

Applicant Briefing Hurricane Nicole DR-4680

*For this webinar, your microphones have been muted.
Please include all questions in the chat.*

Hello! We will begin 5 minutes after the start time to allow time for all participants to join the briefing. Please note, for this webinar, your microphones have been muted.

Applicant Briefing Hurricane Nicole DR-4680



Local Governments and State Agencies

Presented by the Recovery Bureau



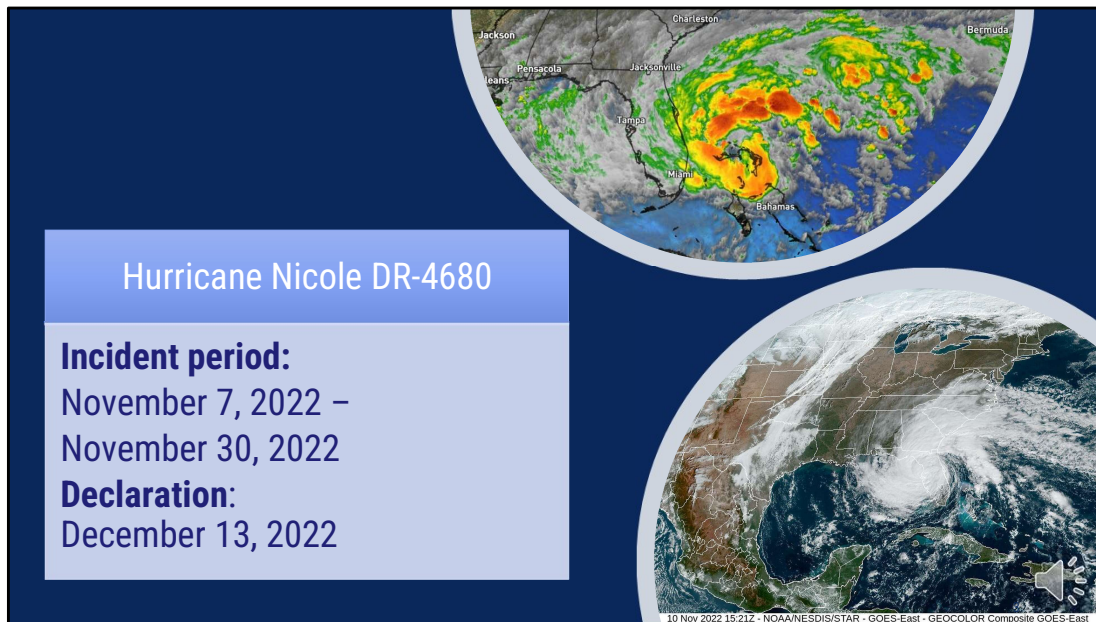
Hello, ladies and gentlemen and welcome to the State of Florida, Division of Emergency Management's Hurricane Nicole (DR-4680) Applicant Briefing for our Local Governments and State Agencies. We are here today to review FEMA's Public Assistance program's application procedures, administrative requirements, funding, and program eligibility criteria.

My name is Rebecca Hart, and I am the Education and Training Administrator for the Recovery Bureau here at the Florida Division of Emergency Management (FDEM).

We also have subject matter experts in disaster recovery monitoring the chat, so please include all questions there and they will answer them as they come in.

A copy of this presentation and the recording is uploaded to FloridaPA.org

We will refer to additional resources throughout this presentation. We have compiled all these links and a helpful list of acronyms for you to reference in the pdf: [Hurricane Nicole \(DR-4680\) State Applicant Briefing Additional Resources](#) which is also uploaded to Florida PA and linked for you in the chat.



