



Emergency Management Performance Grant (EMPG) and American Rescue Plan Act (EMPG-ARPA)

October 2021





Topics

- 1) EMPG Overview
 - EMPG Priorities
 - Key Changes
- 2) EMPG Requirements
 - Training & Exercise Requirements
 - Allowable Costs
 - Match
 - Performance Reports
- 3) Code of Federal Regulations - Revisions
- 4) Procurement
- 5) Integrated Preparedness Plan (IPP)



EMPG Priorities

FY 2021 EMPG National Priorities:

- Logistics - Distribution Management Planning
- Evacuation Plan/Annex
- Disaster Financial Management
- Catastrophic Disaster Housing
- Resilient Communications

FY 2021 EMPG State/Regional Priorities identified by FEMA:

- Mass Care
- Housing
- Economic Recovery



Key Changes

- Additional funding is provided to EMPG under the American Rescue Plan Act (ARPA).
- The FY 2021 EMPG and FY 2021 EMPG-ARPA Financial Management Forms Workbook (FMFW) are separate.
- The Integrated Preparedness Plan (IPP) format, previously known as the Multi-Year Training and Exercise Plan (MY-TEP), will be required for the September 30, 2022 submission.
- FEMA Independent Study training course 230.d has been updated to version “e”.



Training Requirements

NIMS Training:

- IS 100 Intro to ICS
- IS 200 Basic Incident Command System for Initial Response
- IS 700 Intro to NIMS
- IS 800 Intro to NRF

FEMA PDS:

- IS 120.c Intro to Exercises
- **IS 230.e Fundamentals of Emergency Management**
- IS 235.c Emergency Planning
- IS 240.b Leadership and Influence
- IS 241.b Decision Making and Problem Solving
- IS 242.b Effective Communication
- IS 244.b Developing and Managing Volunteers



Exercise Requirements

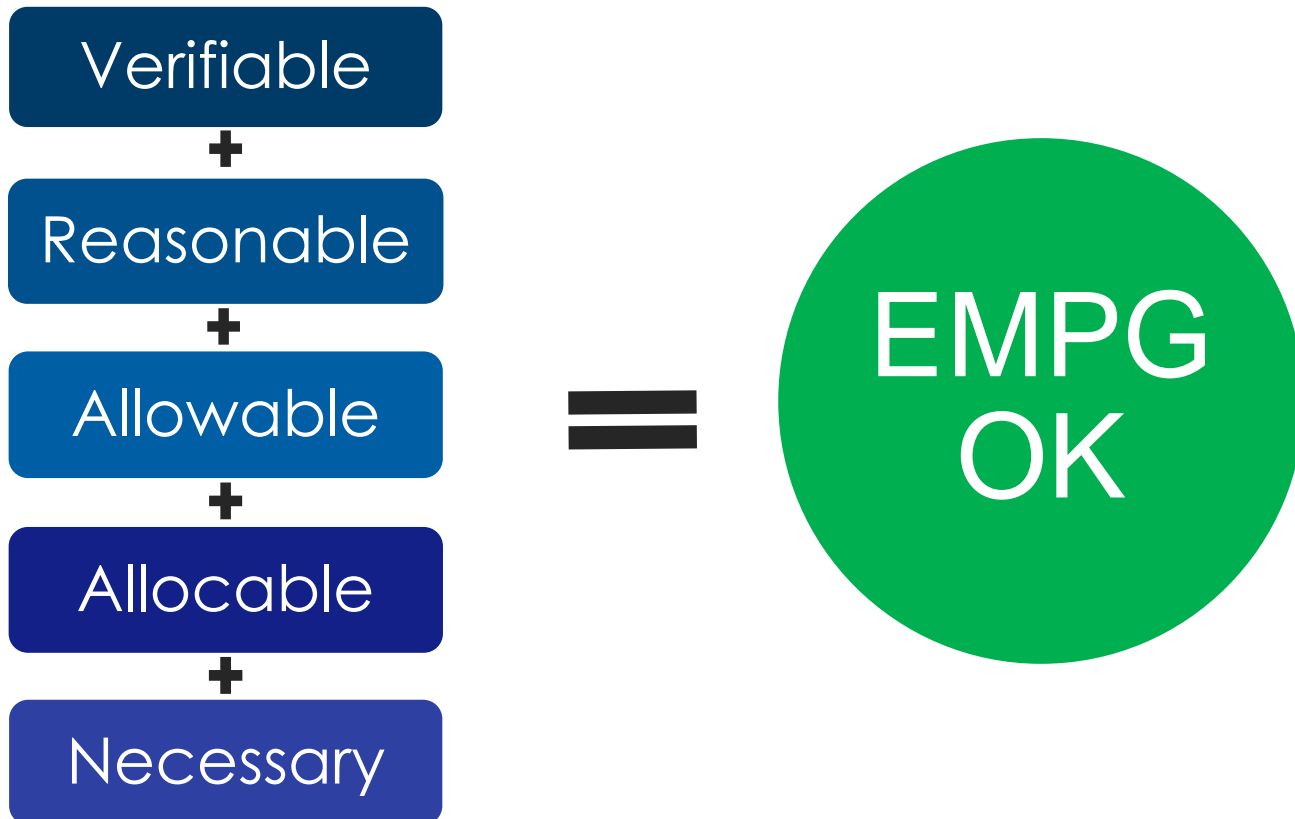
All EMPG-funded personnel, including M&A staff and any staff being used for match, must:

