

FFY 2019 Operation Stonegarden Grant State Program Guidance

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MONTANA DISASTER AND EMERGENCY SERVICES

www.readyandsafe.mt.gov/emergency

www.fundingmt.org



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Operation Stonegarden (OPSG) Grant

Funding for this program is provided to Montana Disaster and Emergency Services (MTDES). MT DES is the State Administrative Authority (SAA) for this program. Funding is provided by the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD).

The SAA for the program:

- Reviews all operation orders created by local or tribal agencies
- Acts as the fiduciary agent for the program
- Provides expertise in state policy and regulations
- Works in direct coordination and communication with the local or tribal agency lead on all grant management matters
- Conducts monitoring of the program to ensure that the subrecipients are in compliance with program guidance.

Catalog of Federal Domestic Assistance (CFDA) Number: 97.067

CFDA Title: Homeland Security Grant Program (HSGP)

Overview

The OPSG program supports enhanced cooperation and coordination among Customs and Border Protection (CBP), United States Border Patrol (USBP), and Federal, State, Local, and Tribal law enforcement agencies. OPSG provides funding to support joint efforts to secure the borders along routes of ingress along the United States border. OPSG uses an integrated approach to address transnational criminal activity. Federal, State, Local, Tribal, and Territorial partners are required to participate in a minimum of two OPSG Integrated Planning Team (IPT) with representation from all participating law enforcement agencies, co- chaired by representatives from USBP, the SAA, and participating local law enforcement agencies' OPSG program representatives. One IPT with the CONOP & Application, and one IPT with the OPORD.

The complete FFY 2019 HSGP Notice of Funding Opportunity (NOFO) is available on the FEMA website and will also be posted at www.readyandsafe.mt.gov/emergency.

I. Purpose

OPSG provides funding to designated localities to enhance cooperation and coordination between Federal, State, Local, and Tribal law enforcement agencies in a joint mission to secure the United States border along routes of ingress from international borders.

OPSG is intended to support Border States of the United States in accomplishing the following objectives:

- Increase intelligence and operational capabilities to prevent, protect against, and respond to border security issues

- Increase coordination and collaboration among federal, SLTT law enforcement agencies
- Continue the distinct capability enhancements required for border security and border protection
- Provide intelligence-based operations through USBP Sector Level experts to ensure safety and operational oversight of federal, SLTT law enforcement agencies participating in OPSG operational activities
- Support a request to any Governor to activate, deploy, or redeploy specialized National Guard Units/Packages and/or elements of state law enforcement to increase or augment specialized/technical law enforcement elements operational activities
- Continue to increase operational, material, and technological readiness of SLTT law enforcement agencies
- Enhance the sharing of threat information and intelligence between Federal, state, local, tribal, and territorial law enforcement agencies.

OPSG funds must be used to provide an enhanced law enforcement presence and to increase operational and intelligence capabilities of federal, SLTT law enforcement, promoting a layered, coordinated approach to law enforcement within Border States and territories of the United States.

II. Priorities

After concurrence and justification has been obtained, funds should be obligated to target specific threats or vulnerabilities and ensure that OPSG usage is corresponding to the unique risk of each border region. This may require several short-term operations that combine to form an ongoing operational cycle, ensuring that United States Border Patrol (USBP) commanders and state, local, tribal, and territorial agency partners reserve the flexibility to respond to the ever-changing elements of border security.

Recipients are encouraged to prioritize the acquisition and development of regional projects on the borders to maximize interoperability and coordination capabilities among federal agencies and with state, local, and tribal law enforcement partners.

Such regional projects include:

- Communications equipment
- Radio systems and repeaters
- Situational Awareness equipment:
 - License Plate Reader Networks
 - Visual detection and surveillance systems
 - Sensor Systems
 - Radar Systems (for air incursions)

III. Grant Management Systems

Homeland Security Information Network (HSIN): HSIN is the data management system used by Border Patrol to track Operation Stonegarden operational information and reports. Including Concept of Operations (CONOPS), Operation Orders (OPORDS), Fragmentary Orders (FRAGOS) and Daily Activity Reports (DARS).

The Operation Stonegarden HSIN Community site is administered by U.S. Border Patrol. USBP maintains the authority to register new users and modify documents within the site. The SAA has access to review Daily Activity Reports and SAA specific approval levels for CONOPS, OPORDS and FRAGOS only. Any adjustments or technical support for HSIN must be requested through Border Patrol Sector Points of Contacts.

FundingMT.org (WEBGRANTS): FundingMT.org is the grant management platform used by MT DES to manage financial reimbursements and state level documentation. Subrecipients will be required to use fundingmt.org to submit financial (claim) reimbursements.

See section IX Financial Reporting for more information on these systems.

