

# EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM



## PHASE 32 KEY CHANGES PROGRAM CLARIFICATIONS & REMINDERS

(Supplement to the Phase 30 Responsibilities and Requirements Manual  
and Phase 31 Addendum)



This Key Changes, Program Clarifications and Reminders section is provided to assist in your annual reading and review of the EFSP Responsibilities and Requirements Manual (EFSP Manual); it is not a substitute for the EFSP Manual. All State Set-Aside Committee members, Local Board members and all Local Recipient Organizations (LROs) are advised to read the Phase 30 EFSP Manual, which was also used for Phase 31 and is again being used for Phase 32, along with both the Phase 31 Addendum and the Phase 32 Addendum thoroughly for complete guidelines regarding their responsibilities, program operations, acceptable expenditures and documentation requirements as significant changes have been made.

### **GRANT AGREEMENT ARTICLES, FINANCIAL TERMS AND CONDITIONS & OTHER TERMS AND CONDITIONS**

The Emergency Food and Shelter National Board Program (EFSP) is a restricted Federal grant. All Federal grants have terms and conditions that apply to **ALL** parties participating in the grant. For the EFSP, all parties means the National Board which is considered the Recipient (formerly Grantee), State Set-Aside Committees (SSAs), Local Boards, and Local Recipient Organizations (LROs) that are considered the Sub-Recipients. All parties need to ensure their understanding of the EFSP Manual, the Addendums and the statements on the Certification Forms. By signing the Certification Forms, they are agreeing on behalf of the Local Board and/or their agency to specific program requirements of the National Board as well as those mandated by the Federal government, including those that do not appear to apply to the types of programs and activities eligible under the EFSP. *All parties will be held accountable for complying with the provisions of the grant as well as full compliance with applicable requirements of all other Federal laws, Executive Orders, regulations, and policies governing this program including those not specifically stated in the Manual and the Phase 31 and Phase 32 Addendums.*

**EFSP FUNDING IS A RESTRICTED FEDERAL GRANT.** Funds awarded and received under the EFSP are from a restricted federal grant. EFSP funding is *supplemental* funding and is not to be used as startup funding for a program or project. EFSP funding should not be the sole source of funding for a program or project. EFSP funding is not a contract and should not be included in an agency's budget nor used to fulfill an agency's contractual obligations. Agencies receiving EFSP funding should have other program resources in the area in which they are funded. As a reminder, EFSP funds cannot be used as a "cost match".

For further detail, please reference the revised Grant Agreement Articles, Financial Terms and Conditions & Other Terms and Conditions contained in the Phase 32 Addendum. The revised section in the Addendum replaces pages 40-53 of the EFSP Manual for Phase 30 and replaces the same section provided in the Phase 31 Addendum.

### **SPENDING PERIOD EXTENSIONS**

The National Board may determine on an annual basis to exercise the option to extend the spending period when the receipt of funding is delayed in the Federal appropriations or award process. The National Board may choose to exercise this option when funds are received after the first quarter of the Federal fiscal year. The National Board will determine the dates of the extension option beyond the end of the calendar year. The National Board has exercised this option; the spending period options for Phase 32 are:

- |                       |                        |
|-----------------------|------------------------|
| 1. September 30, 2014 | 6. April 30, 2015      |
| 2. October 31, 2014   | 7. May 31, 2015        |
| 3. November 30, 2014  | 8. June 30, 2015       |
| 4. December 31, 2014  | 9. July 31, 2015       |
| 5. January 31, 2015   | 10. August 31, 2015    |
| 6. February 28, 2015  | 11. September 30, 2015 |
| 7. March 31, 2015     | 12. October 31, 2015   |

Local Boards wishing to extend the spending period for all LROs in their jurisdiction must select a spending period on the Local Board Plan. If no selection is made, the date is automatically the end of the Federal fiscal year 2014 which is September 30, 2014. Spending period extensions apply to all LROs; extensions are not granted to individual LROs.

Only those expenditures incurred by an agency during the Local Board's selected spending period for allowable items will be considered eligible. Expenditures made outside of the Local Board's selected spending period, even if for allowable items, will be considered ineligible. The spending period for any Local Board begins one day after the previous phase of funding ends through the selected end date chosen by the Local Board. Local Boards must communicate the spending period to LROs and LROs unsure of the spending period should communicate with their Local Board. The spending period stands even if funds are received after the end of the spending period. LROs may

charge back any EFSP eligible expenditure during the spending period for which they have EFSP required documentation.

For further detail, please reference [pages 8 and 29 of the EFSP Manual](#).

### **LOCAL BOARD - LRO CERTIFICATION FORMS**

Local Boards are required to have all agencies selected as LROs on the Local Board Plan sign and date the current LRO Certification Form at the beginning of each funding cycle. ***A copy of this form must be retained by both the Local Board and the LRO. The certification forms for all funded LROs must be submitted with the Local Board Plan.*** Failure of the Local Board to provide all LRO Certification Forms with the initial submission of the Local Board Plan will delay the processing of the Local Board Plan. Funds will not be issued to any LRO who has not provided the signed, dated LRO Certification Form. Only the LRO Certification Form provided by the National Board for the funding cycle will be accepted. ***The National Board's LRO Certification Form has significant changes from prior phases; it has been updated for Phase 32.*** The National Board's form may not be amended in any way. Local Boards wishing to have appropriate additional requirements regarding the funding of LROs may add a Local Board addendum to the National Board's form. The Local Board addendum must also be submitted to EFSP for review.

For further detail, please reference [pages 19 and 75 of the EFSP Manual](#).

### **LOCAL RECIPIENT ORGANIZATION - LRO CERTIFICATION FORMS**

Each Local Recipient Organization (LRO) is required to sign and date the current LRO Certification Form at the beginning of each funding cycle. ***A copy of this form must be retained by the LRO and provided to the Local Board for submission to the National Board.*** Funds will not be issued to any LRO who has not provided the signed, dated LRO Certification Form. Only the LRO Certification Form provided by the National Board for the funding cycle will be accepted. ***The National Board's LRO Certification Form has significant changes from prior phases; it has been updated for Phase 32.*** The National Board's form may not be amended in any way. Local Boards making appropriate additional requirements regarding the funding of LROs may add a Local Board addendum to the National Board's form. The Local Board's addendum must also be submitted to EFSP.

***When completing the LRO Certification Form, the LRO should ensure that all information is completed, accurately and correctly. Remember, the LRO Name must be the legal name of the agency and must match with the Federal Employee Identification Number and DUNS number that have been provided. If this information does not match the information that has been provided previously to the National Board, it will cause a delay in payments.***

For further detail, please reference [pages 33-34 and 75 of the EFSP Manual](#).

### **DOCUMENTATION REQUIREMENTS**

#### **SPREADSHEETS:**

Spreadsheets are required for all LROs in every category in which they receive funds. This also includes those LROs that receive funds for administration only – spreadsheets must be provided documenting the administrative expenditures. Other appropriate administrative documentation (i.e., payroll registers) may also be required. Those LROs providing mass feeding and mass sheltering may use the Per Meal or Per Diem schedule to meet the spreadsheet requirement. Please refer to the EFSP website, [efsp.unitedway.org](http://efsp.unitedway.org), for Final Report and spreadsheet information and requirements.