- Participate in no less than two exercises in the 24-month period of performance
- Must link to one of the priorities
 - Performance Report: Drop-down in the Exercise table
- Any level of participation is acceptable
- Complete exercises by June 30, 2023



EMPG Allowable Costs

To meet federal requirements and regulations, EMPG expenditures must be:





EMPG Allowable Cost Cont.

CONSTRUCTION & RENOVATION *

Primary/Main Emergency Operations Center

Construction

New building or expanding footprint of an existing EOC

Renovation

Internal improvements to an existing EOC

*Both require written FEMA approval (up to a year long process), and only allowable for primary EOC's



EMPG Allowable Cost Cont.

Management & Administration (M&A)

M&A costs are necessary costs incurred in direct support of the grant.

- Activities directly relating to the management and administration of EMPG
- Financial management and reporting
- May use up to five percent (5%) of the Subaward

* Should only claim up to 5% of the total expended federal share per each reimbursement request



EMPG Allowable Cost Cont.

Training

- Tuition & Travel costs under EMPG are allowable for EMPG and local (match) funded personnel, **and** non-EMPG funded personnel provided that the purpose is to accomplish the objectives of the EMPG grant.
- All training costs require a Cal OES Feedback Number for reimbursement.
 - Required at least 30 days prior to Training
 - Submit request to Training@caloes.ca.gov



Match

- Subrecipient contributions have the same eligibility requirements as the Federal share.



Performance Reports

- EMPG and EMPG-ARPA performance reports will be combined into one.
- Drop downs have been added to distinguish the funding source

Part II: EMPG Grant Activities

Project Letter:
Project Title: Insert project title from FMFW here
Description: Insert project description from FMFW here

Part II Continued: EMPG-ARPA Grant Activities

Project Letter:
Project Title: Insert project title from FMFW here
Description: Insert project description from FMFW here



Performance Reports

Part III: Personnel Funding Data

Report data on emergency management personnel identified on the Financial Management Forms Workbook's (FMFW) Personnel Tab that are funded with EMPG funds.

Metric	EMPG Total	EMPG-ARPA Total
Identify the total amount of EMPG and matching funds allocated to personnel salaries and benefits.	\$	\$
Identify the total number of emergency management personnel supported by EMPG funds (listed in the FMFW/Personnel Tab).	#	#

Part IV: Training Data

Report data on training sessions identified on the Financial Management Forms Workbook's (FMFW) Training Tab that are funded with EMPG funds.

