WASHINGTON STATE
FIRE MANAGEMENT ASSISTANCE GRANT

Washington State Military Department

Emergency Management Division

Spromberg Fire, Chelan County May 23, 2017

2017 APPLICANT MANUAL

Fire Management Assistance Grant Agreement (Attachment #4)

Please send all documents to the address below:

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WASHINGTON STATE
FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

I. INTRODUCTION

When a fire or fire complex threatens to cause such destruction that it would constitute a major disaster, federal assistance may be authorized to any state for the mitigation, management, and control of the fire or fire complex that is burning uncontrolled on publicly or privately owned forests or grasslands.

The Fire Management Assistance Grant Program (FMAGP) was established under the Disaster Mitigation Act of 2000, Section 420 of the Stafford Act, 42, U.S.C. 5187. This program was implemented on October 30, 2001.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, authorizes federal financial assistance to help states with the mitigation, management, and control of fires on publicly or privately owned forests or grasslands that could develop into a major disaster. A request by the Governor's Authorized Representative (GAR) or alternate for a Fire Management Assistance Declaration facilitates this assistance.

When evaluating the request for a federal declaration, FEMA considers the threat on lives and improved property, including critical facilities/infrastructure and critical watersheds. FEMA also considers the availability of firefighting resources, the fire danger conditions, and any potential major economic impact. This criterion assists in the determination of whether the fire or fire complex threatens such destruction as would constitute a major disaster.

Upon approval by the Department of Homeland Security's Federal Emergency Management Agency (FEMA), the Fire Management Assistance Declaration provides for the FMAGP to reimburse state governments, federally-recognized tribal governments, and local governmental agencies for fire suppression and emergency protective measures. The amount of financial assistance available depends upon the state meeting or exceeding the fire cost threshold through eligible expenditures for an individual fire, or eligible expenditures on a cumulative basis for the calendar year. The individual fire cost threshold set for the State of Washington for the year 2017 is $480,805.[1] The cumulative fire cost threshold set for the State of Washington for the year 2017 is $1,442,414.00.[2]

The Governor's Authorized Representative (GAR), or alternate, is responsible for program administration. For calendar year 2017, the Emergency Management Division (EMD), Washington Military Department, administers the program as the Recipient.

[1] The individual fire cost threshold for the State is the greater of $100,000 or 5% x $1.41 x the state population, adjusted annually for inflation using the Consumer Price Index for All Urban Consumers published by the Department of Labor.
[2] The cumulative fire cost threshold is the greater of $500,000 or three times the 5% x $1.41 x the state population.

II. ELIGIBILITY

A. Eligible Applicants

Each state must have a formally approved State Mitigation Plan (SMP) to be eligible for FEMA assistance. Washington State has an approved enhanced SMP. State agencies, local governments, and tribal governments are eligible sub-recipients to receive financial assistance under a Fire Management Assistance Declaration. The Incident Commander must request the sub-recipient's resources. Privately owned entities and volunteer firefighting organizations are not eligible sub-recipients, but may be reimbursed through a contract or compact with an eligible sub-recipient for eligible costs associated with the declared fire or fire complex.

B. Cost Principles

All non-Federal entities are required to comply with the Cost Principles and Audit Requirements as outlined in 2 CFR Part 200 Subpart E, Allowable Costs; and the associated, Cost Principles for State and Local Governments.

C. Incident Period

The incident period for a declared fire is usually not determined until the fire is controlled[3]. The FEMA Regional Administrator, in consultation with the Governor's Authorized Representative (GAR) and the Principal Advisor[4] will determine the start and end dates of the incident period. The incident period is considered closed when the fire is controlled. The end of a shift or a workday normally marks the closing of the incident period.

Generally, wildland firefighting costs must be incurred during the incident period of a declared fire to be considered eligible under FMAGP. Several exceptions to this rule exist for costs related to pre-positioning, mobilizing and demobilizing, and temporary work.

D. Eligible Costs

All eligible work and related costs must be associated with the federally approved incident period of a declared fire. The work performed must be the legal responsibility of the sub-recipient, required as a result of the declared fire, and located within the designated area (except for pre-positioning costs).

Eligible costs include those for the following items:

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[3] A fire is controlled when the control line around a fire can reasonably be expected to hold under the foreseeable conditions.

[4] The Principal Advisor is appointed by the U.S. Forest Service or the Bureau of Land Management. This person is responsible for providing FEMA with a technical assessment of a fire or fire complex and is a designated FEMA representative.

1. ***Equipment and Supplies*** (Category H if firefighting – Category B if emergency work)

   a) Personal comfort and safety items normally provided by the state under field conditions for firefighter health and safety.

   b) Firefighting supplies, tools, and materials expended or lost to the extent not covered by reasonable insurance will be replaced with comparable items.

   c) Operation and maintenance costs of publicly owned, contracted, rented, or volunteer firefighting department equipment used in eligible firefighting activities to the extent any of these costs are not included in applicable equipment rates.

   d) Reimbursement for use of U.S. government-owned equipment based on reasonable costs as billed by the federal agency and paid by the state. (Only direct costs for use of Federal Excess Personal Property (FEPP) vehicles and equipment on loan to State Forestry and local cooperators may be eligible.)

   e) Repair of sub-recipient-owned equipment damaged in firefighting activities to the extent not covered by reasonable insurance. Eligible cost of repairs will be based on the lowest applicable equipment rates or other rates as determined by FEMA.

   f) Replacement of sub-recipient-owned equipment lost or destroyed in firefighting activities to the extent not covered by reasonable insurance. Replacement will be with comparable equipment.

   g) Purchase of supplies and equipment that are necessary to respond to the declared fire may be eligible. However, the Recipient or Sub-recipient may be required to compensate FEMA for the fair market value of the cost of the equipment and supplies when the items are no longer needed for the declared fire.

   h) Equipment and supplies required for emergency work activities (Category B). Activities include, but are not limited to, police barricading, traffic controls, and emergency operations center costs.

2. ***Labor*** (Categories B and H)

   a) Overtime for force account permanent or reassigned state, tribal, or local government employees, including firefighters, police, logistical support, and other personnel involved in eligible fire suppression-related activities.

   b) Regular time and overtime for temporary and contract employees hired to perform eligible fire suppression-related activities. (Category H)

   c) Seasonally employed personnel, when covered under existing budgets and used for fire suppression activities during the season of employment, are considered

permanently employed for the purpose of cost eligibility. This means only their overtime salary and benefits would be eligible.

d) Increased portion of overtime costs for regular full-time employees backfilling (one level) for other regular full-time employees within the same entity who are performing eligible fire suppression-related work.

e) Permanent employees who are funded from an external source (e.g. by a grant from a Federal agency, statutorily dedicated funds, or rate-payers) to work on specific tasks not related to a declared fire may be paid for regular-time and overtime for fire suppression-related work.

3. ***Travel and Per Diem*** (Categories B and H)

a) Travel and per diem for all state, tribal, and local government employees who are providing services directly associated with eligible fire-related activities may be eligible. This may include employees and firefighters.

b) Provision of field camps and meals when made available in lieu of per diem.

4. ***Pre-positioning Costs*** (Category H)

a) Pre-positioning federal, out-of-state, and international resources for up to 21 days prior to a fire declaration, when approved by FEMA. Only the pre-positioning costs for the resources actually used on the declared fire are eligible for funding. Standby equipment, or equipment that remained at the staging area, are not eligible for funding.

b) Pre-positioning costs must be approved by FEMA. Requests for pre-positioning costs must be submitted to FEMA within seven days of approval of a fire management assistance declaration.

c) In accordance with DAP 9523.6 Mutual Aid Agreements for Public Assistance and Fire Management Assistance, parties are encouraged to have a written mutual aid agreement in place prior to a declared fire that addresses pre-positioning costs[5]. (Note: Pending FEMA HQs interim guidance on replacement policy).

5. ***Emergency Work / Emergency Protective Measures*** (Category B)

FEMA may authorize emergency work under Section 403 of the Stafford Act, Essential Assistance, under an approved fire management assistance grant when directly related to the mitigation, management, and control of the declared fire. This

[5] Mutual Aid Agreements for Public Assistance and Fire Management Assistance; FEMA DAP9523.6; November 10, 2012 to December 31, 2015. Note: DAP9523.6 was archived and the replacement guidance was placed in the FEMA Public Assistance Policy and Procedures Guide (PAPPG); however, per FEMA HQs FMAG Program Manager, the PAPPG does not apply to the FMAG Program).

funding is for work associated with essential assistance that protects immediate threats to life and property. Eligible essential assistance activities may include, but are not limited to, police barricading and traffic control, extraordinary emergency operations center expenses, evacuations and sheltering, search and rescue, arson investigation teams operating during the declared fire incident period when there is a clear continuing threat, public information, and the limited removal of trees that threaten the general public.

Costs to support an arson investigation team operating during the declared fire incident period when there is a clear continuing threat may be eligible. These include goods and services such as supplies, photocopying, mail costs, utility and phone costs that can be directly tied to the arson investigation team; travel and per diem.

6. ***Temporary repair of damage caused by firefighting activities*** (Category B)

   Temporary repair of damage caused by eligible firefighting activities involves short-term actions to repair damage directly caused by the firefighting effort or activities. This includes minimal repairs to bulldozer lines, camps, and staging areas to address safety concerns, as well as minimal repairs to facilities damaged by the firefighting activities such as fences, buildings, bridges, roads, etc. All temporary repair work must be completed ***within 30 days*** of the close of the incident period for the declared fire. Temporary repairs does not include repair of damages caused by the declared fire.

7. ***Mobilization and Demobilization***

   Costs for mobilizing and demobilizing resources to and from a declared fire may be eligible for reimbursement under FMAGP. Reasonable mobilization and demobilization costs directly related to the declared fire as approved by FEMA (Category H). Demobilization costs may be claimed at a delayed date after submittal of other eligible costs if deployment on one or more declared fires.

8. ***Federal / State Lands***

   Reasonable costs for the mitigation, management, and control of declared fires burning on co-mingled federal/state lands, where the state has the responsibility for fire suppression activities under an agreement to perform such action on a non-reimbursable basis, and when such costs are not reimbursable by another federal agency.

9. ***Administrative Costs*** (Category Z)

   The sub-recipient may claim direct administrative costs for extraordinary costs associated with requesting, obtaining, and administering a sub-grant for a declared fire. Direct costs include regular and overtime pay and travel expenses for

permanent, reassigned, temporary, and contract employees who assist in the administration of the fire management assistance sub-award.

Funding for other direct costs incurred by the sub-recipient administering a sub-award, such as equipment and supply purchases, may be eligible but must be reviewed by the Recipient and FEMA Regional Administrator.

Sub-recipients may not claim indirect administrative costs.

E. Donated Resources

FEMA has determined that Donated Resources may be credited to offset the non-federal share of the eligible emergency work approved in PWs. Under FEMA Policy 9525.2 Donated Resources[6]; (Note: Pending FEMA HQs interim guidance on replacement policy); FEMA will credit an applicant for volunteer labor, donated equipment, and donated materials used in the performance of eligible emergency work (Category B) and firefighting activities (Category H). The Donated Resources are submitted by project worksheets (PW) and must be supported by documentation (e.g., sign in-out sheet, call log, statement from provider). Donated labor must be documented by the volunteers signing in and out and the work activities involved identified.

The federal share of the Donated Resources will be applied to the full 25 percent non-federal share. If the federal share of the Donated Resources exceeds the non-federal share of all of the eligible emergency work project worksheets, the excess will have no value. The excess cannot be transferred to another eligible applicant.

F. Mutual Aid

FEMA Policy Number 9523.6 became effective for fire management declarations made on or after October 27, 2012. The Mutual Aid policy applies to emergency work authorized under Section 420 Fire Management Assistance of the Robert T. Stafford Relief and Emergency Assistance Act, 42. U.S.C.§§ 5121-5206 (the Stafford Act).

To be eligible for reimbursement by FEMA, the mutual aid assistance must have been requested by a Requesting Entity or Incident Commander (IC), must be directly related to the declared fire, must have been used in the performance of eligible work, and the costs must be reasonable. FEMA will not reimburse costs incurred for self-deployment, unless the resources are subsequently used for eligible work at the request of the Requesting Entity or IC. The policy applies to all forms of mutual aid assistance.

[6] Donated Resources; FEMA Recovery Policy 9525.2; February 26, 2014 to December 31, 2015. (Note: RP9525.2 was archived and the replacement guidance was placed in the FEMA Public Assistance Policy and Procedures Guide (PAPPG); however, per FEMA HQs FMAG Program Manager, the PAPPG does not apply to the FMAG Program).

When a pre-event written agreement exists between a Requesting Entity and a Providing Entity, the Providing Entity may be reimbursed through the Requesting Entity. Verbal agreements must be followed up with a written agreement. FEMA encourages parties to address the subject of reimbursement in their mutual aid agreements. FEMA will honor the reimbursement provisions in a pre-event agreement to the extent they meet the requirements. If a pre-event agreement includes an initial period of unpaid assistance, FEMA will reimburse eligible costs after the initial unpaid period and when all other criteria are met.

When a pre-event agreement specifies that no reimbursement will be provided for mutual aid assistance, FEMA will not pay for the costs of assistance. When the parties do not have a pre-event written mutual aid agreement, or where a written pre-event agreement is silent on reimbursement, the Requesting and Providing Entities may verbally agree on the type and extent of mutual aid resources to be provided in the current event, and on the terms, conditions, and costs of such assistance.

These verbal agreements must be documented in writing and executed by an official of each entity with authority to request and provide assistance, and provided to FEMA as a condition of receiving reimbursement. The agreement should be consistent with past practices for mutual-aid between the parties. A written post-event agreement should be submitted within 30 days of the Requesting Entity's Applicant's Briefing.

A request for reimbursement of mutual aid costs must include a copy of the mutual aid agreement, regardless of when the agreement was signed between the requesting and providing entities. A request for reimbursement of mutual aid costs must include a written and signed certification by the requesting entity certifying the following:

- The types and extent of mutual aid assistance requested and received in performing eligible emergency work; and

- The labor and equipment rates used to determine the mutual aid cost reimbursement request.

- Tracking of EMAC and U.S. Forest Service Incident Cost Accounting and Reporting System resources is not an eligible cost as mutual aid work.

- Please refer to the Mutual Aid policy available in Appendix H for additional information and specific requirements and limitations.

(Note: Mutual Aid Agreements for Public Assistance and Fire Management Assistance; FEMA DAP9523.6; November 10, 2012 to December 31, 2015. Note: DAP9523.6 was archived and the replacement guidance was placed in the FEMA Public Assistance Policy and Procedures Guide (PAPPG); however, per FEMA HQs FMAG Program Manager, the PAPPG does not apply to the FMAG Program).

G. ISuite

ISuite is a cost-apportionment process the U.S. Forest Service (USFS) uses to determine a fire's costs. **FEMA does not provide reimbursement based on the I-Suite unless stipulated in a pre-existing contract for all fires, declared and non-declared, for a specific period of time**. In those instances, I-Suite becomes a cost the state is incurring, even if it is not representative of actual costs incurred. However, even in those instances, FEMA must review the costs for reasonableness and may determine to reduce or withhold reimbursement if such costs are determined to be unreasonable.

If a Sub-recipient requests reimbursement for costs incurred through I-Suite, detailed documentation to support the cost-share between the Sub-recipient and USFS must be provided. (Note: The designated state agency responsible for working federal billings with USFS is WA Department of Natural Resources (WA DNR)).

H. Ineligible Costs

Costs not directly associated with the incident period are ineligible. Ineligible costs include, but are not limited to, the following:

1. Costs incurred in the mitigation, management, and control of undeclared fires.

2. Costs related to planning, pre-suppression activities (i.e., cutting fire-breaks without the presence of an imminent threat, training, road widening), and recovery (i.e., land rehabilitation activities, such as seeding, planting, and erosion control, salvage of timber or other materials, and restoration of facilities damaged by fire). Tree replacement is an ineligible cost.

3. Costs for the straight or regular time salaries and benefits of an Sub-recipient's permanently employed or reassigned personnel.

4. Time and costs expended by volunteer labor, which by nature is offered on a donated basis and is not bound by contract or employment terms.

5. Costs for mitigation, management, and control of a declared fire on co-mingled federal land, when such costs are reimbursable to the state by a federal agency under another statute.

6. Planning actions such as risk assessments or pre-planned non-field training.

7. Costs incurred fighting fires on federal land.

8. Costs not supported by documentation.

9. Costs for standby equipment. FEMA will only reimburse costs for equipment when in use.

10. Costs for permanent repairs.

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III. FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM PROCEDURES

The following procedures describe the application and approval process for a grant under the Fire Management Assistance Grant Program:

A. Request for Fire Management Assistance Sub-grant (RFMA) (Form 089-0-24)

Submitting an RFMA form is the first step an applicant (Sub-recipient) takes to indicate an intention to apply for federal assistance under a fire management assistance declaration. The representative of the affected entity (state, local, or tribal government) fills out this form, but this does not commit the entity to any financial obligation. The purpose of this form is to identify interested Sub-recipients and their points of contact, including addresses and telephone numbers. (The RFMA form is available in Appendix C on page 31.)

1. State, local, and tribal governments must submit an RFMA to the EMD not later than **30** days after close of the incident period.

2. The EMD will review the request and forward it to FEMA for approval.

3. FEMA will approve or deny the request based on the eligibility requirements outlined in the previous section.

4. The EMD will inform the applicant (Sub-recipient) of FEMA's decision to approve or deny the request.

5. RFMAs submitted within a reasonable timeframe after the application deadline will be considered and may be forwarded to FEMA.

B. Designation of Applicant's Agent

The affected entity appoints an official representative to be the point of contact. This individual must be authorized to make decisions on behalf of the entity. (The *Designation of Applicant's Agent Resolution* form and instructions are available in Appendix C)

1. All correspondence will be sent to the applicant's agent. All invoice vouchers for payment of funds to the applicant must be signed by the applicant's agent.

2. The designation of an applicant's agent must be made by resolution or by letter. The resolution must have the signatures of the majority of the voting members of the governing body. Their titles may be typed. The signed resolution may be photocopied; but the **certification** needs to have the **original signature** of the clerk of the governing body.

3. In lieu of this form, a letter from the chief executive officer or highest elected official of the jurisdiction (i.e., mayor, city manager, fire chief, etc.) may be used; but one may not appoint oneself as the applicant's agent.

4. It is highly recommended that the applicant also appoint an Alternate Applicant Agent who is authorized to act on behalf of the applicant should the primary Applicant's Agent be unavailable.

C. State Fire Management Assistance Grant Application

The Sub-recipient must complete a one-page formal application document. This document is the application for funding with the state. (The *State Fire Management Assistance Grant Application* form is available in Appendix C.)

1. The original form must be submitted to the state EMD within **four months** of the incident period. A photocopy of the signed application will not be accepted.

2. A copy of this signed document is sent to the applicant (Sub-recipient) after it has been signed by the Governor's Authorized Representative (GAR) or alternate.

D. Agreement

Each approved Sub-recipient (state, local or tribal government) must enter into an agreement with the Washington State Military Department (WMD). The agreement describes the roles, responsibilities, conditions, and assurances that must be met to receive federal funds. The WMD Emergency Management Division (EMD) Fire Management Assistance Grant (FMAG) Program Manager is the primary contact for all transactions with and on behalf of the Sub-recipient. The FMAG Program Manager is also known as the Alternate Governor's Authorized Representative (Alt GAR).

E. Other Required Documents

Other documentation that may be required to finalize the agreement is the IRS form W-9, Electronic Funds Transfer (EFT) Form, Signature Authorization Form, a Certification of Debarred Status, Federal Funding Accountability and Transparency Act (FFATA) Form, and a 2 CFR Part 200 Subpart F Audit Certification Form. These documents will be provided to the Sub-recipient by the State (Recipient).

F. Claimed Costs

After FEMA has accepted the RFMA for a Sub-recipient, EMD will notify the Sub-recipient that their initial application has been accepted. The notification letter will identify the incident period for eligible costs. An estimate of costs incurred by the Sub-recipient for each category of work should be provided to EMD **within four months** of the end of the incident period for the declared fire.

The Code of Federal Regulations (CFRs) requires Sub-recipients to submit their project worksheets (PWs) to the Recipient (EMD) within **six months** of the end of the incident period (44 CFR §204.52(c.2)). FMAG Program Manager will submit requests for extensions of this period to the FEMA Regional Administrator on behalf of the Sub-recipients as needed.

In Washington State, Sub-recipients do not write their project worksheets (PWs). Representatives from FEMA and EMD write the PWs. The FMAG Program Manager will assemble a team to review all of the financial records and documentation that support the Sub-recipient claimed costs and then write the PW.

G. Documentation Review

All supporting documentation for claimed costs must be reviewed for eligibility. If you are requesting reimbursement for a cost, the review team will review the documentation to support that cost. FEMA has template summary report forms available for your use. These forms list the costs for force account and contracted costs and are provided in Appendix C.

The FEMA forms are not required, but if you use your agency's financial reports or spreadsheets, they must provide the same information as the FEMA form. The FMAG Program Manager (PM) or FMAG Program Delivery Manager (PDM) can provide you with electronic copies of the FEMA forms. The PM-PDM are available to provide technical assistance. Please do not hesitate to contact the PM-PDM if you have any questions or need assistance.