### **REMINDERS – LOCAL BOARD PLANS**

#### **SUBMITTING THE LOCAL BOARD PLAN:**

The Local Board must access the Local Board Plan and associated information, including instructions, via the EFSP website. [The submission of the Local Board Plan is a two-step process.](#) *First*, the Local Board must ensure that all information for the jurisdiction is correct by updating the Local Board Roster (Manage LB Roster) and verify all LRO information is correct and update as necessary (Manage LROs). Once these steps have been taken, the Local Board must allocate the funds to the LROs and submit the Local Board allocations electronically via the EFSP website. *Second*, after submitting the Local Board allocations electronically, the Local Board must print the Local Board Certification page of the Local Board Plan and a clean copy of the updated Local Board Roster. Both of these items must be submitted along with LRO Certification Forms for all LROs funded in Phase 32 to EFSP. ***A complete Local Board Plan consists of the online submission of the allocations over the EFSP website and the submission of the required paperwork – Local Board Certification Page (page with advertisement information and signatures), Local Board Roster, LRO***

***Certification Forms for all funded LROs, Lobbying Certification Form (required for LROs receiving \$100,000 or more) and Fiscal Agent/Fiscal Conduit Form, as necessary. Remember: The Local Board Chair and all authorized signers must sign the Local Board Certification Page. No one may sign the Local Board Certification Page on behalf of the Local Board Chair.***

**WHERE TO SEND THE REQUIRED LOCAL BOARD PLAN AND OTHER PAPERWORK:**

***Please send via one of the methods only as multiple submissions of the same documents delays the processing for all Local Boards and LROs as each document must be reviewed and processed. Please ensure your submission is complete and accurate before sending to EFSP.***

While EFSP has automated the submission of the Local Board Plan, Final Reports, and other forms, the *signed* forms are still required for the grant program files. Local Boards may submit the required paperwork in one of a few ways – email, express mail, USPS (certified, return receipt). If scanning and emailing, please send to [efsp@unitedway.org](mailto:efsp@unitedway.org); ***In order to avoid multiple copies of the same documents, there is no need to send to this address and also to individual staff email addresses as the [efsp@unitedway.org](mailto:efsp@unitedway.org) email is managed by several staff members.*** If mailing, either express or USPS (certified, return receipt), please see the address in the front of the Manual. It is recommended that if mailing via USPS, you do so certified with a return receipt requested as delivery is then traceable.

**COMPLETING THE LOCAL BOARD PLAN'S FUNDING CATEGORIES**

Local Boards must ensure that the Local Board Plan entered via the EFSP website is completed accurately to avoid possible Local Board Plan processing delays or compliance problems later. Local Boards must provide “units of service” when completing the Final Report. They are not required for the Local Board Plan. The funding categories are as follows:

**EXPENDITURE CATEGORIES**

- A. **SERVED MEALS** – Agencies funded in this category are serving meals to clients. Agencies typically funded in this category are mass feeding providers. Either direct costs or a per meal allowance of \$2.00 as approved by the Local Board are allowable, not both.
- B. **OTHER FOOD** – Agencies funded in this category are providing food for clients to take home and prepare meals for themselves. Agencies typically funded in this category are food pantries and food banks. Expenses include such items as vouchers to grocery stores or restaurants, food bought from food banks or grocery stores, and food transportation costs.
- C. **MASS SHELTER** – Agencies funded in this category are providing sleeping accommodations in their facility for clients. Agencies typically funded in this category operate mass shelters. Either a per diem allowance of \$7.50/\$12.50 (as determined by the Local Board) for on-site shelters of five beds or more or direct cost expenses for items related to the provision of shelter are allowable, not both. Transportation costs for shelter may be included here as a direct cost.
- D. **OTHER SHELTER** – Agencies funded in this category are sending clients to other facilities for sleeping accommodations. Agencies typically funded in this category either do not operate mass shelters or cannot provide appropriate accommodation for a client. Expenses include motel/hotel expenditures and shelter vouchers.
- E. **RENT/MORTGAGE** – Agencies funded in this category are providing emergency rental assistance to clients. Agencies typically funded in this category operate other rent/mortgage programs. Expenditures include the payment of a client's rent or mortgage for one month.
- F. **SUPPLIES/EQUIPMENT** – Agencies funded in this category are not eligible for the per meal or the per diem allowance. Agencies typically funded in this category are providing mass feeding, mass sheltering, or providing food to clients to prepare themselves. This category also includes the purchase of diapers by agencies and clients.
- G. **EMERGENCY REPAIRS/BUILDING CODE** – Agencies funded in this category must not use EFSP funding for routine maintenance or repairs. Agencies funded in this category must have had an unexpected emergency repair or building code citation that will cause the agency to close or curtail service without the work being done.
- H. **UTILITY ASSISTANCE** - Agencies funded in this category are providing emergency utility assistance to clients. Agencies typically funded in this category operate other utility programs. Expenditures

include the payment of a client's utility bill for one month (monthly billing cycle) as well as non-metered utilities.

- I. **ADMINISTRATION** – Agencies funded in this category are providing administration on behalf of the Local Board or receiving funds for administration of EFSP funding in their programs.

**AUDIT CONFIRMATION REQUESTS**

Independent auditors request confirmation of grant funds received when conducting annual audits. Should your external independent auditors make this request of your agency, please ensure that the request includes all 9-digit ID numbers for your agency in each jurisdiction in which it is funded to ensure complete accurate information is provided. Audit confirmation requests may be mailed or emailed to the EFSP.

## KEY DATES for PHASE 32

The National Board sets key program dates during the course of each phase in an effort to ensure funds are released in a timely manner to eligible Local Boards and their LROs. Due to the delay in Phase 32 funding, some of these dates do not conform to the timeframes of past funding phases. ***All dates are subject to change and may be changed unilaterally by the National Board, as needed***, including submission of Local Board Plans, Second Payment Requests, EFT enrollment, and Final Reports. Local Boards will be notified of changes via email, as necessary. ***The failure of Local Boards and LROs to adhere to the key program dates may result in the loss of funds.***