Name of Training	Number of Personnel Trained	Funding Source
	#	Select



**FY21 EMPG and FY21 EMPG-
ARPA Applications
Due:**

December 31, 2021



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OMB Revisions to 2 CFR Part 200

- The Office of Management and Budget (OMB) published revisions to various sections of Title 2 of the Code of Federal Regulations (2 C.F.R.) as they relate to federal financial assistance. While some of the revisions were effective on August 13, 2020, most of the changes took effect on November 12, 2020. We highly encourage subrecipients to familiarize themselves with these changes. Information on all 2 C.F.R. revisions can be found at the Federal Register's [Guidance for Grants and Agreements](#) webpage.



Effective Date

- Significant policy changes and updates were made during the first, five-year review of 2 CFR Part 200
- Revisions to the guidance were effective **November 12, 2020** and apply to awards issued after the effective date, *except for the following*:
 - Amendments to Sections 200.216 and 200.340 were effective on August 13, 2020.



New Rules & Major Revisions

- **Domestic Preferences for Procurement (§200.322)**
 - Entities should provide a preference for the purchase of goods, products or materials produced in the United States.
 - **Requirements must be included in all subawards including all contracts and purchase orders for work or products under the award**



New Rules & Major Revisions

- **Prohibition on Contracting for Covered Telecommunications or Services (§200.216)**
 - Effective August 13, 2020 for new, extended, or renewed procurements under all open FEMA awards
 - Prevents recipients/subrecipients or their contractor or subcontractor to use federal award funds to procure or obtain covered technology
 - Prevents the use of federal awards funds to contract with an entity that uses covered technology
 - **Recipients and subrecipients are required to include a provision in their contracts explaining the prohibitions**

See FEMA *Prohibitions on Expending FEMA Awards Funds for Covered Telecommunications Equipment or Services – Interim Policy (FEMA Policy #405-143-1)*



New Rules & Major Revisions

- **Contract Provisions (§200.327)**
 - Two contract clauses were added to Appendix II of Part 200
 - Domestic Preferences for Procurements
 - Prohibition on Contracting for Covered Telecommunications or Services



New Rules & Major Revisions

- **Performance Measurement (§200.301)**
 - OMB's revisions significantly emphasize measuring performance and provide specific guidance to Federal agencies in implementing performance measurements



New Rules & Major Revisions

- **Closeout (§200.344)**
 - Now requires the Recipient (SAA) to submit all financial, performance and other reports no later than 120 days after the performance period end date
 - Subrecipients are required to submit their final reports no later than 90 days after the performance period end date, or an earlier date as agreed upon by the pass-through entity and the subrecipient
 - Places emphasis on timely closeout of the primary award (within one year after the performance period)



New Rules & Major Revisions

- **Termination (§200.340)**
 - OMB removed the “for cause” termination provision, but added other termination provisions providing greater flexibility to Federal awarding agencies to terminate awards
 - Federal awarding agencies are required to provide recipients with “clear and unambiguous” information on the termination provisions, either through regulation or in the award



New Rules & Major Revisions

- **Consistent terminology**
 - Definitions have been reorganized into a single section (§200.1) and have been clarified where certain terms have meanings specific to a particular Part
 - Several new definitions have been added
 - Many previous definitions have been expanded to further clarify intent



New Rules & Major Revisions

- **Applicability (§200.101)** – now states the word “must” indicates a requirement; the words “should” or “may” indicate a best practice and permits discretion
- **Effective / Applicability date (§200.110)** – Indirect costs – OMB relaxed the requirements for use of the de minimis rate, and clarified requirements for pass-through entities regarding negotiating a subrecipient’s indirect cost rate



Revisions – Post Award

- **Federal payment (§200.305)** – increases the threshold for maintaining advance payments in interest-bearing accounts. NFE's that receive >\$250,000 in Federal awards per year must comply
- **Requirements for pass-through entities (§200.332)**
 - now also requires the inclusion of the following language in all grant award agreements
 - Subaward Budget Period Start and End Date



