



# Homeland Security and Emergency Services

FY2017

## Local Sub-Recipient Program Guidance

State Homeland Security Program

State Law Enforcement Terrorism Prevention Program



NYS Division of Homeland Security and Emergency Services (DHSES)

June 2017

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# Section I: Program Overview

## Program Descriptions

The FY2017 State Homeland Security Program (SHSP) and the State Law Enforcement Terrorism Prevention Program (SLETPP) are the two core homeland security grant programs in New York State. Every county in the State, along with the City of New York, receives funding under these programs. The SHSP and SLETPP are designed to build and sustain critical homeland security capabilities across the State.

The Federal Emergency Management Agency (FEMA) and the NYS Division of Homeland Security and Emergency Services (DHSES) identify key programmatic priorities for the SHSP and SLETPP grants. Additionally, New York State has made a concerted effort to allow sub-recipients some flexibility in determining their own priorities for these programs. This allows counties to tailor their grant projects to support their own unique risk profiles and to ensure that funds are used to build and sustain their most critical capabilities. To ensure statewide coordination, all funding must be spent in support of the State's 2014-2016 Homeland Security Strategy and must be allowable per Federal and State guidelines.

**Activities implemented under the SHSP and SLETPP must support terrorism preparedness, by building or sustaining capabilities that relate to terrorism prevention, protection, and/or response activities.** However, many of the capabilities that support terrorism preparedness simultaneously support preparedness for other hazards. Sub-recipients must demonstrate this "dual-use" quality for any activities implemented under these grants that are not explicitly focused on terrorism preparedness. **Also, please note that ALL SLETPP funding must be used in support of law enforcement terrorism prevention-oriented planning, organization, equipment, training, and exercise activities.**

## Application Process

Please review this Program Guidance document before completing your application materials. It will provide you with all the pertinent requirements to receiving funding under the FY2017 SHSP and SLETPP grants. All budgetary and programmatic information must be entered onto the Excel-Based Application Worksheet provided by DHSES. **This information must be submitted to DHSES by June 16, 2017 in order to receive funding.** Completed applications must be sent to the Grants Inbox ([grant.info@dhSES.ny.gov](mailto:grant.info@dhSES.ny.gov)).

Sub-recipients will not have to enter information directly into the E-Grants System; rather, staff from DHSES will enter application materials into E-Grants for sub-recipients after the Application Worksheet is submitted. Once this information is entered, DHSES will contact the sub-recipient's authorized Point of Contact to accept the certified assurances within E-Grants.

**Please note that the Period of Performance for the FY2017 SHSP and SLETPP grants is 36 months;** the anticipated performance period is estimated to be from 9/1/2017 through 8/31/2020. When you develop your applications for these funds, please be sure to select critical projects that can be implemented within a 36 month period. FEMA has indicated that they are generally not willing to issue grant extensions at this time.

As you develop your application for these funds, DHSES strongly recommends that your jurisdiction carefully consider what projects you prioritize and select this year. FEMA has dramatically increased the level of project detail required from sub-recipients and it is becoming increasingly difficult to change projects during the grant period.

To assist with your application development process, DHSES has developed a **“Project Linkages Standardization Form”** for your use. This form can guide you through how projects should be linked back to the NYS Homeland Security Strategy, NYS Critical Capabilities List, FEMA NIMS Typing Standards, etc.

### **Important Funding Reminders**

**Drawdown of Funds/Interest:** This is a reimbursement program; however, sub-recipients may request an advance of funds (if needed). If DHSES approves such a request, sub-recipients must drawdown funds for up to 120 days prior to expenditure/disbursement. Advanced funds must be placed in an interest bearing account and are subject to the rules outlined in 2 C.F.R. Part 200. Sub-recipients must account for this interest earned. Local units of government may keep interest earned on Federal grant funds up to \$500 per fiscal year. This maximum limit is not per award; rather, it is inclusive of all interest earned as a result of all Federal grant programs received per year. Interest earned in excess of \$500 must be remitted to DHSES.

**Notice of Waiver for FY2017 SHSP/SLETPP Grants:** Jurisdictions may choose from the following options if they do not want to accept their FY2017 SHSP/SLETPP award:

1. Jurisdictions may request that the State retain the local unit of government’s allocation of grant funds and spend it on their jurisdictions’ behalf; or
2. Jurisdictions may refuse an allocation for their jurisdiction with the understanding that the allocation will be expended by the State of New York in direct support of other local homeland security efforts in accordance with FY2017 grant guidelines.

If your jurisdiction wishes to exercise either of the above options, please contact DHSES at (866) 837-9133.

**NIMS Implementation:** All sub-recipients must ensure and maintain adoption and implementation of the National Incident Management System (NIMS). Emergency management and incident response activities require carefully managed resources (personnel, teams, facilities, equipment, supplies) to meet incident needs. Information on FEMA’s NIMS Resource Typing can be accessed online: <https://www.fema.gov/resource-management-mutual-aid>. **DHSES engages counties statewide regarding NIMS and annually captures information regarding NIMS compliance. Every county must maintain a NIMS point of contact and supply DHSES with any requested information in support of the NIMS compliance reporting.**



Papal Visit to New York City (September 2015)



Major Snowstorm in New York Metro Area (January 2016)

## Section II: FY2017 State Priorities for the SHSP/SLETPP

### Overview

New York State is committed to ensuring that SHSP/SLETPP funds are used effectively to build and sustain the critical capabilities that are needed to address the diverse risks that the State faces. New York State has been the target of over 20 terrorism plots since 9/11 and the State has more Federal Disaster Declarations than all but three other states. In the past six years alone, the State has endured the catastrophic impacts of Superstorm Sandy (2012), Hurricane Irene (2011), and Tropical Storm Lee (2011), as well as other major incidents ranging from natural disasters (i.e. Western NY Record Snowfall in November 2014) to cyber attacks. The increased frequency and scope of these events has been coined the “**New Normal**” in New York State by Governor Cuomo. Given these risks, it is imperative that SHSP/SLETPP funds are leveraged effectively to build capabilities based on the State’s risk profile and in support of the State’s new Homeland Security Strategy.

