

# GEORGIA HIGH HAZARD POTENTIAL DAMS (HHPD) GRANT PROGRAM GUIDANCE



## Safe Dams Program

## ***Preface***

---

This guide serves as a reference for the Georgia Environmental Protection Division (EPD) Safe Dams Program (SDP) High Hazard Potential Dams (HHPD) Grant Program applicants. In addition to providing program overviews and informing HHPD participants about the application process, this guide outlines specific compliance and task requirements for successful program participation. EPD is pleased to respond to any questions not covered by this guide and welcomes suggestions to improve the utility and content of the guide. Please contact EPD at 404-463-2461 with any questions or suggested revisions. In addition, comments can be directed to EPD via email to [bobby.sauer@dnr.ga.gov](mailto:bobby.sauer@dnr.ga.gov).

## ***Overview***

---

### *Authorization and Appropriation*

The Rehabilitation of High Hazard Potential Dams (HHPD) grant program is authorized by 33 United States Code (USC) 467f-2, Rehabilitation of High Hazard Potential Dams. Congressional appropriations provide the funding for the HHPD grant program, and EPD has received awards to administer the HHPD. From these awards, EPD will administer subawards to eligible subrecipients who are selected through an application process. A description of the HHPD grant program was approved by the Board of the Department of Natural Resources on October 27, 2020, and is published under Rule 391-3-21-.16, “Georgia High Hazard Potential Dams Grant.”

### *HHPD Grant Program Objectives*

The Federal Emergency Management Agency's (FEMA) Rehabilitation of High Hazard Potential Dams grant program provides technical, planning, design, and construction assistance for ***eligible rehabilitation activities*** that reduce dam risk and increase community preparedness.

For the purposes of the HHPD program, the term “rehabilitation” means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable state dam safety and security standards. Eligible rehabilitation activities are discussed in more detail in the “Program Eligibility Requirements” section below.

The objectives of the program are to:

1. Provide financial assistance for repair, removal, or rehabilitation of eligible high hazard potential dams.
2. Protect the federal investment by requiring operation and maintenance of the project for the 50-year period following completion of rehabilitation.
3. Encourage state, local, and territorial governments to consider all dam risk in state and local mitigation planning.
4. Promote community preparedness by requiring subrecipients to develop and implement floodplain management plans that address potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures,

- and other adverse effects of flooding in the area impacted by the project; plans for flood fighting and evacuation; and public education and awareness of flood risks.
5. Reduce the potential consequences to life and property of high hazard potential dam incidents.
  6. Incentivize states to incorporate risk-informed analysis and decision making into their dam safety practice.
  7. Reduce the overall number of high hazard potential dams that pose an unacceptable risk to the public.
  8. Promote a program of Emergency Action Plan (EAP) implementation, compliance, and exercise for high hazard potential dams.
  9. Reduce costs associated with dam rehabilitation through the deployment of innovative solutions and technologies.

EPD has identified eligible high hazard potential dams in Georgia for the HHPD grant program, and the eligible dams are listed at <https://epd.georgia.gov/high-hazard-potential-dams>.

### *Funding Availability*

To date, funds for this program have been awarded to EPD under the 2019 and 2020 HHPD Grant Programs. Following are the amounts awarded to EPD to date:

- 2019 HHPD Grant: \$739,995
- 2020 HHPD Grant: \$627,731
- 2022 HHPD Grant: \$2,976,712

Assistance provided under the HHPD grant is subject to a non-Federal cost-sharing requirement of not less than 35 percent. Federal funding is available for up to 65 percent of the eligible activity costs.

### *Definitions*

---

**APPLICANT** – The entity applying to EPD for a subaward that will be accountable for the use of the funds. Once funds are awarded through subawards, the applicant becomes a subrecipient of the HHPD grant awarded to EPD.

**DAM** – Any artificial barrier, including appurtenant works, which impounds or diverts water and which the improper operation or failure of such would result in probable loss of human life as determined pursuant to the Georgia Safe Dams Act (Act), and which qualifies as a Category I dam under the Act. For purposes of the HHPD grant, all dams that EPD has identified as HHPD eligible dams meet this definition.

