required, to the DHS Office for Civil Rights and Civil Liberties concerning its compliance with these laws and their implementing regulations.

Services to Limited English Proficient (LEP) Persons. Recipients of Federal financial assistance are required to comply with several Federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, natural origin, and gender in the delivery of services. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The grantee is encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. For additional information, see <http://www.lep.gov>.

Environmental and Historic Preservation Compliance. DHS is required to consider the potential impact to the human and natural environment of projects proposed for Federal funding. DHS, through its Environmental and Historic Preservation (EHP) Program, engages in a review process to ensure that DHS-funded activities comply with various Federal laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). The goal of these compliance requirements is to protect our nation's water, air, coastal, wildlife, agricultural, historical and cultural resources, as well as to minimize potential adverse effects to children, low-income and minority populations.

The grantee shall provide any information requested by DHS to ensure compliance with applicable Federal EHP requirements. Any project with the potential to impact EHP resources cannot be initiated until DHS has completed its review. Grantees may be required to provide detailed information about the project, including the following: location (street address or map coordinates); description of the project including any associated ground disturbance work, extent of modification of existing structures, construction equipment to be used, staging areas, access roads, etc.; year the existing facility was built; natural, biological and/or cultural resources present in the project vicinity; visual documentation, such as site and facility

photographs, project plans, maps, etc; and possible project alternatives.

For certain types of projects, DHS must consult with other Federal and State agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Offices, and the U.S. Army Corps of Engineers, as well as other agencies and organizations responsible for protecting natural and cultural resources. For projects with the potential to have significant adverse effects on the environment and/or historic properties, DHS' EHP review and consultation may result in a substantive agreement between the involved parties outlining how the grantee will avoid the effects, minimize the effects, or, if necessary, compensate for the effects.

Because of the potential for significant adverse effects to EHP resources or public controversy, it is very likely projects will require an additional assessment or report, such as an Environmental Assessment, Biological Assessment, archaeological survey, cultural resources report, wetlands delineation or other document, as well as a public comment period. Grantees are responsible for the preparation of such documents, as well as for the implementation of any treatment or mitigation measures identified during the EHP review necessary to address potential adverse impacts. Grantees may use grant funds toward the costs of preparing such documents and/or implementing treatment or mitigation measures. Failure of the grantee to meet Federal, State and local EHP requirements, obtain applicable permits and comply with any conditions that may be placed on the project as the result of DHS' EHP review may jeopardize Federal funding.

Recipient shall not undertake any project under FSC having the potential to impact EHP resources without the prior approval of DHS. Recipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify DHS and the appropriate State Historic Preservation Office. **Any construction activities initiated without the necessary EHP review and approval will result in a noncompliance finding and ineligibility for FSC funding.**

For more information on DHS EHP requirements, refer to DHS' Information Bulletin #271, *Environmental Planning and Historic Preservation Requirements for Grants*, available at <http://ojp.usdoj.gov/odp/docs/info271.pdf>. Additional information and resources can also be found at <http://www.fema.gov/plan/ehp/ehp-applicant-help.shtm>.

APPENDIX 2.

SUSTAINABILITY

Instructions for Completing the Sustainability Excel Spreadsheet

Below are instructions for completing the DHS ARRA Sustainability Excel Spreadsheets.

General Guidance: Infrastructure projects must incorporate the sustainable practices listed in the *Guiding Principles for Sustainable New Construction and Major Renovations* as required in Executive Order 13423. In addition, infrastructure projects should achieve United States Green Building Council Leadership in Energy and Environmental Design (LEED™) registration at certified, Silver, Gold or Platinum level. Achieving LEED™ Certification does not automatically mean achievement of the requirements *Guiding Principles for Sustainable New Construction and Major Renovations*. This is why the spread sheet tracks completion of requirements in the *Guiding Principles for Sustainable New Construction and Major Renovation*. It is important to describe plans to achieve both conditions.

1. Project Name: Provide a short title of the project for identification purposes.
2. ARRA Unique Number: If available, provide the number that identifies the project.
3. Project Objective: Briefly describe the overall objective of the project.
4. Project Description: Briefly describe the project.
5. Sustainability Requirements: The following describes the requirements to meet the sustainability requirements for ARRA projects. These requirements apply to all construction, renovation and new lease projects. For each item below, select “Requirement Met” or “Requirement Not Met” and then explain how this was determined. Answers such as “Not Applicable” or “Does Not Apply” are not appropriate. It is recognized that in some instances not meeting the requirement would be justified. The explanation for “Requirement Not Met” would be this justification.
 - a. Employ Integrated Design Principles: This requires using a collaborative, integrated planning and design process that achieves the following:

- (1) Initiates and maintains an integrated project team in all stages of a project's planning and delivery.
- (2) Establishes performance goals for site, energy, water, materials, and indoor environmental quality along with other comprehensive design goals and ensures incorporation of these goals throughout the design and lifecycle of the building.
- (3) Considers all stages of the building's lifecycle, including deconstruction.
- (4) Employs commissioning practices tailored to the size and complexity of the building and its system components in order to verify performance of building components and systems and help ensure that design requirements are met. This should include a designated commissioning authority, inclusion of commissioning requirements in construction documents, a commissioning plan, verification of the installation and performance of systems to be commissioned, and a commissioning report.

b. Optimize Energy Performance: Establish a whole building performance target that takes into account the intended use, occupancy, operations, plug loads, other energy demands, and design to earn the ENERGY STAR[®] targets for new construction and major renovation where applicable. For new construction, reduce the energy cost budget by 30 percent compared to the baseline building performance rating per the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., (ASHRAE) and the Illuminating Engineering Society of North America (IESNA) Standard 90.1-2007, Energy Standard for Buildings Except Low-Rise Residential. For major renovations, reduce the energy cost budget by 20 percent below pre-renovations 2003 baseline. Laboratory spaces may use the Labs21 Laboratory Modeling Guidelines. In addition, the following must be addressed to meet this requirement.

- (1) Per the Energy Independence and Security Act (EISA) Section 523, meet at least 30% of the hot water demand through the installation of solar hot water heaters, when life cycle cost effective.
- (2) Per Executive Order 13423, implement renewable energy generation projects on agency property for agency use, when life cycle cost effective.
- (3) Per the Energy Policy Act of 2005 (EPAAct) Section 103, install building level utility meters in new major construction and renovation projects to track and continuously optimize performance. Per EISA

Section 434, utility meters must also include natural gas and steam, where appropriate.

- (4) Compare actual performance data from the first year of operation with the energy design target. After one year of occupancy, measure all new major installations using the ENERGY STAR[®] Portfolio Manager for building and space types covered by ENERGY STAR[®]. For other building and space types, use an equivalent benchmarking tool such as the Labs21 benchmarking tool for laboratory buildings. Compare actual performance of Laboratory buildings through the Labs21 benchmarking tool.

c. Protect and Conserve Water:

- (1) Employ strategies that in aggregate use a minimum of 20 percent less potable water than the indoor water use baseline calculated for the building, after meeting the EPA Act 1992, Uniform Plumbing Codes 2006, and the International Plumbing Codes 2006 fixture performance requirements. The installation of water meters is encouraged to allow for the management of water use during the Energy Independence and Security Act (EISA) Section 523, meet at least 30% of the hot water demand through the installation of solar hot water heaters, when life cycle cost effective.
- (2) Employ strategies that in aggregate use a minimum of 20 percent less potable water than the indoor water use baseline calculated for the building, after meeting the EPA Act 1992, Uniform Plumbing Codes 2006, and the International Plumbing Codes 2006 fixture performance requirements. The installation of water meters is encouraged to allow for the management of water use during occupancy.
- (3) Use water efficient landscape and irrigation strategies, including water reuse and recycling, to reduce outdoor potable water consumption by a minimum of 50 percent over that consumed by conventional means (plant species and plant densities). The installation of water meters for locations with significant outdoor water use is encouraged.
- (4) Employ design and construction strategies that reduce storm water runoff and polluted site water runoff. Per EISA Section 438, to the maximum extent feasible, maintain or restore the predevelopment hydrology of the site with regard to temperature, rate, volume, and duration of flow using site planning, design, construction, and maintenance strategies.

- (5) Per the Energy Policy Act of 2005 Section 109, when potable water is used to improve a building's energy efficiency, deploy life-cycle cost effective water conservation measures.

d. Enhance Indoor Environmental Quality:

- (1) Meet ASHRAE Standard 55-2004, Thermal Environmental Conditions for Human Occupancy, including continuous humidity control within established ranges per climate zone, and ASHRAE Standard 62.1-2007, Ventilation for Acceptable Indoor Air Quality.
- (2) Meet ASHRAE Standard 55-2004, Thermal Environmental Conditions for Human Occupancy, including continuous humidity control within established ranges per climate zone, and ASHRAE Standard 62.1-2007, Ventilation for Acceptable Indoor Air Quality.
- (3) Establish and implement a moisture control strategy for controlling moisture flows and condensation to prevent building damage and mold contamination.
- (4) Achieve a minimum of daylight factor of 2 percent (excluding all direct sunlight penetration) in 75 percent of all space occupied for critical visual tasks. Provide automatic dimming controls or accessible manual lighting controls, and appropriate glare control.
- (5) Specify materials and products with low pollutant emissions, including adhesives, sealants, paints, carpet systems, and furnishings.
- (6) Follow the recommended approach of the Sheet Metal and Air Conditioning Contractor's National Association Indoor Air Quality Guidelines for Occupied Buildings under Construction, 1995. After construction and prior to occupancy, conduct a minimum 72-hour flush-out with maximum outdoor air consistent with achieving relative humidity no greater than 60 percent. After occupancy, continue flush-out as necessary to minimize exposure to contaminants from new building materials. Prohibit smoking within the building and within 25 feet of all building main entrances and building ventilation intakes during building occupancy.

e. Reduce Environmental Impact of Materials: Maximize the use of the following.

