



## AREA MARITIME SECURITY COMMITTEE Sector Delaware Bay

### Port Security Grant Program Instructions and Definitions

May 6, 2011

**DEADLINE: One Week Subsequent to Release of the FY11 Guidance**

#### INSTRUCTIONS

Application forms are posted at [maritimedelriv.com/psgp11.htm](http://maritimedelriv.com/psgp11.htm)

Applications are again being accepted for the FY11 and FY09 Port Security Grant Programs (PSGP). The Department of Homeland Security still has not yet released guidance for the FY11 PSGP. However, the Federal Emergency Management Agency (FEMA) has provided some additional information. It is the AMSC's understanding that:

- Projects supporting business continuity planning will be eligible for funding.
- There will not be a match requirement for FY11 funds.

As a result, the AMSC is re-opening the application period to provide applicants with the opportunity to submit additional projects for consideration. Those who submitted projects last month will not need to reapply.

#### INSTRUCTIONS

- While there is no match for Round 11 there are some funds remaining in Round 9. If your application is not selected for Round 11 please indicate if you would be willing to be considered for a Round 9 grant that would require a 25% match.
- Given the information available as of the date of this announcement, please utilize the FY10 Guidance and Application Kit and relevant Information Bulletins as a basis for determining whether you, your projects, and your costs are eligible.
- Applicants may submit up to three projects. Each project requires its own Investment Justification (IJ), Budget, and EHP Screening Form (including photos where applicable).
- Any applicant who is unable to collect the necessary photos in advance of the application deadline must provide an explanation of why the photos were not included and provide an estimated delivery date. This is to be done as a separate document included with the other forms. If photos are not provided in a timely manner, the application will be considered incomplete.
- **Any cash match waiver requests and sole source justifications must be submitted with the application forms.** Note that waiver requests must receive Captain of the Port concurrence. See IB #322 regarding waiver requests. See below for further information on sole source justifications.
- Other documents as discussed below may also be required under certain conditions.
- Applicants must use the forms provided by the Sector Delaware Bay Area Maritime Security Committee (AMSC) and submit through the AMSC web site hosted by the Maritime Exchange. **No other forms or substitutions will be accepted.**
- Each field on every form is mandatory. If an applicant fails to complete all required data, the application will be rejected. There are three exceptions:
  - Only applicants for Ferry Systems projects are required to complete the Ferry Systems section of the IJ.
  - EHP Screening Form -- Leave the boxes for the program year and award number blank.
- Do not submit scanned versions of the pdf. Complete the form, digitally sign, and submit.
- For consideration, projects must meet one or more of the National Priorities, Federal Maritime Security Coordinator/Captain of the Port (FMSC/COTP) priorities, or gaps identified in the Sector Delaware Bay Strategic Risk Management Plan dated August 20, 2008. Any applicant who wishes to review the Plan should contact Mr. Thomas E. Warwick, USCG, at [Thomas.E.Warwick@uscg.mil](mailto:Thomas.E.Warwick@uscg.mil) to make arrangements.

- Space is limited. Descriptions should be clear, concise explanations of exactly how the project will reduce risk and address specific recommendations, in sufficient detail and with direct reference to applicable security gaps, so as to allow a fair and factual evaluation of the project. Please ensure that descriptions and details provided are consistent across all sections of the IJ and its accompanying documentation.
- The reviewers need to be able to clearly understand what the project is and what it does. Keep in mind that they do not know as much about your project or sector as you do. Use language a reviewer will understand and limit the use of acronyms.
- Completed forms are to be submitted via the web site listed above.

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### REQUIRED FORMS FOR SUBMISSION (full set required for each project)

1. Investment Justification (IJ)
2. Budget Form
3. EHP Screening Form
4. Letter of Intent/Memorandum of Understanding (if applicable, see below)

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### LETTERS OF INTENT AND MEMORANDA OF UNDERSTANDING

Unless specifically prohibited by DHS in its Information Bulletins or in its Port Security Grant Program (PSGP) Guidance documents, AMSC Sector Delaware Bay requires either Letters of Intent (LOI) from the sponsor(s) or Memoranda of Understanding (MOU) for certain types of projects as described below. **Please note that MOUs and LOIs must be signed by all parties.**

If applicable, you must provide the LOI at the time of application; MOUs must be provided before funds will be awarded. **Please do not send letters of endorsement; they will not be considered.**

The AMSC **requires** an MOU for the following types of projects. If you are unable to submit the MOU with the application because of time constraints, you must include a LOI signed by all parties at time of application.