**DAM SAFETY DEFICIENCY** – A load capacity limit or other issues that can result in a failure of the dam or appurtenant structure. It is a characteristic or condition that does not meet the applicable minimum regulatory criteria.

**HAZARD MITIGATION** – Cost effective measures that will reduce the potential for damage to

a facility from a declared disaster event.

**MITIGATION ACTIVITY** - Any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss, or suffering from disasters. The term “measure” is used interchangeably with the term “project” in FEMA regulations.

**NON-FEDERAL ENTITY** – A state, local government, or nonprofit organization that carries out a federal award as a recipient (for the HHPD grant, the recipient is EPD) or as a subrecipient.

**NONPROFIT** – Eligible nonprofit organizations are those organizations that are described under section 501(c)(3) of the Internal Revenue Code of 1986 (IRC) and exempt from tax under section 501(a) of such code.

**PASS-THROUGH ENTITY** – A non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program. For the purposes of this grant, EPD is the pass-through entity.

**POPULATION AT RISK (PAR)** – The population downstream of a dam that would be subject to risk from flooding in the instance of a potential dam failure; usually documented in numbers of persons at risk.

**PRE-AWARD COSTS** – Pre-award costs are those incurred prior to the effective date of the federal award directly pursuant to the negotiation and in anticipation of the federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the federal award and only with written approval of FEMA.

**PROJECT** - Any mitigation measure or action proposed to reduce the risk of future damage, hardship, loss, or suffering from disasters.

**REHABILITATION** – The repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable state dam safety and security standards.

**ROUTINE OPERATION AND MAINTENANCE** – Activities performed to prevent deterioration of structures and equipment to keep a dam in a safe and functioning condition throughout the expected life of the dam. These activities can be a scheduled or recurring action outlined in the operation and maintenance plan or performed after an inspection reveals an unusual observation that requires corrective restoration. Identifying and correcting problems before they become serious is an important part of routine operation and maintenance. Typical routine operation and maintenance activities can include (but are not limited to) mowing, removal of woody vegetation, addressing erosion, repairing concrete structures, replacement of equipment and gates, and servicing gates. Federal funds from the HHPD grant cannot be used for routine operation or maintenance of a dam or to complete deferred maintenance.

**SUBAWARD** – An award provided under this grant by EPD to a subrecipient for the subrecipient to carry out part of a federal award received by EPD. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be

provided through any form of legal agreement, including an agreement that EPD considers a contract.

**SUBRECIPIENT** - A non-Federal entity that receives a subaward from EPD to carry out a project under the HHPD grant program; but does not include an individual that is a beneficiary of such program.

## ***Program Eligibility Requirements***

---

### *Eligible Subrecipients*

To be eligible for funding, subrecipients must:

1. Act in accordance with and be regulated under the Georgia Safe Dams Act. All activities must be approved by EPD. Any engineering studies, plans, or design drawings and specifications must be approved, signed, and stamped by a qualified design professional registered in the state of Georgia who is also recognized as an Engineer of Record (EOR) by EPD.
2. Participate in, and comply with, all applicable National Flood Insurance Program (NFIP) requirements and not be suspended from the NFIP.
3. Commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation (or the expected life of the dam) and provide assurance that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam.
4. Have a floodplain management plan in place to reduce the impacts of future flood events in the area impacted by the project or demonstrate that it will be prepared within one (1) year of award and implemented no later than one (1) year after the date of completion of the project.
5. Have in place at the time of obligation of grant funds a FEMA-approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000. A request for a one (1) year extension of this deadline may be requested from FEMA if necessary.
6. Comply with all Federal requirements included on OMB SF-424D (for projects including construction activities) or OMB SF-424B (for projects that do not include construction activities)
7. Where applicable, complies with Chapter 11 of Title 40, Brooks Architect-Engineers Act (40 USC 1101-1104).

### *Dam Eligibility*

To be eligible for HHPD funding, the dam that is the subject of the proposed project must be classified as an eligible high hazard dam (Category I) by EPD, have an approved Emergency Action Plan (EAP), and fail to meet minimum state dam safety standards, posing an unacceptable risk to the public. There are other requirements from FEMA which may change on an annual basis.