The documentation listed below will be reviewed if you are claiming the associated cost. This is not an all-inclusive listing and other documentation may be requested. It is not necessary that you are present during the review process, but we do request that someone be available to answer questions or provide additional documentation.

- ✓ A spreadsheet that summarizes all of your costs. The totals on this spreadsheet should match the Final Costs Claimed form and the totals of any reports, invoices, vouchers, equipment and material costs, mileage and per diem, contracted labor, and force account labor costs. Please submit this report with your Final Costs Claimed form.

- ✓ A spreadsheet or report that lists your force account labor or temporary/seasonal hires complete with the name, job title, dates worked, hours worked on each day, regular rate of pay, overtime rate of pay, and the benefit rates for each employee. Your form or FEMA's form can be used. Please provide this report with your Final Costs Claimed form.

- ✓ If you are requesting reimbursement for fringe benefits, a breakdown of the benefits for each employee is required. This applies to regular time benefits and overtime benefits. A FEMA form is available for your use.

- ✓ A random (statistical representative) sampling of timesheets for permanent and temporary personnel will be requested based upon the spreadsheet or report that lists these personnel. We will notify you of this request prior to our visit so the timesheets can be available during this review. (Note: In most cases, in order to substantiate costs and ensure clean audits, 100 percent sample copies will be required.)

- ✓ If you are requesting reimbursement for Category Z (grants management), regular time and overtime salaries are eligible. These are your costs to request and manage the grant. These costs are not associated with emergency protective measures or firefighting activities. Spreadsheets and a random (statistical representative) sampling of timesheets are required to support the costs, as well as position descriptions for your staff performing these functions. Your payroll coding should designate a specific code for fire grants management and the timesheet should show this coding. If you are able to track goods and services (copying, storage boxes, postage), these costs may be eligible for reimbursement. Please include them on your spreadsheet.

- ✓ Spreadsheets or reports that list the equipment or vehicle used, the size/type of the equipment, the operator for each piece of claimed equipment or vehicle, the dates the equipment or vehicle was used, the dates and hours of use, and the equipment or vehicle rate. Please be sure the reports that list your personnel include the operator's name (even if their hours are for regular time only). Standby costs for equipment and vehicles are not eligible.

- ✓ All vendor contracts, invoices and vouchers for those costs that you are requesting reimbursement.

- ✓ A copy of your jurisdiction's equipment/vehicle rate. If the FEMA rate is lower, the FEMA rate will be used. Equipment/vehicle rates cannot include depreciation. In addition, a copy of the document that shows your governing body adopted the equipment rental rates for this year is required.

- ✓ FEMA wants to know that not only was the cost incurred, but that you paid for the cost. Financial reports that match the total costs claimed for labor, equipment, and material. An invoice that indicates that payment was made is usually sufficient.

- ✓ If per diem and/or travel reimbursement is requested, travel vouchers will be reviewed. A financial report, as a standalone document, is not sufficient as it is not a source document. Travel voucher labor must be supported by your force account labor report. Travel costs for ineligible labor are not eligible.

- ✓ Personnel policies or collective bargaining agreements (CBA) regarding overtime pay or exchange time for force account labor.

- ✓ A sample cost-share agreement and any addendums.

- ✓ A sample mutual aid agreement.

Note: This is not an all-inclusive list and you may be asked for additional information or documentation. Although every effort will be made to provide you with sufficient time to provide the requested information or documentation, please be aware we are operating under very tight timeframes. We must have all information and supporting documentation for all claimed costs received and reviewed within **six months** of the end of the incident period. In addition, FEMA may request additional documentation or additional information after they review the Project Worksheet (PW) package. Once again, in most cases in order to substantiate costs and ensure clean audits, 100 percent sample will be required.

H. New Requirements for Pass-Through Entities – 2 CFR Part 200

New requirements for Pass-Through Entities under 2 CFR Part 200 place additional responsibilities on the State (Recipient) when administering sub-awards. The new requirements are effective for all awards authorized by the Stafford Act and made under disaster declared on or after December 26, 2014. All pass-through entities must:

(a) Ensure that every sub-award is clearly identified to the sub-recipient as a sub-award and includes information required in 2 CFR §200.331.

(b) Evaluate each sub-recipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the sub-award for purposes of determining the appropriate sub-recipient monitoring in 2 CFR §200.331. .

(c) Consider imposing specific sub-award conditions upon a sub-recipient, if appropriate, and notify sub-recipient, as described in 2 CFR §200.207.

(d) Monitor the activities of the sub-recipient as necessary to ensure that the sub-award is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the sub-award; and that the sub-award performance goals are achieved. Pass-through entity monitoring of the sub-recipient must include the requirement found in 2 CFR §200.331.

(e) Verify that every sub-recipient is audited as required by 2 CFR 200 Subpart F – Audit Requirements when it is expected that the sub-recipient's federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR §200.501

(f) Consider whether the results of the sub-recipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.

(g) Consider taking enforcement action against noncompliant sub-recipients as described in 2 CFR §200.338.

I. Project Worksheet (FEMA Form 009-0-0-7)

After review of the eligible costs and all documentation, the FEMA/EMD team will write a project worksheet (PW) for each category of work. If applicable, a PW will also be written for any Donated Resources. Documentation to support all claimed costs will be included with each PW. In Washington State, FEMA/EMD write the PWs for the applicant (sub-recipient).

The FMAG PM-PDM will compile all of the eligible costs for the fire to ensure the fire threshold has been met. We may ask you for the total amount you spent to fight the fire. If the individual or cumulative fire threshold is met, the PWs will be submitted to FEMA for review and approval. If the individual or cumulative fire threshold is not met, FMAG PM-PDM will notify each Sub-recipient that the PWs will not be submitted.

1. Any PW with total eligible costs under $1,000 is ineligible for reimbursement with the exception of Donated Resources or PWs with Insurance reductions.

2. A PW is written for each Category of Work and for Donated Resources:

   - Category B – Emergency Work
   - Category H – Firefighting Activities
   - Category Z – Grant Administrative Costs

3. The following documentation is attached to the PW when submitted to FEMA:

   - Copies of sample agreements and contracts
   - Copies of personnel policies and union contracts
   - Spreadsheets, FEMA summary reports, and financial reports to support the amount requested

   - If a narrative is written to further support the costs and the Statement of Work, this will be attached to the PW. EMD will write this narrative and provide you with a copy for your review.

4. Copies of all documentation supporting the PW must be retained as backup documentation by the sub-recipient for **six years** from the date of the closure of their grant agreement.

J. Payments

The deadline for all funding requests and supporting documentation to be submitted to EMD is no later than **six months** from the close of the incident period. The FMAG PM will submit all PWs to FEMA. Funding is available for payment to the Sub-recipient only ***after*** FEMA has approved the Sub-recipient's PW. When FEMA approves funding for a declared fire, each PW is approved separately. Some PWs may be approved before others. If a PW is submitted for an amount greater than $1 million (federal share), FEMA Region X will review the PW and forward the PW to FEMA headquarters for review and approval.

1. ***Project Worksheet Approval*** – Upon receiving approval of a PW, the applicant (Sub-recipient) will be notified in writing of the funding amount and the breakdown on a cost share basis. EMD will send the applicant agent a completed A19-1A Invoice Voucher and a copy of the approved PW package.

2. ***A19-1A Invoice Voucher (A19)*** – Upon receipt of the project funding approval, the applicant agent should immediately sign the A19 Invoice Voucher for the funds due, and submit it to EMD for payment. The invoice voucher requires the signature of the designated applicant agent. The completed and signed form should be sent to:

   Fire Management Assistance Grant Program
   Emergency Management Division
   MS: TA-20, Building 20-B
   Camp Murray, Washington 98430-5122

   Payment for the approved funds will be processed upon receipt of the A-19-1A. (A sample A-19-1A *Invoice Voucher* form is in Appendix C on page 57).

   All payments will be made by Electronic Funds Transfer (EFT). The Office of Financial Management (OFM) manages the direct deposit information for the state. You only need to register once to receive direct deposit payments from all state agencies that you do business with. A copy of the direct deposit authorization form is provided with the Agreement. **If you do not already have direct deposit payments, please complete the form and return it with your agreement.** If you already have direct deposit set up with the State, then please note that on the form and return it with your agreement.

K. Closure

After payment of the approved funding, the Sub-recipient's file will be closed, unless an appeal is filed. The Sub-recipient will be notified by letter that the grant is closed.

L. Appeals

If an eligible Sub-recipient does not agree with any FEMA determination, the Sub-recipient may appeal the determination **within 60 days of receipt** of the FEMA Determination Memorandum according to the following procedures:

1. ***Levels of Appeal*** – A first appeal is made through EMD to the FEMA Regional Administrator. If the resultant determination is also appealed, a second appeal through EMD to the FEMA Assistant Administrator for Disaster Assistance is possible.

2. ***Format and Content*** – The Sub-recipient shall make an appeal in writing through EMD to the FEMA Regional Administrator. The appeal should contain **documented justification** that supports the Sub-recipient's position, the monetary figure in dispute, and provisions in the federal law, regulation, or policy with which the sub-recipient believes the initial action was inconsistent. This includes determinations on applicant eligibility, work eligibility, and cost.

3. ***Time Limits*** – Sub-recipients must file appeals within **60** days after receipt of notice of the action (as documented in the FEMA Determination Memorandum) the applicant is contesting. EMD will review and forward an sub-recipient's appeal, with a written recommendation, to the FEMA Regional Administrator within 60 days of receipt of the appeal. FEMA's Regional Administrator will notify EMD of the disposition of the appeal, or the need for additional information, within 90 days following receipt of the appeal.

4. ***Second Appeal and Final Decision*** – The requirements outlined above for the first appeal are also followed for a second appeal. The decision of the FEMA Assistant Administrator for Disaster Assistance at the second level of the appeal will be FEMA's final administrative decision.

M. Documentation

Sub-recipients must establish a filing system to maintain all records pertaining to their fire management assistance grants. These records should be easily accessible to state and federal auditors and program staff. Records are required to be maintained for a period of **six years** from the date of closure of each Sub-recipient's grant application.

N. Audit Requirements

Audits are required in compliance with the Federal Single Audit Act and will be performed under 2 CFR Part 200 Subpart F. FEMA may elect to conduct a program-specific federal audit. When an audit is conducted, one copy of the audit report shall be sent to the Chief Financial Officer of the Washington Military Department within **nine months** after the close of the fiscal year.

All applicants (Sub-recipients) receiving financial assistance from the FEMA must comply with 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F – Single Audit Requirements and Audit Follow-up pursuant to Single Audit Act Amendments of 1996 (31 USC 7501-7507).

For audit purposes, the Act divides state and local governments into two categories as follows:

1. Applicants (Sub-recipients) expending assistance of **$750,000** or more a year in federal funds from all sources, direct and indirect, are required to have a single or program-specific audit conducted in accordance with 2 CFR 200 Subpart F.

2. Applicants (Sub-recipients) who expend less than $750,000 a year in total federal financial assistance in a fiscal year are exempt from federal audit requirements, except as noted in 2 CFR Part 200 Subpart F.

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IV. FUNDING

All Fire Management Assistance Grants are subject to a cost share. Under the FMAGP there is no cost-share adjustment. The grant application for each declared fire is subject to the 75 percent federal cost share. The Sub-recipient will be responsible for the entire non-federal share.

A. Federal Funding

FEMA provides 75 percent of the funding for approved eligible costs.

B. Non-Federal Funding

The applicant (Sub-recipient) is responsible for a 25 percent non-federal share. Donated Resources credit is also subject to the 75% federal / 25% non-federal cost share.

C. Duplication and Recovery of Assistance

1. ***Duplication*** – FEMA provides supplementary assistance under the Stafford Act, which generally may not duplicate benefits received by, or available to, the Sub-recipient from another source (i.e., insurance, legal awards, other assistance programs, other federal agencies, etc.). Grants will be reduced by the amounts available from other sources.

2. ***Negligence*** – FEMA will not provide assistance to an Sub-recipient for costs attributable to the Sub-recipient's own negligence. Also, if an Sub-recipient suspects negligence by a third party for causing a condition which was funded by FEMA under the Fire Management Assistance Grant Program, the Sub-recipient is responsible for taking all reasonable steps to recover those funds. These funds must be repaid to FEMA through EMD.

3. ***Intentional Acts*** - Any person who intentionally causes a condition for which assistance is provided by FEMA shall be liable to the United States to the extent that FEMA incurs costs attributable to the intentional act or omission that caused the condition. FEMA may provide assistance, but it will be conditioned on an agreement by the Sub-recipient to cooperate with FEMA in efforts to recover the assistance from the liable party. However, a person shall not be liable under this section as a result of actions the person takes or omits in the course of rendering care or assistance in response to the fire.

4. ***Recovery of Overpayments*** - Every effort is made to avoid instances where Sub-recipients receive more funds than can be supported by documentation. If an overpayment is determined by EMD, FEMA or through an audit, EMD will send a letter to the Sub-recipient requesting repayment of the funds. When a Sub-recipient is required to return an overpayment to the State, the warrant must be made payable to the Washington Military Department.

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V. STATE AND FEDERAL LAWS TO BE OBSERVED

The applicant must comply with all state and federal laws in performing all tasks undertaken with respect to the Fire Management Assistance Grant Program. The following sections are included for informational purpose and are not professed to include all relevant laws. It is the applicant's responsibility to comply with all federal, state, and local laws.

1. **EQUAL EMPLOYMENT OPPORTUNITY** – All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

2. **COPELAND "ANTI-KICKBACK" ACT (18 U.S.C. 874 AND 40 U.S.C. 276c)** – All contracts and sub-awards in excess of $2,000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.

3. **CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C 327-333)** – Where applicable, all contracts awarded by recipients in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1 ½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

4. **RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT** – Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts

and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

5. **CLEAN AIR ACT (42 U.S.C. 7401 et seq.) AND THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. 1251 et seq.), as amended** – Contractors and subgrants of amounts in excess of $100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.) Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

6. **BYRD ANTI-LOBBYING AMENDMENT (31 U.S.C. 1352)** – Contractors who apply or bid for an award of $100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying in non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

7. **DEBARMENT AND SUSPENSION (E.O.s 12549 and 12689)** – No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

8. **PUBLIC LAW 88-352, TITLE VI OF THE CIVIL RIGHTS ACT OF 1964(42 U.S.C. 2000d et seq.) (24 CFR Part 1)**. The SUB-RECIPIENT must comply with the provisions of "Public Law 88-352," which refers to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). The law provides that no person in the United States shall, on the grounds of race, color or national origin, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance.

9. **SECTION 504 OF THE REHABILITATION ACT, 1973, AS AMENDED (29 U.S.C. 794)**. The APPLICANT must comply with Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation (including employment), denied program benefits or be subjected to discrimination under any program or activity receiving federal assistance funds.

10. **AMERICANS WITH DISABILITIES ACT (42 U.S.C. 12101, et seq.)** The SUB-RECIPIENT shall comply with the provisions of the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq. That Act provides a comprehensive national mandate to eliminate discrimination against individuals with disabilities. The Act may impose requirements on the SUB-RECIPIENT in four principle ways: 1) with respect to employment; 2) with respect to the provision of public services; 3) with respect to transportation; 4) with respect to existing facilities and new construction.

11. **THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA) (42 U.S.C Section 4321 et seq., and 24 CFR Part 58)**. The SUB-RECIPIENT shall comply with the provisions of the National Environmental Policy Act of 1969. The purpose of this Act is to attain the widest use of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences. Environmental review procedures, including determining and publishing a Finding of Significance or of No Significance for a proposal, are a necessary part of this process. Pursuant to these provisions, the SUB-RECIPIENT must also submit environmental certifications to the DEPARTMENT when requesting that funds be released for the project. The SUB-RECIPIENT must certify that the proposed project will not significantly impact the environment and that the SUB-RECIPIENT has complied with environmental regulations and fulfilled its obligations to give public notice of the funding request, environmental findings and compliance performance.

12. **EXECUTIVE ORDER 11990, MAY 24, 1977: PROTECTION OF WETLANDS (42 F.R. 26961 et seq.)** The SUB-RECIPIENT shall comply with Executive Order 11990. The intent of this Executive Order is (1) to avoid, to the extent possible, adverse impacts associated with the destruction or modification of wetland, and (2) to avoid direct or indirect support of new construction in wetlands wherever there is a practical alternative. The SUB-RECIPIENT, to the extent permitted by law, must avoid undertaking or providing assistance for new construction located in wetlands unless (1) there is no practical alternative to such construction, and (2) the proposed action includes all practical measures to minimize harm to wetlands which may result from such use. In making this determination, the SUB-RECIPIENT may take into account economic, environmental and other pertinent factors.

13. **EXECUTIVE ORDER 11988, MAY 24, 1977: FLOODPLAIN MANAGEMENT (42 F.R. 26951 et seq)**. The SUB-RECIPIENT shall comply with the provisions of Executive Order 11988. The intent of this Executive Order is to (1) avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains, and (2) avoid direct or indirect support of floodplain development wherever there is a practical alternative. If the SUB-RECIPIENT proposes to conduct, support or allow an action to be located in a floodplain, the SUB-RECIPIENT must consider alternatives to avoid adverse effects and incompatible involvement in the floodplain. If siting in a floodplain is the only practical alternative, the SUB-RECIPIENT must, prior to taking any action (1) design or modify its actions in order to minimize any potential harm to the floodplain, and (2) prepare and circulate a notice containing an explanation of why the action is proposed to be located in a floodplain.

14. **THE WILD AND SCENIC RIVERS ACT OF 1968, AS AMENDED (16 U.S.C. 1271 et seq.)**. The SUB-RECIPIENT shall comply with the Wild and Scenic Rivers Act. The purpose of this Act is to preserve selected rivers or sections of rivers in their free-flowing condition, to protect the water quality of such rivers and to fulfill other vital national conservation goals. Federal assistance by loan, grant, license, or other mechanism cannot be provided to water resources construction projects that would have a direct and adverse effect on any river included or designated for study or inclusion in the National Wild and Scenic River System.

15. **COASTAL ZONE MANAGEMENT ACT OF 1972, AS AMENDED (16 U.S.C. 1451 et seq.)**. The SUB-RECIPIENT shall comply with the Coastal Zone Management Act of 1972, as amended. The intent of this Act is to preserve, protect, develop, and where possible, restore or enhance the resources of the nation's coastal zone. Federal agencies cannot approve assistance for proposed projects that are inconsistent with the state's Coastal Zone Management program except upon a finding by the U.S. Secretary of Commerce that such a project is consistent with the purpose of this chapter or necessary in the interests of national security.

16. **THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED (16 U.S.C. 1531 et seq.)**. The SUB-RECIPIENT shall comply with the Endangered Species Act of 1973, as amended. The intent of this Act is to ensure that all federally assisted projects seek to preserve endangered or threatened species. Federally authorized and funded projects must not jeopardize the continued existence of endangered and threatened species or result in the destruction of or modification of habitat of such species which is determined by the U.S. Department of the Interior, after consultation with the state, to be critical.

17. **THE RESERVOIR SALVAGE ACT OF 1960, AS AMENDED BY THE ARCHAEOLOGICAL AND HISTORIC PRESERVATION ACT OF 1974 (16 U.S.C. 469 et seq.)**. Under the Reservoir Salvage Act, the SUB-RECIPIENT must comply with provisions for the preservation of historical and archaeological data (including relics and specimens) that might otherwise be irreparably lost or destroyed as a result of any alteration of the terrain caused as a result of any federal construction project or federally licensed activity or program. Whenever the SUB-RECIPIENT finds, or is notified in writing by an appropriate historical or archaeological authority, that its activities in connection with any federal funded construction project or federally licensed project, activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historical or archaeological data, the SUB-RECIPIENT must stop work immediately and must notify the U.S. Secretary of Interior and the Department in writing and provide appropriate information concerning the project or program activity.

18. **THE ARCHAEOLOGICAL AND HISTORICAL DATA PRESERVATION ACT OF 1974 (16 U.S.C. 469 a-1 et seq.)**. The SUB-RECIPIENT shall comply with the Archaeological and Historical Data Preservation Act, which provides for the preservation

of historic and archaeological information that would be lost due to development and construction activities as a result of federally funded activities.

19. **THE SAFE DRINKING WATER ACT OF 1974, AS AMENDED (42 U.S.C. Section 201, 300(f) et seq., and U.S.C. Section 349)**. The SUB-RECIPIENT must comply with the Safe Drinking Water Act, as amended, which is intended to protect underground sources of water. No commitment for federal financial assistance, according to this Act, shall be entered into for any project, which the U.S. Environmental Protection Agency determines, may contaminate an aquifer that is the sole or principal drinking water source for an area.

20. **THE FEDERAL WATER POLLUTION CONTROL ACT OF 1972, AS AMENDED, INCLUDING THE CLEAR WATER ACT OF 1977, PUBLIC LAW 92-212 (33 U.S.C. SECTION 1251 et seq.)**. The SUB-RECIPIENT must assure compliance with the Water Pollution Control Act, as amended, which provides for the restoration of chemical, physical and biological integrity of the nation's water.

21. **THE SOLID WASTE DISPOSAL ACT, AS AMENDED BY THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (42 U.S.C. SECTION 6901 et seq.)** The SUB-RECIPIENT must assure compliance with the Solid Waste Disposal Act, as amended. The purpose of this Act is to promote the protection of health and the environment and to conserve valuable material and energy resources.