### NYS Homeland Security Strategy

The New York State Homeland Security Strategy was developed in conjunction with hundreds of local, State, and Federal stakeholders, and other partners from the “Whole Community”. The Strategy includes 10 major goals (ranging from Citizen Preparedness to Cyber Security). Each Goal has supporting Objectives and each Objective has associated Targets and Measures. **All SHSP/SLETPP funding must be spent in direct support of the State Homeland Security Strategy.** The Strategy is available online: <http://www.dhSES.ny.gov/media/documents/NYS-Homeland-Security-Strategy.pdf>

### NYS Critical Capabilities List

In 2012, DHSES developed the NYS Critical Capabilities List to provide a capabilities-based framework for the State’s homeland security and emergency management efforts. The Critical Capabilities List includes 28 distinct capabilities that address the five primary mission areas identified by FEMA (prevent, protect, respond, recover, mitigate). These capabilities were developed in conjunction with State Agency Partners, the NYS Emergency Managers Association (NYSEMA), and other key local stakeholders. The Critical Capabilities List includes the functions that State and local governments actually do in terms of homeland security and emergency management. **All SHSP/SLETPP funding must be spent in direct support of the NYS Critical Capabilities List.** This list is available online: <http://www.dhSES.ny.gov/grants/forms-egrants.cfm> and in Appendix B of this Program Guidance.

### County Emergency Preparedness Assessment (CEPA) Program

In 2014, DHSES launched the County Emergency Preparedness Assessment (CEPA) Program. The CEPA is a framework and tool to help State and local stakeholders assess risk, capabilities, and the potential need for support and resources during emergencies or disasters. We are proud to announce that all counties across the State worked collaboratively with DHSES to conduct an initial CEPA by the end of 2015. **Counties are strongly encouraged to use the results of their completed CEPAs to inform their priorities under the FY2017 SHSP/SLETPP grant programs.** It is important to note that the CEPA program does not impact how much funding counties receive under the SHSP/SLETPP grants (this is determined by the DHSES Risk Formula); rather, the CEPA results may inform how a county chooses to allocate their

SHSP/SLETPP funding. In addition to CEPA, DHSES maintains the right to request (at any time during the life of the grant contract) information related to the nature and extent of any threats/hazards faced by the sub-recipient and the status of a sub-recipient's capabilities related to these threats/hazards.



**CEPA Session conducted in May 2014**

### **Statewide Engagement in Critical Programs**

DHSES is committed to engaging key stakeholders across New York State in our preparedness efforts. **Funded recipients (and sub-recipients) must agree to attend and participate in any DHSES-sponsored conferences, training, workshops, or meetings (excluding those identified by DHSES as voluntary) that may be conducted by, and at the request, of DHSES during the life of the grant contract.** This includes county participation in initiatives such as the County Emergency Preparedness Assessment (CEPA) Program and the Emergency Management Certification and Training (EMC & T) Program. Additionally, pursuant to Article 26 of NYS Executive law, DHSES is authorized to undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts (or threats) and natural disasters. These efforts will generally involve local stakeholders.

### **FY2017 SHSP/SLETPP DHSES Priorities**

DHSES has identified a series of Priorities for the FY2017 SHSP and SLETPP funding programs. In addition to meeting the requisite federal requirements and supporting the larger NYS Homeland Security Strategy, all Counties/Cities receiving FY2017 SHSP/SLETPP are strongly encouraged to ensure they are addressing the priorities outlined below:

**Priority 1 - Advancement of Regional Partnerships:** DHSES continues to promote the advancement of multi-disciplinary, multi-jurisdictional regional partnerships across New York State. These partnerships allow capabilities to be developed in a coordinated and cost-effective way. Over the past 5-10 years, effective regional partnerships have been developed in a number of different areas, including regional Counter Terrorism Zones (CTZs), HazMat Partnerships, Interoperable Communications Consortia, Tactical Team Partnerships (formalized via Inter-municipal Agreements), Bomb Squad Regional coordination efforts, etc. Under the FY2017 SHSP/SLETPP grants, support for these (and other) regional partnerships and programs are strongly encouraged.

**Priority 2 - Maturation of Citizen Preparedness Efforts:** The presence of an active, engaged citizenry is a critical component of the State's preparedness posture. While several jurisdictions in the State have developed innovative citizen preparedness programs, the CEPA Program (along with other capability assessments) has found that this

remains one of the lowest rated capabilities across the State. Under Governor Cuomo's leadership, the State has worked to address this issue through the State's Citizen Preparedness Corps Program, however, there is still additional work that local jurisdictions can do, building on and in support of existing models in the State. SHSP funds can be used for a variety of Citizen Preparedness projects, including the development (or sustainment) of citizen preparedness campaigns, training/outreach efforts involving Citizen Corps Councils and Community Emergency Response Teams, and for citizen preparedness kits and supplies.

**Priority 3 - Development of Effective Cyber Security Programs and Policies:** All levels of government, the private sector, and the general public have been impacted by the dramatic increase in cyber attacks over the past five years. The proper detection, interdiction, and remediation of cyber vulnerabilities is critical. Through the CEPA program, DHSES has found that counties tend to be very concerned about the threat of cyber attacks, however, their capabilities to prevent and address these attacks are often underdeveloped. As such, DHSES is emphasizing the importance of cyber security in the FY2017 SHSP and SLETPP grant programs. Grant funds can be used for cyber security planning, cyber security enhancement equipment (including encryption software, malware protection, intrusion/detection prevention systems, and vulnerability scanning), cyber security training (which may require pre-approval; please consult with your Contracts Representative at DHSES); and cyber security exercises.