IV. Application, Submission, and Award

Concept of Operations (CONOP) vs Applications: while the Application and the Concept of Operations contain the same basic information, they are two separate documents. The Concept of Operations is done in conjunction with Border Patrol and is submitted in HSIN to be approved by Border Patrol headquarters in Washington. The application is done in conjunction with Border Patrol in the format noted in the Notice of Funding Opportunity (NOFO) grant submission instructions. The application is then submitted to the SAA to be included in the State Homeland Security Application. Both are required in order to receive funding.

CONOPS and subsequent Operation Orders (OPORDS) shall be formulated through multiple IPT meetings to include section Border Patrol, local law enforcement, and MT DES.

Submission

- The sub recipient submits the Concept of Operations to CBP Sector who then submits that into HSIN
- The sub recipient submits the application using the word template to CBP Sector who then submits that to the SAA.
- MT DES will review and submit Applications in the State's Homeland Security Grant application to DHS/FEMA.

Award Information

Once the State receives and accepts the Homeland Security award (this time frame varies depending on multiple factors involving Congress and DHS/FEMA) Obligation of funds will be made to the sub-recipients no later than 45 days following the State's acceptance of the Federal award.

The SAA typically sends out award letters by the end of September. Sub-recipients who wish to decline the award must provide a written notice of intent to decline. Sub-recipients are required to update and submit an OPORD based on the funding allocation. **NO FUNDS MAY BE EXPNEDED OR REIMBURSED PRIOR TO FEMA APPROVAL OF THE OPERATION ORDER.**

The Chief Elected Official with the legal authority to enter into an agreement and other authorized representative, if applicable, will be required to sign and return the Award Obligation Letter

V. Operation Orders, Fragmentary Orders, and Daily Activity Reports

Operation Order (OPORD) – operation orders or campaign plans are done once the sub-recipient has received the award amount. The OPORD should articulate the agency’s long-term border security objectives and goals designed to mitigate border security risk and is done in conjunction with the regional USBP. OPORDS go through the following levels of review of approval:

- Development and Approval with local USBP personnel
- Review and concurrence by SAA
- USBP Headquarters
- FEMA-DHS

Sector approved OPORDS must be submitted within 4 months of award obligation

Vehicle Requests: Subrecipients requesting vehicles or specialized equipment will be required to submit a Vehicle Justification with the Operations Order

PRICE ACT Waiver: Subrecipients requesting to utilize over 50% of the obligated funds for allowable personnel costs must include a request for waiver for the personnel cap with the OPORD.

Environmental and Historic Preservation Compliance (EHP): All projects which may have a potential impact to the environment require a FEMA EHP review. Ground-disturbing activities, new construction, including communication towers, or modification/renovation of existing buildings or structures must undergo a FEMA EHP review (this includes Radar). Projects that require an EHP review, must have an approval from DHS/FEMA prior to any work being started or funds being expended.

Upon FEMA/DHS written approval of the Operation Order the subrecipient may start utilizing grant funds.

Fragmentary Order (FRAGO) – A budgetary or operational adjustment to the approved OPORD. FRAGOS are typically used to move funds between cost categories but may also be done to adjust type and quantities of equipment or changes to the operational plan. FRAGOS are required to be entered/submitted into HSIN by Border Patrol.

Daily Activity Report (DAR) –DARS are to be submitted for each OPSG patrol by the subrecipient within 48 hours of a patrol and approved by Border Patrol within 72 hours after that per the NOFO.

VI. Project Cost Categories and Activities

Expenses are allowable in the following cost categories based on the FEMA approved Operation Order and budget:

A. Operational Overtime Costs

OPSG funds should be used for operational overtime costs associated with law enforcement activities, in support of border law enforcement agencies for increased border security enhancement. Overtime pay is for enhanced patrol for certified public safety officers, along with limited support for other law enforcement direct support personnel (i.e., Communication Officers/Dispatchers, non-sworn patrol pilots). Overtime shall be reimbursed consistent with the non-Federal entity’s overtime policy and the requirements as stated below:

a) Overtime is time worked that exceeds the required number of hours during a full-time employee's designated shifts, full time being 40 hours per week. For example: if an employee works an 8-hour Stonegarden shift on Monday and works the required 40 hours for the county in the remainder of the week the Monday 8-hour shift would be charged to Stonegarden at an overtime rate. If however, the employee does not work 40 hours for the county outside the Stonegarden shift that week, then the Stonegarden shift would be paid at a regular rate up to the 40 hours and overtime thereafter. If an employee works 40 hours during the week for the county, any Stonegarden shifts would then be at an overtime rate. We look at the week as a whole.

b) Overtime must be worked to increase patrol capacity and in support of identified and approved USBP border security operations.

c) The OPSG overtime hourly rate of pay will be no more than the approved overtime rate per local law and policy and in accordance with applicable state and federal regulations.

d) Exempt salaried employees may not be reimbursed for overtime unless the non-Federal entity's policy specifically allows for overtime reimbursement.

e) The Non-Federal entity may not utilize OPSG funding to pay for an employee's overtime hours or pay that exceeds 16-hours worked in any 24-hour period.