22. **THE FISH AND WILDLIFE COORDINATION ACT OF 1958, AS AMENDED (16 U.S.C. SECTION 661 et seq.)** The SUB-RECIPIENT must assure compliance with the Fish and Wildlife Coordination Act, as amended. The Act assures that wildlife conservation receives equal consideration and is coordinated with other features of water resources development programs.

23. **RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICY, CHAPTER 8.26 RCW**. The SUB-RECIPIENT shall comply with the provisions of Chapter 8.26 RCW and Chapter 365-24 WAC when its activities involve any acquisition of real property assisted under this Grant Agreement or the displacement of any family, individual, business, nonprofit organization or farm that results from such acquisition.

24. **STATE ENVIRONMENTAL POLICY ACT (SEPA), CHAPTER 43.21 (C) RCW**. The SUB-RECIPIENT shall comply with the provisions of Chapter 43.21(C) RCW and Chapter 197-11 WAC, the guidelines by which local agencies will (1) require environmental checklists from private and public entities considering an action potentially subject to the Environmental Impact Statement (EIS) requirement of SEPA, (2) make "threshold determinations" that such an action will not have a significant environmental impact, (3) provide for the preparation of a draft and final EIS if the action has significant impact, and (4) circulate the EIS to other agencies and interested parties.

25. **NOISE CONTROL, CHAPTER 70.107 RCW**. The SUB-RECIPIENT shall assure compliance with the state Noise Control Act. Objectives of the Act are to assist local governments in implementing local noise ordinances and to control and reduce excessive noise in Washington.

26. **SHORELINE MANAGEMENT ACT OF 1971, CHAPTER 90.58 RCW**. The SUB-RECIPIENT shall comply with the provisions of Chapter 90.58 RCW. This Act defines a planning program and a permit system, which are initiated at the local government level under state guidance. Its purpose is to protect and enhance the state's shoreline and it includes a comprehensive shoreline inventory process and a master program for regulation of shoreline uses. A permit application at the local level must be in compliance with those plans and consistent with the state Coastal Zone Management program if substantial developments and shoreline modifications occur, and a record of the application and decision must be submitted to the state.

27. **STATE BUILDING CODE, CHAPTER 19.27 RCW; ENERGY RELATED BUILDING STANDARDS, CHAPTER 19.27A RCW; AND PROVISIONS IN BUILDINGS FOR AGED AND HANDICAPPED PERSONS, CHAPTER 70.92 RCW.** The SUB-RECIPIENT shall comply with the provisions of Chapter 19.27 RCW, Chapter 19.27A RCW, Chapter 70.92 RCW and the regulations for building construction and for barrier free facilities adopted by the Washington State Building Code Council pursuant to these statutes. The State Building Code Act provides for a uniform state building code and mandates counties, cities and towns to administer and enforce its provisions. Local governments are authorized to modify the state building code to fit local conditions as long as such modifications do not result in a code that is less than the minimum performance standards and objectives contained in the state code.

28. **OPEN PUBLIC MEETINGS ACT, CHAPTER 42.30 RCW**. The SUB-RECIPIENT shall comply with provisions of Chapter 42.30 RCW which require that all meetings of the governing body which pertain to this Grant Agreement shall be open to the public except those where specific provision is made for executive sessions pursuant to RCW 42.30.110.

29. **LAW AGAINST DISCRIMINATION, CHAPTER 49.60 RCW**. The SUB-RECIPIENT shall comply with the provisions of Chapter 49.60 RCW in all activities relating to this Grant Agreement.

30. **GOVERNOR'S EXECUTIVE ORDER 89-10, DECEMBER 11, 1989: PROTECTION OF WETLANDS, AND GOVERNOR'S EXECUTIVE ORDER 90-04, APRIL 21, 1990: PROTECTION OF WETLANDS**. The SUB-RECIPIENT shall ensure that it avoids any activities that would adversely affect wetlands and adequately mitigates unavoidable impacts. For the purposes of this requirement, except where a contrary definition is provided by statute, mitigation means: (1) avoiding the impact altogether by not taking certain action or part of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (4) reducing or

eliminating the impact over time by preservation and maintenance operations during the life of the action; (5) compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and (6) monitoring the impact and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the above measures. Mitigation may not include any of the above measures to the extent that they may be contrary to statute as applied under the particular circumstances. Emergency work that is essential to save lives and protect property and public health is exempt from these provisions.

31. **PREVAILING WAGES ON PUBLIC WORKS, CHAPTER 39.12 RCW.** The SUB-RECIPIENT shall comply with the provisions of Chapter 39.12, Prevailing Wages on Public Works. This statute mandates that the prevailing rate of wage, as determined by the State Department of Labor and Industries, be paid to workers performing under public works contracts.

32. **CONTRACTING WITH SMALL MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISE AND LABOR SURPLUS AREA FIRMS.** In accordance 44 CFR 13.36(e), Contracting With Small and Minority Firms, if employing contractors or suppliers the Contractor will take affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. (1) The recipient and subrecipient will take all necessary affirmative steps to assure that minority firms, women's enterprises and labor surplus area firms are used when possible. (2) Affirmative steps shall include: (i) Placing qualified small and minority businesses, and women's business enterprises on solicitation lists; (ii) Assuring that small and minority enterprises are solicited whenever they are potential sources; (iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises; (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; (v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and (vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2)(i) through (v) of this section.

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APPENDIX A

DEFINITIONS

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APPENDIX A – DEFINITIONS

The following definitions explain terms used in the FMAGP:

Applicant (Recipient and/or Subrecipient) - A State or Indian tribal government (Recipient) submitting an application to FEMA for a fire management assistance grant, or a State, local, or Indian tribal government (Subrecipient) submitting an application to the Recipient/Pass-through Entity for a subaward (subgrant) under an approved fire management assistance grant.

Declared fire - An uncontrolled fire or fire complex, threatening such destruction as would constitute a major disaster, which the FEMA Regional Administrator has approved in response to a State's request for a fire management assistance declaration and in accordance with the criteria listed in 44 CFR §204.21.

Demobilization - The process and procedures for deactivating, disassembling, and transporting back to their point of origin all resources that had been provided to respond to and support a declared fire.

Fire complex - Two or more individual fires located in the same general area, which are assigned to a single Incident Commander.

Governor's Authorized Representative (GAR) - The person empowered by the Governor (as designated in the FEMA-State Agreement (FSA)) to execute, on behalf of the State, all necessary documents for fire management assistance, including the request for a fire management assistance declaration.

Grant (also referred to as ***Federal Award***) - An award of financial assistance, including cooperative agreements, by FEMA to an eligible Recipient. The grant award will be based on the actual amount of total eligible costs for which a State submits an application and that FEMA approves related to a declared fire.

Grantee (also referred to as ***Recipient***) - The Recipient is the government to which a grant is awarded which is accountable for the use of the funds provided. The Recipient/Pass-through Entity is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally, the State, as designated in the FEMA-State Agreement for the Fire Management Assistance Grant Program, is the Recipient/Pass-through Entity. However, after a declaration, an Indian tribal government may choose to be a Recipient, or it may act as a Subrecipient (subgrantee) under the Recipient/Pass-through Entity. An Indian tribal government acting as Recipient (Grantee) will assume the responsibilities of a state, as described in this Part, for the purpose of administering the grant.

Hazard mitigation plan - A plan to develop actions the State, local, or tribal government will take to reduce the risk to people and property from all hazards. The intent of hazard mitigation planning under the Fire Management Assistance Grant Program is to identify wildfire hazards and cost-effective mitigation alternatives that produce long-term benefits. We address mitigation of fire hazards as part of the State's comprehensive Mitigation Plan, described in 44 CFR Part 201.

Incident commander - The official responsible for overseeing the management of fire operations, planning, logistics, and finances of the field response.

Incident period - The time interval during which the declared fire occurs. The FEMA Regional Administrator, in consultation with the Governor's Authorized Representative (GAR) and the Principal Advisor, will establish the incident period. Generally, costs must be directly related to or incurred during the incident period to be considered eligible.

Indian tribal government - An Indian tribal government is any federally recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Individual assistance - Supplementary Federal assistance provided under the Stafford Act to individuals and families adversely affected by a major disaster or an emergency. Such assistance may be provided directly by the Federal Government or through State or local governments or disaster relief organizations. For further information, see subparts D, E, and F of 44 CFR Part 206.

Local government - A local government is any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian tribal government or authorized tribal organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.

Major Disaster - Any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby. (Stafford Act section 102(2), 42 U.S.C. 5122(2))

Mitigation, management, and control - Those activities undertaken, generally during the incident period of a declared fire, to minimize immediate adverse effects and to manage and control the fire. Eligible activities may include associated emergency work and pre-positioning directly related to the declared fire.

Mobilization - The process and procedures used for activating, assembling, and transporting all resources that the Recipient/Pass-through Entity requested to respond to support a declared fire.

Performance period **-** The time interval designated in block 13 on the Application for Federal Assistance (Standard Form 424) for the Recipient/Pass-through Entity and all subrecipients to submit eligible costs and have those costs processed, obligated, and closed out by FEMA.

Pre-positioning **-** Moving existing fire prevention or suppression resources from an area of lower fire danger to one of higher fire danger in anticipation of an increase in fire activity likely to constitute the threat of a major disaster.

Principal Advisor **-** An individual appointed by the U.S. Forest Service, United States Department of Agriculture, or Bureau of Land Management, Department of the Interior, who is responsible for providing FEMA with a technical assessment of the fire or fire complex for which a State is requesting a fire management assistance declaration. The Principal Advisor also frequently participates with FEMA on other wildland fire initiatives.

Project worksheet **-** FEMA Form 009-0-0-7, which identifies actual costs incurred by eligible Sub-recipients as a result of the eligible firefighting activities.

Public Assistance **-** Supplementary Federal assistance provided under the Stafford Act to State and local governments or certain private, nonprofit organizations for eligible emergency measures and repair, restoration, and replacement of damaged facilities. For further information, see 44 CFR Part 206 Subparts G and H.

Regional Administrator **-** The administrator of a regional office of FEMA, or his/her designated representative.

Request for Federal Assistance **-** See Standard Form (SF) 424.

Request for Fire Management Assistance Subgrant (RFMA) – See FEMA Form 089-0-24

Rollup **-** When one or more FMAG declarations are administratively merged into a major or emergency disaster declaration.

Standard Form (SF) 424 **-** The SF 424 is the Request for Federal Assistance. This is the form the State submits to apply for a grant under a fire management assistance declaration.

Subgrant (also referred to as ***Sub award***) **-** An award of financial assistance under a grant by a Recipient/Pass-through Entity (Recipient) to an eligible Subrecipient. In the FMAG Program, each project worksheet carried out by a subrecipient is a subaward.

Subgrantee (also referred to as ***Sub-recipient***) **-** A Subrecipient (applicant) that is awarded a subaward (subgrant) and is accountable to the Recipient/Pass-through Entity for the use of grant funding provided..

Threat of a major disaster **-** The potential impact of the fire or fire complex is of a severity and magnitude that would result in a presidential major disaster declaration for the Public

Assistance Program, the Individual Assistance Program, or both.

Uncontrolled fire **-** Any fire not safely confined to predetermined control lines as established by firefighting resources.

Washington Military Department (WMD) **–** the Emergency Management Division (EMD) of the Washington Military Department (WMD). WMD, through EMD, is responsible for administering the Fire Management Assistance Grant Program in the state of Washington.

Interim Guidance – definitions

Applicant **-** All references to an applicant in FMAG Program regulations, policy and guidance are subject to the requirements of either a recipient or a sub-recipient (depending on the intended reference in the FMAG Program regulation, policy and guidance), as defined in 2 CFR §200.86 and 2 CFR §200.93 and this interim guidance, with respect to funds an applicant receives from a state or Indian tribal government to carry out activities funded by the FMAG Program.

Federal award **-** The federal award is the federal financial assistance that a non-Federal entity receives directly from FEMA or indirectly from a pass-through entity.

Grantee **-** All references to grantee in existing FMAG Program regulations, policy, and guidance are subject to the requirements of a recipient, as defined in 2 CFR §200.86; to the requirements of a non-federal entity, as defined in 2 CFR §200.69 and this interim guidance; and to the requirements of a pass-through entity, as defined in 2 CFR §200.74 and this interim guidance, with respect to the recipient's role in administering the award to sub-recipients. References to sub-recipient may include requirements of both a recipient and/or pass-through entity, depending on whether the recipient is administering the sub-grant.

Non-Federal entity **-** A non-Federal entity is a state, local government, Indian tribal government, or nonprofit organization that carries out the Federal award as a recipient or sub-recipient.

Pass-through entity **-** A pass-through entity is a state or Indian tribal government that provides a sub-award to a sub-recipient to carry out an activity under the FMAG Program.

Recipient **-** A recipient is a state or Indian tribal government that receives a Federal award directly from FEMA to carry out an activity under the FMAG Program. A pass-through entity can also be a recipient. A recipient cannot be a sub-recipient.

Sub-award **-** A sub-award is an award provided by a pass-through entity to a sub-recipient, for the sub-recipient to carry out part of a Federal award received by the pass-through entity. It does not mean payments to a contractor or payments to an individual that is a beneficiary of a Federal program. In the FMAG Program, each Project Worksheet carried out by a sub-recipient is a sub-award.

Sub-grant - All references to sub-grant in existing FMAG Program regulations, policy and guidance are subject to the requirements of a sub-award, as defined in 2 CFR §200.92 and this interim guidance; and to the requirements of federal awards, as defined in 2 CFR Part 200 and this interim guidance, with respect to funds a sub-recipient receives from a pass-through entity.

Sub-grantee - All references to sub-grantee in existing FMAG Program regulations, policy and guidance are subject to the requirements of a sub recipient, as defined 2 CFR §200.93 and this interim guidance; and to the requirements of non-federal entities, as defined in 2 CFR §200.69 and this interim guidance.

Sub-recipient - A sub-recipient is a non-Federal entity that receives a sub-award from a pass-through entity to carry out an activity under the FMAG Program. The term sub-recipient does not include an individual that is a beneficiary of the Federal program.

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APPENDIX B

ACRONYMS

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APPENDIX B –ACRONYMS

CFR	Code of Federal Regulations
EMD	Emergency Management Division
FCC	Final Costs Claimed form
FEMA	Federal Emergency Management Agency
FEPP	Federal Excess Personal Property
FMAGP	Fire Management Assistance Grant Program
GAR	Governor's Authorized Representative
IC	Incident Commander
OMB	Office of Management and Budget
PAO	Public Assistance Officer
PDM	Program Delivery Manager
PM	Program Manager
PL	Public Law
PW	Project Worksheet
RFMA	Request for Fire Management Assistance Subgrant
SMP	State Mitigation Plan
USFS	U.S. Forest Service
WMD	Washington Military Department

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APPENDIX C

FORMS

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APPENDIX C – FORMS & INSTRUCTIONS

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DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

O.M.B. No. 1660-0058
Expires: January 31, 2018

REQUEST FOR FIRE MANAGEMENT ASSISTANCE SUBGRANT

PAPERWORK BURDEN DISCLOSURE NOTICE

*Public reporting burden for this data collection is estimated to average 18 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency,*500 C Street, SW., Room 7NE, Washington, DC 20472-3100, *Paperwork Reduction Project (1660-0058)* ***NOTE: Do not send your completed form to this address.***

1. APPLICANT (Political subivision or eligible applicant)	2. DATE
3. COUNTY (location of firefighting activities. If located in multiple counties, please indicate)	

APPLICANT PHYSICAL LOCATION

1. STREET ADRESS			
2. CITY	3. COUNTY	4. STATE	5. ZIP CODE

Primary Contact/Applicant's Authorized Agent	**Alternate Contact**
1. NAME	1. NAME
2. TITLE	2. TITLE
3. BUSINESS PHONE	3. BUSINESS PHONE
4. FAX NUMBER	4. FAX NUMBER
5. HOME PHONE	5. HOME PHONE
6. CELL PHONE	6. CELL PHONE
7. EMAIL ADDRESS	7. EMAIL ADDRESS
8. PAGER & PIN NUMBER	8. PAGER & PIN NUMBER

Title 44 CFR part 204.41 defines Fire Management Assistance eligibility criteria as: (a) The following entities are eligible to apply through a State grantee for a subgrant under an approved fire management assistance grant: 1) State agencies; 2) Local government; and 3) Indian tribal governments. (b) Entities that are not eligible to apply for a subgrant as identified in(a), such as privately owned entities and volunteer fire fighting organizations, may be reimbursed through a contract or compact with an eligible applicant for cost associated with the fire complex. (c) Eligibility is contingent upon the finding that the applicant's resources were requested by the Incident Commander or comparable State official. (d) The activities performed must be the legal responsibility of the applying entity, required as a result of the fire complex for which a fire management assistance declaration was approved, and located within the declared area.

FEMA FORM 089-0-24 (08/14)

Page 1 of 1

Date

Tabitha Laird
Washington Military Department
Emergency Management Division
MS: TA-20, Building 20-B
Camp Murray, WA 98430-5122

Re: Designated Applicant Agent

Dear Ms. Laird:

The purpose of this letter is to designate (insert name and title) as the Applicant Agent and (insert name and title) as the Alternate authorized representatives for (insert name of agency/jurisdiction) for the XXXX-FM-WA (insert name of Fire) Fire Declaration. The purpose of this designation as the authorized representatives is to obtain federal and/or state emergency or major disaster assistance funds.

These representatives are authorized on behalf of (insert name of agency/jurisdiction) to execute all contracts, certify completion of projects, request payments, and prepare all required documentation for funding requirements.

Sincerely,

Name
State Agency Department Director or Elected Official (Mayor, Chairman of the Commissioners)

Designation of Applicant's Agent Resolution

Be it resolved by _____ of _____
(Governing Body) (Public Agency)
_____, _____ is hereby designated the authorized
(Name of New Agent) (Title)
representative for and _____, _____ is hereby
(Name of alternate) (Title)
designated the alternate in behalf of _____, a public agency
(Public Agency)
established under the laws of the State of Washington.

The purpose of this designation as the authorized representatives, is to obtain federal fire management assistance funds. This representatives are authorized on behalf of _____ to execute all contracts, certify completion of work,
(Public Agency)
request payments, and prepare all documentation for funding requirements.

Passed and approved this _____ day of _____, 2018.

_____, _____ _____, _____
(Signature) (Title) (Signature) (Title)

_____, _____ _____, _____
(Signature) (Title) (Signature) (Title)

_____, _____ _____, _____
(Signature) (Title) (Signature) (Title)

Certification

I, _____, duly appointed and _____ of _____
(Name) (Title) (Public Agency)
do hereby certify that the above is a true and correct copy of a resolution passed and

approved by the _____ of _____
(Governing Body) (Public Agency)
on the _____ day of _____, 2018.

_____ _____ _____ (Official Position)
(Signature) (Date)

INSTRUCTIONS FOR COMPLETING DESIGNATION OF APPLICANT'S AGENT

Can use either a letter or a resolution to designate the applicant agent and alternate applicant agent.

General Notes for Letter:

A letter may be substituted for the Designation of Applicant's Agent Resolution. It should be from the chief executive officer for the public agency, i.e., Mayor, City Manager. However, one **may not appoint oneself** as the applicant agent or the alternate.

If a state agency, the agency Director or designee may appoint the Applicant's Agent and Alternate Applicant's Agent. The same form or format is used to appoint the Alternate Applicant's Agent.

General Notes for Resolution:

Governing Body – council, commissioners, board of directors, etc.

Public Agency – name of the applicant entity, i.e., county, city, fire district, etc. Must have signatures of voting members of the governing body; titles may be typed.

A majority of the governing body must sign the resolution.

The certification must be signed by the clerk of the governing body.

The signed resolution itself may be photocopied, but the **certification** needs to have the **original signature** of the signer.

STATE FIRE MANAGEMENT ASSISTANCE GRANT APPLICATION

Application Identifier: State Number: D17-XXXX

Federal Disaster Number: XXXX-FM-WA_____

Federal Catalog Number: 97.046 **Title: Fire Management Assistance Grant**

Declaration Date:

Applicant's FEMA Project Application Number:

Legal Applicant Recipient:

Applicant's Name:

Street Address:

Mailing Address: County:

City: State: Zip Code:

Applicant Agent: **Contact Information:**

Name: _____ Phone: _____

Title: _____ Fax: _____

E-mail: _____

Signature: _____ Date: _____

Alternate Applicant Agent:

Name: _____ Phone: _____

Title: _____ Fax: _____

E-mail: _____

Signature: _____ Date: _____

Type of Applicant:

A - State
B - County
C - City
D - School District
E - Special Purpose District
F - Higher Educational Institution
G - Indian Tribe
H - Private Nonprofit
I - Other (Specify) _____

Enter Appropriate Letter _____

Congressional District Number: _____

State Legislative District Number: _____

Governor's Authorized Representative:

Signature_____ Date:_____

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SIGNATURE AUTHORIZATION FORM

WASHINGTON STATE MILITARY DEPARTMENT
Camp Murray, Washington 98430-5122
Please read instructions on reverse side before completing this form.