**Priority 4 - Enhancement of Law Enforcement Information-Sharing Capabilities:** Since 9/11, the enhancement of law enforcement information-sharing capabilities has been a top priority in New York State. The importance of this mission remains unchanged this year, as jurisdictions are encouraged to sustain and enhance their information-sharing efforts with the New York State Intelligence Center (NYSIC) and their local CTZ. Within this area, support for major outreach programs is prioritized, including participation in the Field Intelligence Officer (FIO) Program, and the engagement of Fire/EMS personnel in information-sharing activities through the Intelligence Liaison Officer (ILO) Program.

**Priority 5 - Continued Coordination of Emergency Management Planning Efforts:** Proper Emergency Management planning provides the foundation for effective response, recovery, and mitigation activities. Jurisdictions are encouraged to utilize their grant awards to maintain and update critical plans including Comprehensive Emergency Management Plans (CEMPs), HazMat Response Plans, COOP/COG plans, and Fatality Management Plans. Planning gaps identified during your county's CEPA process can often be addressed by leveraging SHSP (or SLETPP) funding.

**Priority 6 - Sustainment of Effective Programs and Existing Capabilities:** In the last decade, New York State has effectively leveraged homeland security grant program funds to build critical programs to enhance our prevention, protection, response, recovery, and mitigation capabilities. Under the FY2017 SHSP/SLETPP grants, the sustainment and advancement of effective programs is a top priority, in order to ensure that core capabilities are maintained statewide. Emphasis will be placed on building, maintaining, and assessing sustainable programs, rather than simply purchasing disparate pieces of equipment.

### ***Alignment of FY2017 SHSP/SLETPP to DHSES Targeted Grant Programs***

Starting in FY2016, DHSES began to align the priorities and requirements associated with the Targeted Grant Programs to similar investments made under the SHSP/SLETPP Programs. DHSES will continue to support this alignment for FY2017.

**Bomb Squads:** Sub-recipients using FY2017 SHSP/SLETPP funding for Bomb Squads should:

- Align requests with the Bomb Squad's **Capability Assessment** conducted in conjunction with the DHS Office for Bombing Prevention (OBP) and that is updated annually as a requirement of the Bomb Squad Initiative Grant Program.

**Explosive Detection Canine Teams:** Sub-recipients using FY2017 SHSP/SLETPP funding to develop or sustain an Explosive Detection Canine Team should:

- Ensure that the **Certification and Re-Certification** of the Canine Handler is done through a program that is certified by the NYS Division of Criminal Justice Services (DCJS).
- Align requests with the Team's **Capability Assessment** conducted in conjunction with DHS Office for Bombing Prevention (OBP).
- Note that construction of kennels (including concrete pads) and electronic collars are **not eligible** under the FY2017 SHSP/SLETPP Program (in accordance with the Explosive Detection Canine Targeted Grant).

**Tactical Teams:** Sub-recipients using FY2017 SHSP/SLETPP funding for Tactical Teams should:

- Ensure that existing capabilities are being sustained. New investments being made to support the advancement of Tactical Team capabilities should be informed by the NYS SWAT Standards.
- Note that all training requests for Tactical Teams under the FY2017 SHSP/SLETPP must be pre-approved by DHSES. Training requests for these teams are due on October 1, 2017. Please refer to Section IV for more details.
- Note that additional approvals for certain types of equipment will be required based on FEMA Information Bulletin 407, which provides guidelines on the use of grant funds for controlled equipment. Additional information can be found in Section IV of this Program Guidance.

**HazMat Teams:** Sub-recipients using FY2017 SHSP/SLETPP funding for HazMat Teams should:

- Update your jurisdiction's **Hazardous Materials Response Plan** every three years and submit it to OFPC in accordance with the NYS Homeland Security Strategy.
- In 2016, HazMat teams were required to complete the HazMat Team Accreditation Program as a part of the HazMat Targeted Grant Program. The results of the HazMat Team Accreditation Program should be used to guide new investments into HazMat team capabilities.
- Note that all HazMat Team training requests under the FY2017 SHSP/SLETPP must be pre-approved by DHSES. Training requests for these teams are due on October 1, 2017. Please refer to Section IV for more details.
- Note that **biological detection** equipment is not eligible under the FY2017 SHSP/SLETPP (in accordance with the HazMat Grant Program).

**Technical Rescue/USAR Teams:** Sub-recipients using FY2017 SHSP/SLETPP funding for Technical Rescue/USAR Teams should:

- Align requests with DHSES Office of Fire Prevention and Control (OFPC) Typing Standards for Technical Rescue Teams.

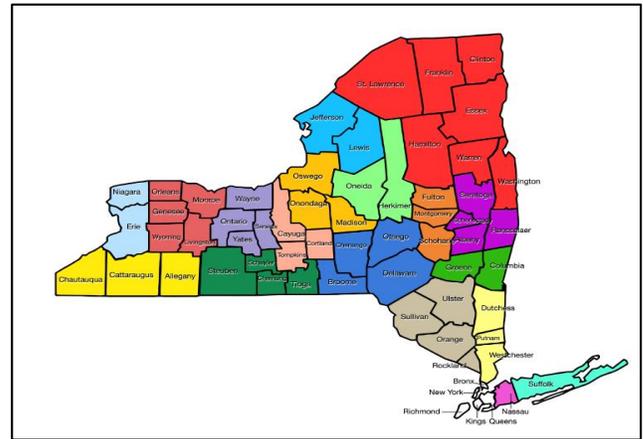
- Note that all training requests for Technical Rescue/USAR Teams under the FY2017 SHSP/SLETPP must be pre-approved by DHSES. Training requests for these teams are due on October 1, 2017. Please refer to Section IV for more details.

**Critical Infrastructure Protection:** Sub-recipients using FY2017 SHSP/SLETPP funding for Critical Infrastructure Protection efforts should:

- Complete a risk assessment at the site being addressed to help guide target hardening efforts. A basic risk assessment template was developed for the targeted Critical Infrastructure Protection Grant Program and can be leveraged to help inform similar investments under the FY2017 SHSP/SLETPP.