Revisions – Procurement



Procurement

- New changes to the procurement standards
- All procurement activity must be conducted in a manner providing full and open completion in accordance with federal procurement standards at 2 C.F.R. § **200.318 – 200.327**
- Updated website at www.ecfr.gov



Procurement Policies & Procedures

- Follow your own documented procedures
- If there is any conflict between local procurement procedures and the Federal procurement standards, you must follow the more restrictive provision



Methods of Procurement

NEW Procurement Types Re-Grouped into 3 Categories

Informal
CFR 200.320(a)

- Micro-Purchases
- Small Purchases

Formal
CFR 200.320(b)

- Sealed Bids
- Competitive Proposals

Non-Competitive
CFR 200.320(c)

- Non-Competitive Proposals



Informal Procurement Methods

Micro-Purchases

§ 200.320(a)(1)

- Purchases below the Micro-Purchase threshold **do not** require soliciting competitive price or rate quotations
 - Reasonableness of price/rate **must be documented**
- Federal Acquisition Regulations (FAR) has set the Federal micro- purchase threshold at **\$10,000**
 - If internal Micro-Purchase threshold is less, you must use that amount



Informal Procurement Methods

NEW Micro-Purchase Threshold Increase

§ 200.320(a)(1)(iv) – (v)

- Subrecipients may **self-certify** a threshold of **up to** \$50,000

OR

- Obtain **Federal approval** for a threshold **higher than** \$50,000



Informal Procurement Methods

NEW Micro-Purchase threshold up to \$50,000

§ 200.320(a)(1)(iv)

- **Self-certification** required on an **annual basis** and must include:
 1. Justification for increasing the threshold
 2. The increased threshold amount
 3. Supporting documentation of any of the following:
 - a) Most recent Single Audit qualifying subrecipient as a Low-risk auditee
 - b) Annual internal institutional risk assessment to identify, mitigate, and manage financial risks
 - c) For public institutions, a higher threshold consistent with State law



Informal Procurement Methods

NEW Micro-Purchase threshold over \$50,000

§ 200.320(a)(1)(v)

- Must obtain approval from cognizant agency for indirect costs
- Submit request with the same requirements included in your support for increasing Micro-Purchase thresholds up to \$50,000
- Increased threshold is valid until there is a change in status in which the justification was approved



Informal Procurement Methods

Small Purchases

§ 200.320(a)(2)

- **Greater than** Micro-Purchase threshold and **less than or equal to** the Simplified Acquisition Threshold (SAT)
- SAT set a \$250,000, per FAR
 - Internal threshold cannot exceed amount set by FAR
- Price/Rate quotations must be obtained from an adequate number of qualified sources



Formal Procurement Methods

Sealed Bids § 200.320(b)(1)

- Greater than SAT \$250,000
- Scope of Work is definite
- RFBs must be publicized
- Bids solicited from 2 or more bidders/offerors
- Public opening of bids at set date and time
- Fixed-Price contract awarded to lowest price bidder

Proposals § 200.320(b)(2)

- Greater than SAT \$250,000
- Scope of Work is less definitive
- RFPs must be publicized
- Proposals solicited from 2 or more proposers/offerors
- Proposals scored based on established evaluation criteria
- Fixed-Price or Cost-Reimbursement contract awarded to proposal that is most advantageous



Use of Pre-Qualified Lists

§ 200.319(e)

- Used as a tool to help streamline the solicitation process
- The procurement must still be competitively solicited
- List must be current
- List must include enough qualified sources to ensure open and free competition
- Solicitor must not preclude potential bidders from qualifying during the solicitation period



Cooperative Purchasing

- Popular programs include CMAS, GSA, HGAC and WSCA/NASPO
- Ensure agreements have been procured by the program according to the procurement standards at 2 C.F.R. § 200.318- 200.327
 - Full and Open Competition per § 200.319
 - Allowable procurement method per § 200.320
- Must **document and explain** how agreement is in compliance with the Federal procurement standards