NAME OF ORGANIZATION	DATE SUBMITTED
PROJECT DESCRIPTION	CONTRACT NUMBER **D17-XXXX**

1. AUTHORIZING AUTHORITY

SIGNATURE	PRINT OR TYPE NAME	TITLE/TERM OF OFFICE

2. AUTHORIZED TO SIGN CONTRACTS/CONTRACT AMENDMENTS

SIGNATURE	PRINT OR TYPE NAME	TITLE

INSTRUCTIONS FOR SIGNATURE AUTHORIZATION FORM

This form identifies the persons who have the authority to sign contracts, amendments, and grant documents. It is required for the management of your contract with the Washington Military Department (WMD). Please complete all sections. One copy with original signatures is to be sent to WMD with the signed contract, and the other should be kept with your copy of the contract.

When a request for reimbursement is received, the signature is checked to verify that it matches the signature on file. **The payment can be delayed if the request is presented without the proper signature.** It is important that the signatures in WMD's files are current. Changes in staffing or responsibilities will require a new signature authorization form.

1. **Authorizing Authority.** Generally, the person(s) signing in this box heads the governing body of the organization, such as the board chair or mayor. In some cases, the chief executive officer may have been delegated this authority.

2. **Authorized to Sign Contracts/Contract Amendments.** The person(s) with this authority should sign in this space. Usually, it is the county commissioner, mayor, executive director, city clerk, applicant agent, alternate applicant agent, etc.

If you have any questions regarding this form or to request new forms, please call your Program Delivery Manager.

Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form

NAME		Doing business as (DBA)	
ADDRESS	**Applicable Procurement or Solicitation #, if any:**	WA Uniform Business Identifier (UBI)	Federal Employer Tax Identification #:
This certification is submitted as part of a request to contract.			

Instructions For Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

READ CAREFULLY BEFORE SIGNING THE CERTIFICATION. Federal regulations require contractors and bidders to sign and abide by the terms of this certification, without modification, in order to participate in certain transactions directly or indirectly involving federal funds.

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the department, institution or office to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable CFR, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,'' without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under applicable CFR, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business activity.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under applicable CFR, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

The prospective lower tier participant certifies, by submission of this proposal or contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this form.

Bidder or Contractor Signature: _____ Date: _____

Print Name and Title: _____

FEDERAL DEBARMENT, SUSPENSION INELIGIBILITY and VOLUNTARY EXCLUSION

(FREQUENTLY ASKED QUESTIONS)

What is "Debarment, Suspension, Ineligibility, and Voluntary Exclusion"?

These terms refer to the status of a person or company that cannot contract with or receive grants from a federal agency. In order to be debarred, suspended, ineligible, or voluntarily excluded, you must have:

- had a contract or grant with a federal agency, and
- gone through some process where the federal agency notified or attempted to notify you that you could not contract with the federal agency.
- Generally, this process occurs where you, the contractor, are not qualified or are not adequately performing under a contract, or have violated a regulation or law pertaining to the contract.

Why am I required to sign this certification?

You are requesting a contract or grant with the Washington Military Department. Federal law (Executive Order 12549) requires Washington Military Department ensure that persons or companies that contract with Washington Military Department are not prohibited from having federal contracts.

What is Executive Order 12549?

Executive Order 12549 refers to Federal Executive Order Number 12549. The executive order was signed by the President and directed federal agencies to ensure that federal agencies, and any state or other agency receiving federal funds were not contracting or awarding grants to persons, organizations, or companies who have been excluded from participating in federal contracts or grants. Federal agencies have codified this requirement in their individual agency Code of Federal Regulations (CFRs).

What is the purpose of this certification?

The purpose of the certification is for you to tell Washington Military Department in writing that you have not been prohibited by federal agencies from entering into a federal contract.

What does the word "proposal" mean when referred to in this certification?

Proposal means a solicited or unsolicited bid, application, request, invitation to consider or similar communication from you to Washington Military Department.

What or who is a "lower tier participant"?

Lower tier participants means a person or organization that submits a proposal, enters into contracts with, or receives a grant from Washington Military Department, OR any subcontractor of a contract with Washington Military Department. If you hire subcontractors, you should require them to sign a certification and keep it with your subcontract.

What is a covered transaction when referred to in this certification?

Covered Transaction means a contract, oral or written agreement, grant, or any other arrangement where you contract with or receive money from Washington Military Department. Covered Transaction does not include mandatory entitlements and individual benefits.

Sample Debarment, Suspension, Ineligibility, Voluntary Exclusion Contract Provision

Debarment Certification. The Contractor certifies that the Contractor is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Contract by any Federal department or agency. If requested by Washington Military Department, the Contractor shall complete a Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion form. Any such form completed by the Contractor for this Contract shall be incorporated into this Contract by reference.

FFATA FORM

Subrecipient Agency:	
Grant and Year:	**Agreement Number**:
Completed by:	
Name	*Title* / *Telephone*
Date Completed:	

STEP 1				
Is your grant agreement less than $25,000?	YES ☐	STOP, no further analysis needed, GO to Step 6	NO ☐	GO to Step 2
STEP 2				
In your preceding fiscal year, did your organization receive 80% or more of its annual gross revenues from federal funding?	YES ☐	GO to STEP 3	NO ☐	STOP, no further analysis needed, GO to Step 6
STEP 3				
In your preceding fiscal year, did your organization receive $25,000,000 or more in federal funding?	YES ☐	GO to STEP 4	NO ☐	STOP, no further analysis needed, GO to Step 6
STEP 4				
Does the public have access to information about the total compensation* of senior executives in your organization?	YES ☐	STOP, no further analysis needed, GO to step 6	NO ☐	GO to STEP 5

STEP 5	
Executive #1	Name:
	Total Compensation amount: $
Executive #2	Name:
	Total Compensation amount: $
Executive #3	Name:
	Total Compensation amount: $
Executive #4	Name:
	Total Compensation amount: $
Executive #5	Name:
	Total Compensation amount: $

STEP 6

If your organization does not meet these criteria, specifically identify below **each** criteria that is not met for your organization: For Example: "Our organization received less than $25,000."

Signature: _____ **Date**: _____

* Total compensation refers to:

- Salary and bonuses
- Awards of stock, stock options, and stock appreciation rights
- Other compensation including, but not limited to, severance and termination payments
- Life insurance value paid on behalf of the employee

Additional Resources: http://www.whitehouse.gov/omb/open http://www.hrsa.gov/grants/ffata.html

http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf http://www.grants.gov/

FFATA PROVISIONS AND INSTRUCTIONS
For Compliance With The
Federal Funding Accountability and Transparency Act of 2006 (P.L. 109-282) (FFATA)

The Federal Funding Accountability and Transparency Act (FFATA) was signed on September 26, 2006. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website. Federal awards include grants, subgrants, loans, awards, cooperative agreements and other forms of financial assistance as well as contracts, subcontracts, purchase orders, task orders, and delivery orders. The legislation does not require inclusion of individual transactions below $25,000 or credit card transactions before October 1, 2008. However, if an award is initially below this amount yet later increased, the act is triggered. Due to this variability in compliance Subrecipients are required by the Military Department to be familiar with the FFATA requirements and complete this Worksheet for each contract for the State's submission in to the FFATA portal.

ADDITIONAL PROVISIONS

A. This contract (subaward) is supported by federal funds, requiring compliance with the Federal Funding Accountability and Transparency Act (FFATA or the Transparency Act) and Office of Management and Budget Guidance (OMB). Public Law 109-282 as amended by section 6202(a) of Public Law 110-252 (see 31 U.S.C. 6101 note). By entering into this contract, contractor agrees to provide all applicable reporting information to the Washington Military Department (WMD) required by FFATA and OMB Guidance.

B. The FFATA requires the OMB to establish a publicly available online database (USASpending.gov) containing information about entities that are awarded Federal grants, loans, and contracts. As required by FFATA and OMB Guidance, certain information on the first-tier subawards related to Federal contracts and grants, and the executive compensation of awardees, must be made publicly available.

C. For new Federal grants beginning October 1, 2010, if the initial subaward is equal to or greater than $25,000, reporting of the subaward and executive compensation information is required. If the initial subaward is below $25,000 but subsequent grant modifications result in a total subaward equal to or over $25,000, the subaward will be subject to the reporting requirements as of the date the subaward exceeds $25,000. If the initial subaward equals or exceeds $25,000 but funding is subsequently de-obligated such that the total award amount falls below $25,000, the subaward continues to be subject to the reporting requirements of the Transparency Act and OMB Guidance.

D. As a Federal grant subawardee under this contract, your organization is required by FFATA, OMB Guidance and this contract to provide the WMD, as the prime grant awardee, all information required for FFATA compliant reporting by WMD. This includes all applicable subawardee entity information required by FFATA and OMB Guidance, subawardee DUNS number, and relevant executive compensation data, as applicable.

1. Data about your organization will be provided to USASpending.gov by the WMD. System for Award Management (SAM) is a government wide registration system for organizations that do business with the Federal Government. SAM stores information about awardees including financial account information for payment purposes and a link to D&B for maintaining current DUNS information, www.sam.gov. WMD requires SAM registration and annual renewal by your organization to minimize unnecessary data entry

and re-entry required by both WMD and your organization. It will also reduce the potential of inconsistent or inaccurate data entry.

2. Your organization must have a Data Universal Numbering System (DUNS) number obtained from the firm Dun and Bradstreet (D&B) (www.dnb.com). A DUNS number provides a method to verify data about your organization. D&B is responsible for maintaining unique identifiers and organizational linkages on behalf of the Federal Government for organizations receiving Federal assistance.

E. The WMD, as the prime awardee, is required by FFATA to report names and total compensation of the five (5) most highly compensated officers of your organization (as the subawardee) if:

1. Your organization (the subawardee), in the preceding fiscal year, received 80 percent or more of its annual gross revenues from Federal awards and $25,000,000 or more in annual gross revenues from Federal awards; and
2. The public does not have access to this information about the compensation of the senior executives of your organization through periodic reports filed under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986.

"Total compensation" for purposes of this requirement generally means the cash and noncash value earned by the executive during the past fiscal year and includes salary and bonus; awards of stock, stock options and stock appreciation rights; and other compensation such as severance and termination payments, and value of life insurance paid on behalf of the employee, and as otherwise provided by FFATA and applicable OMB guidance.

F. If (1) in the preceding fiscal year your organization received 80 percent or more of its annual gross revenues from Federal awards and $25,000,000 or more in annual gross revenues from Federal awards, and (2) the public does not have access to this information about the compensation of the senior executives of your organization through periodic reports filed under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986, insert the names and total compensation for the five most highly compensated officers of your organization as identified in Step 5 of the FFATA Form.

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2 CFR Part 200 Subpart F Audit Certification Form

Audits of States, Local Governments, Indian Tribes, and Non-Profit Organizations

Contact Information	
Subrecipient Name (Agency, Local Government, or Organization):	
Authorized Chief Financial Officer (central accounting office):	
Address:	
Email:	Phone #:

Purpose: As a pass-through entity of federal grant funds, the Washington Military Department/Emergency Management Division (Department) is required by 2 CFR Part 200 Subpart F to monitor activities of subrecipients to ensure federal awards are used for authorized purposes and verify that subrecipients expending $750,000 or more in federal awards during their fiscal year have met the 2 CFR Part 200 Subpart F Audit Requirements. Your entity is a subrecipient subject to such monitoring by MIL/EMD because it is a non-federal entity that expends federal grant funds received from the Department as a pass-through entity to carry out a federal program. 2 CFR Part 200 Subpart F should be consulted when completing this form.

Directions: As required by 2 CFR Part 200 Subpart F, non-federal entities that expend $750,000 in federal awards in a fiscal year shall have a single or program-specific audit conducted for that year. If your entity is not subject to these requirements, you must complete Section A of this Form. If your entity is subject to these requirements, you must complete Section B of this form. When completed, you must sign, date, and return this form with your grant agreement and every fiscal year thereafter until the grant agreement is closed. Failure to return this completed Audit Certification Form may result in delay of grant agreement processing, withholding of federal awards or disallowance of costs, and suspension or termination of federal awards.

SECTION A: Entities NOT subject to the audit requirements of 2 CFR Part 200 Subpart F

Our entity is not subject to the requirements of 2 CFR Part 200 Subpart F because (check all that apply):

- ☐ We did not expend $750,000 or more of total federal awards during the fiscal year.
- ☐ We are a for-profit agency.
- ☐ We are exempt for other reasons (describe):

However, by signing below, I agree that we are still subject to the audit requirements, laws and regulations governing the program(s) in which we participate, that we are required to maintain records of federal funding and to provide access to such records by federal and state agencies and their designees, and that WMD/EMD may request and be provided access to additional information and/or documentation to ensure proper stewardship of federal funds.

SECTION B: Entities that ARE subject to the audit requirements of 2 CFR Part 200 Subpart F (Complete the information below and check the appropriate box)

☐ We completed our last 2 CFR Part 200 Subpart F Audit on [enter date] _____ for Fiscal Year ending [enter date] _____. There were no findings related to federal awards from WMD/EMD. No follow-up action is required by WMD/EMD as the pass-through entity.

A complete copy of the audit report, which includes exceptions, corrective action plan and management response, is either provided electronically to contracts.office@mil.wa.gov or provide the state auditor report number:_____.

☐ We completed our last 2 CFR Part 200 Subpart F Audit on [enter date] _____ for Fiscal Year ending [enter date] _____. There were findings related to federal awards.

A complete copy of the audit report, which includes exceptions, corrective action plan and management response, is either provided electronically to contracts.office@mil.wa.gov or provide the state auditor report number: _____.

☐ Our completed 2 CFR Part 200 Subpart F Audit will be available on _____ [enter date] for Fiscal Year ending _____[enter date]. We will provide electronic copy of the audit report to contracts.office@mil.wa.gov at that time or provide the state auditor report number: _____.

I hereby certify that I am an individual authorized by the above identified entity to complete this form. Further, I certify that the above information is true and correct and all relevant material findings contained in audit report/statement have been disclosed. Additionally, I understand this Form is to be submitted every fiscal year for which this entity is a subrecipient of federal award funds from the Department until the grant agreement is closed.

Signature of Authorized Chief Financial Officer: _____ Date: _____

Print Name & Title: _____

WMD Form 1009-13, 8/19/2013, Updated 9/9/2015

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DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY

PROJECT WORKSHEET

O.M.B. NO. 1660-0017
Expires April 30, 2013

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 90 minutes per response. Burden means the time, effort and financial resources expended by persons to generate, maintain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the collection, including suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (OMB Control Number 1660-0017). You are not required to respond to this collection of information unless it displays a valid OMB number. **NOTE: Do not send your completed questionnaire to this address.**

DISASTER FEMA - _____-DR-_____	PROJECT NO.	PA ID NO.	DATE	CATEGORY

DAMAGED FACILITY	WORK COMPLETE AS OF _____ : _____ %

APPLICANT	COUNTY

LOCATION	LATITUDE	LONGITUDE

DAMAGE DESCRIPTION AND DIMENSIONS

SCOPE OF WORK

Does the Scope of Work change the pre-disaster conditions at the site? ☐ YES ☐ NO

Special Considerations issues included? ☐ YES ☐ NO

Hazard Mitigation proposal included? ☐ YES ☐ NO

Is there insurance coverage on this facility? ☐ YES ☐ NO

PROJECT COST

ITEM	CODE	NARRATIVE	QUANTITY/UNIT	UNIT PRICE	COST
				TOTAL COST	

PREPARED BY	TITLE	SIGNATURE
APPLICANT REP.	TITLE	SIGNATURE

FEMA Form 009-0-0-7 APRIL 2013 **REPLACES PREVIOUS EDITION Form 90-91**

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY SPECIAL CONSIDERATIONS QUESTIONS			O.M.B. No. 1660-0017 Expires October 31, 2008
APPLICANT		PA ID NO.	DATE
PROJECT NAME	PROJECT NO.	LOCATION	

Form must be filled out—for each project.

1. Does the damaged facility or item of work have insurance and/or is it an insurable risk? *(e.g., buildings, equipment, vehicles, etc.)*

   ☐ Yes ☐ No ☐ Unsure Comments

2. Is the damaged facility located within a floodplain or coastal high hazard area, or does it have an impact on a floodplain or wetland?

   ☐ Yes ☐ No ☐ Unsure Comments

3, Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource System Unit or an Otherwise Protected Area?

   ☐ Yes ☐ No ☐ Unsure Comments

4. Will the proposed facility repairs/reconstruction change the pre-disaster condition? *(e.g., footprint, material, location, capacity, use or function)*

   ☐ Yes ☐ No ☐ Unsure Comments

5. Does the applicant have a hazard mitigation proposal or would the applicant like technical assistance for a hazard mitigation proposal?

   ☐ Yes ☐ No ☐ Unsure Comments

6. Is the damaged facility on the National Register of Historic Places or the state historic listing? Is it older than 50 years? Are there more, similar buildings near the site?

   ☐ Yes ☐ No ☐ Unsure Comments

7. Are there any pristine or undisturbed areas on, or near, the project site? Are there large tracts of forestland?

   ☐ Yes ☐ No ☐ Unsure Comments

8. Are there any hazardous materials at or adjacent to the damaged facility and/or item of work?

   ☐ Yes ☐ No ☐ Unsure Comments

9. Are there any other environmentally or controversial issues associated with the damaged facility and/or item of work?

   ☐ Yes ☐ No ☐ Unsure Comments

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY *FORCE ACCOUNT LABOR SUMMARY RECORD*	Page ____ OF ____	O.M.B. No. 1660-0017 Expires October 31, 2008

APPLICANT	PA ID NO.	PROJECT NO.	DISASTER
LOCATION/SITE		CATEGORY	PERIOD COVERING

DESCRIPTION OF WORK PERFORMED:

NAME / JOB TITLE	DATES AND HOURS WORKED EACH WEEK								COSTS				
	DATE								TOTAL HOURS	HOURLY RATE	BENEFIT RATE/HR	TOTAL HOURLY RATE	TOTAL COSTS
NAME	REG												
JOB TITLE	O.T.												
NAME	REG												
JOB TITLE	O.T.												
NAME	REG												
JOB TITLE	O.T.												
NAME	REG												
JOB TITLE	O.T.												
NAME	REG												
JOB TITLE	O.T.												

TOTAL COSTS FOR FORCE ACCOUNT REGULAR TIME	$
TOTAL COSTS FOR FORCE ACCOUNT OVERTIME	$

I CERTIFY THAT THE ABOVE INFORMATION WAS OBTAINED FROM TIME RECORDS THAT ARE AVAILABLE FOR AUDIT.

CERTIFIED	TITLE	DATE

FORCE ACCOUNT LABOR SUMMARY INSTRUCTIONS
FEMA Form 90-123

Force account is the term used to define labor performed by the applicant's personnel.

* Record regular and overtime hours separately.

* Record regular and overtime benefits separately.

* Attach a Fringe Benefits Rate sheet for the benefit breakdown. You can use an average rate if there are different benefit rates for employees.

Complete the Record as Follows:

* **Applicant:** Enter organization's name.

* **PA ID No.:** Enter the computer tracking number that FEMA assigns to applicant organization. Your Public Assistance Coordinator can provide you with this number.

* **Project No.:** Enter the number assigned to this project by the applicant.

* **Disaster:** Enter the declaration number for this fire. The Public Assistance Coordinator can also provide you with this information.

* **Location/Site:** This item can range from an "address," "intersection of…," "1 mile south of…on…" to "county wide." If damages are in different locations or different counties please list each location. Include latitude and longitude of the project if known.

* **Category:** Indicate the category of the project according to FEMA specified work categories (i.e.; B, H, Z). This is optional.

* **Period Covering:** Enter the dates that this period covers.

* **Description of Work Performed:** Enter a brief description of work performed.

* **Dates & Hours Worked:** Enter the dates, days, and hours worked.

* **Name:** Enter the name of each employee who worked the project.

* **Job Title:** Enter the title or occupation of each employee who worked the project.

* **REG**: Enter the regular hours that each employee worked on the project.

* **O.T.**: Enter the overtime hours that each employee worked on the project. Record regular and overtime hours. **Reminder: Only overtime is eligible for emergency work**.

* **Cost / Total Hours:** For the Word version, enter the total hours for the week. The Excel version will calculates the total hours for the week and auto fill the "Total Hours" cell.

* **Costs / Hourly Rate:** Enter each employee's hourly rate.

* **Costs / Benefits Rate/Hr.:** Enter each employee's hourly benefit rate. There should be different percentages for regular versus overtime benefit rates.

* **Costs / Total Hourly Rate:** Excel will add the employee's hourly rate in the "Hourly Rate" block and the hourly benefits rate in the "Benefit Rate/HR" block and auto fill the "Total Hourly Rate" block.

* **Costs / Total Costs:** Multiply the entries in the "Total Hrs" and "Total Hourly Rate" blocks and fill in the "Total Costs" block. The Excel version auto calculates these fields.

* **Total Cost for Force Account Labor Regular Time:** Add the entries in the “Total Costs”, “REG” block for each employee and the results in the “Total Cost for Force Account Labor Regular Time” block.

* **Total Cost for Force Account Labor Overtime:** Add the entries in the “Total Costs”, “O.T.” block for each employee and the results in the “Total Cost for Force Account Labor Overtime” block.

* **Certified:** Record the name, title, and date of the person certifying the Force Account Labor Summary Record.

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DEPARTMENT OF HOMELAND SECURITY **FEDERAL EMERGENCY MANAGEMENT AGENCY** **APPLICANT'S BENEFITS CALCULATION WORKSHEET**	PAGE ____ OF ____	**O.M.B. No. 1660-0017** ***Expires October 31, 2008***
APPLICANT		PA ID NO.
DISASTER	PROJECT NO.	