Excelsior Challenge Exercise (September 2015)



Map Depicting HazMat Regional Partnerships

## Section III: FEMA Priorities for the SHSP/SLETPP

### *FY2017 FEMA SHSP/SLETPP Priorities*

FEMA’s overarching priority for the FY2017 SHSP/SLETPP grants is the alignment of these programs to the **National Preparedness System**. Detailed information on the National Preparedness System can be accessed online at <http://www.fema.gov/national-preparedness-system>. This includes identifying and assessing risk and estimating capability requirements; building and sustaining capabilities; validating capabilities; reviewing and updating capability levels, resources, and plans; NIMS implementation, and support for Fusion Centers.

In addition, FEMA identified five national areas for improvement (identified in the National Preparedness Report) that relate to terrorism preparedness, which include:

- Cyber Security
- Infrastructure Systems
- Economic Recovery
- Housing
- Natural and Cultural Resources

The entire National Preparedness Report can be found online at: <https://www.fema.gov/national-preparedness-report>.

Recipients must carry out their programs and activities, including those related to the building, sustainment, and delivery of core capabilities, in (a) manner that respects and ensures the protection of civil rights for protected populations, including, but not limited to individuals with disabilities and others with access and functional needs, individuals with limited English proficiency, and other diverse racial and ethnic populations.

### **Reminder - Mutual Aid Requirements**

All new capabilities supported in part (or entirely) with FY2017 SHSP/SLETPP funding must be readily deployable to support emergency or disaster operations, per existing Emergency Management Assistance Compact (EMAC) agreements. In addition, funding may be used to sustain critical capabilities that may not be physically-deployable, but would support national response capabilities (e.g. interoperable communications systems).

## **Section IV: Authorized Program Expenditures**

### **SLETPP Reminder**

All SLETPP funding must be used in support of allowable law enforcement terrorism prevention-oriented planning, organization, training, exercise, equipment activities, and/or management and administration (M&A) costs.

### **Information Bulletin 407a: Use of Grant Funds for Controlled Equipment**

On January 19, 2017, FEMA released Information Bulletin 407a to provide additional guidance regarding the requirements for applying for and using grant funds for controlled equipment expenditures and for the broader use of grant-funded controlled equipment (please note, IB 407a supersedes the previously released IB 407 issued in February 2016). This Information Bulletin was developed as part of Executive Order 13688: Federal Support for Local Law Enforcement Equipment Acquisition, issued January 16, 2015, and Recommendations Pursuant to Executive Order 13688, which collectively established a Prohibited Equipment List and a Controlled Equipment List. The complete Information Bulletin 407a is available online at: <https://www.fema.gov/media-library/assets/documents/128691>

The Controlled Equipment List identifies categories of equipment that have significant utility for grant sub-recipients; however because of the nature of the equipment and the potential impact on communities, additional controls will be implemented on the acquisition, use, and transfer of this equipment. The Controlled Equipment List includes:

- Manned Aircraft, Fixed Wing
- Manned Aircraft, Rotary Wing
- Unmanned Aerial Vehicles
- Armored Vehicles, Wheeled

- Tactical Vehicles, Wheeled
- Command and Control Vehicles
- Breaching apparatus (except handheld battering rams)

In terms of equipment and vehicles specifically, equipment meeting the following criteria require FEMA pre-approval: **18AC-00-ACFT**, Aircraft, CBRNE, **03OE-07-SUAS** System, Small Unmanned Aircraft, **12VE-00-CMDV** Vehicle, Command, Mobile; and vehicles in **12VE-00-MISS** Vehicle Specialized Mission, CBRNE and **12VE-00-SPEC** Vehicle, Specialized Emergency Management that are armored or provide ballistic protection or tactical purpose-built to operate on and off-road in support of military [-style] operations. Note: All vehicles require FEMA pre-approval, i.e. ATVs, Snowmobiles, SUVs and non-armored/non-ballistic panel vans for SWAT operations, SUVs for transporting response personnel and equipment to incidents such as explosive detection canines, radiological equipment and bomb squad equipment (Ambulance Buses, Primer Movers, etc.).

**Information Bulletin 407a applies to FY2016 and FY2017 funding and these requirements are not applicable to other current open awards. The Bulletin applies to all sub-recipients proposing to use funds for Controlled Equipment (not just law enforcement agencies).** The Controlled Equipment Request Form (FEMA Form (FF) 087-0-0-1) will need to be completed and submitted to DHSES (via your Contracts Representative) and the Form will be submitted to FEMA for approval. The Application Requirements, Policy and Protocol Requirements, Training Requirements, After Action Review Requirements (following a Significant Event), Record Keeping Requirements, Additional Requirements for Unmanned Aerial Systems (UAS)), Regional Capability Requirements, Disposal or Transfer Requirements and Civil Rights Compliance for Controlled Equipment are outlined in Information Bulletin 407a. **Please refer to Information Bulletin 407a for complete details on this new process and associated requirements.**

### **Interoperable Communications Reminder**

Recipients (including sub-recipients) who receive awards under HSGP that wholly or partially provide funding for emergency communication projects and related activities must comply with the SAFECOM Guidance on Emergency Communications Grants. Additional information can be accessed online at: <http://www.dhs.gov/safecom/funding>.

### **Personnel Cap Reminder**

Per the PRICE Act, there is a 50% cap on personnel-related costs associated with your FY2017 SHSP/SLETPP awards. Based on guidance from FEMA, the following costs count towards the 50% personnel cap:

- Organizational Costs:
  - Operational overtime, salaries, and personnel costs for Operational Packages (OPACKS).
  - Overtime to participate in information-sharing activities, and salaries and personnel costs for intelligence analysts.
- Salaries and personnel costs for planners, equipment managers, training coordinators, exercise coordinators, etc.
- Salaries and personnel costs (up to 5% of your award amount) for Management and Administrative (M&A) costs
- Overtime/backfill to participate in approved training and/or exercise deliveries

- Contractor/Consultant costs associated with performing the above duties. Note: A Contractor that is procured for a set period of time to produce a defined product or deliverable (i.e. the development of a HazMat Plan, installation of equipment items) does not count towards the personnel cap. However, if a Contractor is hired to do general support activities (i.e. a Training Director), then this expense would count towards the cap.