The following dams are **not eligible** for HHPD Funding:

- Federally owned dams
- Hydroelectric dams licensed by the Federal Energy Regulatory Commission
- Dams built under the authority of the Secretary of Agriculture

#### *Allowable and Unallowable Activities*

Eligible activities include repair, removal, or any other structural or nonstructural measures to rehabilitate an eligible high hazard potential dam.

<b>Examples of Eligible Activities</b>	
<i>Category</i>	<i>Activity</i>
Administrative	Administrative actions associated with grants management
Planning	<ul style="list-style-type: none"> <li>• Activities and studies that determine risks associated with eligible dams</li> <li>• Environmental studies for NEPA compliance</li> <li>• Development of floodplain management plans (including evacuation plans, plans for flood fighting, or community response plans, and coordination of EAP and Emergency Operation Plan (EOP) for different release conditions as part of the floodplain management plan)</li> <li>• Development of operation and maintenance plan</li> </ul>
Preliminary Engineering	<ul style="list-style-type: none"> <li>• Dam risk and consequence assessments</li> <li>• Feasibility studies</li> <li>• Preliminary engineering studies</li> <li>• Alternatives analysis</li> <li>• Mapping, engineering survey, and inundation modeling</li> </ul>
Engineering Design	<ul style="list-style-type: none"> <li>• Engineering Design</li> <li>• Development of Specifications</li> </ul>
Construction Projects (not applicable to 2019 award)	<ul style="list-style-type: none"> <li>• Repair or rehabilitation of dam</li> <li>• Dam removal</li> <li>• Construction monitoring</li> <li>• Installation of early warning systems associated with the eligible dam project</li> </ul>
Other Nonstructural Activities	Removing/relocating the downstream hazard
Outreach and Risk Communication	Public education and awareness of flood risks associated with the eligible project

Federal funds provided under the HHPD Program **cannot be used** to:

- Rehabilitate a federal dam

- Perform routine operation or maintenance of a dam or to complete deferred maintenance
- Modify a dam to produce hydroelectric power
- Increase water supply storage capacity
- Make any other modification to a dam that does not also improve the safety of the dam

Phased projects are allowed for the HHPD Program. Dam rehabilitation or decommissioning projects may require several phases in which planning, risk analysis, engineering studies, alternative analyses, design, environmental studies, and permitting are completed. These activities may extend beyond the period of performance (POP) and could better be accomplished through a phased approach. Details about the POP for this grant are provided in the next section.

**NOTE: Prior to receiving an award under the grant, the applicant must commit to bring the dam into full compliance with the Georgia Safe Dams Act (e.g., upgrade to Category I standards, breach the dam, remove downstream hazards, etc.)**

### ***Subrecipient Application Process***

---

#### *Applications*

Applications will be submitted as hard copy with an electronic copy on CD/DVD via USPS or other ground service. The following will be required within application submissions and are reflected on the application form:

- Name of Community/Agency
- DUNS #
- Dam Name
- State Dam Inventory Number
- Project Address
- Primary Contact
- Fiscal Contact
- Basis of Eligibility (State Government, Local Government, or Private Non-Profit Organization)
- Certification that an Emergency Action Plan (EAP) is on file with EPD
- Certification of National Flood Insurance Program (NFIP) participation
- Project Cost
- Estimated timeframe for project completion
- Project Milestones
- Project Narrative
- Scope of Work Budget
- Population at Risk (PAR)
- Procurement Policy
- Description of Match, including Source
- Match Commitment Letter
- Local Government Hazard Mitigation Plan Date of Approval by FEMA
- Copy of Floodplain Management Plan for the dam or certification of intent to develop

- the plan
- Environmental and Historic Preservation (EHP) Checklist
- Federal Assurances for Construction (OMB Form SF-424D) or Non-Construction (OMB Form SF-424B) Projects

### *Application Review, Evaluation, and Ranking of Projects*

EPD will perform the initial review of project applications to ensure all information and documentation is provided. A formal review will be completed by a panel including individuals from EPD and may include other State entities. Potential projects will be prioritized based on a combination of the potential failure modes of the dam (static, hydrologic, and seismic), Population at Risk (PAR) associated with the dam, current dam permit status, and anticipated losses avoided due to rehabilitation of the dam.