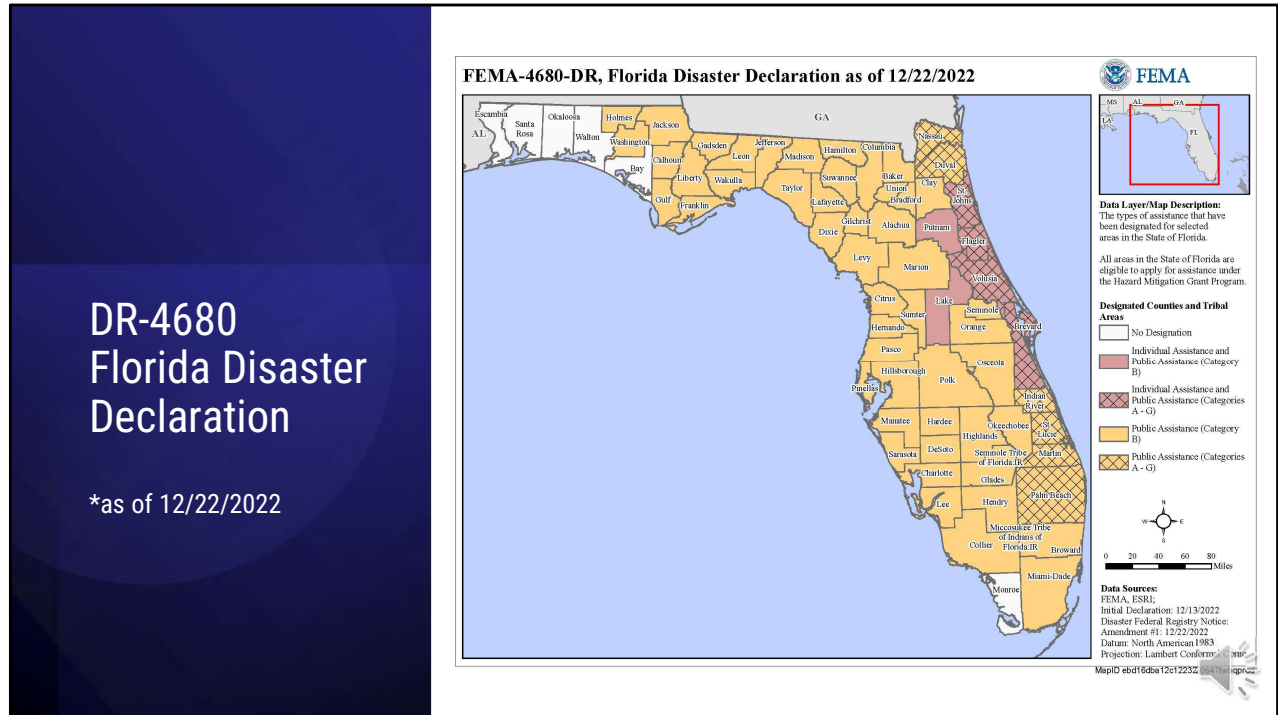
First, let's review Hurricane Nicole's incident period.

When a Major Disaster Declaration is signed by the president, FEMA specifies an "Incident Period." This establishes the **date range for damage or losses to be eligible for federal disaster assistance**.

You, as the applicant, are responsible for showing that the work was required in **response to** the declared incident or **to address** damage caused by the declared incident.

For Hurricane Nicole, the incident is **November 7, 2022**, until **November 30, 2022**, and

The Declaration date is December 13, 2022



This map shows DR-4680's Florida Disaster Declaration for Hurricane Nicole and its FEMA disaster designations as of December 13, 2022.

We will go over the designated areas for each category of work next.

Map image: <https://www.fema.gov/disaster/4680/designated-areas>



Designated Areas for Categories A-G

1. Brevard	2. Duval	3. Flagler	4. Indian River
5. Martin	6. Nassau	7. Palm Beach	8. St. Johns
	9. St. Lucie	10. Volusia	

*as of December 22, 2022

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The counties listed here have been declared for Categories A-G including Direct Federal Assistance at a 75/25 cost share split with a 75% Federal Cost Share, and a 25% non-Federal Share.

To be eligible for assistance, damages must have occurred within the declared counties you see listed on the screen.

Additional designations continue to be made and can be made if requested by the state and justified by further damage assessments.