ITEM	KEY DATE																												
Phase 32 <b>Local Board Plan</b> due to <u>National Board</u>	<b>March 27, 2015</b> for jurisdictions qualifying via the National Board's funding formula.  For <i>State Set-Aside Committee</i> funded jurisdictions, this date will vary and is noted on the individual jurisdiction's Local Board Plan. This date is specified on the Local Board Certification.																												
<b>Final Report Due</b>  <b>Spending Period End Date</b>  (Jurisdiction's end date selection options are listed on the Phase 32 Local Board Plan. The jurisdiction's end date is also printed on each LRO's payment letter notification.)  <i>Local Boards failing to select a spending period end date will automatically end on September 30, 2014.</i>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">September 30, 2014</td> <td style="width: 50%;">Due December 15, 2015</td> </tr> <tr> <td>October 31, 2014</td> <td>Due December 15, 2015</td> </tr> <tr> <td>November 30, 2014</td> <td>Due December 15, 2015</td> </tr> <tr> <td>December 31, 2014</td> <td>Due December 15, 2015</td> </tr> <tr> <td>January 31, 2015</td> <td>Due December 15, 2015</td> </tr> <tr> <td>February 28, 2015</td> <td>Due December 15, 2015</td> </tr> <tr> <td>March 31, 2015</td> <td>Due December 15, 2015</td> </tr> <tr> <td>April 30, 2015</td> <td>Due December 15, 2015</td> </tr> <tr> <td>May 31, 2015</td> <td>Due December 15, 2015</td> </tr> <tr> <td>June 30, 2015</td> <td>Due December 15, 2015</td> </tr> <tr> <td>July 31, 2015</td> <td>Due December 15, 2015</td> </tr> <tr> <td>August 31, 2015</td> <td>Due December 15, 2015</td> </tr> <tr> <td>September 30, 2015</td> <td>Due December 15, 2015</td> </tr> <tr> <td>October 31, 2015</td> <td>Due December 15, 2015</td> </tr> </table>	September 30, 2014	Due December 15, 2015	October 31, 2014	Due December 15, 2015	November 30, 2014	Due December 15, 2015	December 31, 2014	Due December 15, 2015	January 31, 2015	Due December 15, 2015	February 28, 2015	Due December 15, 2015	March 31, 2015	Due December 15, 2015	April 30, 2015	Due December 15, 2015	May 31, 2015	Due December 15, 2015	June 30, 2015	Due December 15, 2015	July 31, 2015	Due December 15, 2015	August 31, 2015	Due December 15, 2015	September 30, 2015	Due December 15, 2015	October 31, 2015	Due December 15, 2015
September 30, 2014	Due December 15, 2015																												
October 31, 2014	Due December 15, 2015																												
November 30, 2014	Due December 15, 2015																												
December 31, 2014	Due December 15, 2015																												
January 31, 2015	Due December 15, 2015																												
February 28, 2015	Due December 15, 2015																												
March 31, 2015	Due December 15, 2015																												
April 30, 2015	Due December 15, 2015																												
May 31, 2015	Due December 15, 2015																												
June 30, 2015	Due December 15, 2015																												
July 31, 2015	Due December 15, 2015																												
August 31, 2015	Due December 15, 2015																												
September 30, 2015	Due December 15, 2015																												
October 31, 2015	Due December 15, 2015																												
<b>LROs' Interim Report/Second Payment Requests</b> due to <u>Local Board</u>  <b>LROs' Interim Report/Second Payment Requests</b> due to <u>National Board</u>	Not later than <b>June 30, 2015</b>  Not later than <b>July 15, 2015</b>																												
<b>EFT enrollment</b> form for <u>new</u> LROs	Newly funded LROs must sign up for EFT not later than <b>May 31, 2015</b>																												
<b>Adding a new LRO</b>	If an LRO has NOT previously been funded in the current phase, it may not be added for funding after <b>May 31, 2015</b> .  (This also applies when reallocating funds.)																												
<b>Local Board's Reallocation Requests</b> of funds due to the <u>National Board</u>	Not later than <b>May 31, 2015</b>																												

EFSP website address: [www.efsp.unitedway.org](http://www.efsp.unitedway.org)



# EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM



## PHASE 32 ADDENDUM TO THE PHASE 30 MANUAL AND PHASE 31 ADDENDUM

**Emergency Food and Shelter National Board Program**  
**701 North Fairfax Street, Suite 310**  
**Alexandria, Virginia 22314-2064**  
**(703) 706-9660 - phone**  
**(703) 706-9677 - fax**  
[www.efsp.unitedway.org](http://www.efsp.unitedway.org)

**Catalog of Federal Domestic Assistance (CFDA) No. 97.024**

*The Phase 30 EFSP Manual is being used for Phase 32 along with this Phase 32 Addendum as well as the Phase 31 Addendum. The Phase 32 Addendum to the Phase 30 Responsibilities and Requirements Manual and Phase 31 Addendum contains changes from the original manual and previous addendum issued and published on the Emergency Food and Shelter Program (EFSP) website to guide implementation of the EFSP.* This addendum must be carefully studied along with the Phase 30 EFSP Manual and Phase 31 Addendum prior to administering the program, giving any information to the public, or making any grant award. Questions or matters of interpretation must be referred to the National Board staff.

The addendums and manual are intended for use by Local Boards and Local Recipient Organizations administering and providing services under the Emergency Food and Shelter National Board Program. The addendums and manual are not intended for individuals seeking services.

*For information on other Federal programs to help homeless people, including programs funded under the McKinney-Vento Homeless Assistance Act, contact the U.S. Interagency Council on Homelessness, Federal Center SW Building 409 Third Street, SW, Suite 310, Washington, DC 20024, (202) 708-4663.*

This publication was produced with administrative funds provided under the Emergency Food and Shelter National Board Program grant which was awarded to the National Board by the U.S. Department of Homeland Security's Federal Emergency Management Agency. While DHS/FEMA supports the Emergency Food and Shelter National Board Program, the statements in this publication do not necessarily reflect DHS/FEMA's views.

# NATIONAL BOARD MEMBERS

**Randall D. Kinder, Chair**

**Federal Emergency Management Agency**

**U.S. Department of Homeland Security  
Acting Chief, Community Services and Voluntary  
Agency Coordination Branch  
Individual Assistance Division  
Recovery Directorate  
500 C Street, SW, Suite 622  
Washington, DC 20472**

**Dawn P. Latham**

**American Red Cross**

**Director, Government Relations  
431 18<sup>th</sup> Street  
Washington, DC 20006**

**Brian Corbin**

**Catholic Charities USA**

**Senior Vice President for Social Policy  
2050 Ballenger Avenue  
Suite 400  
Alexandria, VA 22314**

**Lindsey Copeland**

**National Council of the Churches  
of Christ in the USA**

**Director of Public Policy and Advocacy  
Lutheran Services in America  
100 Maryland Avenue, NE  
Suite 500  
Washington, DC 20002**

**William Daroff**

**The Jewish Federations  
of North America**

**Senior Vice President for Public Policy  
and Director of the Washington Office  
1720 I Street NW, 8<sup>th</sup> Floor  
Washington, DC 20006**

**Ardis Fuge, Lt. Colonel**

**The Salvation Army**

**National Social Services Secretary  
615 Slaters Lane  
Post Office Box 269  
Alexandria, VA 22313**

**Marci Young**

**United Way Worldwide**

**Vice President of Education, Income,  
and Health Strategy & Partnerships  
701 North Fairfax Street  
Alexandria, VA 22314-2045**

# PHASE 30 RESPONSIBILITIES AND REQUIREMENTS MANUAL

## **PHASE 32 ADDENDUM**

The National Board of the Emergency Food and Shelter Program (EFSP) recently approved changes to the Phase 30 Responsibilities and Requirements Manual published on the EFSP website. **The Phase 30 EFSP Manual is being used for Phase 32 along with the Phase 31 Addendum and this Phase 32 Addendum.** These program changes were required for Federal grant administration purposes. The required program changes are provided in this addendum with citations to the appropriate pages in the Phase 30 Manual. Please keep these changes with your copy of the manual and ensure they are implemented for Phase 32, as required.

### **REPORTING FRAUD, THEFT AND CRIMINAL ACTIVITY**

The email address to contact the Department of Homeland Security Office of the Inspector General (DHS/OIG) is [www.oig.dhs.gov](http://www.oig.dhs.gov). The OIG's preferred method for reporting fraud is to submit their online allegation form from their website ([www.oig.dhs.gov](http://www.oig.dhs.gov)). The address for mailing information is:

DHS Office of Inspector General/MAIL STOP 0305  
Attn: Office of Integrity & Quality Oversight - Hotline  
245 Murray Lane SW  
Washington, DC 20528-0305

**Pages 26, 28-29 and 48 – new email address for the Department of Homeland Security Office of Inspector General (DHS/OIG) to report fraud.**

### **GRANT AGREEMENT ARTICLES, FINANCIAL TERMS AND CONDITIONS, AND OTHER TERMS AND CONDITIONS**

**Pages 39 - 53 - Grant Agreement Articles, Financial Terms and Conditions, and Other Terms and Conditions - This section has been amended and should be replaced with the following amended section.**

Pages 5 - 23 of the Phase 32 Addendum replaces pages 39 - 53 of the Phase 30 Manual as well as pages 40 - 53 of the Phase 31 Addendum for use in Phase 32.