EPD will notify all applicants of the decision made by the State relative to their proposed project. All approved projects will be submitted to FEMA by EPD as part of the subaward process.

FEMA may request additional information and/or documentation for further clarification on an application. The applicant must provide additional information no later than the FEMA determined deadline in response to a formal request for information in order to proceed with the application process.

### *Grant Agreement*

A grant agreement is required to be executed for each grant subaward and prior to subrecipients beginning their project. **If a project is started prior to grant agreement approval those activities will be deemed ineligible.** A grant agreement is a legally binding agreement between the subrecipient and the State of Georgia. The agreement contains general terms and conditions, scope of services, grant expiration date, reporting requirements, grant amount, and payment method, as well as any special provisions. Once the executed grant agreement is returned to EPD, it may take another 1-2 months for review and final decision/approval to be made. Any changes in the original scope of work must have prior approval from EPD. Please refer to Scope of Work Changes, under the Grant Compliance Requirements section for additional instructions.

### *Period of Performance*

The Period of Performance (POP) is the period of time during which the non-Federal entity may incur costs.

- The POP for 2019 HHPD ends on September 14, 2022
- The POP for 2020 HHPD ends on August 31, 2023
- The POP for 2022 HHPD ends on September 14, 2025

### *Monitoring*

EPD is responsible for monitoring subrecipient activities. The purpose of grant monitoring is to ensure the grant program is being administered properly and records are being maintained in accordance with applicable regulations. The level of monitoring for a subrecipient is determined



by the result of a risk-based assessment (refer to *Risk Assessments (Pre-Award)* under the *Grant Compliance Requirements* section of this document). The monitoring levels consist of programmatic reviews, desktop audits and on-site program/compliance reviews. Contacts with subrecipients are documented and filed.

### *Contact Information*

For questions or assistance with the HHPD Program, contact EPD at 404-463-2461.

## ***Grant Compliance & Certification Requirements***

---

The following section includes information concerning Federal regulations which must be followed by all grant recipients. It is imperative that all recipients of Federal grant funding be aware of and comply with these requirements.

### *2 C.F.R. Part 200 (the “Super Circular”)*

In December 2014, FEMA implemented Title 2, Part 200 of the Code of Federal Regulations (C.F.R.), the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Super Circular”). 2 C.F.R. Part 200 provides guidance on the administrative aspects of federal grants (e.g. how grants are awarded, managed, audited, and closed out). The following list identifies some of the areas where substantive changes were made, effective December 2014, in 2 C.F.R. Part 200 and impacts HHPD subrecipients. HHPD subrecipients are encouraged to become familiar with the requirements of each section:

- [§200.112 Conflict of Interest](#)
- [§200.204 Federal Awarding Agency Review of Merit Proposals](#)
- [§200.307 Program Income](#)
- [§200.308 Revision of Budget and Program Plans](#)
- [§200.309 Period of Performance](#)
- [§200.313 Equipment](#)

### *Audit Submittals*

All applicants are required to provide a copy of their most recent audit documentation at the time of grant agreement submission. Submittal of additional audits may be requested if the grant award extends between multiple fiscal years or due to the determination of the risk assessment.

### *Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements*

Applicants will be required to review and sign the Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements Form at the time of application. Acceptance of this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide

Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

### *Commingling*

Commingling is the mixing or blending of funds so that expenditures cannot be identified to a particular grant, project, or indirect activity. FEMA requires that recipients of Federal grant funds utilize financial systems that provide for effective control over and accountability for all funds, with separate accounts established for each project. The accounting systems of all subrecipients must ensure that agency funds are not commingled with funds from other Federal agencies. Each award must be accounted for separately. Subrecipients are prohibited from commingling funds on either a program-by-program or project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another. Where a subrecipient's accounting system cannot comply with this requirement, the subrecipient shall establish a system to provide adequate fund accountability for each project it has been awarded.

