

Administrative Flexibilities in Response to the National Emergency (COVID-19)
911 Grant Program
April 30, 2020

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Background:

The National Highway Traffic Safety Administration (NHTSA) and the National Telecommunications and Information Administration (NTIA) (collectively, the Agencies) are issuing this guidance to help State and Tribal recipients of the 911 Grant Program during the National Emergency declared by the President on March 13, 2020. It implements OMB Memorandum M-20-17, “*Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations.*”¹

Flexibilities:

Consistent with OMB Memo M-20-17, the following flexibilities are available until June 17, 2020, unless otherwise noted or extended by OMB and the Agencies:

- *Extension of financial reporting.* (2 CFR § 200.327).

State and Tribal recipients may delay submission of the quarterly financial report—originally due April 30, 2020—up to three (3) months beyond the normal due date. The quarterly financial report for the first quarter of calendar year 2020 must be submitted no later than July 31, 2020. During this delay, recipients may continue to draw down Federal funds without the timely submission of these reports.

- *Allowability of Cancellation Costs.* (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR §200.405).

Recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the COVID-19 public health emergency, may charge these costs to their award without regard to 2 CFR § 200.403, 2 CFR § 200.404, and 2 CFR § 200.405. Recipients may charge the full cost of cancellation when the event, travel, or other activities are conducted under the auspices of the grant. However, please note that no additional funds will be available should the charging of cancellation or other

¹ Available at <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf> (Mar. 19, 2020).

fees result in a shortage of funds to eventually carry out the event or travel. Recipients must maintain appropriate records and cost documentation, as required by 2 CFR § 200.302 and 2 CFR § 200.333, to substantiate the charging of any cancellation or other fees related to interruption of operations or services.

- *Extension of Currently Approved Indirect Cost Rates.* (2 CFR §200.414(c)).

Recipients may continue to use the currently approved indirect cost rates (i.e., predetermined, fixed, or provisional rates) to recover their indirect costs on 911 Grant Program awards. If a recipient needs to negotiate an indirect cost rate or has an indirect cost rate that is due to expire, please reach out to your cognizant agency for indirect costs as there are some additional flexibilities that may apply.

- *Exemption of Certain Procurement Requirements.* (2 CFR § 200.319(b), 2 CFR § 200.321)

Tribal recipients and State subrecipients² temporarily are not required to follow the procurement requirements contained in 2 C.F.R. § 200.319(b) regarding geographical preferences and 2 C.F.R. § 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms.

In addition to the flexibilities authorized by OMB, the Agencies have received several inquiries regarding whether the period of performance for the 911 Grant Program will be extended. NHTSA and NTIA cannot modify the grant program's period of performance at this time. Funding for the program, including funding to administer the program, is no longer available past September 30, 2022.³ Since that deadline is established by law, the Agencies do not have the discretion to change it. The Agencies set the March 31, 2022 end of the period of performance to allow for a 90-day period of grant close-out for grantees, and then 90 days for the Agencies to complete closeout of the program.⁴

NHTSA and NTIA are committed to working with 911 Grant Program recipients during this time. We encourage you to keep us informed of any issues that arise via nhtsa.national911@dot.gov.

² Consistent with 2 C.F.R. § 200.317, State recipients are not subject to the requirements listed above, so this exemption does not apply to State recipients.

³ See 47 U.S.C. § 1457(b)(6).

⁴ For more information, see NTIA and NHTSA, 911 Grant Program Revision to the NOFO, 2 (Feb. 1, 2019), available at <https://www.grants.gov/web/grants/view-opportunity.html?oppId=307868>.