FRINGE BENEFITS (by %)	**REGULAR TIME**	**OVERTIME**
HOLIDAYS		
VACATION LEAVE		
SICK LEAVE		
SOCIAL SECURITY		
MEDICARE		
UNEMPLOYMENT		
WORKER'S COMP.		
RETIREMENT		
HEALTH BENEFITS		
LIFE INS. BENEFITS		
OTHER		
TOTAL in % of annual salary		

COMMENTS:

I CERTIFY THAT THE INFORMATION ABOVE WAS TRANSCRIBED FROM PAYROLL RECORDS OR OTHER DOCUMENTS WHICH ARE AVAILABLE

CERTIFIED BY:	TITLE	DATE

FEMA Form 90-128, FEB 06 **PREVIOUS EDITION OBSOLETE**

FRINGE BENEFIT RATE SHEET INSTRUCTIONS

Fringe benefits for force account labor are eligible. Except in extremely unusual cases, fringe benefits for overtime will be significantly less than regular time. The following steps will assist in calculating the percentage of fringe benefits paid on an employee's salary.

Note: items and percentages will vary from one entity to another.

1) The normal year consists of 2080 hours (52 weeks x 5 workdays/week x 8 hours/day). This does not include holidays and vacations.

2) Determine the employee's basic hourly pay rate (annual salary/2080 hours).

3) Fringe benefit percentage for vacation time: Divide the number of hours of annual vacation time provided to the employee by 2080 (80 hours (2 weeks)/2080 = 3.85%).
4) Fringe benefit percentage for paid holidays: Divide the number of paid holiday hours by 2080 (64 hours (8 holidays)/2080 = 3.07%).

5) Retirement pay: Because this measure varies widely, use only the percentage of salary matched by the employer.

6) Social Security and Unemployment Insurance: Both are standard percentages of salary.
7) Insurance: This benefit varies by employee. Divide the amount paid by the city or county by the basic pay rate determined in Step 2.

8) Workman's Compensation: This benefit also varies by employee. Divide the amount paid by the city or county by the basic pay rate determined in Step 2. Use the rate per $100 to determine the correct percentage.

Note: Typically, you should not be charging the same rate for regular time and overtime. Generally, only FICA (Social Security) is eligible for overtime; however, some entities may charge retirement tax on all income.

<u>Sample Rates</u>
Rates may differ between organizations and the table on the next page provides some general guidelines that can be used as a reasonableness test to determine eligible costs. These rates are based on past experience in developing fringe rates for several states. The rates presented are determined using the gross wage method applicable to the personnel hourly rate (PHR) method. The net available hours method would result in higher rates.
Paid Fringe Benefits

HCA Matching	7.65% (or slightly less)
Retirement--Regular	17.00% (or less)
Retirement--Special Risk	25.00% (or slightly more)
Health Insurance	12.00% (or less)
Life & Disability Insurance	1.00% (or less)
Worker's Compensation	3.00% (or less)
Unemployment Insurance	0.25% (or less)
Leave Fringe Benefits	
Accrued Annual Leave	7.00% (or less)
Sick Leave	4.00% (or less)
Administrative Leave	0.50% (or less)
Holiday Leave	4.00% (or less)
Compensatory Leave	2.00% (or less)

Rates outside of these ranges are possible, but will have to be justified during the validation process.

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY **FORCE ACCOUNT EQUIPMENT SUMMARY RECORD**	**Page ____ OF ____**	**O.M.B. No. 1600-0017** **Expires October 31, 2008**

APPLICANT	PA ID NO.	PROJECT NO.	DISASTER
LOCATION/SITE		CATEGORY	PERIOD COVERING

DESCRIPTION OF WORK PERFORMED

TYPE OF EQUIPMENT		**OPERATOR'S NAME**	**DATES AND HOURS USED EACH DAY**								**COSTS**		
INDICATE SIZE, CAPACITY, HORSEPOWER, MAKE, AND MODEL AS APPROPRIATE	EQUIPMENT CODE NUMBER		**DATE**								**TOTAL HOURS**	**EQUIPMENT RATE**	**TOTAL COST**
			HOURS										
			HOURS										
			HOURS										
			HOURS										
			HOURS										
			HOURS										
			HOURS										
										GRAND TOTAL →			

I CERTIFY THAT THE ABOVE INFORMATION WAS OBTAINED FROM PAYROLL RECORDS, INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT.

CERTIFIED	TITLE	DATE

FORCE ACCOUNT EQUIPMENT SUMMARY INSTRUCTIONS
FEMA Form 90-127

Force Account Equipment is the term used to define equipment the applicant owns.

Complete the Record as Follows:

* **Applicant:** Enter organization's name.

* **PA ID No.:** Enter the computer tracking number that FEMA assigns to applicant organization. Your Public Assistance Coordinator can provide you with this number.

* **Project No.:** Enter the number assigned to this project by the applicant.

* **Disaster:** Enter the declaration number for this fire. The Program Delivery Manager can also provide you with this information.

* **Location/Site:** This item can range from an "address," "intersection of…," "1 mile south of…on…" to "county wide." If damages are in different locations or different counties please list each location. Include latitude and longitude of the project if known.

* **Category:** Indicate the category of the project according to FEMA specified work categories (i.e., B, H, Z). This is optional.

* **Period Covering:** Enter the dates that this period covers.

* **Description Work Performed:** Describe the type of work the equipment was used for.

* **Type of Equipment / Indicate size, capacity, horsepower, make, and model as appropriate:** Enter a brief description of the equipment including the rated horsepower or capacity of the equipment.

* **Equipment Code Number:** Enter the FEMA cost code number for the equipment.

* **Operator's Name:** Enter the equipment operator's name.

* **Date and Hours Used Each Day - Date:** Enter the days or dates for the week.

* **Hours:** Enter the hours the equipment was used. **Note:** Standby time for equipment is not eligible.

* **Costs / Total Hours:** The total hours for the week. Excel will auto fill the "Total Hours" block.

* **Costs / Equipment Rate:** Enter the hourly rate for the equipment.

* **Costs / Total Cost:** Multiply the number in the Total Hours block by the number in the Equipment Rate block and fill in the amount in the Total Cost block. Excel will auto fill this number.

* **Grand Totals:** Add the numbers in the Total Hours block and the Total Cost block. Excel will auto fill the totals. You will need to enter the totals manually on the Word version.

* **Certified:** Record the name, title, and date of the person certifying the Force Account Equipment Summary Record.

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY **MATERIALS SUMMARY RECORD**	**Page ____ OF ____**	**O.M.B. No. 1660-0017 Expires October 31, 2008**

APPLICANT	PA ID NO.	PROJECT NO.	DISASTER
LOCATION/SITE		CATEGORY	PERIOD COVERING

DESCRIPTION OF WORK PERFORMED

VENDOR	DESCRIPTION	QUAN.	UNIT PRICE	TOTAL PRICE	DATE PURCHASED	DATE USED	INFO FROM (CHECK ONE) INVOICE	STOCK
	GRAND TOTAL →			**$**				

I CERTIFY THAT THE ABOVE INFORMATION WAS OBTAINED FROM PAYROLL RECORDS, INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT.

CERTIFIED	TITLE	DATE

FEMA Form 90-124, FEB 06 PREVIOUS EDITION OBSOLETE

MATERIAL RECORD SUMMARY INSTRUCTIONS
FEMA Form 90-124

This form is used to record the costs of supplies and materials purchased in response to the disaster or used to repair damages caused by the disaster.

Complete the Record as Follows:

* **Applicant:** Enter organization's name.

* **PA ID No.:** Enter the computer tracking number that FEMA assigns to applicant organization. Your Public Assistance Coordinator can provide you with this number.

* **Project No.:** Enter the number assigned to this project by the applicant.

* **Disaster:** Enter the declaration number for this fire. The Program Delivery Manager can also provide you with this information.

* **Location/Site:** This item can range from an "address," "intersection of…," "1 mile south of…on…" to "county wide." If damages are in different locations or different counties please list each location. Include latitude and longitude of the project if known.

* **Category:** Indicate the category of the project according to FEMA specified work categories (i.e., B, H, Z). This is optional.

* **Period Covering:** Enter the dates that this period covers.

* **Description of Work Performed:** Describe the type of work that was performed.

* **Vendor:** Enter the name of the supplier if the material was bought specifically as a result of the disaster.

* **Description:** Enter a brief description of the supplies or materials used or purchased.

* **Quan.:** Enter the number purchased.

* **Unit Price:** Enter the price per unit.

* **Total Price:** Calculates the "Quan." times the "Unit Price" and auto fills "Total Price" block.

* **Date Purchased:** Enter the date item was purchased.

* **Date Used:** Enter the date item was used.

* **Info. from (Check One) Invoice or Stock:** Place a check (√) in either the "Invoice" or "Stock" block.

* **Grand Total:** Adds the costs from "Total Price" blocks and auto fills "Grant Total" block.

* **Certified:** Record the name, title, and date of the person certifying the Material Summary Record.

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY RENTED EQUIPMENT SUMMARY RECORD	Page _____ of _____	O.M.B. No. 1660-0017 *Expires October 31, 2008*

APPLICANT	PA ID NO.	PROJECT NO.	DISASTER
LOCATION/SITE		CATEGORY	PERIOD COVERING

DESCRIPTION OF WORK PERFORMED

TYPE OF EQUIPMENT Indicate size, capacity, horsepower, make and model as appropriate	DATES AND HOURS USED	RATE PER HOUR		TOTAL COST	VENDOR	INVOICE NO.	DATE AND AMOUNT PAID	CHECK NO.
		W/OPR	W/OUT OPR					
				$				
				$				
				$				
				$				
				$				
				$				
				$				
				$				
						GRAND TOTAL →	$	

I CERTIFY THAT THE ABOVE INFORMATION WAS OBTAINED FROM PAYROLL RECORDS, INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT.

CERTIFIED	TITLE	DATE

FEMA Form 90-125, FEB 06 PREVIOUS EDITION OBSOLETE

RENTED EQUIPMENT SUMMARY INSTRUCTIONS
FEMA Form 90-125

This form is used to record the costs of equipment that is rented or leased to the applicant to respond to the event or be used to make repairs to damages caused by the event.

Complete the Record as Follows:

* **Applicant:** Enter organization's name.

* **PA ID No.:** Enter the computer tracking number that FEMA assigns to applicant organization. Your Public Assistance Coordinator can provide you with this number.

* **Project No.:** Enter the number assigned to this project by the applicant.

* **Disaster:** Enter the declaration number for this fire. The Program Delivery Manager can also provide you with this information.

* **Location/Site:** This item can range from an "address," "intersection of…," "1 mile south of…on…" to "county wide." If damages are in different locations or different counties please list each location. Include latitude and longitude of the project if known.

* **Category:** Indicate the category of the project according to FEMA specified work categories (i.e., B, H, Z). This is optional.

* **Period Covering:** Enter the dates that this period covers.

* **Type of Equipment:** Enter a brief description of the equipment that was leased or rented. Indicate if the equipment was rented on a daily, weekly, or monthly rate instead of an hourly rate.

* **Date and Hours Used:** Enter the dates for each day the equipment was used in the top box and the hours the equipment was worked in the bottom box.

* **Rate Per Hours With or Without Operator:** Enter the hourly rental or lease cost of the equipment with or without an operator. **Note**: Determine the rental rate is fair and reasonable and not raised because of the disaster.

* **Total Cost:** Multiply the entries in the second box under “Dates & Hours Used”. Multiple this amount by the “Rate Per Hour – W/OPR or W/OUT OPR”. The Excel version auto fills the “Total Cost” block. You will need to fill in the block in the Word version.

* **Vendor:** Enter the name of the vendor.

* **Invoice No.:** Enter the invoice number.

* **Date and Amount Paid:** Enter the date of the invoice in the top box and the usage cost based on the renter’s agreement in the bottom box.

* **Check No.:** Enter the check or warrant number.

* **Grand Total:** The Excel version will calculate the costs from "Total Price" blocks and auto fill "Grant Total" block. You will need to enter this information manually on the Word version.

* **Certified:** Record the name, title, and date of the person certifying the Rented Equipment Summary Record.

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY **CONTRACT WORK SUMMARY RECORD**	Page ____ OF ____	**O.M.B. No. 1660-0017** **Expires October 31, 2008**

APPLICANT	PA ID NO.	PROJECT NO.	DISASTER
LOCATION/SITE		CATEGORY	PERIOD COVERING

DESCRIPTION OF WORK PERFORMED

DATES WORKED	CONTRACTOR	BILLING/INVOICE NUMBER	AMOUNT	COMMENTS - SCOPE
		GRAND TOTAL →		

I CERTIFY THAT THE ABOVE INFORMATION WAS OBTAINED FROM PAYROLL RECORDS, INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT.

CERTIFIED	TITLE	DATE

CONTRACT WORK SUMMARY INSTRUCTIONS
FEMA Form 90-126

This form is used to record the costs of contracts awarded to respond to the disaster.

Complete the Record as Follows:

* **Applicant:** Enter organization's name.

* **PA ID No.:** Enter the computer tracking number that FEMA assigns to applicant organization. Your Public Assistance Coordinator can provide you with this number.

* **Project No.:** Enter the number assigned to this project by the applicant.

* **Disaster:** Enter the declaration number for this fire. The Program Delivery Manager can also provide you with this information.

* **Location/Site:** This item can range from an "address," "intersection of…," "1 mile south of…on…" to "county wide." If damages are in different locations or different counties please list each location. Include latitude and longitude of the project if known.

* **Category:** Indicate the category of the project according to FEMA specified work categories (i.e.; B, H, Z). This is optional.

* **Period Covering:** Enter the dates that this period covers.

* **Description of Work Performed:** Enter a brief description of work performed.

* **Date Worked:** Enter the date on the invoice.

* **Contractor:** Enter the name of the contractor receiving the contract.

* **Billing/Invoice Number**: Enter the invoice number.

* **Amount**: Enter the total dollar figure listed for each invoice.

* **Comments – Scope:** Enter a brief description of the type of work that was performed on each invoice.

* **Grand Total:** Calculates the “Amount” blocks and auto fills "Grant Total" block.

* **Certified:** Record the name, title, and date of the person certifying the Contract Work Summary Record.

FORM
A19-1A
(Rev. 12/96)

STATE OF WASHINGTON
INVOICE VOUCHER

AGENCY USE ONLY		
AGENCY NO.	LOCATION CODE	P.R. OR AUTH. NO.

AGENCY NAME

Military Department
Public Assistance Unit, Bldg. 20
Camp Murray TA-20
Tacoma, Washington 98430-5122

VENDOR OR CLAIMANT (Warrant is to be payable to)

INSTRUCTIONS TO VENDOR OR CLAIMANT: Submit this form to claim payment for materials, merchandise or services. Show complete detail for each item.

Vendor's Certificate. I hereby certify under penalty of perjury that the items and totals listed herein are proper charges for materials, merchandise or services furnished to the State of Washington, and that all goods furnished and/or services rendered have been provided without discrimination because of age, sex, marital status, race creed, color, national origin, handicap, religion, or Vietnam era or disabled veterans status.

BY _____
(SIGN IN INK)

_____ (TITLE)
(DATE)

FEDERAL I.D. NO. OR SOCIAL SECURITY NO. (For Reporting Personal Services Contract Payments to IRS)	RECEIVED BY	DATE RECEIVED

DISASTER ASSISTANCE PAYMENT REQUEST

Payment is requested for disaster assistance to help in the repair or restoration of damaged public facilities.

Contract No. D17-_____

Disaster No: _____-FM-WA

Type of Request:

- ☐ Small Project Payment
  Package #:
- ☐ Large Project Payment
  PW #:
- ☐ Indirect Administrative Allowance
- ☐ Final Payment

Project Costs:

Proj/Sub _____ $_____ (F)

Proj/Sub _____ $_____ (S)

Administrative Costs:

Proj/Sub _____ $ _____(F)

PREPARED BY	TELEPHONE NUMBER ( )	DATE	AGENCY APPROVAL	DATE

DOC DATE	PMT. DUE DATE	CURRENT DOC. NO.	REF. DOC. NO.	VENDOR NO.	VENDOR MESSAGE	USE TAX	UBI N UMBER

REF DOC SUF	TRANS CODE	MOD	FUND	MASTER INDEX: APPN INDEX	MASTER INDEX: PROGRAM INDEX	SUB OBJ	SUB SUB OBJ	ORG INDEX	WORK CLASS / ALLOC	COUNTY / BUDGET UNIT	CITY/TOWN / MOS	PROJECT	SUB PROJ	PROJ PHAS	AMOUNT	INVOICE NO.

ACCOUNTING APPROVAL FOR PAYMENT	DATE	WARRANT TOTAL	WARRANT NUMBER

Instructions for the Completion of A-19-1A Invoice Voucher

Please use the Invoice Vouchers preprinted with the Disaster Assistance Payment Request Information.

1. Fill in the name and mailing address of your agency in the vendor or claimant box.
2. The designated applicant agent for your agency or jurisdiction is required to sign the invoice voucher under the Vendor's Certificate.
3. Contract No. – See your copy of the interagency agreement. The contract number is in the upper right hand corner.
4. Disaster No. – Insert the appropriate number, depending upon the disaster under which you are requesting reimbursement. (i.e. 5200-FM-WA Jolly Mountain Fire)
5. Type of Request – Mark payment choice based upon type of Project Worksheet you are requesting payment on. Final payment is not marked until the indirect administrative allowance is paid at the time the disaster assistance application is closed.
6. Date – Insert date the invoice voucher is being completed.
7. Program Index – Leave Blank.
8. Project Costs – Leave the lines to the left of the dollar sign ($) blank. To the right of the $, on the line ending with an (F), insert the total amount of federal share funds being requested for payment. If your agency is requesting payment on more than one Project Worksheet, then the total amount of federal funds for all of the reports for which payment is requested would be inserted. Similarly, the amount of state funds for all Project Worksheets for which payment is requested, would be inserted to the right of the $ on the line ending (S).

   F = federal funds S = state funds
9. Administrative Costs – Leave blank.

You have now completed the form. Mail the completed invoice voucher with the required accompanying document to:

Fire Management Assistance Grant Program
Washington Military Department
MS: TA-20, Building 20-B
Camp Murray, WA 98430-5122

A copy of the invoice voucher will be faxed or emailed to you when the payment is forwarded to the Finance Office for payment. Typically payments are processed and in the mail within thirty working days after receipt.

APPENDIX D

Miscellaneous Resources

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APPENDIX D – MISCELLANEOUS RESOURCES

Fire Management Assistance Grant Program Process Flowchart.....84

Applicant Checklist.....85

Deadlines.....86

General Points "Before the Fire" 87

Internet Reference/Resources:

EMD information on Fire Management Program: http://mil.wa.gov/emergency-management-division/grants/fire-assistance-grants

FEMA information and forms: https://www.fema.gov/fire-management-assistance-grant-program
(FEMA has recently changed the URL address for FMAG information. This is the current web address.)