### **Maintenance and Sustainment Reminder**

The use of FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and users' fees are allowable under all active and future grant awards, unless otherwise noted. With the exception of maintenance plans purchased incidental to the original purchase of the equipment, the period covered by a maintenance or warranty plan must not exceed the period of performance of the specific grant funds used to purchase the plan or warranty.

As outlined in Information Bulletin #379, FEMA allows preparedness grant funds to be used to sustain and maintain equipment that has previously been purchased with both Federal grant funding and equipment purchased using other funding sources. Sub-recipients still need to ensure that eligible costs for maintenance and sustainment be an allowable expenditure under applicable grant programs.

Differentiating maintenance and sustainment costs (vs. new costs) in your budget for FY2017 SHSP/SLETPP funding is important (as FEMA requires different information depending on what type of project is being funded). As you are completing your application for FY2017 SHSP/SLETPP funding (in the Excel template provided), please keep the following guidelines in mind (please refer to **Appendix A** for additional instructions and guidance on completing the federal programmatic reporting requirements collected in your application):

### **Planning**

Planning activities are central to both the FY2017 SHSP/SLETPP grants. Funding can be used for a variety of allowable costs related to planning, including hiring part or full-time consultants and/or staff to develop and maintain critical homeland security plans.

### **Organizational– SLETPP only<sup>1</sup>**

Under the SLETPP grant, up to 50% of your award may be spent on allowable organizational activities (outlined below). Please keep in mind that all organizational activities, including Operational Packages (OPACKS) also count towards the 50% personnel cap as well.

1. **Overtime Costs:** Overtime costs are allowable for personnel to participate in information, investigative, and intelligence sharing activities specifically related to homeland security and specifically requested by a Federal Agency. Allowable costs are limited to overtime associated with federally-requested participation in eligible fusion activities, including Anti-Terrorism Task Forces, Joint Terrorism Task Forces, Area Maritime Security

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<sup>1</sup> SHSP funds cannot be used for organizational costs. This is allowable only under the SLETPP grant.

Committees, DHSES Border Enforcement Security Task Forces, and Integrated Border Enforcement Teams. Grant funding can only be used in proportion to the Federal man-hour estimate, and only after funding for these activities from other Federal sources (e.g. FBI JTTF payments to State and local agencies) have been exhausted. **Under no circumstances should FEMA grant funding be used to pay for costs already supported by funding from another Federal source.**

2. **Intelligence Analysts:** SLETPP funds may be used to hire new staff and/or contractor positions to serve as Intelligence Analysts to enable information/intelligence-sharing capabilities, as well as to support existing Intelligence Analysts funded with previous years' SLETPP funding. In order to be hired as an Intelligence Analyst, staff and/or contract personnel must meet at least one of the following criteria:
  - a. Successfully complete training to ensure baseline proficiency in intelligence analysis and production within six months of being hired; and/or
  - b. Previously served as an Intelligence Analyst for a minimum of two years either in a Federal Intelligence Agency, the Military, or a State or Local Law Enforcement Intelligence Unit.

All fusion center analytic personnel must demonstrate qualifications that meet or exceed competencies identified in the *Common Competencies for State, Local, and Tribal Intelligence Analysts*, which outlines the minimum categories of training needed for intelligence analysts. **A certificate of completion of such training must be kept on file with DHSES and made available to FEMA upon request.**

3. **Operational Packages (OPACKS):** SLETPP funding may be utilized to pursue Operational Package (OPACK) funding for Canine Teams, Mobile Explosive Screening Teams, and other Anti-Terrorism Teams. OPACK funding can be used to build new capabilities or it can be used to sustain existing OPACKS. Applicants must commit to minimum training standards set forth by the federal Department of Homeland Security (DHS) for all federally-funded security positions. Applicants must also ensure that the capabilities are able to be deployable, through EMAC, outside of their community to support regional and national efforts. When requesting funding for new OPACKS, applicants must demonstrate the need for developing a new capability (at the expense of sustaining an existing capability). As a reminder, personnel-related activities associated with OPACKS will count towards the 50% personnel cap. **Any sub-recipient who would like to pursue funding for an OPACK must contact their Program Representative at DHSES as soon as possible, as DHS has established special terms and conditions related to OPACKS.**
4. **Operational Overtime:** Operational overtime costs are allowable for increased security measures at critical infrastructure sites – only upon prior approval provided in writing from the FEMA Administrator. FY2017 SLETPP funds may be used to support select operational expenses associated with increased security at critical infrastructure sites in the following authorized categories:
  - a. Backfill and Overtime Expenses (as defined in this guidance) for staffing State or Major Urban Area Fusion Centers
  - b. Hiring of contracted security for Critical Infrastructure Sites
  - c. Public Safety Overtime (as defined in this guidance)

- d. Title 32 (or State Active Duty) National Guard deployments to protect critical infrastructure sites, including all resources that are part of the standard National Guard deployment package. (Note: Consumable costs, such as fuel expenses, are not allowable except as part of the standard National Guard deployment package).
- e. Increased Border security activities, in coordination with the US Customs and Border Protection (CBP) – as outlined in Information Bulletin #315

## Equipment

FY2017 SHSP funds may be used for equipment acquisition from the 21 equipment categories lists on the Authorized Equipment List (AEL). For more information on the AEL, please visit FEMA's website at <http://www.fema.gov/authorized-equipment-list>. Please note that activities eligible for use of LETPA focused funds are outlined in the [National Prevention Framework](#) (and where capabilities are shared with the protection mission area, the National Protection Framework).