See Appendix C of the NOFO – *Organization* for more information

B. Benefits

Allowable fringe benefits include any benefits the county normally pays on overtime worked. Calculated based on actual Stonegarden overtime hours.

C. Mileage

Mileage on patrol vehicles incurred during the Stonegarden shift are an allowable cost. The rate is based on the IRS mileage rate and is updated annually on January 1st. Mileage is calculated at the rate that was in effect when the patrol occurred, not when the reimbursement is submitted.

D. Fuel

Fuel may be reimbursed for ATV's, snowmobiles, watercraft and aircraft. If the subrecipient has been approved for it in their OPORD.

Fuel is not an allowable cost for patrol vehicles. Sub recipient can only be reimbursed for the mileage driven during the Stonegarden shift.

E. Maintenance

Maintenance for normal wear and tear is only available for ATV's, snowmobile or watercraft used for OPSG patrols. If these items are used for non OPSG related activities and are not being used regularly for Border Patrols, the SAA will review eligibility on a case by case bases.

Because patrol vehicles are used more for regular local patrols wear and tear on patrol vehicles is not allowable under maintenance as it is covered in the mileage rate.

F. Equipment

Eligible equipment can be found on the Authorized Equipment List (AEL) on the FEMA website.

Please note that just because something is on the AEL does not mean you will be approved for it. There may be some items that aren't on the AEL that would be allowed with **special approval** if it is a necessary item to support Border Patrol.

Only the equipment that has been approved on the approved OPOrd is allowable. Only the number of items requested on the approved OPOrd may be reimbursed.

Equipment purchased with Operation Stonegarden funding shall be prominently marked as followed (when practical):

“Purchased with DHS funds for Operation Stonegarden Use”

G. Management and Administration

Up to 5% of the total award amount may be used for M&A. M&A is allowable to the sub recipient only. The State of Montana does not allow M&A for friendly forces.

M&A must be tracked through a financial system

Management and Administration (M&A) activities are those directly relating to the management and administration of OPSG funds, such as financial management and monitoring. Subrecipients may retain funding for M&A purposes; however, the total amount retained cannot exceed 5 percent of the subrecipient award.

VII. Unallowable Costs and Activities

Per FEMA policy, the purchase of weapons and weapon accessories is not allowed with OPSG funds. Grant funds may not be used for the purchase of Prohibited Equipment. Refer to IB 407 *Use of Grant Funds for Controlled Equipment* http://www.fema.gov/media-library-data/Controlled_Equipment.pdf for a completed list of prohibited equipment.

Unauthorized costs include, but are not limited to, the following:

- Parking tickets or other traffic tickets
- Hiring of sworn public safety officers or to supplant public safety positions and responsibilities
- Sole source contracts and procurements not pre-approved by MTDES
- Stand-alone working meals
- Supplanting any expense already budgeted
- Late payment fees
- Pre-award costs
- Activities unrelated to the completion and implementation of the Operation Stonegarden Program.

Supplanting

Grant funds must supplement, not supplant, replace or offset State or local funds that have been appropriated for the same purpose.

Applicants or recipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

If supplanting is determined, sub-recipients will be required to repay grant funds expended in support of those efforts.

VIII. Procurement

When procuring property and services under a Federal award, sub-recipients must follow 2 CFR 200 sections 200.318 through 200.326. Note: for local jurisdictions the **most stringent** local or federal procurement requirements, procedures, laws, and/or regulations must be used; for State agency the **most stringent** state or federal procurement requirements, procedures, laws, and/or regulations must be used.