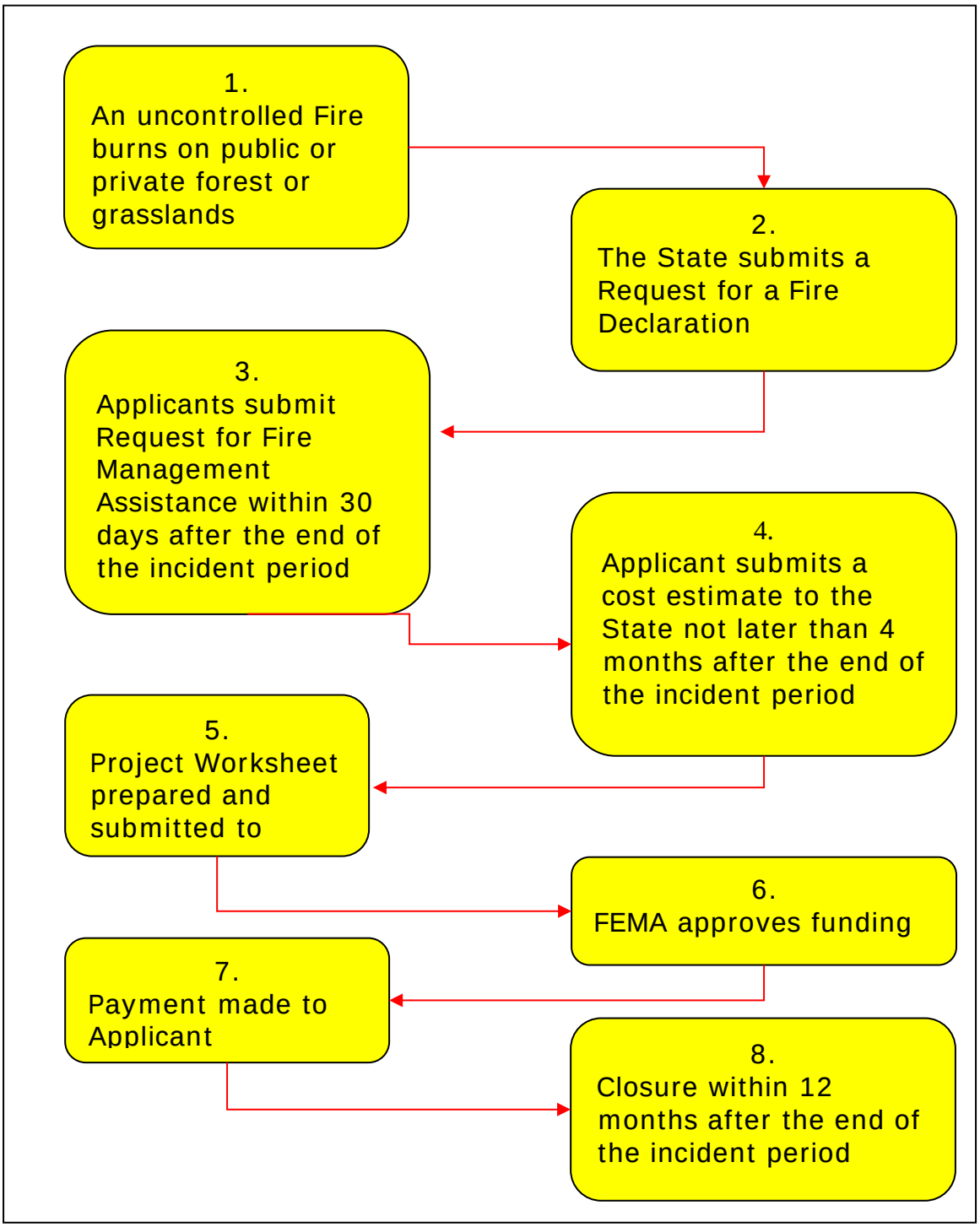
Robert T. Stafford Act, P.L. 93-288: https://www.fema.gov/robert-t-stafford-disaster-relief-and-emergency-assistance-act-public-law-93-288-amended

Electronic Code of Federal Regulations on the Internet: https://www.ecfr.gov

EMERGENCY MANAGEMENT DIVISION
WASHINGTON MILITARY DEPARTMENT

Fire Management Assistance Grant Program

PROCESS



FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

APPLICANT CHECKLIST

Name of Fire (Incident Period)

✔	Form	Deadline / Requirements	Where More Information Can Be Found in the Applicant Manual
	Request for Fire Management Assistance Subgrant	**Deadline: 25 days after close of the incident period**	Page 11; form is in Appendix C, page 47 (FEMA Form 089-0-24)
	Designation of Applicant Agent	Submit when you apply for assistance	Page 11; form is in Appendix C, page 48-49 (State Form)
	State Fire Management Assistance Grant Application	Necessary for funding with the state; submit as soon as possible	Page 12; form is in Appendix C, page 51 (State Form – FMAGP-001)
	State Agreement/Contract	Necessary to receive federal funds from state; two copies of the agreement sent with cover letter and any attachments	Page 12 (State agreement)
	Signature Authorization	Required by State Contracting Office	Page 12; form is in Appendix C, page 53
	Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form	Necessary for receiving federal funds; submit as soon as possible	Page 12; form is in Appendix C, page 55
	Federal Funding Accountability and Transparency Act (FFATA)	Necessary for receiving federal funds; submit as soon as possible	Page 12; form is in Appendix C, page 57
	2 CFR Part 200 Subpart F Audit Certification Form	Necessary for receiving federal funds; submit as soon as possible	Page 12; form is in Appendix C, page 61
	Project Worksheet (PW)	Will be prepared by the federal/state team, after receipt and review of the final costs claimed form	Page 16; form is in Appendix C, page 63 (FEMA Form 009-0-0-7) (Applicant does not use this form)
	A-19-1A Invoice Voucher (Payment)	Upon FEMA's project funding approval for a PW, you will be sent a completed A-19-1A for signature to request payment	Page 17; form is in Appendix C, page 79 (State Form)

FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM
"BEFORE THE NEXT FIRE"

DEADLINES TO REMEMBER…

Within:

* **30 days of the Incident Period**: Applicants must submit their initial request for a Fire Management assistance Subgrant to EMD. EMD must collate and submit these requests for FEMA within 30 days.

* **Four Months of Incident Period**: Applicants must submit their cost estimate and cost summary spreadsheet to EMD. The FEMA/State team will visit to review costs and then prepare Project Worksheet(s) based upon these claimed costs.

* **Six Months of Incident Period**: All costs must be finalized and the supporting documentation provided to EMD. EMD will submit the final application package to FEMA with the PWs and supporting documentation.

* **Twelve months of end of the Incident Period**: The fire must be closed. This means all applicants reimbursed, their application closed, and the fire closed.

FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM
"BEFORE THE FIRE"

GENERAL POINTS TO REMEMBER:

* Incident Period: Includes start and stop times in addition to the dates.

* Labor / Benefit Costs:

  - ✓ Regular time backfill is not eligible. Overtime backfill is eligible.

  - ✓ Overtime labor and benefit costs are an eligible Category B cost for your personnel, whether permanent or reassigned. Regular time is not eligible. Compensatory or exchange time is eligible with supporting policies or collective bargaining agreements (CBA).

  - ✓ Regular and overtime labor and benefit costs are an eligible Category B or H for temporary hires or contracted labor.

* Donated Resources: May reduce the amount of your 25% non-federal share. Donated Resources includes volunteer time, donated equipment, and donated materials. Track when your volunteers started and when they stopped, and what they did. For equipment and materials, ask the provider for the amount they would have charged.

* Administrative Costs: Subrecipients (applicants) may claim direct administrative costs for extraordinary costs associated with requesting, obtaining, and administering a sub-award. This includes regular and overtime pay and travel expenses for permanent, reassigned, temporary, and contract employees. You must be able to directly report the costs to the specific fire. This is usually best achieved through a separate budget code that is assigned to the fire. Subrecipient indirect administrative costs are not eligible.

* Applicant's Agent: All applicants (Sub-recipients) must designate and Applicant's Agent to act on behalf of the organization. We recommend you also appoint an alternate. EMD will provide you with this information.

* Prepare for FEMA/EMD Team: A FEMA/EMD team will visit each applicant (Sub-recipient) to review the claimed costs and supporting documentation.

  The team will look at all documentation to support your claimed costs. –
  - ✓ random (statistical representative) sampling of timesheets for force account labor
  - ✓ all vendor invoices and vouchers
  - ✓ spreadsheets that summarize and/or detail your costs (labor & equipment lists)
  - ✓ financial reports that support your costs
  - ✓ personnel policies regarding overtime pay
  - ✓ sample cost-share agreements and any addendums, mutual aid agreements
  - ✓ a sample vendor contract

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APPENDIX E

APPLICABLE STAFFORD ACT PROVISIONS

APPENDIX E – APPLICABLE STAFFORD ACT PROVISIONS

Applicable Stafford Act Provisions:

- Section 403
  {403} 5170b. Essential Assistance

  (a) In general

  Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster, as follows:

  (1) Federal resources, generally

  Utilizing, lending, or donating to State and local governments, Federal equipment, supplies, facilities, personnel, and other resources, other than the extension of credit, for use or distribution by such governments in accordance with the purposes of this Act.

  (2) Medicine, food, and other consumables

  Distributing or rendering through State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations medicine, food, and other consumable supplies, and other services and assistance to disaster victims.

  (3) Work and services to save lives and protect property

  Performing on public or private lands or waters any work or services essential to saving lives and protecting and preserving property or public health and safety, including--

  (A) debris removal;

  (B) search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicine, and other essential needs, including movement of supplies or persons;

  (C) clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services;

  (D) provision of temporary facilities for schools and other essential community services;

(E) demolition of unsafe structures which endanger the public;

(F) warning of further risks and hazards;

(G) dissemination of public information and assistance regarding health and safety measures;

(H) provision of technical advice to State and local governments on disaster management and control; and

(I) reduction of immediate threats to life, property, and public health and safety.

(4) Contributions

(a) Making contributions to State or local governments or owners or operators of private nonprofit facilities for the purpose of carrying out the provisions of this subsection.

(b) Federal share

The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.

(c) Utilization of DOD resources

(1) General rule

During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act [42 U.S.C. 5170 et seq. or 5191 et seq.], the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property. If the President determines that such work is essential for the preservation of life and property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days.

(2) Rules applicable to debris removal

Any removal of debris and wreckage carried out under this subsection shall be subject to section 5173(b) of this title [42 U.S.C. 5173(b)], relating to unconditional authorization and indemnification for debris removal.

(3) Expenditures out of disaster relief funds

The cost of any assistance provided pursuant to this subsection shall be reimbursed out of funds made available to carry out this Act.

(4) Federal share

The Federal share of assistance under this subsection shall be not less than 75 percent.

(5) Guidelines

Not later than 180 days after the date of the enactment of the Disaster Relief and Emergency Assistance Amendments of 1988 [enacted Nov. 23, 1988], the President shall issue guidelines for carrying out this subsection. Such guidelines shall consider any likely effect assistance under this subsection will have on the availability of other forms of assistance under this Act.

(6) Definitions

For purposes of this section—

(A) Department of Defense

The term 'Department of Defense' has the same meaning as the term "department" under section 101 of title 10, United States Code.

(B) Emergency work

The term "emergency work" includes clearance and removal of debris and wreckage and temporary restoration of essential public facilities and services.

- Section 420
  {420} Fire Management Assistance

a) IN GENERAL – The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

(b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY – In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

(c) ESSENTIAL ASSISTANCE – In providing assistance under this section, the President may use the authority provided under section 403.

(d) RULES AND REGULATIONS – The President shall prescribe such rules and regulations as are necessary to carry out this section.

(e) EFFECTIVE DATE – The amendment made by subsection (a) takes effect 1 year after the date of the enactment of this Act.

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APPENDIX F

FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

44 CFR Part 204

Title 44: Emergency Management and Assistance
PART 204—FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

Subpart A—General

204.1 Purpose.
204.2 Scope.
204.3 Definitions used throughout this part.
204.4-204.20 [Reserved]

Subpart B—Declaration Process

204.21 Fire management assistance declaration criteria.
204.22 Submitting a request for a fire management assistance declaration.
204.23 Processing a request for a fire management assistance declaration.
204.24 Determination on request for a fire management assistance declaration.
204.25 FEMA–State agreement for fire management assistance grant program.
204.26 Appeal of fire management assistance declaration denial.
204.27-204.40 [Reserved]

Subpart C—Eligibility

204.41 Applicant eligibility.
204.42 Eligible costs.
204.43 Ineligible costs.
204.44-204.50 [Reserved]

Subpart D—Application Procedures

204.51 Application and approval procedures for a fire management assistance grant.
204.52 Application and approval procedures for a subgrant under a fire management assistance grant.
204.53 Certifying costs and payments.
204.54 Appeals.
204.55-204.60 [Reserved]

Subpart E—Grant Administration

204.61 Cost share.
204.62 Duplication and recovery of assistance.
204.63 Allowable costs.
204.64 Reporting and audit requirements

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.
Source: 66 FR 57347, Nov. 14, 2001, unless otherwise noted.

Subpart A—General

204.1 Purpose.

This part provides information on the procedures for the declaration and grants management processes for the Fire Management Assistance Grant Program in accordance with the provisions of section 420 of the Stafford Act. This part also details applicant eligibility and the eligibility of costs to be considered under the program. We (FEMA) will actively work with State and Tribal emergency managers and foresters on the efficient delivery of fire management assistance as directed by this part.

204.2 Scope.

This part is intended for those individuals responsible for requesting declarations and administering grants under the Fire Management Assistance Grant Program, as well as those applying for assistance under the program.

204.3 Definitions used throughout this part.

Applicant. A State or Indian tribal government submitting an application to us for a fire management assistance grant, or a State, local, or Indian tribal government submitting an application to the Recipient for a subgrant under an approved fire management assistance grant.
Assistant Administrator. *The Assistant Administrator for the Disaster Assistance Directorate of FEMA, or his/her designated representative.*
Declared fire. An uncontrolled fire or fire complex, threatening such destruction as would constitute a major disaster, which the Assistant Administrator for the Disaster Assistance Directorate has approved in response to a State's request for a fire management assistance declaration and in accordance with the criteria listed in §204.21.
Demobilization. The process and procedures for deactivating, disassembling, and transporting back to their point of origin all resources that had been provided to respond to and support a declared fire.
FEMA Form 009-0-0-7. See Project Worksheet.
Fire complex. Two or more individual fires located in the same general area, which are assigned to a single Incident Commander.
Governor's Authorized Representative (GAR). The person empowered by the Governor to execute, on behalf of the State, all necessary documents for fire management assistance, including the request for a fire management assistance declaration.
Grant. An award of financial assistance, including cooperative agreements, by FEMA to an eligible Recipient. The grant award will be based on the projected amount of total eligible costs for which a State submits an application and that FEMA approves related to a declared fire.
Hazard mitigation plan. A plan to develop actions the State, local, or tribal government will take to reduce the risk to people and property from all hazards. The intent of hazard mitigation planning under the Fire Management Assistance Grant Program is to identify wildfire hazards and cost-effective mitigation alternatives that produce long-term benefits. We address mitigation of fire hazards as part of the State's comprehensive Mitigation Plan, described in 44 CFR part 201.

Incident commander. The ranking official responsible for overseeing the management of fire operations, planning, logistics, and finances of the field response.
Incident period. The time interval during which the declared fire occurs. The Regional Administrator, in consultation with the Governor's Authorized Representative and the Principal Advisor, will establish the incident period. Generally, costs must be incurred during the incident period to be considered eligible.
Indian tribal government. An Indian tribal government is any Federally recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.
Individual assistance. Supplementary Federal assistance provided under the Stafford Act to individuals and families adversely affected by a major disaster or an emergency. Such assistance may be provided directly by the Federal Government or through State or local governments or disaster relief organizations. For further information, see subparts D, E, and F of part 206.
Local government. A local government is any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian tribal government or authorized tribal organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.
Mitigation, management, and control. Those activities undertaken, generally during the incident period of a declared fire, to minimize immediate adverse effects and to manage and control the fire. Eligible activities may include associated emergency work and pre-positioning directly related to the declared fire.
Mobilization. The process and procedures used for activating, assembling, and transporting all resources that the Recipient requested to respond to support a declared fire.
Performance period. The time interval designated in block 13 on the Application for Federal Assistance (Standard Form 424) for the Recipient and all subrecipients to submit eligible costs and have those costs processed, obligated, and closed out by FEMA.
Pre-positioning. Moving existing fire prevention or suppression resources from an area of lower fire danger to one of higher fire danger in anticipation of an increase in fire activity likely to constitute the threat of a major disaster.
Principal advisor. An individual appointed by the Forest Service, United States Department of Agriculture, or Bureau of Land Management, Department of the Interior, who is responsible for providing FEMA with a technical assessment of the fire or fire complex for which a State is requesting a fire management assistance declaration. The Principal Advisor also frequently participates with FEMA on other wildland fire initiatives.
Project worksheet. FEMA Form 009-0-0-7, which identifies actual costs incurred by eligible applicants as a result of the eligible firefighting activities.
Public assistance. Supplementary Federal assistance provided under the Stafford Act to State and local governments or certain private, nonprofit organizations for eligible emergency measures and repair, restoration, and replacement of damaged facilities. For further information, see Subparts G and H of Part 206.
Recipient. The Recipient is the government to which a grant is awarded which is accountable for the use of the funds provided. The Recipient is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally, the State, as

designated in the FEMA-State Agreement for the Fire Management Assistance Grant Program, is the Recipient. However, after a declaration, an Indian tribal government may choose to be a Recipient, or it may act as a subrecipient under the State. An Indian tribal government acting as Recipient will assume the responsibilities of a "state", as described in this Part, for the purpose of administering the grant.
Regional Administrator. The administrator of a regional office of FEMA, or his/her designated representative.
Request for Federal Assistance. See Standard Form (SF) 424.
Standard Form (SF) 424. The SF 424 is the Request for Federal Assistance. This is the form the State submits to apply for a grant under a fire management assistance declaration.
Subgrant. An award of financial assistance under a grant by a Recipient to an eligible subrecipient.
Subrecipient. An applicant that is awarded a subgrant and is accountable to the Recipient for the use of grant funding provided.
Threat of a major disaster. The potential impact of the fire or fire complex is of a severity and magnitude that would result in a presidential major disaster declaration for the Public Assistance Program, the Individual Assistance Program, or both.
Uncontrolled fire. Any fire not safely confined to predetermined control lines as established by firefighting resources.
We, our, us mean FEMA.
[66 FR 57347, Nov. 14, 2001, as amended at 68 FR 61370, Oct. 28, 2003]

204.4-204.20 [Reserved]

Subpart B—Declaration Process

204.21 Fire management assistance declaration criteria.

(a) *Determinations.* We will approve declarations for fire management assistance when the Assistant Administrator for the Disaster Assistance Directorate determines that a fire or fire complex threatens such destruction as would constitute a major disaster.
(b) *Evaluation criteria.* We will evaluate the threat posed by a fire or fire complex based on consideration of the following specific criteria:
(1) Threat to lives and improved property, including threats to critical facilities/infrastructure, and critical watershed areas;
(2) Availability of State and local firefighting resources;
(3) High fire danger conditions, as indicated by nationally accepted indices such as the National Fire Danger Ratings System;
(4) Potential major economic impact.

204.22 Submitting a request for a fire management assistance declaration.

The Governor of a State, or the Governor's Authorized Representative (GAR), may submit a request for a fire management assistance declaration. The request must be submitted while the fire is burning uncontrolled and threatens such destruction as would constitute a major disaster. The request must be submitted to the Regional Administrator and should address the relevant criteria listed in §204.21, with supporting documentation that contains factual data and professional estimates on the fire or fire complex. To ensure that we can process a State's

request for a fire management assistance declaration as expeditiously as possible, the State should transmit the request by telephone, promptly followed by written documentation (FEMA Form 90-58).

204.23 Processing a request for a fire management assistance declaration.

(a) In processing a State's request for a fire management assistance declaration, the Regional Administrator, in coordination with the Principal Advisor, will verify the information submitted in the State's request.
(b) The Regional Administrator will then forward the State's request to the Assistant Administrator for the Disaster Assistance Directorate for determination along with the Principal Advisor's Assessment and the Regional Summary.
(1) *Principal Advisor's assessment.* The Principal Advisor, at the request of the Regional Administrator, is responsible for providing us with a technical assessment of the fire or fire complex for which the State is requesting a fire management assistance declaration. The Principal Advisor may consult with State agencies, usually emergency management or forestry, as well as the Incident Commander, in order to provide us with an accurate assessment.
(2) *Regional summary and recommendation.* Upon obtaining all necessary information on the fire or fire complex from the State and the Principal Advisor, the Regional Administrator will provide the Assistant Administrator for the Disaster Assistance Directorate with a summary and recommendation to accompany the State's request. The summary and recommendation should include a discussion of the threat of a major disaster.

204.24 Determination on request for a fire management assistance declaration.

The Assistant Administrator for the Disaster Assistance Directorate will review all information submitted in the State's request along with the Principal Advisor's assessment and Regional summary and render a determination. The determination will be based on the conditions of the fire or fire complex existing at the time of the State's request. When possible, the Assistant Administrator for the Disaster Assistance Directorate will evaluate the request and make a determination within several hours. Once the Assistant Administrator for the Disaster Assistance Directorate makes a determination, the Assistant Administrator for the Disaster Assistance Directorate will promptly notify the Regional Administrator. The Regional Administrator will then inform the State of the determination.

204.25 FEMA–State agreement for fire management assistance grant program.

(a) After a State's request for a fire management assistance declaration has been approved, the Governor and Regional Administrator will enter into a standing FEMA–State Agreement (the Agreement) for the declared fire and for future declared fires in that calendar year. The State must have a signed and up-to-date FEMA–State Agreement before receiving Federal funding for fire management assistance grants. FEMA will provide no funding absent a signed and up-to-date Agreement. An Indian tribal government serving as Recipient, must sign a FEMA–Tribal Agreement, modeled upon the FEMA–State Agreement.
(b) The Agreement states the understandings, commitments, and conditions under which we will provide Federal assistance, including the cost share provision and articles of agreement necessary for the administration of grants approved under fire management assistance declarations. The Agreement must also identify the State legislative authority for firefighting, as

well as the State's compliance with the laws, regulations, and other provisions applicable to the Fire Management Assistance Grant Program.
(c) For each subsequently declared fire within the calendar year, the parties must add a properly executed amendment, which defines the incident period and contains the official declaration number. Other amendments modifying the standing Agreement may be added throughout the year to reflect changes in the program or signatory parties.

204.26 Appeal of fire management assistance declaration denial.

(a) *Submitting an appeal*. When we deny a State's request for a fire management assistance declaration, the Governor or GAR may appeal the decision in writing within 30 days after the date of the letter denying the request. The State should submit this one-time request for reconsideration in writing, with appropriate additional information, to the Assistant Administrator for the Disaster Assistance Directorate through the Regional Administrator. The Assistant Administrator for the Disaster Assistance Directorate will notify the State of his/her determination on the appeal, in writing, within 90 days of receipt of the appeal or the receipt of additional requested information.
(b) *Requesting a time-extension.* The Assistant Administrator for the Disaster Assistance Directorate may extend the 30-day period provided that the Governor or the GAR submits a written request for such an extension within the 30-day period. The Assistant Administrator for the Disaster Assistance Directorate will evaluate the need for an extension based on the reasons cited in the request and either approve or deny the request for an extension.