- Projects where the non-federal portion of the total costs of the project are being committed/obligated by more than one entity. Note: separate entities are defined as those that have their own Federal ID Numbers (EINs).
- Projects where equipment, resources, and/or facilities are acquired by the applicant, but then must be operated, maintained or supported by one or more other entities (e.g., response equipment owned by one entity but operated by one or more other entities; surveillance systems which will be operated by one entity, but must be positioned on facilities or property belonging to another party).
- Projects for training programs where the recipients of the training are outside of the applicant organization.
- Projects where actionable intelligence and information is generated through screening, surveillance, and tracking technologies which are designed to be shared between two or more entities.

Therefore, **for every entity mentioned in your IJ as a recipient of the information** you will collect under the project, **you must include a signed LOI.** For example, if you indicate that your video feed will be available to the Delaware Valley Intelligence Center, an LOI signed by both the applicant and DVIC must be included. Similarly, if you are offering training programs, you must include LOI(s) with those who will be trained.

**Any project which fails to meet these submission deadlines and the requirements set forth here will be eliminated from the competitive process.**

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### SOLE SOURCE JUSTIFICATIONS

Any contract over \$100,000 must undergo a competitive bid process. We strongly encourage all grant applicants to review the Financial Management Guide to ensure you are able to comply with federal procurement requirements.

However, in some cases, there may be a need to bypass the competitive procurement process. If you believe your project should be sole-sourced, you must include a memo with your application and be sure it meets the criteria outlined in 44 CFR Part 13:

Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes noncompetitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

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## MULTI-PHASE PROJECTS

If you are asking for funding for Phase I of a multi-phase project, you **must** include information on the total number of phases and total amount of funding necessary to complete the project.

- If you will not request funding for future phases through Port Security Grant Program, include the information in the “sustainment” section of the IJ.
- If you anticipate making future PSGP requests, include the information in the project description sections.

If you are asking for funding for Phase II (or later) of a project that previously received funding, you must include a description of the work accomplished to date and the current project status. Keep in mind that the AMSC will evaluate previous work to ensure the applicant has demonstrated successful use of previously-awarded funding.

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## DEFINITIONS

**A. Consortium** – A **consortium** is an association of two or more individuals, companies, organizations or governments (or any combination of these entities) with the objective of participating in a common activity or pooling their resources for achieving a common goal. The Port Security Grant Program allows consortia composed of local river organizations, ports and terminal associations, and other local stakeholder groups representing federally regulated ports, terminals, U.S. inspected passenger vessels or ferries that are required to provide security services to federally regulated facilities in accordance with an Area Maritime Security Plan or a facility or vessel security plan.

**B. Cost Effectiveness** – For the purposes of your application for PSGP funds, Sector Delaware Bay is requesting that you address the cost-effectiveness of your project. A Cost-Effectiveness Analysis (CEA) is a form of economic analysis that compares the relative expenditure (anticipated costs) to the expected outcomes (effects) of two or more different courses of action.

For example, if your project identifies the need to purchase equipment, as the applicant, you are required to indicate the competitive method by which you will evaluate the cost of the various kinds/types/brands of equipment in relationship to the capabilities of that equipment to perform the precise needed function.

**C. Maritime Domain Awareness** – For the purposes of your application for PSGP funds, Sector Delaware Bay requires that you understand the appropriate context of the term Maritime Domain Awareness as it is reflected in the AMSC Strategic Risk Management Plan.

Maritime Domain Awareness is the effective understanding of anything associated with the global maritime domain that could impact America's security, safety, economy, or environment. MDA is a key component of an active, layered, maritime defense-in-depth. Maritime Domain Awareness is achieved by improving our ability to collect, fuse, analyze, display, and disseminate actionable information and intelligence to operational commanders and decision makers.

Maritime Domain Awareness is the collection, fusion and dissemination of enormous quantities of data — intelligence and information — drawn from U.S. joint forces, U.S. government agencies, international coalition partners and forces, and commercial entities. Eventually, the depth of information collected from these various sources will be integrated to enrich a comprehensive common operating picture (COP) that is envisioned to be fully distributed among users with access to data that is appropriately classified.

The ultimate goal of MDA is to identify threats as early and as distant from American shores as possible. This will buy time to determine an appropriate course of action.

The purpose of MDA is to generate actionable intelligence. Without actionable intelligence, counterterrorist or maritime law enforcement operations are seldom fruitful. With it, the range of options available to Navy and Coast Guard forces expands significantly to permit much more effective investigation and interdiction of potentially threatening vessels, either overseas or as they approach the United States.