- **Reminder on Vehicle Purchases:** As noted above, Information Bulletin 407a controls the following types of vehicles: Command, Armored or Tactical (ballistic) in support of military style operations. **All other vehicles will still require DHSES pre-approval as well.**

## Training

To support training activities, FY2017 SHSP/SLETPP funds can be used for OT/Backfill costs, for travel costs, and for the hiring for full-time or part-time staff or consultants to support training activities. Any non DHS training course to be supported with SHSP/SLETPP funds must be submitted in advance to DHSES for written approval. Attendance at Conferences, Workshops, and/or Out-of-State travel for training opportunities will require DHSES prior approval. **Training conducted using SHSP/SLETPP funds should address a performance gap identified through an After Action Report/Improvement Plan or contribute to building a capability that will be evaluated via an exercise.** Any training gaps should be identified in the AAR/IP and addressed in the State or Urban Area's training cycle. All training and exercises conducted with SHSP/SLETPP funds should support the development and testing of the jurisdiction's Emergency Operations Plan (EOP), or specific annexes, where applicable.

**Please note that all training requests specific to HazMat Teams, Technical Rescue/USAR Teams, and Tactical Teams conducted using FY2017 SHSP/SLETPP funds must be submitted to DHSES (via your Contracts Representative) by October 1, 2017.**

If you have questions regarding training, please contact the Training and Exercise Section at DHSES's Office of Emergency Management (OEM) at [OEM.Training@dhses.ny.gov](mailto:OEM.Training@dhses.ny.gov) or call 518-292-2351.

## Exercises

All exercises conducted using SHSP/SLETPP funds should be designed in accordance with the Homeland Security Exercise and Evaluation Program (HSEEP) guidance. HSEEP highlights include:

- **Basic Guidelines:** HSEEP policy and guidance can be obtained online at the following link:  
<https://www.fema.gov/media-library/assets/documents/32326>
- **HSEEP Courses:**
  - **Mobile Courses:** HSEEP mobile courses are scheduled periodically, as requested, throughout the State to help increase understanding of HSEEP guidelines. For more information, please refer to DHSES's Training Calendar: <http://www.dhSES.ny.gov/training/calendar/>
  - FEMA's Emergency Management Institute (EMI) also offers *Course # K0146 – Homeland Security Exercise Evaluation Program (HSEEP) Basic Course*, a distance learning (on-line) course.
- **Exercise Notification:** All planned exercises must be submitted for review to the DHSES Office of Emergency Management (OEM) Training and Exercise Section, using the method prescribed by DHSES OEM, **sixty days** prior to the start of each exercise supported with SHSP/SLETPP funds, including any exercise supported by the county through a sub-allocation of its award. DHSES will place exercise information on the National Exercise Schedule, in accordance with HSEEP guidelines.
- **Exercise Evaluation:** HSEEP requires all exercises to be evaluated. Within **sixty days** of the completion of an exercise, a jurisdiction must submit an After Action Report/Improvement Plan (AAR/IP) to the DHSES OEM Training and Exercise Section for review and identification and initiation of any necessary state-level activity. Sub-recipients must submit the AARs/IPs to [Exercises@dhSES.ny.gov](mailto:Exercises@dhSES.ny.gov).
- **Exercise Assistance:** The DHSES OEM Training and Exercise Section is available to provide exercise assistance to jurisdictions. Please contact the OEM Exercise Branch at [Exercises@dhSES.ny.gov](mailto:Exercises@dhSES.ny.gov) or at 518-292-2351 if you are interested in conducting an exercise using FY2017 SHSP/SLETPP funds.

## Management and Administration (M&A)

Up to 5% of the award amount may be used to support Management and Administrative costs associated with the implementation of the grant award. Examples of allowable M&A costs include:

- Hire of full or part time staff to administer grants
- Travel costs
- Meeting related expenses
- Authorized office equipment
- Leasing or renting of space for newly hired personnel during the period of performance for the grant program.

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

As a Federal agency, DHS/FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and programs funded by the agency, including grants-funded projects, comply with federal EHP regulations, laws and Executive Orders as applicable. Recipients and sub-recipients proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the DHS/FEMA EHP review process. The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that DHS/FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, DHS/FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process must be completed before funds are released to carry out the proposed project. DHS/FEMA will not fund projects that are initiated without the required EHP review.

Additionally, all recipients are required to comply with DHS/FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in FP 108-023-1, [Environmental Planning and Historic Preservation Policy Guidance](#), and FP 108.24.4, [Environmental Planning and Historical Preservation Policy](#).

Projects that were initiated or completed before an EHP review was concluded are unallowable for reimbursement using SHSP and SLETPP funds. For more information on FEMA's EHP requirements, sub-recipients should refer to FEMA's Information Bulletin #329 "Environmental Planning and Historical Preservation Requirements for Grants" available online at: <http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf>

## **Construction and Renovation**

Use of FY2017 HSGP funds for construction and renovation is generally prohibited except as outlined below. For construction costs to be allowed, they must be specifically approved by DHS/FEMA in writing prior to the use of any program funds for construction or renovation. Additionally, sub-recipients are required to submit a SF-424C Budget and Budget detail citing the project costs.

Project construction and renovation not exceeding \$1,000,000 or 15% of the grant award is allowable, as deemed necessary. For the purposes of the limitations on funding levels, communications towers are not considered construction.

Written approval must be provided by FEMA prior to the use of any HSGP funds for construction or renovation. When applying for construction funds, including communications towers, at the time of application, recipients must submit evidence of approved zoning ordinances, architectural plans, any other locally required planning permits, and a notice of federal interest.

When applying for funds to construct communication towers, recipients and sub-recipients must submit evidence that the FCC's Section 106 review process has been completed and submit all documentation resulting from that review to GPD using the guidelines in EHP Supplement prior to submitting materials for EHP review.

HSGP Program sub-recipients using funds for construction projects must comply with the Davis-Bacon Act (40 U.S.C. § 3141 et seq.). Recipients must ensure that their contractors or subcontractors for construction projects pay workers no less than the prevailing wages for laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the state in which the work is to be performed. Additional information regarding compliance with the Davis-Bacon Act, including Department of Labor (DOL) wage determinations, is available from the following website <http://www.dol.gov/whd/govcontracts/dbra.htm>.