204.27-204.40 [Reserved]

Subpart C—Eligibility

204.41 Applicant eligibility.

(a) The following entities are eligible to apply through a State Recipient for a subgrant under an approved fire management assistance grant:
(1) State agencies;
(2) Local governments; and
(3) Indian tribal governments.
(b) Entities that are not eligible to apply for a subgrant as identified in (a), such as privately owned entities and volunteer firefighting organizations, may be reimbursed through a contract or compact with an eligible applicant for eligible costs associated with the fire or fire complex.
(c) Eligibility is contingent upon a finding that the Incident Commander or comparable State official requested the applying entity's resources.
(d) The activities performed must be the legal responsibility of the applying entity, required as the result of the declared fire, and located within the designated area.

204.42 Eligible costs.

(a) *General*. (1) All eligible work and related costs must be associated with the incident period of a declared fire.

(2) Before obligating Federal funds the Regional Administrator must review and approve the initial grant application, along with Project Worksheets submitted with the application and any subsequent amendments to the application.
(3) Recipients will award Federal funds to subrecipients under State law and procedure and complying with 44 CFR part 13.
(b) *Equipment and supplies.* Eligible costs include:
(1) Personal comfort and safety items normally provided by the State under field conditions for firefighter health and safety, including:
(2) Firefighting supplies, tools, materials, expended or lost, to the extent not covered by reasonable insurance, will be replaced with comparable items.
(3) Operation and maintenance costs of publicly owned, contracted, rented, or volunteer firefighting department equipment used in eligible firefighting activities to the extent any of these costs are not included in applicable equipment rates.
(4) Use of U.S. Government-owned equipment based on reasonable costs as billed by the Federal agency and paid by the State. (Only direct costs for use of Federal Excess Personal Property (FEPP) vehicles and equipment on loan to State Forestry and local cooperators may be eligible.)
(5) Repair of equipment damaged in firefighting activities to the extent not covered by reasonable insurance. We will use the lowest applicable equipment rates, or other rates that we determine, to calculate the eligible cost of repairs.
(6) Replacement of equipment lost or destroyed in firefighting activities, to the extent not covered by reasonable insurance, will be replaced with comparable equipment.
(c) *Labor costs.* Eligible costs include:
(1) Overtime for permanent or reassigned State and local employees.
(2) Regular time and overtime for temporary and contract employees hired to perform fire-related activities.
(d) *Travel and per diem costs.* Eligible costs include:
(1) Travel and per diem of employees who are providing services directly associated with eligible fire-related activities may be eligible.
(2) Provision of field camps and meals when made available in place of per diem;
(e) *Pre-positioning costs.* (1) The actual costs of pre-positioning Federal, out-of-State (including compact), and international resources for a limited period may be eligible when those resources are used in response to a declared fire.
(2) The Regional Administrator must approve all pre-positioning costs.
(i) Upon approval of a State's request for a fire management assistance declaration by the Assistant Administrator for the Disaster Assistance Directorate, the State should immediately notify the Regional Administrator of its intention to seek funding for pre-positioning resources.
(ii) The State must document the number of pre-positioned resources to be funded and their respective locations throughout the State, estimate the cost of the pre-positioned resources that were used on the declared fire and the amount of time the resources were pre-positioned, and provide a detailed explanation of the need to fund the pre-positioned resources.
(iii) The State will base the detailed explanation on recognized scientific indicators, that include, but are not limited to, drought indices, short-term weather forecasts, the current number of fires burning in the State, and the availability of in-State firefighting resources. The State may also include other quantitative indicators with which to measure the increased risk of the threat of a major disaster.

(iv) Based on the information contained in the State's notification, the Regional Administrator will determine the number of days of pre-positioning to be approved for Federal funding, up to a maximum of 21 days before the fire declaration.
(3) Upon rendering his/her determination on pre-positioning costs, the Regional Administrator will notify the Assistant Administrator for the Disaster Assistance Directorate of his/her determination.
(f) *Emergency work.* We may authorize the use of section 403 of the Stafford Act, Essential Assistance, under an approved fire management assistance grant when directly related to the mitigation, management, and control of the declared fire. Essential assistance activities that may be eligible include, but are not limited to, police barricading and traffic control, extraordinary emergency operations center expenses, evacuations and sheltering, search and rescue, arson investigation teams, public information, and the limited removal of trees that pose a threat to the general public.
(g) *Temporary repair of damage caused by firefighting activities.* Temporary repair of damage caused by eligible firefighting activities listed in this subpart involves short-term actions to repair damage directly caused by the firefighting effort or activities. This includes minimal repairs to bulldozer lines, camps, and staging areas to address safety concerns; as well as minimal repairs to facilities damaged by the firefighting activities such as fences, buildings, bridges, roads, etc. All temporary repair work must be completed within thirty days of the close of the incident period for the declared fire.
(h) *Mobilization and demobilization.* Costs for mobilization to, and demobilization from, a declared fire may be eligible for reimbursement. Demobilization may be claimed at a delayed date if deployment involved one or more declared fires. If resources are being used on more than one declared fire, mobilization and demobilization costs must be claimed against the first declared fire.
(i) *Fires on co-mingled Federal/State lands.* Reasonable costs for the mitigation, management, and control of a declared fire burning on co-mingled Federal and State land may be eligible in cases where the State has a responsibility for suppression activities under an agreement to perform such action on a non-reimbursable basis. (This provision is an exception to normal FEMA policy under the Stafford Act and is intended to accommodate only those rare instances that involve State firefighting on a Stafford Act section 420 fire incident involving co-mingled Federal/State and privately-owned forest or grassland.)

204.43 Ineligible costs.

Costs not directly associated with the incident period are ineligible. Ineligible costs include the following:
(a) Costs incurred in the mitigation, management, and control of undeclared fires;
(b) Costs related to planning, pre-suppression (*i.e.*, cutting fire-breaks without the presence of an imminent threat, training, road widening, and other similar activities), and recovery (*i.e.*, land rehabilitation activities, such as seeding, planting operations, and erosion control, or the salvage of timber and other materials, and restoration of facilities damaged by fire);
(c) Costs for the straight or regular time salaries and benefits of a subrecipient's permanently employed or reassigned personnel;
(d) Costs for mitigation, management, and control of a declared fire on co-mingled Federal land when such costs are reimbursable to the State by a Federal agency under another statute (See 44 CFR part 51);

(e) Fires fought on Federal land are generally the responsibility of the Federal Agency that owns or manages the land. Costs incurred while fighting fires on federally owned land are not eligible under the Fire Management Assistance Grant Program except as noted in §204.42(i).

204.44-204.50 [Reserved]

Subpart D—Application Procedures

204.51 Application and approval procedures for a fire management assistance grant.

(a) *Preparing and submitting an application.* (1) After the approval of a fire management assistance declaration, the State may submit an application package for a grant to the Regional Administrator. The application package must include the SF 424 (Request for Federal Assistance) and FEMA Form 20–16a (Summary of Assurances—Non-construction Programs), as well as supporting documentation for the budget.
(2) The State should submit its grant application within 9 months of the declaration. Upon receipt of the written request from the State, the Regional Administrator may grant an extension for up to 3 months. The State's request must include a justification for the extension.
(b) *Fire cost threshold.* (1) We will approve the initial grant award to the State when we determine that the State's application demonstrates either of the following:
(i) Total eligible costs for the declared fire meet or exceed the individual fire cost threshold; or
(ii) Total costs of all declared and non-declared fires for which a State has assumed responsibility in a given calendar year meet the cumulative fire cost threshold.
(2) The individual fire cost threshold for a State is the greater of the following:
(i) $100,000; or
(ii) Five percent × $1.07 × the State population, adjusted annually for inflation using the Consumer Price Index for All Urban Consumers published annually by the Department of Labor.
(3) The cumulative fire cost threshold for a State is the greater of the following:
(i) $500,000; or
(ii) Three times the five percent × $1.07 × the State population as described in §204.51(b)(2)(ii).
(4) States must document the total eligible costs for a declared fire on Project Worksheets, which they must submit with the grant application.
(5) We will not consider the costs of pre-positioning resources for the purposes of determining whether the grant application meets the fire cost threshold.
(6) When the State's total eligible costs associated with the fire management assistance declaration meet or exceed the fire cost threshold eligible costs will be cost shared in accordance with §204.61.
(c) *Approval of the State's grant application.* The Regional Administrator has 45 days from receipt the State's grant application or an amendment to the State's grant application, including attached supporting Project Worksheet(s), to review and approve or deny the grant application or amendment; or to notify the Recipient of a delay in processing funding.
(d) *Obligation of the grant.* Before we approve the State's grant application, the State must have an up-to-date State Administrative Plan and a Hazard Mitigation Plan that has been reviewed and approved by the Regional Administrator. Once these plans are approved by the Regional Administrator, the State's grant application may be approved and we may begin to obligate the Federal share of funding for subgrants to the Recipient.
(1) *State administrative plan.*(i) The State must develop an Administrative Plan (or have a current Administrative Plan on file with FEMA) that describes the procedures for the

administration of the Fire Management Assistance Grant Program. The Plan will include, at a minimum, the items listed below:
(A) The designation of the State agency or agencies which will have responsibility for program administration.
(B) The identification of staffing functions for the Fire Management Assistance Program, the sources of staff to fill these functions, and the management and oversight responsibilities of each.
(C) The procedures for:
(*1*) Notifying potential applicants of the availability of the program;
(*2*) Assisting FEMA in determining applicant eligibility;
(*3*) Submitting and reviewing subgrant applications;
(*4*) Processing payment for subgrants;
(*5*) Submitting, reviewing, and accepting subgrant performance and financial reports;
(*6*) Monitoring, close-out, and audit and reconciliation of subgrants;
(*7*) Recovering funds for disallowed costs;
(*8*) Processing appeal requests and requests for time extensions; and
(*9*) Providing technical assistance to applicants and subgrant recipients, including briefings for potential applicants and materials on the application procedures, program eligibility guidance and program deadlines.
(ii) The Recipient may request the Regional Administrator to provide technical assistance in the preparation of the State Administrative Plan.
(2) *Hazard Mitigation Plan.* As a requirement of receiving funding under a fire management assistance grant, a State, or tribal organization, acting as Recipient, must:
(i) Develop a Mitigation Plan in accordance with 44 CFR part 201 that addresses wildfire risks and mitigation measures; or
(ii) Incorporate wildfire mitigation into the existing Mitigation Plan developed and approved under 44 CFR part 201 that also addresses wildfire risk and contains a wildfire mitigation strategy and related mitigation initiatives.
[66 FR 57347, Nov. 14, 2001, as amended at 68 FR 61371, Oct. 28, 2003]

204.52 Application and approval procedures for a subgrant under a fire management assistance grant.

(a) *Request for Fire Management Assistance.* (1) State, local, and tribal governments interested in applying for subgrants under an approved fire management assistance grant must submit a Request for Fire Management Assistance to the Recipient in accordance with State procedures and within timelines set by the Recipient, but no longer than 30 days after the close of the incident period.
(2) The Recipient will review and forward the Request to the Regional Administrator for final review and determination. The Recipient may also forward a recommendation for approval of the Request to the Regional Administrator when appropriate.
(3) The Regional Administrator will approve or deny the request based on the eligibility requirements outlined in §204.41.
(4) The Regional Administrator will notify the Recipient of his/her determination; the Recipient will inform the applicant.
(b) *Preparing a Project Worksheet.* (1) Once the Regional Administrator approves an applicant's Request for Fire Management Assistance, the Regional Administrator's staff may begin to work with the Recipient and local staff to prepare Project Worksheets (FEMA Form 90–91).

(2) The Regional Administrator may request the Principal Advisor to assist in the preparation of Project Worksheets.
(3) The State will be the primary contact for transactions with and on behalf of the applicant.
(c) *Submitting a Project Worksheet.* (1) Applicants should submit all Project Worksheets through the Recipient for approval and transmittal to the Regional Administrator as amendments to the State's application.
(2) The Recipient will determine the deadline for an applicant to submit completed Project Worksheets, but the deadline must be no later than six months from close of the incident period.
(3) At the request of the Recipient, the Regional Administrator may grant an extension of up to three months. The Recipient must include a justification in its request for an extension.
(4) Project Worksheets will not be accepted after the deadline and extension specified in paragraphs (c)(2) and (c)(3) of this section has expired.
(5) *$1,000 Project Worksheet minimum.* When the costs reported are less than $1,000, that work is not eligible and we will not approve that Project Worksheet.

204.53 Certifying costs and payments.

(a) By submitting applicants' Project Worksheets to us, the Recipient is certifying that all costs reported on applicant Project Worksheets were incurred for work that was performed in compliance with FEMA laws, regulations, policy and guidance applicable to the Fire Management Assistance Grant Program, as well as with the terms and conditions outlined for the administration of the grant in the FEMA-State Agreement for the Fire Management Assistance Grant Program.
(b) Advancement/Reimbursement for State grant costs will be processed as follows:
(1) Through the U.S. Department of Health and Human Services SMARTLINK system; and
(2) In compliance with 44 CFR 13.21 and U. S. Treasury 31 CFR part 205, Cash Management Improvement Act.

204.54 Appeals.

An eligible applicant, subrecipient, or recipient may appeal any determination we make related to an application for the provision of Federal assistance according to the procedures below.
(a) *Format and content.* The applicant or subrecipient will make the appeal in writing through the recipient to the Regional Administrator. The recipient will review and evaluate all subrecipient appeals before submission to the Regional Administrator. The recipient may make recipient-related appeals to the Regional Administrator. The appeal will contain documented justification supporting the appellant's position, specifying the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.
(b) *Levels of appeal.* (1) The Regional Administrator will consider first appeals for fire management assistance grant-related decisions under subparts A through E of this part.
(2) The Assistant Administrator for the Disaster Assistance Directorate will consider appeals of the Regional Administrator's decision on any first appeal under paragraph (b)(1) of this section.
(c) *Time limits.* (1) Appellants must file appeals within 60 days after receipt of a notice of the action that is being appealed.
(2) The recipient will review and forward appeals from an applicant or subrecipient, with a written recommendation, to the Regional Administrator within 60 days of receipt.

(3) Within 90 days following receipt of an appeal, the Regional Administrator (for first appeals) or Assistant Administrator for the Disaster Assistance Directorate (for second appeals) will notify the recipient in writing of the disposition of the appeal or of the need for additional information. A request by the Regional Administrator or Assistant Administrator for the Disaster Assistance Directorate for additional information will include a date by which the information must be provided. Within 90 days following the receipt of the requested additional information or following expiration of the period for providing the information, the Regional Administrator or Assistant Administrator for the Disaster Assistance Directorate will notify the recipient in writing of the disposition of the appeal. If the decision is to grant the appeal, the Regional Administrator will take appropriate implementing action.

(d) *Technical advice.* In appeals involving highly technical issues, the Regional Administrator or Assistant Administrator for the Disaster Assistance Directorate may, at his or her discretion, submit the appeal to an independent scientific or technical person or group having expertise in the subject matter of the appeal for advice or recommendation. The period for this technical review may be in addition to other allotted time periods. Within 90 days of receipt of the report, the Regional Administrator or Assistant Administrator for the Disaster Assistance Directorate will notify the recipient in writing of the disposition of the appeal.

(e) The decision of the Assistant Administrator for the Disaster Assistance Directorate at the second appeal level will be the final administrative decision of FEMA.

204.55-204.60 [Reserved]

Subpart E—Grant Administration

204.61 Cost share.

(a) All fire management assistance grants are subject to a cost share. The Federal cost share for fire management assistance grants is seventy-five percent (75%).

(b) As stated in §204.25, the cost share provision will be outlined in the terms and conditions of the FEMA-State Agreement for the Fire Management Assistance Grant Program.

204.62 Duplication and recovery of assistance.

(a) *Duplication of benefits.* We provide supplementary assistance under the Stafford Act, which generally may not duplicate benefits received by or available to the applicant from insurance, other assistance programs, legal awards, or any other source to address the same purpose. An applicant must notify us of all benefits that it receives or anticipates from other sources for the same purpose, and must seek all such benefits available to them. We will reduce the grant by the amounts available for the same purpose from another source. We may provide assistance under this Part when other benefits are available to an applicant, but the applicant will be liable to us for any duplicative amounts that it receives or has available to it from other sources, and must repay us for such amounts.

(b) *Duplication of programs.* We will not provide assistance under this part for activities for which another Federal agency has more specific or primary authority to provide assistance for the same purpose. We may disallow or recoup amounts that fall within another Federal agency's authority. We may provide assistance under this part, but the applicant must agree to seek assistance from the appropriate Federal agency and to repay us for amounts that are within another Agency's authority.

(c) *Negligence.* We will provide no assistance to an applicant for costs attributable to applicant's own negligence. If the applicant suspects negligence by a third party for causing a condition for which we made assistance available under this Part, the applicant is responsible for taking all reasonable steps to recover all costs attributable to the negligence of the third party. We generally consider such amounts to be duplicated benefits available to the Recipient or subrecipient, and will treat them consistent with (a) of this section.
(d) *Intentional acts.* Any person who intentionally causes a condition for which assistance is provided under this part shall be liable to the United States to the extent that we incur costs attributable to the intentional act or omission that caused the condition. We may provide assistance under this part, but it will be conditioned on an agreement by the applicant to cooperate with us in efforts to recover the cost of the assistance from the liable party. A person shall not be liable under this section as a result of actions the person takes or omits in the course of rendering care or assistance in response to the fire.

204.63 Allowable costs.

44 CFR 13.22 establishes general policies for determining allowable costs.
(a) We will reimburse direct costs for the administration of a fire management assistance grant under 44 CFR part 13.
(b) We will reimburse indirect costs for the administration of a fire management assistance grant in compliance with the Recipient's approved indirect cost rate under OMB Circular A–87.

204.64 Reporting and audit requirements

(a) *Reporting.* Within 90-days of the Performance Period expiration date, the State will submit a final Financial Status Report (FEMA Form 20–10), which reports all costs incurred within the incident period and all administrative costs incurred within the performance period; and
(b) *Audit.* (1) Audits will be performed, for both the Recipient and the subrecipients, under 44 CFR 13.26.
(2) FEMA may elect to conduct a program-specific Federal audit on the Fire Management Assistance Grant or a subgrant.

APPENDIX G

DONATED RESOURCES

FEMA Policy 9525.2

I. TITLE: Donated Resources

II. DATE OF ISSUANCE: February 26, 2014

III. PURPOSE: Establish the criteria by which applicants will be credited for volunteer labor, donated equipment, and donated materials used in the performance of eligible emergency work – Categories A and B.

IV. SCOPE AND EXTERNAL AUDIENCE: This policy is applicable to all major disasters and emergencies declared on or after the publication date of this policy. The policy is intended for all personnel involved in the administration of the Public Assistance Program.

V. AUTHORITY: Sections 403(a), **Essential Assistance** and 502, **Federal Emergency Assistance,** of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5121 – 5206, as amended, and Title 44 Code of Federal Regulations (CFR) §13.24, **Matching or cost sharing** and OMB Circular A-87.

VI. POLICY: Donated resources used on eligible work that is essential to meeting immediate threats to life and property resulting from a major disaster may be credited toward the non-Federal share of grant costs under the PA program. Donated resources may include volunteer labor, donated equipment and donated materials**.**

A. Donated resources are eligible to offset the non-Federal share of eligible Categories A and B costs if they meet the following criteria:

1. The donated resources must be documented by a local public official or a person designated by a local public official. The documentation must include a record of hours worked, the work site, and a description of work for each volunteer, and equivalent information for equipment and materials. Regional Administrators may establish alternate documentation requirements when required by an extraordinarily demanding situation.

2. The donated resources must apply to emergency work that has been organized by an eligible applicant and is eligible under the PA program. Examples include, but are not limited to:

a. Removing eligible debris.
b. Filling and placing sandbags.
c. Donating equipment to raise or reinforce a levee.
d. Donating materials, such as rocks or sand.
e. Search and rescue when part of an organized search and rescue operation.
f. Professional safety inspections.
g. Mass care and sheltering for disaster survivors.

3. The donated resources must be documented on one or more Project Worksheets (PWs).

B. **Value of Resources.** 44 CFR 13.24, **Matching or cost sharing,** addresses how donated resources are to be valued. The following instructions are based on that part of the CFR:

1. Volunteer Labor: The value of volunteer labor is discussed in 44 CFR 13.24 (c) (1), **Matching or cost sharing.** *Valuation of donated services*. The rate placed on volunteer labor should be the same rate (plus

reasonable fringe benefits) ordinarily paid for similar work within the applicant's organization. Premium rates will not be used. If the applicant does not have employees performing similar work, the rate should be consistent with those ordinarily performing the work in the same labor market. To determine the value of volunteer labor, the labor rate should be multiplied by the total number of volunteer labor hours. Credit may be given for volunteer labor in any field reasonably required for emergency work, including the work of volunteer equipment operators.

2. Donated Equipment: To determine the value of donated equipment, determine the number of hours that each piece of donated equipment was used and multiply it by the applicant's or FEMA's Equipment Rate, be claimed as a donation for credit under this policy unless it is included in a reimbursed equipment rate.

3. Donated Materials: Only materials donated by third party entities are eligible for credit. Typical donated materials include sand, dirt, and rocks, and other materials associated with flood-fighting activities. To determine the value of donated materials, use the current commercial rate for such material based on previous purchases or information available from vendors. Materials donated from other Federal agencies may not be included.