- (1) Use products meeting or exceeding EPA's recycled content recommendations or use materials with recycled content such that the sum of post-consumer recycled content plus one-half of the pre-

consumer content constitutes at least 10% (based on cost) of the total value of the materials in the project.

- (2) Use products meeting or exceeding USDA's bio-based content recommendations or products made from rapidly renewable resources and certified sustainable wood products.
- (3) During a project's planning stage, identify local recycling and salvage operations that could process site-related construction and demolition materials.
- (4) Include in the design the recycle or salvage of at least 50 percent of the non-hazardous construction, demolition and land clearing materials, excluding soil, where markets or onsite recycling opportunities exist.
- (5) Provide salvage, reuse and recycling services for waste generated from major renovations, where markets or onsite recycling opportunities exist.
- (6) Eliminate the use of ozone depleting compounds during and after construction where alternative environmentally preferable products are available, consistent with either the Montreal Protocol, Title VI of the Clean Air Act Amendments of 1990, or equivalent overall air quality benefits that take into account life cycle impacts.

6. Energy Requirements: The following describes the requirements to meet the energy requirements for ARRA projects. These requirements apply to all construction and major renovation projects. For each item below, select "Requirement Met" or "Requirement Not Met" and then explain how this was determined. Answers such as "Not Applicable" or "Does Not Apply" are not appropriate. It is recognized that in some instances not meeting the requirement would be justified. The explanation for "Requirement Not Met" would be this justification. For example, a renovation project where existing electrical infrastructure will not be modified and electricity meters are already in place would not necessarily need to incorporate advanced meters.

a. Energy Efficient Buildings: In order to meet this requirement, the infrastructure must be at least 30% more efficient than ASHRAE 90.1-2004 for commercial buildings and the International Energy Conservation Code (IECC) for residential buildings.

b. Energy Efficient Capital Equipment: This requirement is met when the project design incorporates the most energy efficient designs, systems, equipment and controls that are life-cycle cost effective for any large energy-consuming equipment investments.

c. Metering: This requirement is met when meters for electricity, steam and gas are included in new construction projects or installed in facilities undergoing renovation, and when advanced meters are used where life-cycle cost effective.

d. Solar Hot Water: This requirement is met when not less than 30% of the hot water demand for each new or renovated building is met by the use of solar water heating equipment.

7. Leadership in Energy and Environmental Design (LEED™):

a. Registration Goal: Select “Certified”, “Silver”, “Gold” or “Platinum” as the LEED™ registration goal that was selected for the project.

b. Registration Attained: Select “Certified”, “Silver”, “Gold” or “Platinum” as the LEED™ registration that was awarded for the project by the US Green Building Council.

c. LEED™ Points Goal: Insert the quantity of LEED™ points that is expected for the project.

d. LEED™ Points Attained: Insert the quantity of LEED™ points actually awarded by the US Green Building Council.

8. LEED™ Points Earned: This section is used to break out the quantity of LEED™ points earned by the US Green Building Council into distinct categories. Insert the amount of LEED™ points earned from the US Green Building Council for each of the following categories:

a. Site Credits

b. Indoor Air Quality

c. Materials

d. Water

e. Energy

f. Innovation

SUSTAINABILITY			
	Project Data		
	1	2	3
PROJECT NAME			
ARRA Unique ID Number			
Project Objective			
Project Description			
SUSTAINABILITY REQUIREMENTS- apply to all construction, renovations, and leases			
Employ Integrated Design Principles			
Optimize Energy Performance			
Protect and Conserve Water			
Enhance Indoor Environmental Quality			
Reduce Environmental Impact of Materials			
ENERGY REQUIREMENTS- apply to all construction and renovations			
Energy Efficient Buildings			
Energy Efficient Capital Equipment			
Metering			
Solar Hot Water			
LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED)			
Registration goal			
Registration attained			
LEED POINTS EARNED			
LEED points goal			
LEED points attained			
Site credits			
Indoor Air Quality			
Materials			
Water			
Energy			
Innovation			

APPENDIX 3.

ENVIRONMENTAL COMPLIANCE

Instructions for Completing the Environmental Excel Spreadsheet

Below are instructions for completing the DHS ARRA Environmental Excel Spreadsheets.