Piggybacking

- Assignment of contracts from one entity to another
- Generally discouraged
- Must meet the following criteria:
 - Original contract complied with Federal procurement rules
 - Original contract provisions include assignability
 - Scope of work falls within scope of work under original contract
 - The contract price is fair and reasonable



Non-Competitive Procurements

§ 200.320(c)(1) – (5)

- Non-competitive procurements are only allowable under one or more of the following circumstances:

NEW

- Amount does not exceed the Micro-Purchase Threshold
- Single Source
- Public Exigency or Emergency
- Inadequate Competition
- With Federal Awarding Agency or Pass-Through entity Authorization

NOTE: Cal OES will only authorize if one of the first four circumstances apply



Non-Competitive Procurement Authorizations

- All noncompetitive procurements in excess of the SAT (\$250,000) require **prior approval** from Cal OES.
 - No retroactive approvals will be granted



Non-Competitive Procurement Authorizations

- Cal OES has streamlined form for seeking prior approval of non-competitive procurement requests over the SAT
[\(See GMM 2022-22\)](#)
 - The new process eliminates the need to complete the entire form for previously-authorized non-competitive procurements of the same item, and for items that were previously approved for purchase under multi-year contracts
 - The revised form became effective December 18, 2020
 - [Non-Competitive Procurement Authorization Form](#)



Non-Competitive Procurement Authorizations

- What must be submitted to Cal OES for non-competitive procurement approval?
 1. Non-Competitive Procurement Authorization (NCPA) form
 2. A Cost or Price Analysis
 3. Prior Approval documentation, if applicable



Procurement Records

- Maintain all procurement records
- Procurement records confirm compliance with the Federal standards at 2 C.F.R 200.318 – 200.327
- Lack of documentation is a common OIG finding
- Records must be maintained for at least 3 years from date of grant closeout



Procurement Records

- Procurement records include, but are not limited to:
 - Pre-solicitation documents (purchase request/authorization)
 - Rationale for method of procurement
 - Independent cost estimate
 - Copy of solicitation
 - List of sources solicited
 - Abstract of each offer or quote
 - Rationale for contractor selection
 - Determination that price is fair and reasonable, including an analysis of the cost and price data
 - Copy of agreement and any amendments

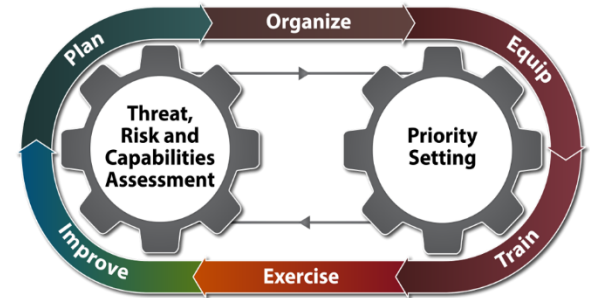


Resources

- [Code of Federal Regulations | eCFR.gov](#)
- [OMB Revisions 2020 | FEMA](#)
- [Preparedness Grants Manual | FEMA](#)
- [PDAT Homepage & Training Schedule | FEMA](#)
- [2019 PDAT Field Manual | FEMA](#)
- [2021 Contract Provisions Guide | FEMA](#)
- [Top 10 Procurement Under Grant Mistakes | FEMA](#)
- [Single Source Training Documents | Cal OES](#)
- [Grants Management Memos \(GMMs\) | Cal OES](#)

Integrated Preparedness Plan (IPP) Overview

- The January 2020 HSEEP Revision replaced the Training and Exercise Plan (TEP) with the Integrated Preparedness Plan (IPP)
- The IPP model goes further than the TEP, as it supports integration of risk and capability assessments, planning efforts, grant priorities, and other preparedness activities to drive exercises



Integrated Preparedness Schedule

Activity	Priority	Priority	Priority	Priority	Priority
Plan					
Organize					
Equip					
Train					
Exercise					



Link and Email

- [HSEEP Policy & Guidance - HSEEP Resources - Preparedness Toolkit \(fema.gov\)](#)
- exercise@caloes.ca.gov