**GRANT AGREEMENT ARTICLES  
FINANCIAL TERMS AND CONDITIONS  
OTHER TERMS AND CONDITIONS**

**PAGES  
5 - 23**

The Emergency Food and Shelter National Board Program (EFSP) is a restricted federal grant. All federal grants have terms and conditions that apply to **ALL** parties participating in the grant. For the EFSP, all parties mean the National Board which is considered the *Recipient (formerly Grantee)*, State Set-Aside Committees (SSAs), Local Boards, and Local Recipient Organizations (LROs) that are considered the *Sub-Recipients*. This section of the EFSP Responsibilities and Requirements Manual (EFSP Manual) provides guidance related to the Grant Agreement Articles, Financial Terms and Conditions, and Other Terms and Conditions of the grant. The EFSP Certification Forms for all parties contain statements that incorporate the Grant Agreement Articles, Financial Terms and Conditions, and Other Terms and Conditions. All parties must ensure their understanding of this section of the EFSP Manual and the statements on the Certification Forms being signed, as they are agreeing to specific program requirements mandated by the Federal government, including those that do not appear to apply to the types of programs and activities eligible under the EFSP. While some of the articles do not appear to be consistent with the types of programs and activities funded under the EFSP and some state recipient but not sub-recipient, all of the Grant Agreement Articles, Financial Terms and Conditions, and Other Terms and Conditions must be passed on to all parties participating in the EFSP. ***All parties will be held accountable for complying with the provisions of the grant as well as full compliance with applicable requirements of all other Federal laws, Executive Orders, regulations, and policies governing this program including those not specifically stated in this Manual, the Phase 31 Addendum and the accompanying Phase 32 Addendum.***

Most SSAs and Local Boards do not receive funds (except administrative funds where they are considered to be an LRO and therefore a *Sub-Recipient*), these parties participating in the EFSP have responsibility for ensuring compliance in their selection of jurisdictions and/or LROs for funding and adhering to all EFSP requirements, including the Grant Agreement Articles, Financial Terms and Conditions, and Other Terms and Conditions. SSAs, Local Boards, and LROs should familiarize themselves with all of the specific citations noted in the Manual.

## **GRANT AGREEMENT ARTICLES**

### **Article I Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including change to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GPD Call Center at (866) 927-5646 or via email to [ASK-GMD@dhs.gov](mailto:ASK-GMD@dhs.gov) if you have any questions.

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. Should there be changes to the award, the EFSP National Board will communicate changes (as necessary) to State Set-Aside Committees, Local Boards and LROs. Item 2 (Amendments) under Financial Terms and Conditions also speaks to this Grant Agreement Article.

### **Article II Acknowledgement of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. The use of the Sample Advertisement in the EFSP Manual complies with this Grant Agreement Article for advertising purposes only. If the Sample Advertisement is not used, the Acknowledgement of Federal Funding from DHS

***Phase 32 Addendum  
To the Phase 30 Manual Also Used for Phase 32***

must be included in the advertisement made by the Local Board. Please note: this acknowledgement is not just for the advertisement.

**Article III      Activities Conducted Abroad**

All recipients must ensure the project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

**Article IV      Age Discrimination Act of 1975**

All recipients must comply with the requirements of the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” and the Client Eligibility sections in the EFSP Manual speak to this Grant Agreement Article.

**Article V      Americans with Disabilities Action of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101 – 12213).

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” and the Client Eligibility sections in the EFSP Manual speak to this Grant Agreement Article.

**Article VI      Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share the PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_guidance\\_june2010.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf)  
[http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_template.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_template.pdf).

*EFSP Applicability:* This applies to all State Set-Aside Committees, Local Boards and LROs. In order to meet the documentation requirements of the EFSP in certain program categories, it is necessary to obtain, retain, and provide, if requested, PII for clients served with EFSP funding. Additionally, there must be a system in place to ensure there is no duplication of service in the specific categories of rent/mortgage and utility assistance which may require the sharing of PII for this purpose. The National Board does not require and does not expect to receive PII beyond what is noted in the EFSP Documentation Requirements as stated in the Manual. Items that should not be submitted to EFSP as documentation include, but are not limited, to driver’s licenses, Social Security Numbers or cards, pay stubs, etc.

**Article VII**      **Civil Rights Act of 1968**

All recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in building with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 CFR § 100.201).

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” and the Client Eligibility sections in the EFSP Manual speak to this Grant Agreement Article.

**Article VIII**      **Copyright**

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

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. With the exception of the administrative allowance, there are no allowable activities that can be funded regarding materials that would be copyrighted with EFSP funds. Any necessary materials for use in the EFSP would not generally be copyrighted. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

**Article IX**      **Debarment and Suspension**

[Executive Orders 12549](#) and [12689](#) provide protection against waste, fraud and abuse by debarring or suspending those persons/agencies deemed irresponsible in their dealings with the Federal government. The recipient agency must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see [2 CFR Part §3000](#). \*See also Appendix B. Certifications and Assurances\*

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Is not debarred or suspended from receiving Federal funds” and the Financial Terms and Conditions sections in the EFSP Manual speak to this requirement.

**Article X**      **Drug-Free Workplace Regulations**

All recipients of financial assistance will comply with the requirements of the Drug-Free Workplace Act of 1988 ([41 U.S.C. § 701 et seq.](#)), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at [2 CFR 3001](#).

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs.

**Article XI Duplication of Benefits**

There may not be a duplication of any Federal assistance by governmental entities, per [2 CFR Part §225](#), basic Guidelines Section C(c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per [2 CFR Parts §220 and §230](#) and [48 CFR Part §31.2](#).

*EFSP Applicability:* This applies to all State Set-Aside Committees, Local Boards and LROs. EFSP is not intended to make up for budget shortfalls or to be considered a line item in an annual budget. EFSP is non-disaster, supplemental funding. Expenditures charged in full to the EFSP grant may not also be charged to other awards/grants; nor may expenditures paid for with EFSP funding be charged to other awards/grants. The statements contained in the Certification Forms – “Will use funds to supplement/extend existing resources and not to substitute or reimburse ongoing programs and services” and “Will expend monies only on EFSP eligible costs” as well as the Costs Eligibility sections of the EFSP Manual speak to this requirement.

**Article XII False Claims Act and Program Fraud Civil Remedies**

All recipients of financial assistance will comply with the requirements of [31 U.S.C. § 3729](#) which sets forth that no recipient of Federal payments shall submit a false claim for payment. Further, [38 U.S.C. § 3801 – 3812](#) contains administrative remedies for false claims and statements made.

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. Generally, this act provides for criminal penalties if false claims are filed.

**Article XIII Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424, item number 17 for additional information and guidance.

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs.

**Article XIV Fly America Act of 1974**

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

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. With the exception of the administrative allowance, there are no allowable activities that can be funded regarding air travel with EFSP funds. Any necessary air travel would be limited to travel necessary for the administration of the EFSP and would not include international travel. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

**Article XV Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, [15 U.S.C. §2225\(a\)](#), the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, [15 U.S.C. §2225](#).

***Phase 32 Addendum***  
***To the Phase 30 Manual Also Used for Phase 32***

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. Should SSAs, Local Boards, or LROs conduct conferences, meetings, or trainings for EFSP using any administrative funding from the EFSP, they must comply with this requirement.

***Article XVI Incorporation by Reference of Funding Opportunity Announcement***

The Funding Opportunity Announcement for this program is hereby incorporated into your award agreement by reference. By accepting this award, the recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained in the Funding Opportunity Announcement.

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article. Should SSAs, Local Boards, or LROs conduct conferences, meetings, or trainings for EFSP using any administrative funding from the EFSP, they must comply with this requirement.

***Article XVII Limited English Proficiency***

All recipients of financial assistance will comply with the requirements of Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding LEP obligations, go to <http://www.lep.gov>.

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” and the Client Eligibility sections in the EFSP Manual speak to this Grant Agreement Article.