C. **Calculations**. The following guidance is to be used for calculation purposes:

1. "Total project cost" means the out-of-pocket costs (labor, materials, and contracts) plus the value of donated resources (limited to the maximum credit allowed, as defined in the next paragraph).

2. The maximum credit allowed for donated resources is calculated by dividing the non-Federal cost share percentage by the Federal cost share percentage (e.g., 25%/75% = .333 and 10%/90% = .111) and multiplying that factor by the out-of-pocket expenses for a particular PW or multiple PWs. When multiple PWs are going to be used for emergency work, the donations credit (with documentation listing each applicable emergency work PW) may be placed on one "credit" PW after all emergency work is completed.

3. The documented donations credit (not to exceed the maximum credit allowed for donation) is to be entered on the PW as a line item of the project cost. Any excess credit may be distributed to other emergency work PWs, and may not exceed the maximum allowable credit for each PW.

D. **Limitations**.

1. The donations credit is capped at the non-Federal share of emergency work (Category A and Category B) so that the Federal share will not exceed the actual out-of-pocket cost. Any excess credit can be credited only to other emergency work for the same applicant in the same disaster. The value of excess donated resources cannot be credited toward another applicant, toward other State obligations, or toward permanent work.

2. A State may claim credit for the value of donated resources only according to the disaster cost-share agreement for the non-Federal share of cost for the eligible work. Credit for donated resources may not be applied to any work performed during a 100% Federally-funded period because the non-Federal share for that period would be zero.

3. Reasonable logistical support for volunteers doing eligible work may be considered an eligible cost or donations credit by the Regional Administrator.

4. Donated resources submitted for credit toward the non-Federal share may not be from another Federal grant or from other Federally funded sources.

VI. RESPONSIBLE OFFICE: Recovery Directorate, Public Assistance Program.

VII. SUPERSESSION: For all disasters declared after the date of issuance in Paragraph II, this policy supersedes DAP 9525.2, *Donated Resources* dated
April 9, 2007, and all previous guidance on this subject.
VIII. REVIEW DATE: It is FEMA's policy to review policies and reissue, revise or rescind the policy within three years of the date of issuance.

____//signed//_____
Deborah Ingram
Assistant Administrator
Recovery Directorate

APPENDIX H

MUTUAL AID

FEMA Policy 9523.6

Mutual Aid Agreements for Public Assistance and Fire Management Assistance
Disaster Assistance Policy 9523.6

I. TITLE: Mutual Aid Agreements for Public Assistance and Fire Management Assistance
II. DATE OF ISSUANCE: November 10, 2012

III. PURPOSE: This policy specifies criteria by which the Federal Emergency Management Agency (FEMA) will recognize the eligibility of costs under the Public Assistance Program and the Fire Management Assistance Grant (FMAG) Program incurred through mutual aid agreements between applicants and other entities.

IV. SCOPE AND EXTERNAL AUDIENCE: This policy applies to all emergencies and major disasters declared on or after October 27, 2012. It will continue in effect until three years after its date of issuance. If rescinded or superseded, this policy will continue to apply to all emergencies and major disasters declared between the date in Paragraph II and the date it is rescinded or superseded. The policy is intended for all personnel involved in the administration of the Public Assistance Program.

V. AUTHORITY: This policy applies to emergency and permanent work authorized under Sections 403, 406, 407, 420, and 502, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5121-5206, and the implementing regulations of Title 44 Code of Federal Regulations (44 CFR) §204 and §206.

VI. OBJECTIVES:

A. The objective of this policy is to reimburse eligible applicants for work performed by other entities through mutual aid agreements. Eligible expenses must be directly related to a Presidentially-declared major disaster, emergency or fire; incurred in the performance of eligible work; and reasonable. Reimbursement will be at the Federal cost share rate established in the Presidential declaration, which is generally 75 percent.

B. There are three types of mutual aid work eligible for FEMA assistance (subject to the eligibility requirements of the respective PA and FMAG programs):
1. Emergency Work - Mutual aid work provided in the performance of emergency work necessary to meet immediate threats to life, public safety, and improved property, including firefighting activities under the FMAG program;

2. Permanent Work - Work that is of a permanent nature but is necessary for the emergency restoration of utilities (Category F). For example, work performed to restore electrical and other power.
3. Grant Management Work - For PA only, work associated with the performance of the Grantee's responsibilities as the grant administrator, as outlined in 44 CFR §206.202(b). Use of EMAC-provided assistance to perform these tasks is eligible mutual aid work.

C. This policy is applicable to all forms of mutual aid assistance, including agreements between *Requesting and Providing Entities*, statewide mutual aid agreements, and the mutual aid services provided under the *EMAC*. (See Paragraph VIII below for definition of italicized terms).

D. FEMA encourages parties to have written mutual aid agreements in place prior to a declared fire, emergency, or major disaster.

VII. DEFINITIONS:

1. *Backfill.* Replacement personnel who perform the regular duties of other personnel while they are performing eligible work under the PA or FMAG programs.

2. *Declared Emergency or Major Disaster.* An *emergency* or *major disaster* as defined at 44 CFR §206.2 (a)(9) and (17) respectively.

3. *Declared Fire.* An uncontrolled fire or fire complex, threatening such destruction as would constitute a major disaster for which the Regional Administrator has approved a declaration in accordance with the criteria listed in 44 CFR § 204.21.

4. *Emergency Management Assistance Compact (EMAC).* This type of interstate mutual aid agreement allows states to assist one another in responding to all kinds of natural and man-made disasters. It is administered by the National Emergency Management Association (NEMA).

5. *Incident Commander.* The ranking official responsible for overseeing the management of emergency or fire operations, planning, logistics, and finances of the field response.

6. *Providing Entity.* The entity providing mutual aid assistance to a Requesting Entity pursuant to a local or statewide mutual aid agreement.

7. *Requesting Entity.* An entity (PA eligible applicant) that requests mutual aid assistance from a Providing Entity for work resulting from a declared fire, emergency or major disaster within its legal jurisdiction. The requesting entity is eligible to receive FEMA assistance for the eligible mutual aid activities from the providing entities.

8. *Intra-state Mutual Aid.* Mutual Aid that supports local and regional mutual aid efforts within a State as well as regional mutual aid agreements and compacts involving local jurisdictions that cross State boundaries, or are adjacent to neighboring State (i.e., Kansas City, Kansas/Kansas City, Missouri, etc.).

9. *Inter-state Mutual Aid.* Mutual Aid that supports national mutual aid efforts requested directly between two or more States or territories through established Multi-agency Coordination Systems as directed by approved mutual aid agreements or compacts (i.e., EMAC), etc.

VIII. POLICY:

A. General.

1. To be eligible for reimbursement by FEMA, the mutual aid assistance should be requested by a Requesting Entity or Incident Commander; be directly related to a Presidentially-declared emergency or major disaster, or a declared fire; used in the performance of eligible work; and the costs must be reasonable.

2. FEMA will not reimburse costs incurred by entities that “self-deploy” (deploy without a request for mutual aid assistance by a Requesting Entity) except to the extent those resources are subsequently used in the performance of eligible work at the request of the Requesting Entity or Incident Commander.

3. The reimbursement provisions of a mutual aid agreement must not be contingent on a declaration of an emergency, major disaster, or fire by the Federal government.

4. This policy is applicable to all forms of mutual aid assistance, including agreements between Requesting and Providing Entities, statewide mutual aid agreements, and the mutual aid services provided under the EMAC.

5. Reimbursement will be at the Federal cost share rate established in the Presidential declaration, which is generally 75 percent.

B. Pre-Event Written Mutual Aid Agreements.

FEMA recognizes mutual aid agreements between Requesting and Providing Entities, and statewide mutual aid agreements wherein the State is responsible for administering the claims for reimbursement of Providing Entities. In addition, FEMA recognizes the standard EMAC agreement as a valid form of mutual aid agreement between member states.
1. FEMA encourages parties to have written mutual aid agreements in place prior to a declared fire, emergency, or major disaster. a. When a pre-event written agreement exists between a Requesting Entity and a Providing Entity, the Providing Entity may be reimbursed through the Requesting Entity. In these circumstances, the Requesting Entity should claim the eligible costs of the Providing Entity, pursuant to the terms and conditions of the mutual aid agreement and the requirements of this policy, on its subgrant application, and agree to disburse the Federal share of funds to the Providing Entity.
b. When a statewide pre-event mutual aid agreement exists that designates the State responsible for administering the reimbursement of mutual aid costs, a Providing Entity may apply, with the prior consent of the Requesting Entity, for reimbursement directly to the Grantee, in accordance with applicable State law and procedure. In such cases the Providing Entity should obtain from the Requesting Entity the certification required in section E.3. of this policy and provide it to the State as part of its reimbursement request.

2. FEMA encourages parties to address the subject of reimbursement in their written mutual aid agreements. FEMA will honor the reimbursement provisions in a pre-event agreement to the extent they meet the requirements of this policy.
a. When a pre-event agreement provides for reimbursement, but also provides for an initial period of unpaid assistance, FEMA will pay the eligible costs of assistance after such initial unpaid period.
b. When a pre-event agreement specifies that no reimbursement will be provided for mutual aid assistance, FEMA will not pay for the costs of assistance.

C. Post-Event Mutual Aid Agreements.

1. When the parties do not have a pre-event written mutual aid agreement, or where a written pre-event agreement is silent on reimbursement, the Requesting and Providing Entities may verbally agree on the type and extent of mutual aid resources to be provided in the current event, and on the terms, conditions, and costs of such assistance.

2. Post-event verbal agreements must subsequently be documented in writing and executed by an official of each entity with authority to request and provide assistance, and provided to FEMA as a condition of receiving reimbursement. The agreement should be consistent with past practices for mutual-aid between the parties. A written post-event agreement should be submitted within 30 days of the Requesting Entity's Applicant's Briefing to the Regional Administrator for review and approval.

D. Force Account Labor Costs.

1. The straight- or regular-time wages or salaries of a Requesting Entity's permanently employed personnel performing or supervising emergency work are not eligible costs, other than any relevant exceptions in accordance with 44 CFR §206.228(a)(2)(ii) **Allowable costs,** *Force Account Labor Costs* and §204.43(c), even when such personnel are reassigned or relocated from their usual work location to provide assistance during an emergency. Overtime costs for such personnel are eligible and may be submitted as part of a subgrant application.

2. The costs for contract labor or temporary hires performing eligible work are eligible for reimbursement. However, straight- or regular time salaries and benefits of force account labor overseeing contractors performing emergency work are not eligible in calculating the cost of eligible emergency work, other than any relevant exceptions in accordance with 44 CFR §206.228(a)(2)(ii) **Allowable costs,** *Force Account Labor Costs*. The force account labor of a Providing Entity will be treated as contract labor, with regular- time and overtime wages and benefits eligible for reimbursement, provided labor rates are reasonable. When the Requesting Entity is the State or local government, the force account labor costs of the Providing Entity will not be treated as contract labor if the force account labor is employed by a governmental subdivision (such as an agency) within that Requesting Entity.

3. In circumstances where a Providing Entity is also an eligible applicant in its own right, the determination of eligible and ineligible costs will depend on the capacity in which the entity is incurring costs. As stated in paragraphs D.1. and D.2., an applicant's straight-time wages are not eligible costs when the applicant is using its permanently employed personnel for emergency work in its own jurisdiction, other than any relevant exceptions in accordance with 44 CFR §206.228(a)(2)(ii) **Allowable costs,** *Force Account Labor Costs*.

4. Requesting and Providing Entities may not mutually deploy their labor forces to assist each other so as to circumvent the limitations of paragraph D.1 or D.2. of this policy.

5. The straight- or regular-time wages or salaries for backfill personnel incurred by Providing Entities are not eligible for reimbursement. However, the overtime portion of the replacement personnel's salary is considered an additional cost of deploying personnel who perform eligible work and is eligible for reimbursement under this policy.

E. Types of Mutual Aid Work.

There are three types of mutual aid work that may be eligible for FEMA assistance: Emergency Work, Permanent Work, and Grant Management Work. All are subject to the eligibility requirements of the respective PA and FMAG programs:
1. Emergency Work. Mutual aid work provided in the performance of emergency work necessary to meet immediate threats to life, public safety, and improved property, including firefighting activities under the FMAG program, is eligible.

a. Examples of eligible emergency work include: i. Search and rescue, sandbagging, emergency medical care, debris removal;

ii. Reasonable supervision and administration in the receiving jurisdiction that is directly related to eligible emergency work;
iii. The cost of transporting equipment and personnel by the Providing Entity to the incident site, subject to the requirements of paragraphs A.1., 2., and 3. of this policy;
iv. Costs incurred in the operation of the Incident Command System (ICS), such as operations, planning, logistics and administration, provided such costs are directly related to the performance of eligible work on the disaster or fire to which such resources are assigned;
v. State Emergency Operations Center or Joint Field Office assistance in the receiving State to support emergency assistance;
vi. Assistance at the National Response Coordination Center (NRCC), and Regional Response Coordination Center (RRCC), if requested by FEMA (labor, per diem and transportation);
vii. Dispatch operations in the receiving State;
viii. Donations warehousing and management (eligible only upon approval of the Assistant Administrator of the Recovery Directorate);
ix. Firefighting activities; and,

x. Dissemination of public information authorized under Section 403 of the Act.

b. Examples of mutual aid work that are not eligible, include: i. Training, exercises, on-the-job training;
ii. Long-term recovery and mitigation consultation;
iii. Costs outside the receiving State that are associated with the operations of the EMAC system (except for FEMA facilities noted in paragraph E.1.a.v. and vi. above);
iv. Costs for staff performing work that is not eligible under the PA or the FMAG programs;
v. Costs of preparing to deploy or "standing-by" [except to the extent allowed in the FMAG program pursuant to 44 CFR §204.42(e)];
vi. Dispatch operations outside the receiving State;
vii. Tracking of EMAC and U.S. Forest Service I-Suite/Incident Cost Accounting and Reporting System (ICARS) resources; and
viii. Situation reporting not associated with ICS operations under VIII.E.1.a.iv.

2. Permanent Work. Work that is of a permanent nature but is necessary for the emergency restoration of utilities (Category F). For example, work performed to restore electrical and other power.

3. Grant Management Work. For PA only, work associated with the performance of the Grantee's responsibilities as the grant administrator, as outlined in 44 CFR §206.202(b). Use of EMAC-provided assistance to perform these tasks is eligible mutual aid work.

F. Eligible Applicants.

1. Only Requesting Entities are eligible applicants for FEMA assistance. With the exception of F.2., below, a Providing Entity must submit its claim for reimbursement to a Requesting Entity

2. States may be eligible applicants when statewide mutual aid agreements or compacts authorize the State to administer the costs of mutual aid assistance on behalf of local jurisdictions.

G. Reimbursement of Mutual Aid Costs.

1. The State or Requesting Entities, as appropriate, must provide an executive summary of the services requested and received and the associated costs (i.e., labor, equipment, materials, etc.). Both Requesting and Providing Entities must keep detailed records of the services requested and received, and maintain those records for at least three years after project closeout. FEMA may review a sample of project costs, and reserves the right to review all documentation if it deems necessary. All documentation must be provided to FEMA upon request. Undocumented costs may be subject to deobligation.

2. A request for reimbursement of mutual aid costs must include a copy of the mutual aid agreement – whether pre- or post-event – between the Requesting and Providing Entities.

3. A request for reimbursement of mutual aid costs should include a written and signed certification by the Requesting Entity certifying: a. The types and extent of mutual aid assistance requested and received in the performance of eligible work;
b. The labor and equipment rates used to determine the mutual aid cost reimbursement request; and
c. That all work performed was eligible under the Stafford Act and applicable FEMA regulations and policies.

4. FEMA will not reimburse the value of volunteer labor or the value of paid labor that is provided at no cost to the applicant. However: a. To the extent the Providing Entity is staffed with volunteer labor, the value of the

volunteer labor may be credited to the non-Federal cost share of the Requesting Entity's emergency work in accordance with the provisions of Recovery Policy 9525.2, *Donated Resources*.

b. If a mutual aid agreement provides for an initial period of unpaid assistance or provides for assistance at no cost to the Requesting Entity, the value of the assistance provided at no cost to the Requesting Entity may be credited to the non-Federal cost share of the Requesting Entity's emergency work under the provisions of Recovery Policy 9525.2, *Donated Resources*.

5. For PA only, reimbursement for equipment provided to a Requesting Entity will be based on FEMA equipment rates, approved State rates or, in the absence of such standard rates, on rates deemed reasonable by FEMA. Equipment used can be reimbursed as outlined in the terms of the agreement or for hours utilized/in performance of eligible work.

6. For PA only, reimbursement for damage to equipment used in emergency operations will be based on Recovery Policy 9525.8, *Damage to Applicant Owned Equipment*.

7. For PA only, reimbursement for equipment purchased by a subgrantee to support emergency operations will be based on Recovery Policy 9525.12, *Disposition of Equipment, Supplies, and Salvaged Materials*.

8. For FMAG only, reimbursement for equipment provided to a Requesting Entity will be based on 44 CFR § 204.42 (b)(3) and (4**)**.

9. For FMAG only, reimbursement or replacement of equipment damaged or destroyed in the course of eligible firefighting activities will be based on
44 CFR § 204.42 (b)(5), and (6).

IX. RESPONSIBLE OFFICE: Recovery Directorate (Public Assistance Division).

X. SUPERSESSION: For all disasters declared on or after October 27, 2012, this policy supersedes DAP9523.6, Mutual Aid Agreements for Public Assistance and Fire Management Assistance, dated August 13, 2007, and all previous guidance on this subject.

XI. REVIEW DATE: This policy expires three years from the date of issuance.

_____//signed//_____
Deborah Ingram
Assistant Administrator
Recovery Directorate

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APPENDIX I

DHS STANDARD TERMS AND CONDITIONS

FY 2017

The Department of Homeland Security Standard Terms and Conditions are updated and available on:
https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions

The Department of Homeland Security Standard Terms and Conditions 2017

The FY 2017 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2017. The DHS financial assistance awards terms and conditions flow down to subrecipients, unless a particular award term or condition specifically indicates otherwise.

Assurances, Administrative Requirements, Cost Principles, and Audit Requirements

DHS financial assistance recipients must complete either the OMB Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at 2 C.F.R. Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

DHS Specific Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must 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 reviews or compliance investigations 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 federal financial assistance award 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, recipients have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex, age, disability, religion, or familial status, recipients must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS FAO and the DHS Office of Civil Rights and Civil Liberties (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.

6. In the event courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS FAO and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

Acknowledgment 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.
Activities Conducted Abroad	All recipients must ensure that 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.

Age Discrimination Act of 1975	All recipients must comply with the requirements of the *Age Discrimination Act of 1975* (Title 42 U.S. Code, § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Americans with Disabilities Act 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).
Best Practices for Collection and Use of Personally Identifiable Information (PII)	DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.
Civil Rights Act of 1964 – **Title VI**	All recipients must 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. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.
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 (See 42 U.S.C. § 3601 *et seq.*), as implemented by the Department of Housing and Urban Development at 24 C.F.R. 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 buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. § 100.201.)
Copyright	All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.
Debarment and Suspension	All recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, and 2 C.F.R. Part 180. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.
Drug-Free Workplace Regulations	All recipients must comply with the *Drug-Free Workplace Act of 1988* (41 U.S.C. § 701 *et seq.*), which requires all organizations receiving grants from any federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at 2 C.F.R Part 3001.

Duplication of Benefits	Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.
Education Amendments of 1972 (*Equal Opportunity in Education Act*) – Title IX	All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), which provide 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. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19
Energy Policy and Conservation Act	All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
***False Claims Act* and Program Fraud Civil Remedies**	All recipients must comply with the requirements of 31 U.S.C. § 3729- 3733 which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.)
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.)
Federal Leadership on Reducing Text Messaging while Driving	All recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
Fly America Act of 1974	All recipients must comply with Preference for 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 B-138942.
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. § 2225a, all recipients must 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*, as amended, 15 U.S.C. § 2225.
Limited English Proficiency (*Civil Rights Act of 1964*, Title VI)	All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance https://www.dhs.gov/guidance-published-help-department-

	supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov.
Lobbying Prohibitions	All recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an federal financial assistance 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.
National Environmental Policy Act	All recipients must comply with the requirements of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.
Nondiscrimination in Matters Pertaining to Faith-Based Organizations	It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. All recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statues, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
Non-supplanting Requirement	All recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
Notice of Funding Opportunity Requirements	All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.
Patents and Intellectual Property Rights	Unless otherwise provided by law, recipients are subject to the *Bayh-Dole Act*, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.
Procurement of Recovered Materials	All recipients must comply with Section 6002 of the *Solid Waste Disposal Act*, as amended by the *Resource Conservation and Recovery Act*. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
Rehabilitation Act of 1973	All recipients must 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 individuals 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.

Reporting of Matters Related to Recipient Integrity and Performance	If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds $10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.
Reporting Subawards and Executive Compensation	All recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.
SAFECOM	All recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.
Terrorist Financing	All recipients must comply with E.O. 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Trafficking Victims Protection Act of 2000	All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended by 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference in the award terms and conditions.
Universal Identifier and System of Award Management (SAM)	All recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference in the terms and conditions.
USA Patriot Act of 2001	All recipients must comply with 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.
Use of DHS Seal, Logo and Flags	All recipients must obtain permission from their DHS FAO, 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.
Whistleblower Protection Act	All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.