### *Data Universal Numbering System (DUNS)*

A Data Universal Numbering System (DUNS) number is a unique, non-indicative 9-digit identifier issued and maintained by Dun & Bradstreet (D&B) that verifies the existence of a business entity globally. D&B assigns DUNS numbers for each physical location of a business. The subrecipient's active DUNS number must be provided on HHPD applications and will be verified by EPD through [www.sam.gov](http://www.sam.gov). Subrecipients should confirm they have a DUNS number or take the steps necessary to obtain one, as soon as possible. Subrecipients can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705-5711 or by visiting the Dun & Bradstreet website (<https://fedgov.dnb.com/>).

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

FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and projects funded by this grant program comply with Federal Environmental Planning and Historic Preservation (EHP) regulations, laws, and Executive Orders, as applicable.

Applicants proposing projects that have the potential to impact the environment must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, FEMA also is required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process **must be completed and approved before** funds are released to carry out the proposed project. FEMA will not fund projects that are initiated without the required EHP review. If the project is started prior to EHP approval, the project will be considered non-compliant and receipt of FEMA grant funds will be jeopardized.

Additionally, all subrecipients are required to comply with FEMA EHP Policy Guidance. This

EHP Policy Guidance can be found in <https://www.fema.gov/grants/preparedness/preparedness-grants-ehp-compliance>.

All required EHP review documentation is to be submitted at time of application. Contact EPD for assistance, if needed.

### *Excluded Parties List System*

Applicants are **required** to confirm and certify that any and all vendors, contractors, or sub-contractors to be used for the proposed project(s) are not listed on the Excluded Parties List System (EPLS) located on [www.sam.gov](http://www.sam.gov). For further information on the EPLS, refer to the following fact sheet: [https://www.sam.gov/SAM/transcript/Govt\\_User\\_-\\_Identifying\\_Excluded\\_Entities.pdf](https://www.sam.gov/SAM/transcript/Govt_User_-_Identifying_Excluded_Entities.pdf).

### *Extension Requests*

Applicants should only propose projects that will be completed within the performance period. Extensions to the period of performance may be considered by EPD when (due to circumstances beyond the control of the subrecipient) activities associated with the award cannot be completed within the stated performance period. The subrecipient should request an extension in writing at least 3 months prior to the grant's expiration date and include the following justification:

- Verification that progress has been made as described in quarterly reports
- Reason(s) for delay
- Current status of the activity/activities
- Current POP termination date and new projected completion date
- Remaining available funds, both Federal and non-Federal
- Budget outlining how remaining Federal and non-Federal funds will be expended
- Plan for completion, including updated schedule

Grant extensions are done on a case-by-case basis and must be reviewed and approved by the Federal Emergency Management Agency (FEMA).

### *Matching Funds*

The HHPD program has a **65% Federal** and **35% non-Federal** match (cash or in-kind) requirement.

Unless otherwise authorized by law, Federal funds cannot be matched with other Federal funds. To meet matching requirements, the subrecipient contributions **must** be reasonable, allowable, allocable, and necessary under the grant program and **must** comply with all Federal requirements and regulations. At the time of application, proof of match is required via a match commitment letter. When seeking reimbursement, proof of match **must** be provided at the time of request.

### *Non-Compliance*

Per 2 C.F.R. §200.338/Remedies for Noncompliance, if a subrecipient fails to comply with Federal statutes, regulations or the terms and conditions of the executed grant agreement (award), the State may impose additional conditions on the award (refer to 2 C.F.R. §200.207). If those additional

conditions do not remedy the non-compliance, additional remedies are available, including temporarily withholding cash payments, disallowing costs, wholly or partially suspending or terminating the award, suspension or debarment proceedings, withholding further Federal awards for the project, and any other remedies legally available. Also, be sure that projects are NOT started and/or purchases are NOT made against the Federal award share prior to receiving notification of your grant award – you will NOT receive reimbursement and will risk ability to receive future grant funds.