DR-4680 Designated Areas: <https://www.fema.gov/disaster/4680/designated-areas>



Designated Areas for Category B Only

1. Alachua	2. Baker	3. Bradford	4. Broward	5. Calhoun	6. Charlotte	7. Citrus	8. Clay
9. Collier	10. Columbia	11. Desoto	12. Dixie	13. Franklin	14. Gadsden	15. Gilchrist	16. Glades
17. Gulf	18. Hamilton	19. Hardee	20. Hendry	21. Hernando	22. Highlands	23. Hillsborough	24. Holmes
25. Jackson	26. Jefferson	27. Lafayette	28. Lake	29. Lee	30. Leon	31. Levy	32. Liberty
33. Madison	34. Manatee	35. Marion	36. Miami-Dade	37. Okeechobee	38. Orange	39. Osceola	40. Pasco
41. Pinellas	42. Polk	43. Putnam	44. Sarasota	45. Seminole	46. Sumter	47. Suwanee	48. Taylor
		49. Union	50. Wakulla	51. Washington			

*as of December 22, 2022


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The counties listed on this slide have been declared only for Category B Emergency Protective Measures including Direct Federal Assistance at a 75/25 cost share split with a 75% Federal Cost Share, and a 25% non-Federal Share.

As a reminder, to be eligible for assistance, damages must have occurred within the declared counties you see listed on the screen.


Additional designations continue to be made and can be made at a later date if requested by the state and justified by further damage assessments.

DR-4680 Designated Areas: <https://www.fema.gov/disaster/4680/designated-areas>



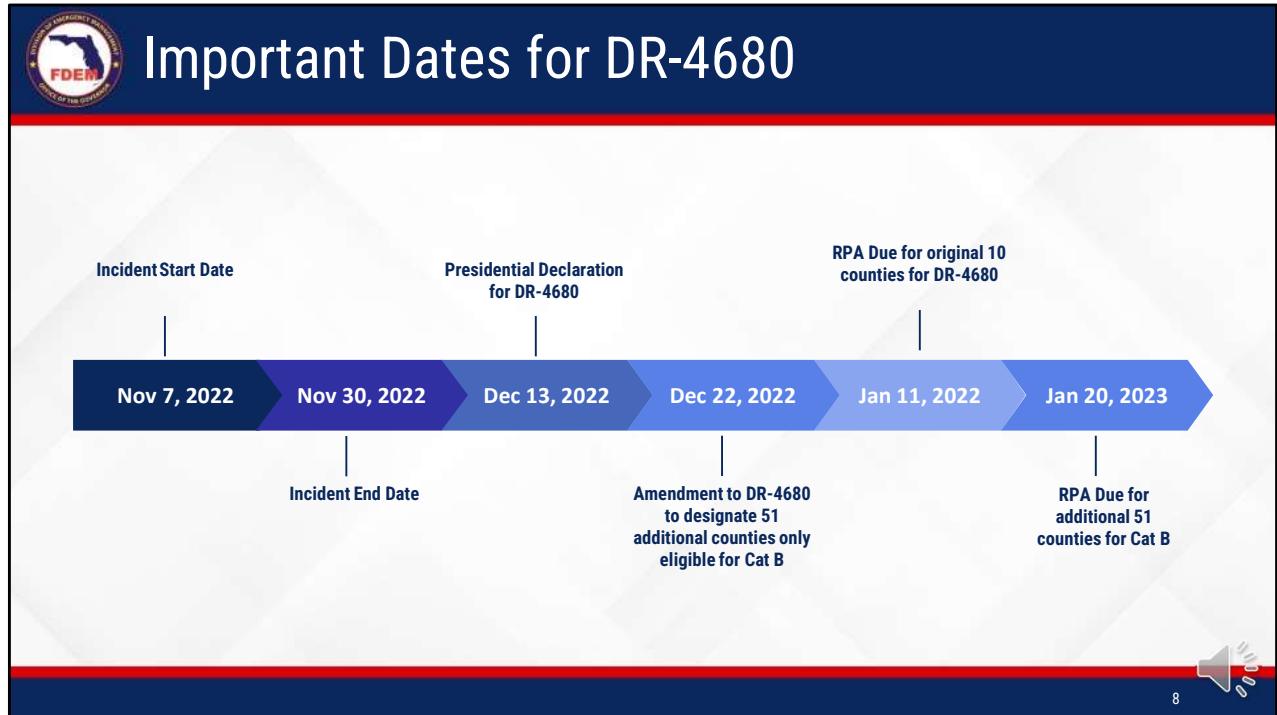
Direct Federal Assistance (DFA)

When the impact of an incident is so severe that the State and local governments lack the capability to perform or contract eligible Emergency Work, the Recipient (State) may request the Federal government provide assistance directly. FEMA issues a “Mission Assignment” to task the work and refers to it as Direct Federal Assistance (DFA). DFA has the same cost-share provisions applicable to the declaration.