Projects that were initiated or completed before an EHP review was concluded are unallowable for reimbursement using SHSP and SLETPP funds. For more information on FEMA's EHP requirements, sub-recipients should refer to FEMA's Information Bulletin #329 "Environmental Planning and Historical Preservation Requirements for Grants" available online at: <http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf>

### **Supplanting**

Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose.

### **Grant Contracting Process**

Any resulting contract or agreement is contingent upon the continued availability of funding and will be effective only upon approval by the New York State Office of the Comptroller and the Office of the Attorney General.

Sub-recipients must agree to DHSES terms and conditions included in DHSES grant contracts. Sample grant contract language, including but not limited to Appendices A-1 and C are available for review on the DHSES website at <http://www.dhSES.ny.gov/grants/>.

### **Minority and Women-Owned Businesses**

Pursuant to New York State Executive Law Article 15-A, New York State Division of Homeland Security and Emergency Services recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of New York State Division of Homeland Security and Emergency Services contracts.

Consistent with 2 CFR §200.321, non-Federal contracting entities must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

For purposes of this solicitation, applicants and sub-recipients are hereby notified the State of New York has set an overall goal of **30% for MWBE participation** or more, **15% for Minority-Owned Business Enterprises (“MBE”)** participation and **15% for Women-Owned Business Enterprises (“WBE”)** participation, based on the current availability of qualified MBEs and WBEs for your project needs.

***Uniform Administrative Requirements, Costs Principles, and Audit Requirements***

The Department of Homeland Security adopted 2 C.F.R. Part 200. Now that DHS has adopted 2 C.F.R. Part 200, these new regulations will apply to all new Federal Emergency Management Agency (FEMA) grant awards that are made on or after December 26, 2014. The new regulations will supersede 44 C.F.R. Part 13, and the Office of Management and Budget (OMB) Circulars A-21, A-87, A-89, A-102, A-110, A-122, A-133, and sections of A-50 for all FEMA awards made on or after December 26, 2014. This means that recipients of HSGP funding must follow new administrative requirements and Cost Principles codified in 2 C.F.R. Part 200 instead of the previous regulations in 44 C.F.R. Part 13.

# Appendix A:

## Federal Programmatic Reporting Requirements “Instructions and Guidance”

**Instructions:** The following provides some summary background on the federal programmatic reporting requirements that grant recipients are required to report on in order for DHSES to satisfy its reporting obligations to DHS. Please refer to the associated instructions to appropriately complete the requirements through the application process.

### NIMS Resource Typing

**I. NIMS Resource Typing:** For all projects that support a NIMS Resource, recipients must identify the typed asset being supported through the investment. At this point, only one typed asset can be identified in the BSIR; therefore, if multiple typed assets are being support, please identify the asset with the largest budget.

### Project Support to Previously Awarded Investment and Project Milestones

**I. Sustain vs Build:** As you complete your application, it is important to distinguish the type of investment you are making. DHS has identified two project types: 1) Build Capabilities - building refers to activities that start a new capability or increase a capability; 2) Sustain Capabilities - sustaining refers to activities that maintain a capability at its current level.

When assessing the project type, if your project is both sustaining and building capabilities, please select the project type that best represents the majority of your project.

**Sustain =**

**Sustain a Current Capability:** Applicants who are utilizing a resource to sustain a capability previously developed through homeland security grant funding or local revenues should select “Sustain” from the drop-down. An example would be purchasing Personal Protective Equipment (PPE) to replace PPE that was purchased several years ago and is no longer safe to use at an incident.

**Build =**

**Increases a Current Capability:** Applicants who are utilizing a resource to improve a capability previously developed through homeland security grant funding or local revenues should select “Build” from the drop-down menu. An example of improving a current capability would be the purchase of communications equipment for first responders, in order for them to communicate off of an interoperable communications system previously developed by the sub-recipient.

**Builds a New Capability:** Applicants who are utilizing a resource to build a new capability should select “Build” from the drop-down menu. An example of a new capability would be a sub-recipient developing an explosive detection canine team to enhance explosive device response operations capabilities in their jurisdiction, where they presently have no ability to perform this capability and/or currently rely on regional or State partners to perform the capability in their jurisdiction.

**II. Previously Supported Fiscal Year:** DHS requires that for any current project investment which supports a previously awarded investment, that the most recent fiscal year of that prior investment be identified. Presently, this goes back 4 years from the current fiscal year (i.e. for FY2016, please identify the most recent fiscal year supported between FY2012-FY2015)

**III. Last Completed Milestone for Previously Awarded Investment:** DHS requires that the recipient identify the last completed milestone of the previously awarded investment that is being supported through the current fiscal year. These milestones align with the federal POETE (i.e. Planning, Organization, Equipment, Training, and Exercises), and follow the performance metrics utilized in your E-Grants workplan.

**IV. Anticipated Project Completion Date:** For each project, DHS requires the anticipated completion date. Please select which quarter you anticipate completing the proposed project within the period of performance.

## Project Details

**I. Construction, Renovation, and Retrofits to Existing Structures:** DHS requires prior approval, and often an EHP review, of any project that will involve construction, renovation, retrofits, and modifications to existing structures. If this project requires any such activities, please select "Yes."

**II. Deployability of Capabilities:** DHS is seeking more information on whether capabilities supported through this grant opportunity are either deployable or shareable outside of the host jurisdiction. When assessing the deployability of the capabilities supported through this project, please assess this at the "core capability" level (e.g. HazMat Team capability or mass sheltering capability) rather than at the individual budget item level. For example, if you are making an investment to support the ability of your HazMat Team to perform its core functions, are these core functions by and large deployable and/or shareable.

**Deployable =**

**Is the core capability supported by this project deployable to other jurisdictions?**  
DHS identifies a deployable asset as any capability that is physically mobile and can be used anywhere in the United States. Examples would include response teams (e.g. HazMat, Tactical or CERT), mobile radios, CBRNE detection equipment, sheltering supplies, etc.