### *Procurement by Non-Federal Entities*

Procurement is the process of acquiring (buying, purchasing, renting/leasing or otherwise obtaining) goods and services. This process **must** be competitive and well-documented. All subrecipients of Federal awards **WILL** also follow 2 C.F.R §200.318-200.326 along with applicable local and State policies when procuring property and services. As covered under these regulations, subrecipients **must** maintain and use documented procurement procedures and standards of conduct, have written procedures for procurement transactions, and follow methods of procurement according to the size of the purchase. In combination with the previously mentioned procurement requirements, subrecipients **must** perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold (currently set at \$150,000) including contract modifications and provide EPD with procurement documents upon request. Be sure to review the regulations in their entirety by following the links associated with each of the regulations listed below:

- [§ 200.318 General procurement standards](#)
- [§ 200.319 Competition](#)
- [§ 200.320 Methods of procurement to be followed](#)
- [§ 200.321 Contracting with small and minority business, women's business enterprises, and labor plus area firms](#)
- [§ 200.322 Procurement of recovered materials](#)
- [§ 200.323 Contract cost and price](#)
- [§ 200.324 Federal awarding agency or pass-through entity review](#)
- [§ 200.325 Bonding requirements](#)
- [§ 200.326 Contract provisions \(must contain applicable provisions described in Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards\)](#)

Note: Federal requirements are in addition to local and state requirements.

### *Records Retention*

With the acceptance of HHPD funds, subrecipients are required to retain grant records and documentation for a period of three (3) years from the State's submission of the final expenditure report to FEMA. This date will be provided on the subrecipient's closeout letter. Grant documentation includes, but is not limited to, grant applications, copies of financial reports, progress reports, expenditure reports, invoices, contracts, related correspondence and memoranda (which may include emails). Subrecipients shall also maintain detailed documentation of the 35% cost share (match) required by this grant.

### *Risk Assessments (Pre-Award)*

In accordance with Federal Regulations, a risk assessment is conducted to determine the type and level of monitoring that is required for each subrecipient and is completed by EPD at the time of application by EPD. The assessment helps to identify risks to achieving grant objectives, analyzes those risks, and decides how to respond to those risks. The risk assessment contains a number of scoring criteria such as the size and complexity of the grant, past audit findings, as well as experience and past performance of the applicant. The level of risk (low, moderate, high) helps determine the level of subrecipient monitoring or other response by EPD. Monitoring procedures range from programmatic reviews to extensive site visit reviews.

### *Scope of Work Changes (SOW)*

In accordance with 2 CFR §200.308, recipients must obtain FEMA's prior approval whenever there is a proposed subrecipient scope of work (SOW) change. Requests for changes to the SOW after award are permissible as long as they are consistent with the intent of the program. Requests must be made in writing and demonstrate the need for the scope change. The request also should include a revised scope, schedule, and budget. Any SOW changes are subject to all programmatic requirements, including EHP review requirements. All approvals will be at FEMA's discretion.

### *Special Conditions*

Subrecipients shall be aware of and adhere to all special conditions and assurances that are included with the subrecipient grant award package. This also includes any standard and special conditions outlined in the EHP Review's Clearance Memo, if applicable.

### *Supplanting*

FEMA's non-supplanting requirement states that grant funds must never replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Grant funds should increase the overall amount of resources available, and subrecipients must ensure that the current overall level of funding to support objectives (absent exigent circumstances) is not reduced because of Federal funds. Note: Budgeting for matching funds is not considered supplanting and is allowable under the HHPD programs as long as it is clearly identified as such.

### *System for Award Management (SAM)*

Subrecipients **must** maintain an updated and current SAM registration at [www.sam.gov](http://www.sam.gov). EPD will verify that each subrecipient's organization's name, address, DUNS number and Employer Identification Number (EIN) are up-to-date in SAM and that the DUNS number used in SAM is the same one used to apply for all FEMA awards. Future payments will be contingent on the information provided in SAM; therefore it is imperative that the information is correct.

### **Appeal Process**

---

An eligible subrecipient may appeal any FEMA determination regarding subapplications or applications submitted for funding under HHPD. FEMA will only consider written appeals that

justify the request for reconsideration. The appeal should specify the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.

Whether the appeal originated with the Recipient or with a subapplicant/subrecipient, the appeal must be submitted in writing to the Regional Administrator by the Recipient. The Regional Administrator is the decision-maker on first appeals. An appeal of the Regional Administrator's decision on any first appeal (the second appeal) is decided by the Deputy Associate Administrator for Mitigation. In some cases, the appeal may involve highly technical issues. In these cases, FEMA may consult independent scientific or technical experts on the subject under appeal.

