

NSGP project management questions December 2021

- If an award recipient has adopted the applicable provisions of 2 CFR 200.318 through 200.326 as the entity's procurement policy and procedures, will this comply with applicable state law or are there modifications required in Kansas?
 - *Yes- CFR refers to following your own policy where available. Your policy cannot be less than State or Federal guidelines.*
- Page 4 of this linked resource says if a State agency is awarding the contract, the award recipient can stop the checklist after question 20. For the FEMA/DHS grant, please confirm that the non-state award recipient should continue with the additional questions. https://www.fema.gov/sites/default/files/2020-07/fema_pdat_procurement-checklist.pdf
 - *If the contract is being awarded by a local or tribal government or private nonprofit entity, CONTINUE with the checklist.*
- How is the following website to be used to show compliance with the socio-economic policy requirements? <https://www.mbda.gov/>
 - *This site is a means of coordination to strengthen minority business- it does not appear to be a reporting platform. However, as it is new, we will reach out to our Analyst in DC for additional guidance. The Conditions in your award agreement do promote the use of minority business, more importantly open and fair competition. If you are following the State Procurement Policy or your policy covers requirements- you are in compliance.*
- Please discuss this definition of "construction work" <https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A/section-60-1.3>. Does it apply to projects like installation of security cameras, door locks, access panels, CCTV, etc. The definitions used in the EHP screening process seemed very broad. I am wondering how broadly the term "construction" is applied with respect to required contract provisions. https://www.fema.gov/sites/default/files/documents/fema_contract-provisions-guide_6-14-2021.pdf
 - *Think of construction as putting in a new building, expanding onto a building or erecting a tower. Adding equipment such as lighting, cameras, access control to an existing structure would not be considered construction. Whenever there is significant ground disturbance as required by a new structure, that would be considered construction.*
- Please explain any applicable requirements regarding labor surplus area firms (2 CFR 200.321).
 - *We are required to follow the State Procurement Policy to ensure open and fair competition. You would still need to ensure solicitation meets the thresholds which for the most part require you to solicit on public board or minimum of 3 bids or sealed bid or Kansas Register. You can take the necessary steps to reach*

out to minority business and let them know a bid will be posted, but at that point, it is still up to those business to respond to bid. If you are following the State Procurement Policy, you would be in compliance.

- Please describe the frequency and selection process for auditing grant recipients (size of award, type of project, etc.).
 - *The Kansas Highway Patrol is audited annually. We do not know if and when FEMA/DHS would be auditing our subrecipients (you). This is why we ensure all requirements are met up front, quarterly reports are required until your project is complete, programmatic and equipment monitoring occur at least twice (once during the open performance period and sometime after close-out). This ensures that if and when a FEMA/DHS audit occurs, our subrecipients are in compliance throughout the project*
- The recent procurement webinar and resource materials were very helpful. What are the other major pieces of grant management? For example, tracking and reporting expenditures, periodic project updates, monitoring the decommissioning and disposal of purchased assets, etc. Do you know if there will be similar Federal training sessions related to these other responsibilities?
 - *I will be providing periodic webinars to cover project management and there are existing tools on datacounts. You will be required to maintain an equipment inventory for the life of equipment (we provided an example spreadsheet to use if you wish) When equipment is no longer needed, met its life, broken, stolen, no longer supportable, you would need to complete an Equipment Disposition form (reach out to us for that). I can show you the form. FEMA Usually puts out a series of webinars, which we will post on datacounts for technical assistance. Whenever we receive a training opportunity, we push those out to you, so please keep us updated on emails you wish for us to share information with.*
- What if there are significant changes to the project?
 - *Because this is a competitive grant, modifications are discouraged. However, some may experience a need identified later during the grant process such as build issues, significant delivery dates and increased costs which require money movement from one category to another to complete the project in a phase. On a case-by-case basis, the SAA will consider your explanation of need (you will need to modify your IJ and ensure it ties back to your risk assessment) will be reviewed and modification requests will be submitted to FEMA/DHS for consideration. All activities must be listed as allowable activities. Equipment List/ Grant guidance. SAA will submit on your behalf. Chuck Clanahan may be able to assist with risk assessment questions.*