***Article XVIII Lobby Prohibitions***

None of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement. These lobbying prohibitions can be found at [31 U.S.C. § 1352](#). \*See also Appendix B, Certifications and Assurances\*

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Will not use EFSP funding for any lobbying activities and if receiving \$100,000, or more, will provide the “Certification Regarding Lobbying” and, if applicable, will complete Standard Form LLL, “Disclosure Form to Report Lobbying”, in advance with its instructions. The “Lobbying Prohibition and Reporting Requirements” sections in the EFSP Manual also speak to this Grant Agreement Article.

***Article XIX Non-Supplanting Requirement***

Grant funds will not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Applicants or grantees may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

*EFSP Applicability:* This applies to all State Set-Aside Committees, Local Boards and LROs. EFSP is not intended to make up for budget shortfalls or to be considered a line item in an annual budget. EFSP is non-disaster, supplemental funding. The Preamble and the statement contained in the Certification Forms – “Will

***Phase 32 Addendum***  
***To the Phase 30 Manual Also Used for Phase 32***

*use funds to supplement/extend existing resources and not to substitute or reimburse ongoing programs and services” speak to this requirement.*

***Article XX      Rehabilitation Act of 1973***

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

*EFSP Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds] and the Client Eligibility sections in the EFSP Manual speak to this Grant Agreement Article.*

***Article XXI      SAFECOM***

Recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communications Grants, including provisions on technical standards that ensure and enhance interoperable communications.

*EFSP Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. With the exception of the administrative allowance, there are no allowable activities that can be funded regarding communication equipment. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.*

***Article XXII      Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)***

All recipients of financial assistance will comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part 19.

*EFSP Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” and the Client Eligibility sections in the EFSP Manual speak to this Grant Agreement Article.*

***Article XXIII      Title VI of the Civil Rights Act of 1964***

All recipients of financial assistance will comply with the requirements of Title VI of the Civil Rights Act of 1964 ([42 U.S.C. § 2000d et seq.](#)), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

*EFSP Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” and the Client Eligibility sections in the EFSP Manual speak to this Grant Agreement Article.*

**Article XXIV Trafficking Victims Protection Act of 2000**

All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended ([22 U.S.C. § 7104](#)), located at [2 CFR Part 175](#). This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a sub-recipient — (a) Engages in severe forms of trafficking in persons during the period of time that the award is in effect; (b) Procures a commercial sex act during the period of time that the award is in effect; or (c) Uses forced labor in the performance of the award or sub-awards under the award. Full text of the award term is provided at [2 CFR § 175.15](#).

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

**Article XXV USA Patriot Act of 2001**

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

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

**Article XXVI Use of DHS Seal, Logo and Flags**

All recipients of financial assistance must obtain DHS’s approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. The use of any organization’s marks, including those of DHS, must be approved through proper channels. EFSP does not approve the use of the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials including those of the Federal Emergency Management Agency (FEMA) or those of any other National Board member agency. SSAs, Local Boards or LROs wishing to use any marks of any of these organizations must secure the individual agency’s permission. Bank accounts used by agencies funded under the EFSP should be set up in the individual agency’s name, not as FEMA.

**Article XXVII Reporting Subawards and Executive Compensation**

A. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph d. of this term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).
2. Where and when to report.
  - a. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsr.gov>.

*Phase 32 Addendum*  
*To the Phase 30 Manual Also Used for Phase 32*

- b. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
  3. What to report. You must report the information about each obligating action in accordance with the submission instructions posted at <http://www.fsr.gov> specify.
- B. Reporting Total Compensation of Recipient Executives
  1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding fiscal year, if-
    - a. the total Federal funding authorized to date under this award is \$25,000 or more;
    - b. in the preceding fiscal year, you received –
      - i. 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
      - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - c. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or (15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sc.gov/answers/execomp.htm>.)
  2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:
    - a. As part of your registration profile at <http://www.sam.gov>
    - b. By the end of the month following the month in which this award is made, and annually thereafter.
- C. Reporting of Total Compensation and Subrecipient Executives.
  1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if-
    - a. In the subrecipient's preceding fiscal year, the subrecipient received-
      - i. 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
      - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - b. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or (15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sc.gov/answers/execomp.htm>.)
  2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:
    - a. To the recipient.
    - b. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
- D. Exemptions
  1. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
    - a. Subawards, and
    - b. The total compensation of the five most highly compensated executives of any subrecipient.
- E. Definitions. For purposes of this award term:

***Phase 32 Addendum***  
***To the Phase 30 Manual Also Used for Phase 32***

1. Entity means all of the following, as defined in 2 CFR § 25.320:
  - a. A Governmental organization, which is a State, local government, or Indian tribe;
  - b. A foreign public entity;
  - c. A domestic or foreign nonprofit organization
  - d. A domestic or foreign for-profit organization;
  - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
2. Executive means officers, managing partners, or any other employees in management positions, as defined in 2 CFR § 170.315.
3. Subaward, as defined in 2 CFR § 170.325:
  - a. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. \_\_\_\_210 of the attachment to OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations”).
  - b. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
4. Subrecipient, as defined in 2 CFR § 25.360, means an entity that:
  - a. Receives a subaward from you (the recipient) under this award; and
  - b. Is accountable to you for the use of the Federal funds provided by the subaward.
5. Total compensation, as defined in 2 CFR § 170.330 means the cash and noncash dollar value earned by the executive during the recipient’s or subrecipient’s preceding fiscal year and includes the following (for more information see 17 CFR 229.40(c)(2)):
  - a. Salary and bonus
  - b. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - c. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
  - d. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
  - e. Above-market earnings on deferred compensation which is not tax-qualified.
  - f. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

*EFSP Applicability: This article applies to the Grantee (National Board) and all State Set-Aside Committees, Local Boards and LROs. As information received from State Set-Aside Committees, Local Boards and LROs are necessary components of the required reports, the statements contained in the Certification Forms regarding the DUNS number, Federal Employer Identification Number (FEIN), and reporting requirements also speak to this Grant Agreement Article.*

**Article XXVIII Quarterly Reallocation Report**

Grantee must ensure that their quarterly financial reporting provides the total amount of returned funds from Local Recipient Organizations for redistribution by the Board, detailed by grant year according to the year of the original award.

*EFSP Applicability: This article applies to the Grantee (National Board).*

**Article XXIX Assurances, Administrative Requirements and Cost Principles**

- a. Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances – Non-Construction Programs. Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify to additional assurances. Please contact the program awarding office if you have any questions.

The administrative requirements that apply to DHS award recipients originate from two sources:

***Phase 32 Addendum  
To the Phase 30 Manual Also Used for Phase 32***

- [Office of Management and Budget \(OMB\) Circular A-102](#), Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (also known as the “A-102 Common Rule”). These A-102 requirements are also located within DHS regulations at [Title 44, Code of Federal Regulations \(CFR\) Part 13](#).
  - [OMB Circular A-110](#), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, relocated to [2 CFR Part 215](#).
- b. The cost principles that apply to DHS award recipients through a grant or cooperative agreement originate from one of the following sources:
- [OMB Circular A-21, Cost Principles for Educational Institutions, relocated to 2 CFR Part 220](#)
  - [OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, relocated to 2 CFR Part 225](#)
  - [OMB Circular A-122, Cost Principles for Non-Profit Organizations Relocated to 2 CFR, Part 230](#)

The audit requirements for State, Local and Tribal recipients of DHS awards originate from:

- [OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations](#).