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Direct Federal Assistance or DFA is when the impact of an incident is so severe that the State and local governments lack the capability to perform or contract eligible Emergency Work, then the Recipient may request that the Federal government provide this assistance directly. FEMA may task another Federal agency to perform or contract the work provided it is an eligible activity, unless the work falls under the authority of another Federal agency. FEMA issues a “Mission Assignment” to task the work and refers to it as Direct Federal Assistance (DFA). DFA has the same cost-share provisions applicable to the declaration.



Let's go over some important dates:


The incident start and end dates: Damage or losses must have occurred between November 7 and November 30 to be eligible for federal disaster assistance

The presidential declaration date of December 13th is the benchmark for the submission of Requests for Public Assistance (RPAs). The RPA for the original 10 counties declared for Categories A-G needs to be submitted by **January 11, 2023**.

On December 22, 2022 FEMA issued an Amendment to DR-4680 and an additional 51 counties were designated to be included in the major disaster declaration. As such, the RPA deadline for those 51 counties to claim Category B work is **January 20, 2023**.

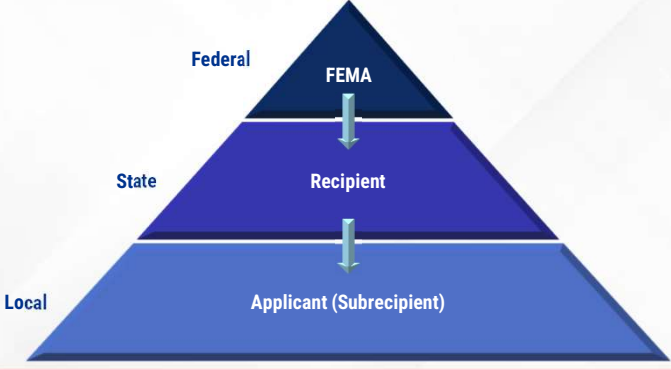
44 C.F.R. § 206.32(f); and, PAPPV, v4 (2020). Chapter 1. Pre-Award Activities. IV. Presidential Declaration., B. Incident Period.


44 C.F.R. § 206.202(c): You must send Requests to the Regional Administrator within 30 days after designation of the area where the damage occurred.



Public Assistance Overview


The mission of FEMA's Public Assistance Program is to provide assistance to State, Territorial, Tribal, and Local governments, and certain types of private nonprofit organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President.



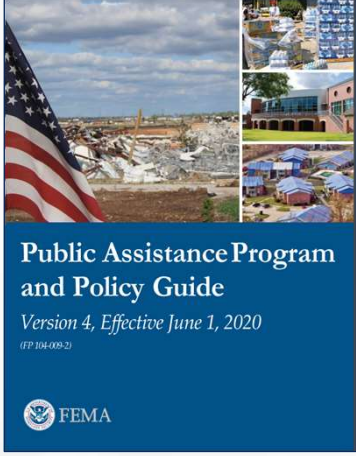
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Public Assistance or PA is FEMA's largest grant program providing funds to assist communities responding to and recovering from major disasters or emergencies declared by the President.


- FEMA – manages the program, provides technical assistance, and approves grants.
- State, or Recipient – educates applicants, works with FEMA to manage the program, and implements and monitors grants awarded.
- "YOU", the Applicant, or Subrecipient – are responsible for identifying the damages, providing documentation, and managing the funded projects.