General Guidance: The ARRA requires projects incorporate energy conservation, environmental compliance and carbon emission practices. Requirements on the Environmental Excel spreadsheet are designed to track compliance with Executive Order 13423 and purchases of products that contribute to energy conservation and carbon emission. This spreadsheet applies to all projects.

1. Project Name: Provide a short title of the project for identification purposes.
2. ARRA Unique Number: If available, provide the number that identifies the project.
3. Project Objective: Briefly describe the overall objective of the project.
4. Project Description: Briefly describe the project.
5. Electronic Product Environmental Assessment Tool (EPEAT): Any computer, laptop or monitor purchased with ARRA funds be Electronic Product Environmental Assessment Tool (EPEAT) registered electronic products, unless there is no EPEAT standard for such products and strive to purchase EPEAT products rated silver or higher unless there is no standard for such products. Written justification is required for purchasing non-EPEAT products due to cost, availability or does not meet mission requirements. EPEAT products meet Energy Star and FEMP energy efficient requirements.
 - a. Bronze: List the quantity of EPEAT registered products purchased under this project.
 - b. Silver: List the quantity of EPEAT Silver-registered products purchased under this project.
 - c. Gold: List the quantity of EPEAT Gold-registered products purchased under this project.

d. Non EPEAT purchases where EPEAT products were available: List the quantity of non EPEAT product purchases where an EPEAT product was available.

6. ENERGY STAR® Products: Any electronic products purchased with ARRA funds should be ENERGY STAR® unless it is documented that no ENERGY STAR® is reasonably available that meets functional requirements or is not cost effective over the life of the product taking energy cost savings into account.

a. Quantity: List the total quantity of ENERGY STAR® products purchased under this project.

b. Cost: List the total cost of ENERGY STAR® purchased under this project.

c. Non Energy Star purchases where Energy Star products were available (Quantity): List the total quantity of non ENERGY STAR® products where ENERGY STAR® products were available.

d. Non Energy Star purchases where Energy Star products were available (Costs): List the total quantity of non ENERGY STAR® products where ENERGY STAR® products were available.

7. FEMP Labeled/Approved Products: Any electronic products purchased with ARRA funds must be FEMP labeled/approved products unless it is documented that no FEMP-designated product is reasonably available that meets functional requirements or is not cost effective over the life of the product taking energy cost savings into account.

a. Quantity: List the total quantity of FEMP labeled/approved products purchased under this project.

b. Cost: List the total cost of FEMP labeled/approved products purchased under this project.

c. Non FEMP purchases where FEMP products were available (Quantity): List the total quantity of non FEMP labeled/approved products where FEMP labeled/approved products were available.

d. Non FEMP purchases where FEMP products were available (Costs): List the total quantity of non FEMP labeled/approved products where FEMP labeled/approved products were available.

8. "Green Purchasing: ARRA contracts for services shall include to the maximum extent practicable, green purchasing requirements and clauses. "Green" products include recycled content products; environmentally preferable products; alternative fuels; hybrid and alternative fuel vehicles; non-ozone depleting substances;

renewable energy; USDA designated bio-based products; and Environmental Protection Agency (EPA) designated items containing recovered materials.

- a. Recycled content products: List the total dollar value or quantity of recycled content products provided for each project.
- b. USDA Bio-based Products: List the total dollar value or quantity of USDA bio-based recycled products provided for each project.
- c. Alternative Fuels: List the total dollar value or quantity of alternative fuels provided for each project.
- d. Environmentally Preferable Products: List the total dollar value or quantity of environmental preferable products provided for each project.
- e. Hybrid and Alternative Fuel Vehicles: List the total quantity of hybrid or alternative fuel vehicles provided for each project.
- f. Non-Ozone Depleting Substances: List the total dollar value or quantity of non-ozone depleting substances provided for each project.
- g. Renewable Energy: List the total dollar value or quantity of renewable energy provided for each project.

ENVIRONMENTAL COMPLIANCE SPREADSHEET			
	Project Data		
	1	2	3
PROJECT NAME			
ARRA Unique ID Number			
Project Objective			
Project Description			
ELECTRONIC PRODUCT ENVIRONMENTAL ASSESSMENT TOOL (EPEAT)			
Bronze			
Silver			
Gold			
Non EPEAT purchases where EPEAT products were available			
ENERGY STAR PRODUCTS			
Quantity			
Costs			
Non Energy Star purchases where Energy Star products were available (Quantity)			
Non Energy Star purchases where Energy Star products were available (Costs)			
FEMP LABELED/APPROVED PRODUCTS			
Quantity			
Costs			
Non FEMP purchases where FEMP products were available (Quantity)			
Non FEMP purchases where FEMP products were available (Costs)			
GREEN PURCHASING			
Recycled content products			
USDA designated bio-based products			
Alternative fuels			
Environmentally Preferable Products			
Hybrid and alternative fuel vehicles			
Non-ozone depleting substances			
Renewable Energy			