*EFSP Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statements contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” as well as those regarding accounting systems, audits, and other financial matters and the Financial Terms and Conditions and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.*

**Article XXX DHS Specific Acknowledgements and Assurances**

All recipients must acknowledge and agree—and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

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

*EFSP Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The Financial Terms and Conditions of the EFSP Manual speak to items 1 – 4 of this Grant Agreement Article.*

## FINANCIAL TERMS AND CONDITIONS

The National Board requires all participants to meet the requirements stated in this manual regarding program compliance, reporting, documentation and submission of documentation.

1) **Definitions**

- a) “Jurisdiction” refers to the city, county or combination receiving funds through EFSP.
- b) “Local Recipient Organization” or “LRO” refers to the local private or public agency that will receive any award of funds from the National Board.
- c) “Award” refers to the award of funds made by the National Board to a local private or public agency on the recommendation of a Local Board.
- d) “End-of-program” refers to the jurisdiction’s end date, as agreed by Local and National Board, by which all monies must be spent or returned to the National Board.
- e) “Begin Date” is the date LROs may begin expending funds.
- f) “End date” is the date by which all funds must be expended or returned to the National Board.

2) **Amendments**

An award may be amended at any time by a written modification. Amendments, which reflect the rights and obligations of either party, shall be executed by both the National Board and the LRO. *Administrative amendments such as changes in accounting data may be issued unilaterally by the National Board.*

3) **Local Board Authority Related to Local Recipient Organizations**

The Local Board is responsible for monitoring expenditures of LROs receiving EFSP funds; authorizing the adjustment of funds between EFSP funded services; and, reallocating funds from one LRO to another.

Local Boards may not alter or change National Board cost eligibility or approve expenditures outside of the National Board’s criteria without National Board permission. Local Boards may not alter or change the National Board’s documentation requirements.

A Local Board can recall an award to an LRO and reallocate to another LRO in the case of gross negligence, inadequate use of funds, failure to use funds, failure to use funds for purposes intended, for any other violation of the National Board guidelines, or in cases of critical need in the community. **The Local Board must advise, in writing, all concerned LROs of any reallocation of their original award.**

**In the event the Local Board discovers ineligible expenditures by an LRO, the Local Board must send to the LRO a written request for reimbursement of the amount.** The National Board must also be notified. If the LRO is unwilling or unable to reimburse the National Board for the ineligible expenditure, the Local Board must refer the matter to the National Board. The National Board may ask the Local Board to take further action to see that reimbursement of **ineligible** expenditures is made to the National Board, or the National Board may refer the matter to FEMA.

**If the Local Board suspects that fraud has been committed by an LRO, the Local Board must contact the DHS/Office of Inspector General with details of the suspected fraud or misuse of Federal funds by telephone at (800 323-8603), or by writing: the U.S. Department of Homeland Security (DHS) Office of Inspector General, Attention: Office of Investigations Hotline, 245 Murray Drive SW, Building 410/Mail Stop 2600, Washington, DC 20528. Fax: 202-254-4297. See [pages 28-29](#) for more details.**

If an LRO received an award under previous phases (Public Laws 98-8, 98-151 and 98-181, 98-396, 99-88 and 99-160, 99-500 and 100-6, 100-71 and 100-120, 100-404 and 101-45, 101-100, 101-467, 102-139, 102-

***Phase 32 Addendum***  
***To the Phase 30 Manual Also Used for Phase 32***

389, 103-124, 103-327, 104-91 and 104-134, 104-204, 105-65, 105-276, 106-74, 106-377, 107-73, 107-294 and 108-7, 108-90, 108-334, 109-90, 109-295, 110-161, 110-329 and 111-5, 111-83, 112-10 or 112-74), it must not include those funds in any reporting for the current award. Reports should be confined to the amount granted by the National Board under the new appropriations legislation (Public Law 113-6).

**4) Cash Depositories**

- a) Any money advanced to the LRO under the terms of this award must be deposited in a checking account in a bank with Federal Deposit Insurance Corporation (FDIC) or Federal Savings & Loan Insurance Corporation (FSLIC) insurance coverage (whose responsibility has been taken over by FDIC), and the balance exceeding the FDIC or FSLIC coverage must be collaterally secured. Interest income earned on these funds must be put back into eligible program costs, not administration.
- b) LROs are encouraged to use minority-owned banks (a bank that is owned at least 51 percent by minority group members). This is consistent with the national goal of expanding the opportunities for minority business enterprises. A list of minority-owned banks can be obtained at the addresses below.
  - i) [www.federalreserve.gov/releases/mob/current/default.htm](http://www.federalreserve.gov/releases/mob/current/default.htm)
  - ii) [www.fdic.gov/regulations/resources/minority/MDI.html](http://www.fdic.gov/regulations/resources/minority/MDI.html)

**5) Retention and Custodial Requirements for Records**

- a) Financial records, supporting documentation, statistical records, and all other records pertinent to the award shall be retained by the LRO for a period of three years from the end-of-program date with the following exceptions: See [Annex 13, page 86](#).
  - i) If any litigation, claim, program compliance review, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, program compliance problems, or audit findings involving the records have been resolved.
  - ii) Records for non-expendable property, if any, acquired in part with EFSP funds shall be retained for three years after submission of the final financial report (Final Report). Non-expendable property is defined as tangible property having a useful life of more than one year and an acquisition cost of more than \$300 per unit.
- b) The retention period starts from the date of the submission by the LRO of the final expenditure report (Final Report).
- c) The National Board may request transfer of certain records to its custody from the LRO when it determines that the records possess long-term retention value. The LRO shall make such transfers as requested.
- d) The Director of FEMA, the Comptroller General of the United States, and the National Board, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the LRO, and its sub grantees, to make audits, examinations, excerpts, and transcripts.

**6) Financial Management Systems**

The LRO/Fiscal Agent or Fiscal Conduit shall maintain a financial management system that provides for the following:

- a) Accurate, current and complete disclosures of the financial results of this program.
- b) Records that identify adequately the source and application of funds for federally supported activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, non-obligated balances, assets, outlays, and incomes.
- c) Effective control over and accountability for all funds, property, and other assets.
- d) Procedures for determining eligibility of costs in accordance with this manual.
- e) Accounting records that are supported by source documentation. The LRO must maintain and retain a register of cash receipts and disbursements and original supporting documentation such as purchase

*Phase 32 Addendum*  
*To the Phase 30 Manual Also Used for Phase 32*

orders, invoices, canceled checks or documentation for other acceptable payment methods, sign-in logs and any other documentation that is necessary to support their costs under the program.

- f) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.
- g) In cases where more than one civil jurisdiction (e.g., a city and a balance of county, or several counties) recommends awards to the same LRO, the LRO can combine these funds in a single account. However, separate program records for each civil jurisdiction award must be kept.

7) **Audit Requirements**

If receiving \$50,000 or more in EFSP funds, the LRO will be eligible to receive the funds if it arranges for an independent audit of funds to coincide with the next scheduled annual audit of its financial affairs. If receiving \$25,000 to \$49,999 in EFSP funds, the LRO will be eligible to receive the funds if it arranges for an annual accountant's review of funds to coincide with the next scheduled annual review of its financial affairs. An original copy of this audit or review will be provided to the National Board upon request. **It is not necessary to have a separate, independent audit/review for this award so long as program funds are treated as a separate element in the LRO's regular annual audit/review.** If the LRO does not have a certified annual audit/review, that audit/review must be provided by a Local Board designated Fiscal Agent for the LRO willing to account for the funds. **The audit submitted must be from the current year or one year prior. See Annex 12, page 85.**

All EFSP funded LROs (both governmental and not-for-profit) that expend \$500,000 or more in Federal funds must comply with the [OMB Circular A-133](#), Audits of States, Local Government, and Nonprofit Organizations, which requires a single organization-wide audit. This \$500,000 could be exclusively EFSP funds or a combination of EFSP and other Federal funds that an agency might be receiving. **Note: A copy of the audit report must be forwarded to the National Board annually along with the regular audit. EFSP funds must be clearly identified by ID number in the audit/review and Schedule of Federal Awards.**

Audits of units of government shall be made annually unless the state or local government had, by January 1, 1987, a constitutional or statutory requirement for less frequent audits. **LROs receiving funds in a single or multiple jurisdictions must identify each award individually by their LRO ID number in each jurisdiction under the Pass-Through Grantors Number on the Schedule of Expenditures of Federal Awards.**

8) **Payment**

A first payment shall be made to the LRO upon recommendation of the Local Board and approval by the National Board. Second payment requests include an interim report to be submitted and signed by each LRO. The request is also signed by the Local Board chair, and submitted to the National Board. For each LRO funded in the previous phase, second installments will be held until the jurisdiction's final Local Board report and documentation for the previous year has been reviewed and found to be compliant.