To begin the appeal process (including second appeals), appellants must submit documentation within 60 days after receiving the initial notice of the action on the first appeal. The Recipient must forward all appeals from a subrecipient with a written recommendation to the Regional Administrator within 60 days of receipt. The Region will forward second appeals with recommendation and associated documentation to FEMA Headquarters. Within 90 days following the receipt of an appeal, FEMA will notify the Recipient in writing of the disposition of the appeal or of the need for additional information.

If additional information is needed, FEMA will determine a date by which the information must be provided. Within 90 days following the receipt of the requested additional information (or 90 days after the information was due), FEMA will notify the Recipient in writing of the disposition of the appeal.

FEMA will provide its decision to the Recipient in writing. If the decision is to grant the appeal, the Regional Administrator will take the appropriate action.

## ***Reporting Requirements***

---

### ***Federal Funding Accountability and Transparency Act (FFATA) Reporting Mandate***

By law, all subrecipients receiving Federal awards totaling \$25,000.00 or more are subject to the Federal Funding Accountability and Transparency Act (FFATA) reporting requirements. These subrecipients must complete and return a FFATA subrecipient Information Reporting Form along with their executed grant agreement in order to continue the approval process.

### ***Quarterly Progress Reporting***

Subrecipients are required to submit Quarterly Progress Reports (QPRs) that provide sufficient detail to measure progress of the funded project(s). Reimbursements will **NOT** be made if a subrecipient is delinquent with their QPRs.

The following reporting periods and due dates apply:

<b><u>Reporting Period</u></b>	<b><u>Report Due Date</u></b>
January 1 to March 31	April 10

April 1 to June 30	July 10
July 1 to September 30	October 10
October 1 to December 31	January 10

### *Compliance of Audit Requirements*

All non-Federal entities that expend \$750,000 or more in federal awards during a subrecipient's fiscal year are required to obtain a single audit in accordance with the Single Audit Act Amendments of 1996, Office of Management and Budget (OMB) Circular A-133 – Audits of State, Local Governments and Non-Profit Organizations, the OMB Circular A-133 Compliance Supplement and Government Auditing Standards. All subrecipients are required to certify whether or not your organization is subject to the Single Audit requirement no later than sixty (60) days from the subrecipient's fiscal year end date in which reimbursement is received. The certification must be completed by the Chief Financial Officer, Business Manager, Treasurer, or other person responsible for the financial records of the organization and must be on the organization's letterhead. If applicable, subrecipients must submit a copy of their A-133 Audit Report within nine (9) months of their fiscal year end.

### *Requests for Reimbursement*

All projects are required to be completed and invoices need to be dated on or before the grant agreement's expiration date. Because EPD has to close out its financial accounts and report its expenses to FEMA in a timely manner, all requests for reimbursement must be made no later than 30 days after the expiration of the grant agreement. Otherwise, reimbursement may not be paid. Requests for reimbursement must be submitted on community/agency letterhead that matches the address shown in the executed grant agreement.

Reimbursement requests must include any outstanding reports (QPR, Final Performance and Expenditure Report, and the Equipment Inventory Form accompanied by photos, if required), proof of costs (copies of invoices/bills, payroll documentation, sign in sheets, agendas, etc.), proof of payment (cancelled checks, copies of accounting ledgers and/or statements documenting payment) and proof of match equal to or greater than the reimbursement request. EPD has no obligation and makes no commitment to reimburse for subrecipient costs incurred prior to or after the effective dates of the grant agreement; therefore, any purchases made PRIOR to and AFTER the grant award will be disallowed. The exception would include incurred costs prior to award that have been identified within the application as pre-award costs or match.

### *Closeout Process*

Within 30 days after the grant's expiration date, the subrecipient must submit all financial, performance, and other reports required as a condition of the grant to include the following:

- Final request for reimbursement,
- Final Quarterly Progress Reports,
- Final Performance and Expenditure Report,
- Copy of any plans developed with grant funding (if applicable), and
- Final Site inspection and site photos (if applicable).

Once the grant file is reviewed for completeness and accuracy and final payment has been paid to the subrecipient, an official closeout request letter will be sent to FEMA. Once the project is closed, EPD will send a closeout letter to the subrecipient.