The information exchange between government agencies and with private industry, in particular, sharing common databases, is the real power behind a global Maritime Domain Awareness COP. Bottom line – for your project to be considered MDA by Sector Delaware Bay, it must

1. generate actionable intelligence to operational commanders and decision-makers, and/or
2. support information-sharing between private industry and government agencies, and/or
3. include surveillance and tracking technologies or the use of screening technologies and sensors, tied to a common operating picture

**D. Regionalization** – Regionalization is one of three overall priorities under the National Preparedness Goals. Our homeland security fundamentally depends upon our commitment to secure those geographic areas that are at greatest risk. It is vital to increase efforts by state, local, and tribal entities to communicate and coordinate with one another, with private sector and non-governmental entities, and with the general public, particularly for those entities that are in close proximity to each other. Successful regional approaches allow regions to coordinate planning and protection, spread costs, and share risk, thereby increasing the return on investment.

“Regional” generally refers to a geographic area consisting of contiguous state, local, and tribal entities located in whole or in part within a designated planning radius of a core high-threat urban area. The precise boundaries of a region can be self-defined. This priority focuses on expanding mutual aid and assistance compacts among the contiguous state, local, and tribal entities, and their private and non-governmental partners. The intent is to maximize coverage of the U.S. population and the nation's high-priority critical infrastructure. These areas should provide reasonable planning boundaries for the potential effects such as those identified in the National Planning Scenarios.

For the purposes of your application, AMSC Sector Delaware Bay intends to provide credit to sponsors of projects which are regional and support regional collaboration. AMSC Sector Delaware Bay considers a project to be regional in nature, if the project

1. is offered to targeted port stakeholders in more than one state or at multiple regulated facilities, and/or
2. is sponsored by an organization which can legally serve and/or operate in multiple state jurisdictions (e.g., New Jersey and Pennsylvania, Pennsylvania and Delaware, New Jersey and Delaware, or all three states)

**E. Supplanting/Supplantation** – Grant funds may not be used to supplant funds already dedicated to the project. For the purposes of the PSGP process, supplant shall be given its ordinary meaning, that is, “to take the place of.”

The prohibition on supplantation in PSGP is intended to prevent, primarily state and local governments, from shifting fiscal responsibility for ongoing public programs to the federal government. Therefore, the prohibition applies only to programs and services currently or previously funded by state or local government general funds, and for which federal funds are sought for sustainability. The prohibition on supplantation was not intended to prevent, stifle or discourage federal, state or local government agencies from funding pilot programs, which provide valuable innovations and formation. Therefore, the prohibition should not be interpreted to apply to pilot programs or services. “Pilot” with respect to programs or services means those that are implemented on a temporary and limited basis in order to test and evaluate the effectiveness of the program, develop new techniques, or gather information.

The definitions of “supplement” and “supplant” in the context of the PSGP Guidance are straightforward. It is clear that the intent of the PSGP is that no monies expended are to be used to take the place of any funding (federal, state, or private) that currently exists for any of the same purposes. Rather, monies are to be used to add to levels of services that currently exist and to supplement those levels. The term “existing levels of service” includes both the quality and quantity of services. It should be noted that numerous statutes require funding, grants, services, and/or programs to supplement, not supplant, existing functions.

Every applicant for PSGP funds must disclose in its application whether the program/project has received funding from other sources (whether local or state government, private, or federal) within the past three years, and as to any public funding, identify the law or program under which funding was received.

Any applicant that discloses that state or local government funding has been received for the proposed program or service within the last three years must also demonstrate to the AMSC Sector Delaware Bay’s satisfaction:

1. That the program or service has not received state or local general funds within the 12-month period preceding the AMSC’s action, or
2. That, if received, such funds have not been reduced during the 12-month period preceding the AMSC’s action, or
3. That the program or service was a pilot project, and
4. That the PSGP funds will be used to augment or improve the existing level of service, either in terms of quantity or quality.

**F. Sustainability** – Sustainability, in a broad sense, is the capacity to maintain a certain process or state for an indefinite period of time. It is most frequently used in reference to biological and human systems. However, sustainability has recently become a complex term that can be applied to almost every facet of life.

In the context of the PSGP grant applications, AMSC Sector Delaware Bay intends to gain assurances from the project sponsor(s) that each project proposed will survive beyond the length of time in which the sponsor is eligible to get reimbursement using federal funds. To this end, the sponsor(s) should explain what plans are being put in place to support the project/activity beyond its federal funding eligibility. For example, if the project is a Maritime Domain Awareness project which includes the purchase and installation of surveillance equipment and sensors, the sponsor(s) must commit to developing a concept of operations, which will explain how the users of the system will maintain it and how they will prevent the system from becoming obsolete before the end of the useful life of the equipment.

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