9) **Financial Reporting Requirements**

The National Board shall provide the LRO, through the Local Board, with the necessary reporting requirements in advance of report deadlines.

LROs shall submit their final report to the Local Board that will then be forwarded to the National Board approximately 45 days after the jurisdiction's program ending date or the date designated by the National Board.

10) **Closeout**

The following definitions shall apply:

- a) "Closeout" is the process by which the National Board determines that all applicable administrative actions and all required work of the award have been completed.

*Phase 32 Addendum*  
*To the Phase 30 Manual Also Used for Phase 32*

- b) “Disallowed costs” are those charges that the National Board determined to be unallowable in accordance with the legislation, National Board requirements and applicable Federal cost principles or other conditions contained in the award. The applicable cost principles for Private Voluntary Organizations are contained in [OMB Circular A-122](#), “Cost Principles Applicable for Nonprofit Agencies,” and [OMB Circular A-110](#), “Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations”. The applicable cost principles for Public Organizations are contained in [OMB Circular A-87](#), “Cost Principles for State Agencies and Units of Local Governments”. If you are unsure of where to find these circulars check with your local Congressional Representative, contact the National Board staff, or visit the Office of Management and Budget’s website: [www.omb.gov](http://www.omb.gov).

**11) Suspension and Termination Procedures**

The following definitions shall apply:

- a) Termination – termination of this award means the cancellation of EFSP assistance, in whole or in part, under the award at any time prior to the date of completion.
- b) Suspension – the suspension of this award is an action by the Local Board or National Board that temporarily suspends EFSP assistance under the award pending corrective action by the LRO or pending a decision by the National Board to terminate the award.
- c) Local Board Authority – authority to suspend/reallocate all or a portion of an LRO’s award at its discretion for any cause (i.e., inability to deliver services, suspected fraud, violation of eligible costs, changing need in the community, etc.).

**12) Lobbying**

Pursuant to [31 U.S.C. §1352](#), an LRO is prohibited from using federally appropriated grant funds for lobbying activities. This condition bars the use of Federal money for political activities, but does not in any way restrict lobbying or political activities paid for with non-Federal funds. This condition prohibits the use of Federal grant funds for the following activities:

- Federal, state or local electioneering and support of such entities as campaign organizations and political action committees;
- Direct lobbying of the Congress and State Legislatures to influence legislation;
- Grassroots lobbying concerning either Federal or state legislation;
- Lobbying of the Executive Branch in connection with decisions to sign or veto enrolled legislation; and,
- Efforts to utilize state or local officials to lobby the Congressional or State Legislatures.

Any LRO that will receive more than \$100,000 in EFSP funds is required to submit:

- a certification form that EFSP funds will not be used for lobbying activities; and,
- a disclosure of lobbying activities (if applicable).

This certification and disclosure must be submitted prior to grant payment. See [Annex 5, page 77](#) for certification and disclosure forms.

**13) Debarment and Suspension Regarding Funding**

Pursuant to Executive Order 12549, Debarment and Suspension, all LROs, including Fiscal Agents, Fiscal Conduits, and agencies benefiting from EFSP funding under the Fiscal Conduit, must certify that they have not been debarred or suspended from receiving funds from or doing business with the Federal government. Each LRO will make this certification by signing the LRO certification form which states the requirement. Each Local Board must certify they have received from the LRO Certification Form from the LRO which state the requirements. Additionally, the Local Board will return each LRO Certification Form with the Local Board Plan.

## OTHER TERMS AND CONDITIONS

### **Animal Welfare Act of 1966**

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

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. There are no allowable activities that can be funded regarding animals with EFSP funds. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

### **Clean Air Act of 1970 and Clean Water Act of 1977**

All recipients of financial assistance will comply with the requirements of [42 U.S.C. § 7401 et seq.](#) and [Executive Order 11738](#), which provides for the protection and enhancement of the quality of the nation’s air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation’s waters is considered research for other purposes.

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

### **Coastal Wetlands Planning, Protection, and Restoration Act of 1990**

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

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

**Flood Disaster Protection Act of 1973**

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

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

**Hatch Act**

The Hatch Act restricts the political activity of individuals principally employed by state or local executive agencies and who work in connection with programs financed in whole or in part by Federal loans or grants. All recipients of financial assistance will comply with the regulations, as applicable, to States and Local Governments, of the Hatch Act, [5 U.S.C. § 1501 – 1508](#), as amended.

*EFSP Applicability:* This applies to all State Set-Aside Committees, Local Boards and LROs (both governmental and non-profit). These entities are responsible for determining the applicability of this requirement to the employees of their agency/organization as this requirement is fact-dependent and needs to be compared to the work of the individual employee.

**Intergovernmental Personnel Act of 1970**

Will comply with the Intergovernmental Personnel Act of 1970 ([42 U.S.C. §§4728 – 4763](#)) relating to prescribed standards for merit systems for programs funded under one the 19 statutes or regulations specified in Appendix A of OPM’s Standards for a Merit System of Personnel Administration ([5 C.F.R. 900, Subpart F](#)).

*EFSP Applicability:* This applies to all State Set-Aside Committees, Local Boards and LROs. These entities are responsible for determining the applicability of this requirement to their agency/organization.

**Lead-Based Paint Poisoning Prevention Act**

Will comply with the Lead-Based Paint Poisoning Prevention Act ([42 U.S.C. §§4801 et seq.](#)) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

*EFSP Applicability:* This applies to all State Set-Aside Committees, Local Boards and LROs. These entities are responsible for determining the applicability of this requirement to their agency/organization.

**National Environmental Policy Act (NEPA) of 1969**

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

***Phase 32 Addendum***  
***To the Phase 30 Manual Also Used for Phase 32***

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

***National Flood Insurance Act of 1968***

All recipients of financial assistance will comply with the requirements of [Section 1306\(c\) of the National Flood Insurance Act](#), as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at [44 CFR Part 63](#).

*EFSP Applicability:* This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.

***National Historic Preservation Act***

Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended ([16 U.S.C. §470](#)), [EO 11593](#) (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 ([U.S.C. §§469a-1 et seq.](#))

*EFSP Applicability:* This applies to all State Set-Aside Committees, Local Boards and LROs. These entities are responsible for determining the applicability of this requirement to their agency/organization.

***Other Discrimination Requirements***

Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to those noted specifically in this Manual and Addendum for Phase 31 including: the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, the requirements of any other nondiscrimination statute(s) which may apply to the application.

*EFSP Applicability:* This applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” and the Client Eligibility sections in the EFSP Manual speak to this Grant Agreement Article.