**Sharable =**

**Is the core capability supported by this project shareable (if it cannot be physically deployed) with other jurisdictions?**  
DHS identifies a shareable asset as any non-deployable capability that can be utilized to augment and sustain reinforced response at the regional, state or national level. Examples would include a fusion center, emergency operations center, etc.

**III. Controlled Equipment List:** Per "Executive Order (EO) 13688: Federal Support for Local Law Enforcement Equipment Acquisition" and the "Recommendations Pursuant to EO 13688" DHS will require all grant recipients to complete additional documentation (i.e. the "Controlled Equipment Request Form") if they make investments in equipment found on the Controlled Equipment List. All grant recipients will be required to submit this form prior to purchasing the equipment (recipients will submit these forms through DHSES, which will then be reviewed by FEMA for final approval). Please note, while this executive order was targeted towards law enforcement agencies, FEMA will require all grant recipients (e.g. emergency management offices) to comply with this requirement. Please refer to FEMA Information Bulletin (IB) #407, "Use of Grant Funds for Controlled Equipment" for more information on this new grant requirement.

# Appendix B:

## 28 Critical Capabilities in New York State

### Common Capabilities (5)

**Planning:** *The ability to develop, validate, and maintain plans to address identified threats and hazards.*

**Interoperable and Emergency Communications:** *The ability to ensure public safety agencies and other community partners can communicate with one another on demand, in real time, when needed, and when authorized.*

**Public Information and Warning:** *The ability to deliver coordinated, prompt, and actionable information to the public through the use of clear, consistent approaches and leveraging multiple delivery methods.*

**Citizen Awareness and Preparedness:** *The ability to ensure citizens are fully aware, trained, and practiced on how to prevent, protect, prepare for, respond to, and recover from any threat or hazard.*

**Private Sector/Non-Governmental Organizations (NGO):** *The ability to coordinate with the private sector and other non-governmental organizations to leverage their resources and subject-matter expertise.*

### Prevention and Protection Capabilities (5)

**Information-Sharing and Intelligence Analysis:** *The ability to receive, analyze and distribute accurate, timely, and actionable information and intelligence to agencies and key stakeholders, including the private sector.*

**Critical Infrastructure/Key Resources Protection:** *The ability to identify and protect critical infrastructure and key resource sites through risk management and by improving protections against all threats and hazards.*

**Cyber Security:** *The ability to protect cyber networks and services from damage, unauthorized use, and exploitation and restore systems that are compromised.*

**CBRNE Detection and Interdiction:** *The ability to detect and interdict CBRNE materials at points of manufacture, transport, and use.*

**Law Enforcement Counter-Terrorism Operations:** *The ability to support the range of activities taken by law enforcement to detect, investigate, and conduct operations related to potential terrorist activities.*

### Response Capabilities (12)

**EOC Management:** *The ability to establish and operate an Emergency Operations Center to support onsite incident management activities during an event.*

**Onsite Incident Management:** *The ability to establish a unified and coordinated operational structure at the scene of an incident.*

**CBRNE Response and Decontamination:** *The ability to assess and manage the consequences of a hazardous materials release, either accidental or intentional.*

**Search and Rescue Operations:** *The ability to deliver search and rescue capabilities and assets to affected communities, with the goal of saving the greatest number of endangered lives in the shortest time possible.*

**Law Enforcement Response Operations:** *The ability to leverage law enforcement assets and specialty teams (e.g. Bomb Squads, SWAT Teams, Dive Teams) to support site security and response to terrorist attacks and other hazards.*

**Firefighting Support and Operations:** *The ability to coordinate and implement fire suppression operations and support mutual aid within the fire service.*

**Mass Care and Sheltering:** *The ability to provide life-sustaining services to communities in need, with a focus on evacuating, sheltering, hydrating, and feeding the individuals most impacted during an event, including special needs populations.*

**Transportation:** *The ability to prioritize transportation infrastructure restoration to provide for the efficient movement of citizens, responders, and goods into and out of areas impacted during an event through the utilization of various transportation systems and routes.*

**Health Emergency Preparedness:** *The ability to support health emergency preparedness by developing and maintaining the ability to identify public health threats, provide medical countermeasures, and surge the hospital system to manage large numbers of sick or injured during any incident.*

**Emergency Medical Services (EMS) Operations:** *The ability to appropriately dispatch EMS and provide suitable pre-hospital treatment and support to healthcare facilities.*

**Fatality Management:** *The ability to provide effective, efficient mass fatality services to communities in need, including body recovery and victim identification, the development of temporary mortuary solutions, and coordination with victims' families.*

**Logistics and Resource Management:** *The ability to identify, inventory, mobilize, and dispatch available critical resources (including those obtained via mutual aid and donations) and human capital throughout the duration of an incident.*

## Disaster Recovery/Mitigation Capabilities (6)

**Continuity of Operations/Continuity of Government (COOP/COG):** *The ability to develop and implement plans and programs to maintain essential operations and government services during an emergency.*

**Damage Assessment:** *The ability to conduct damage assessments in conjunction with partners at multiple levels of government to help inform resources needed to ensure an efficient recovery from an incident.*

**Restoration of Infrastructure and Critical Services:** *The ability to initiate and sustain the restoration of critical services to affected communities, including drinking water, wastewater, electricity, transportation services, and economic services through effective planning and other related efforts.*

**Debris Management:** *The ability to develop and maintain debris management plans to restore public services and ensure public health and safety in the aftermath of a disaster.*

**Recovery:** *The ability to provide ongoing support to communities after a major incident occurs to help re-build affected areas and to increase their resiliency to face future incidents to include long-term housing and infrastructure replacement.*

**Mitigation:** *The ability to, through traditional mitigation programs and other efforts build and sustain resilient systems, communities, and infrastructure to reduce their vulnerability to any threat or hazard.*