The following documentation must be available upon request

- Copy of entities own documented comprehensive procurement procedures which reflect applicable state and local laws and regulations. Procurement procedures must conform to applicable Federal law and the standards identified in 2 CFR 200 section 200.318
- Procurement method followed (2 CFR 200 section 200.319)
 - *Procurement by micro-purchases method*: The acquisition of goods or services whereby the aggregate dollar amount does not exceed \$10,000 for purchases made on or after June 20, 2018 (FAR 2.101.) If this method is used solicitation of competitive quotations is not required as long as price is reasonable.
 - *Procurement by small purchase procedures method*: The acquisition of goods or services whereby the aggregate dollar amount does exceed \$10,000 for purchases made on or after June 20, 2018 (FAR 2.101.) If this method is used, price or rate quotations shall be obtained from an adequate number of viable sources. Adequate number means no less than three (3) sources.
 - *Procurement by sealed bids (formal advertising) method*: Aggregate dollar amount is expected to be more than \$250,000. Or local Procurement Policy.
 - *Procurement by competitive proposals (RFP) method*: Aggregate dollar amount is expected to be more than \$250,000.
 - *Procurement by non-competitive proposals method*: This method may **only** be used when one or more of the following circumstances apply. **Prior to purchasing** by non-competitive method, subrecipient **must contact MT DES** for approval. Subrecipient must explain why full and open competition is not possible. Factual evidence, such as written documents, reports, supporting data, affidavits, patent or copyright information, research or other information, must be provided, sufficient for MT DES to independently determine that the justification is true and accurate. **Information must be provided to MT DES in written format via formal letter (letter can be emailed).**
 - The item is available only from a single source. Specifying a brand name is **not** sufficient reason for using single source.
 - After solicitation of a number of sources, competition is determined inadequate. Must be able to show that solicitation from an adequate number of sources occurred.
- Applicants selected for funding does not constitute award. Any costs incurred or obligated prior to the execution of an award are not allowed.

IX. Financial Reporting

A. Financial Reporting (Claim Reimbursements)

Sub-recipients must submit at least one reimbursement request upon completion of the project. However, quarterly reimbursement requests as the project progresses are preferred. The reimbursement request must be done through www.fundingmt.org.

All requests for reimbursement must include all supporting documentation to substantiate claimed expenses. Reimbursements are made only for expenditures made during the grant period of performance. Supporting Documentation must include:

1. Proof of Mileage (i.e. quarterly reimbursement form)
 - a. Verification Process for Mileage:

MT DES verifies the number of miles recorded on the Daily Activity Reports (DARS) in HSIN to the number of miles noted on the quarterly reimbursement form. The **number of total miles being claimed per month, and mileage rate must be noted on the form or some other supporting document.** Rate for mileage occurring from January 1, 2019 to December 31, 2019 is \$0.58 per mile.
 2. Proof of Payment (i.e. payroll ledger, general ledger, invoices and receipts).
 - a. Verification Process for Overtime:

The number of hours recorded on the DAR should correlate to the number of hours noted on the payroll ledger an employee has been paid. **The payroll ledger must show the rate of pay and number of hours paid under Stonegarden. Stonegarden hours must be shown separately from Regular non OPSG Overtime.**
 - b. Verification Process for Fringe/Benefits:

The amount for fringe recorded on the payroll ledger should correlate to what is being claimed in FundingMT. **The payroll ledger must show the rates for fringe applied to the associated overtime hours, if applicable.**
 - c. Verification for Equipment:

The amount for equipment recorded on the general ledger should correlate with the same amount noted on any supporting invoices and receipts (unless the equipment exceeded the amount available in the award). Therefore, **in addition to supporting invoices and receipts any equipment purchases must be documented in the general ledger.**
3. Homeland Security Information Network (HSIN) Daily Activity Reports (DARS)
 - a. DARS are to be submitted for each OPSG patrol by the subrecipient within 48 hours of a patrol and approved by Border Patrol within 72 hours after that, per the NOFO. Reimbursements may be withheld or reduced if DARS are outstanding.

B. Accruals

Sub-recipients with an open grant will be required to submit an accrual form prior to the end of the State Fiscal Year (SFY) to account for any expenditures or valid obligations that have occurred in the SFY and not been reimbursed prior to June 30. Sub-recipients that do not submit an accrual form and supporting documentation and then request reimbursement for goods or services from the prior SFY are at risk of non-payment due to lack of accrual funds. Accrual forms are due mid-June of each year and should be sent to your grant coordinator.

X. Monitoring

USBP will provide routine monitoring and technical expertise to each participating agency. The content of each operational plan, to include the requested items will be reviewed for border-security value and approved by the corresponding sector's Chief Patrol Agent or his/her designee.

MT DES technical assistance and financial monitoring will be accomplished through desk-based reviews of financial reimbursement requests. In addition, on-site technical assistance visits will be performed according to MT DES schedules, as requested, or as needed. Technical Assistance will involve the review of the financial compliance, administrative processes, policies, activities, and other attributes of each Federal assistance award and will identify areas where further assistance, corrective actions or other support may be needed.

XI. MT DES Contact Information

MT DES will provide programmatic support and technical assistance for the OPSG Grant.

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Reference to the rules, regulations and guidance to OPSG

- NOFO - <https://www.fema.gov/homeland-security-grant-program>
- 2 CFR 200 - <https://www.fema.gov/media-library/assets/documents/101236>
- AEL - <https://www.fema.gov/authorized-equipment-list>