***Other Environmental Standards***

Will comply with the environmental standards which may be prescribed pursuant to the following: notification of violating facilities pursuant to [EO 11738](#); assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 ([16 U.S.C. §§1451 et seq.](#)); and, protection of endangered species under the Endangered Species Act of 1973, as amended ([P.L. 93-205](#)).

*EFSP Applicability:* This applies to all State Set-Aside Committees, Local Boards and LROs. These entities are responsible for determining the applicability of this requirement to their agency/organization.

**Protection of Human Subjects**

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

*EFSP Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by EFSP, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” and the Costs Eligibility sections of the EFSP Manual speak to this Grant Agreement Article.*

**Safety Standards, Kickbacks, and Wages**

Will comply, as applicable, with the provisions of the Davis-Bacon Act ([40 U.S.C. §§276a to 276a-7](#)), the Copeland Act ([40 U.S.C. §276c](#) and [18 U.S.C. §874](#)), and the Contract Work Hours and Safety Standards Act ([40 U.S.C. §§327 – 333](#)), regarding labor standards for federally-assisted construction subagreements.

*EFSP Applicability: This applies to all State Set-Aside Committees, Local Boards and LROs. These entities are responsible for determining the applicability of this requirement to their agency/organization.*

**Uniform Relocation Assistance and Real Property Acquisition**

Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ([P.L. 91-646](#)) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

*EFSP Applicability: This applies to all State Set-Aside Committees, Local Boards and LROs. These entities are responsible for determining the applicability of this requirement to their agency/organization.*

**Wild and Scenic Rivers Act of 1968.**

Will comply with the Wild and Scenic Rivers Act of 1968 ([U.S.C. §§1271 et seq.](#)) related to protecting components or potential components of the national wild and scenic rivers system.

*EFSP Applicability: This applies to all State Set-Aside Committees, Local Boards and LROs. These entities are responsible for determining the applicability of this requirement to their agency/organization.*

Award = \$143,247

Agency	Service	Amount Requested	People Served	Unit Cost	Food Allocation	Utilities Allocation	Rent/Mortg Allocation	Shelter Allocation	Admin Allocation
					20%	15%	28%	35%	2%
					\$28,650	\$21,487	\$40,109	\$50,136	\$2,865
Catholic Charities	Utilities	\$5,000.00	33	\$151.52		\$4,466			
Center of Hope of S. County	Rent								
	Mortgage	\$20,000.00	8,320	\$2.40			\$0		
	Utilities	\$5,000.00	8,320	\$0.60		\$2,067			
Church of the Palms	Food	\$18,000.00	4,827	\$3.73	\$5,835				
City of North Port Social Services	Rent								
	Mortgage	\$20,000.00	30	\$666.67			\$7,908		
Jewish Family & Children's Service	Utilities	\$5,000.00	100	\$50.00		\$5,632			
	Rent								
	Mortgage	\$15,000.00	20	\$750.00			\$0		
Saint Jude Catholic Church	Food	\$10,000.00	550	\$18.18	\$1,167				
	Rent								
	Mortgage	\$10,000.00	40	\$250.00			\$3,795		
	Utilities	\$10,000.00	200	\$50.00		\$5,049			
Saint Paul Lutheran Church	Food	\$10,000.00	8,000	\$1.25	\$1,942				
Salvation Army Sarasota	Shelter	\$100,712.50	8,057	\$12.50				\$40,109	
	Food	\$34,078.00	8,057	\$4.23	\$9,990				
	Rent								
	Mortgage	\$17,200.00	2,023	\$8.50			\$17,200		
Salvation Army Venice	Food	\$10,000.00	720	\$13.89	\$9,716				
	Rent								
	Mortgage	\$30,000.00	40	\$750.00			\$11,206		
Senior Friendship Centers	Utilities	\$6,000.00	45	\$133.33		\$4,273			
YMCA Children, Youth & Family	Shelter	\$11,462.50	917	\$12.50				\$10,027	
United Way of Sarasota County	Admin	\$2,865.00		N/A					\$2,865
<b>Total Requested</b>					<b>\$340,318.00</b>				
<b>Total Request Per Program</b>						<b>\$28,650</b>	<b>\$21,487</b>	<b>\$40,109</b>	<b>\$50,136</b>
<b>Total Allocated</b>						<b>\$82,078</b>	<b>\$31,000</b>	<b>\$112,200</b>	<b>\$112,175</b>
								<b>\$143,247</b>	

# EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM

## PHASE 32 LOCAL RECIPIENT ORGANIZATION CERTIFICATION

*By signing this Local Recipient Organization (LRO) Certification Form, our agency certifies we have read and understand the Emergency Food and Shelter Program (EFSP) Phase 30 Responsibilities and Requirements Manual and Phases 31 and 32 Addendums, including the Grant Agreement Articles (revised in Phase 32 Addendum), Financial Terms and Conditions, and Other Terms and Conditions as well as the Eligible and Ineligible Costs and Documentation sections and agree to comply with all program requirements. Our agency understands that all parties will be held accountable for complying with the provisions of the grant as well as full compliance with applicable requirements of all other Federal laws, Executive Orders, regulations, and policies governing this program including those not specifically stated in the Manual and the accompanying Phases 31 and 32 Addendums. All appropriate staff and volunteers have been informed of EFSP requirements. The Local Board has been provided and we have retained a copy of this form for our records*

I certify that my public or private agency:

- Has the capability to provide emergency food and/or shelter services.
- Will use funds to supplement/extend existing resources and not to substitute or reimburse ongoing programs and services.
- Is nonprofit or an agency of government.
- Will not use EFSP funds as a cost-match for other Federal funds or programs.
- Has an accounting system, and will pay all vendors by an approved method of payment.
- Understands that cash payments (including petty cash) are not eligible under EFSP.
- Conducts an independent annual review if receiving \$25,000-\$49,999/an independent annual audit if receiving \$50,000 or more in EFSP funds, and an OMB Circular A-133 if receiving \$500,000 or more in Federal funding.
- **Has not received an adverse or no opinion audit.**
- Is not debarred or suspended from receiving Federal funds.
- Has provided a Federal Employer Identification Number (FEIN) to EFSP.
- Has provided a Data Universal Number System (DUNS) number issued by Dun & Bradstreet (D&B) and required associated information to EFSP.
- Practices non-discrimination (agencies with a religious affiliation, will not refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling in any program receiving Federal funds).
- Will not charge a fee to clients for EFSP funded services.
- Has a voluntary board if private, not-for-profit.
- Will provide all required reports to the Local Board in a timely manner; (i.e., Second Payment/Interim Request and Final Reports).
- Will expend monies only on eligible costs and keep complete documentation (copies of canceled LRO checks -- front and back, other proof of payment, invoices, receipts, etc.) on all expenditures for a minimum of three years after end-of-program date, and for compliance issues until resolved.
- Will spend all funds and close-out the program by my jurisdiction's selected end-of-program date and return any unused funds (\$5.00 or more) to the National Board.
- Will provide complete, accurate documentation of expenses to the Local Board, if requested, following my jurisdiction's selected end-of-program date.
- Will not use EFSP funding for any lobbying activities and if receiving \$100,000 or more, will provide the "Certification Regarding Lobbying" and, if applicable, will complete Standard Form LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- Has no known EFSP compliance exceptions in this or any other jurisdiction.

Note: Check this box only if your Local Board has additional requirements beyond those of the National Board. The Local Board must attach a copy of those requirements to the Local Board Plan when submitted to the National Board.

This form must be completed in its entirety. Please do not alter this form; any questions regarding the form should be directed to EFSP staff.

LRO ID (9 digits): \_\_\_\_\_ FEIN#: \_\_\_\_\_ DUNS #: \_\_\_\_\_

LRO Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_