Public Assistance Program and Policy Guide - PAPPG



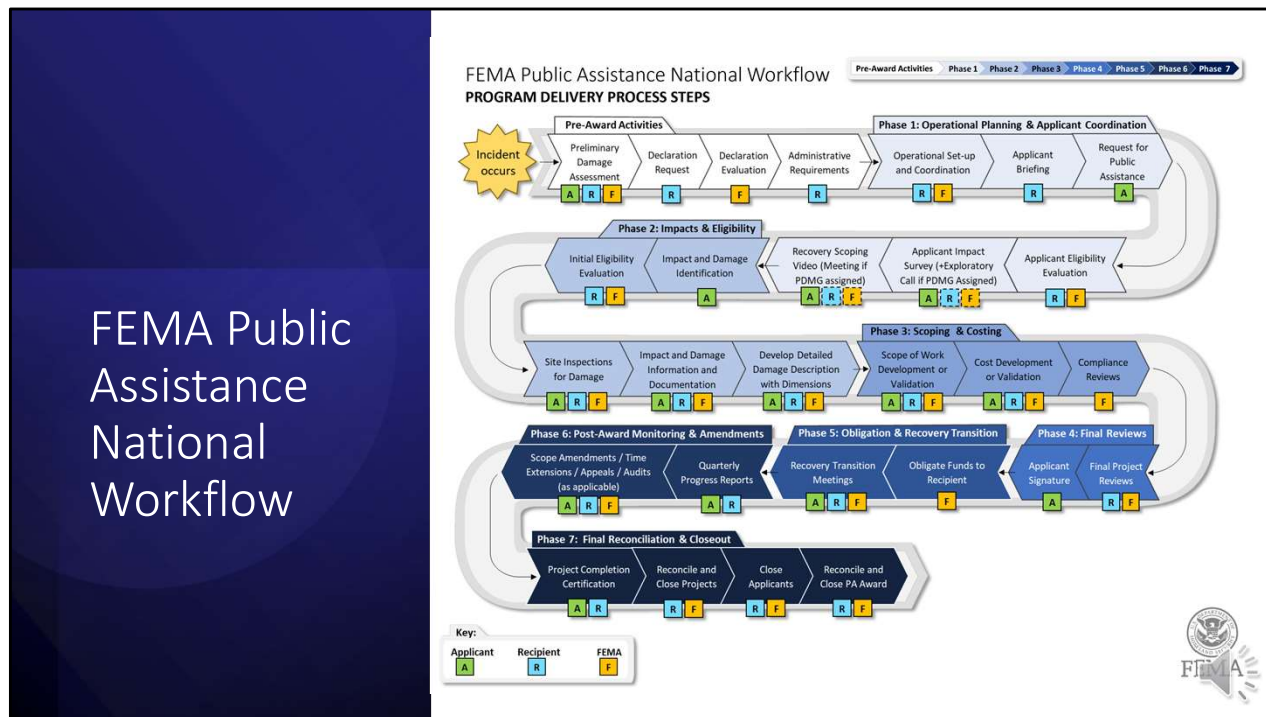
- FEMA's Public Assistance Guide
- Utilize version 4

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Throughout the presentation, you will hear us mention the PAPPG or the Public Assistance Program and Policy Guide, version 4. This FEMA document is a reference guide that includes policy and procedures for the PA program. As mentioned previously, the link to this document as well as all other policies mentioned in this briefing is available in the Additional Resources pdf.

Public Assistance Program and Policy Guide, Version 4

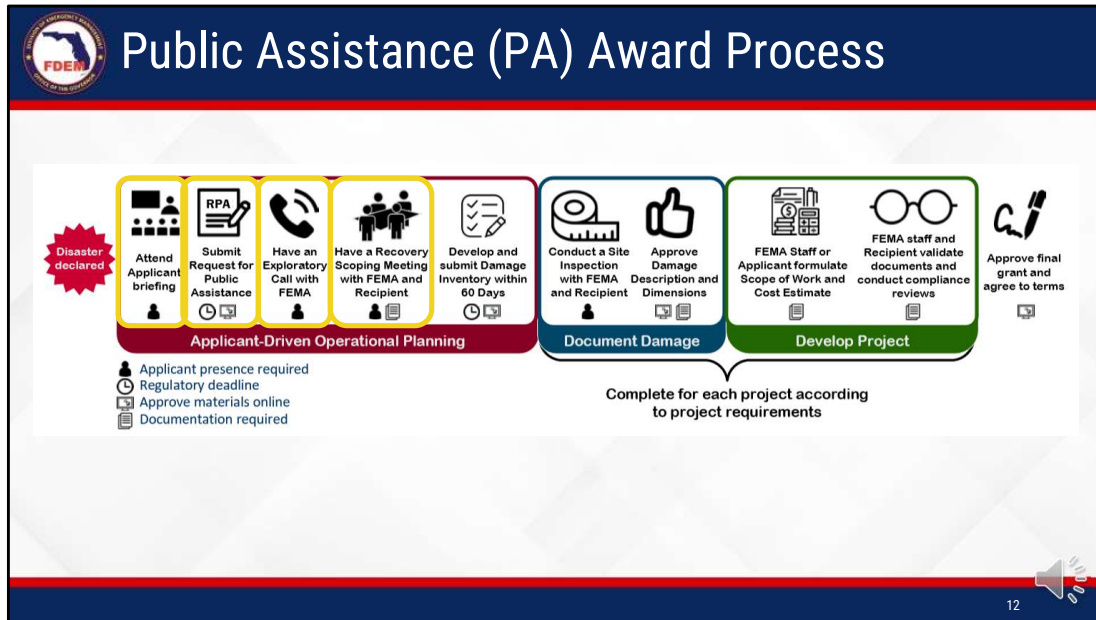
https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf



FEMA Public Assistance National Workflow

The FEMA Public Assistance National Workflow details the process steps that take place in the FEMA PA Program.

As you look at the slide, you see that You the APPLICANT, the State of Florida the RECIPIENT, and FEMA, ALL have a role in the program delivery process from the start of the Incident *which triggers the Pre-Award Activities* all the way to the last step, Final Reconciliation & Closeout. The purpose of this slide is to show you **everyone's** responsibility as we navigate the FEMA PA program.




This figure focuses on the Applicant's portion of the PA award process.

The Applicant Briefing: this is what you are attending today. (transition)

Next, Submit your **Request for Public Assistance or RPA** by the deadline for your designated area (transition)

Then, you will have your **Exploratory Call**: The FEMA Program Delivery Manager or PDMG should initiate the call within 7 days of an Applicant's assignment to a PDMG. (transition)

Following that will be your **Recovery Scoping Meeting or RSM**: FEMA will conduct the RSM within 21 days of an Applicant's assignment to a PDMG.




Recovery Scoping Meeting (RSM)

To help prepare for your Recovery Scoping Meeting, compile a list of claims (specified by location) to include:

- Damage Description(s)
- Scope of Work (SOW)
- Nature of Work
- Estimated Cost

You will have 60 days following your RSM to:

1. Make claims and identify damages via your Damage Inventory
2. Submit your request for an Expedited Project, if desired

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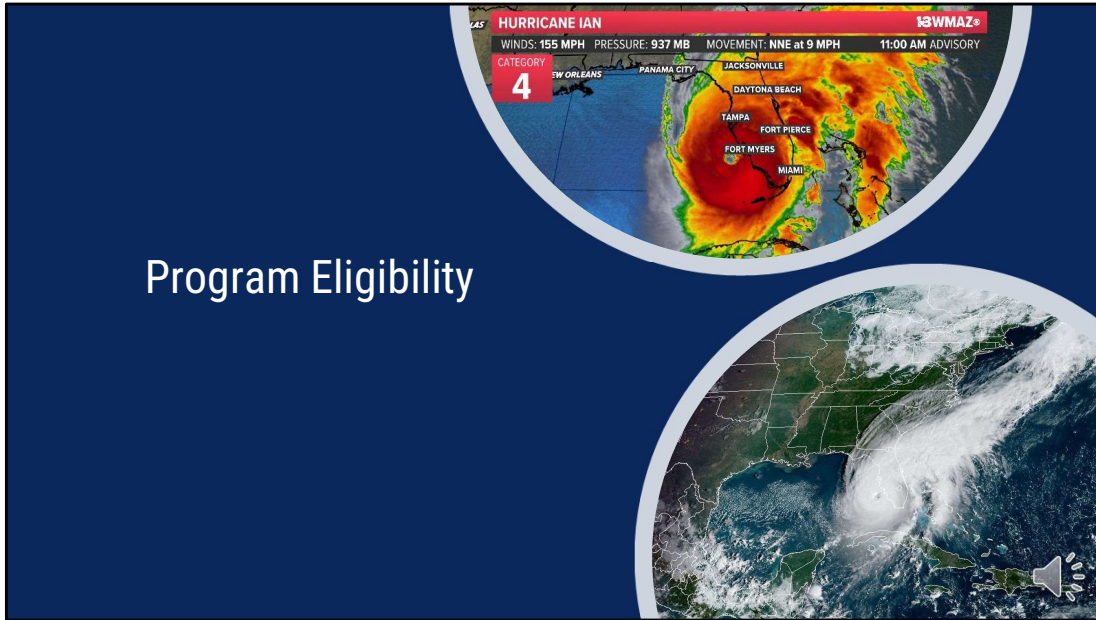
Once your organization receives notice that your RPA was approved, and you have your Exploratory Call, FEMA will contact you to schedule a Recovery Scoping Meeting (RSM). To help prepare for your RSM, you should compile a list of claims (specified by location) to include:

Damage Description(s) including photos of the damages
Scope of Work
Nature of Work
And the Estimated Cost

You may also want to gather
Maintenance Records and your entire Insurance Policy

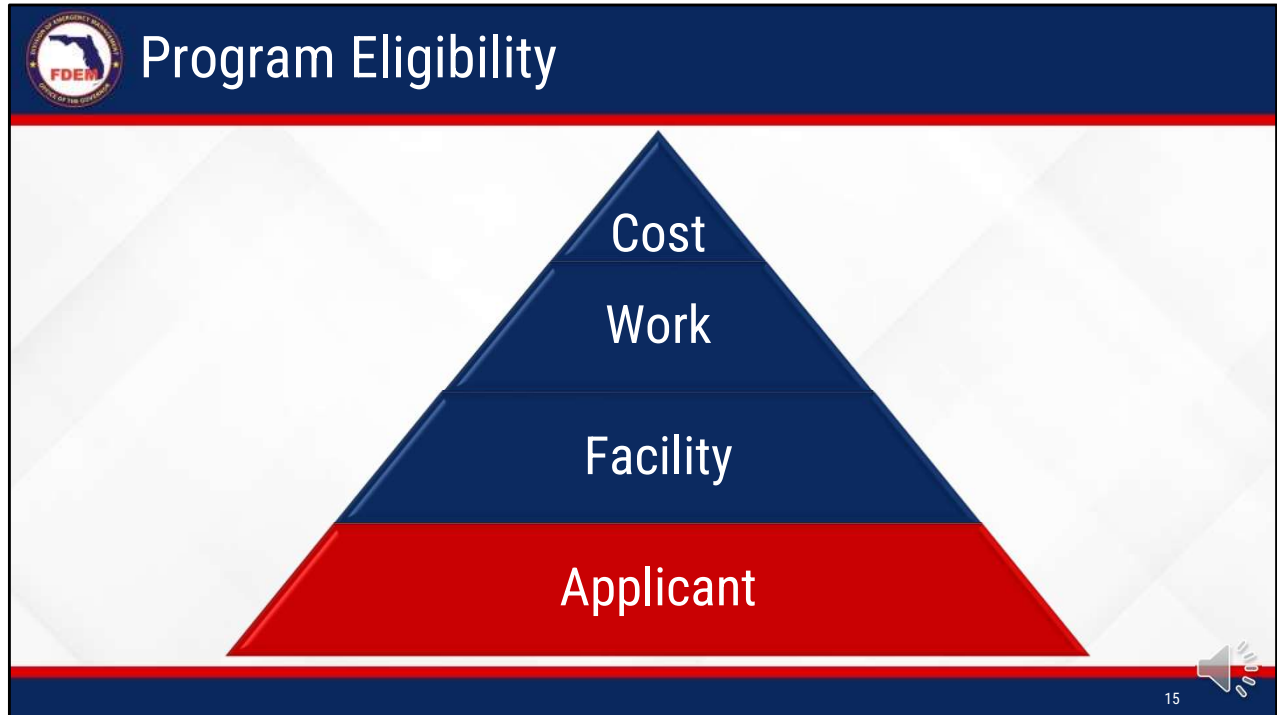
Please note, You will have 60 days following your RSM to:
Make claims and identify damages via your Damage Inventory, and
Submit your request for an Expedited Project, if desired.

So, be sure to document the date of your RSM so that you don't miss these important deadlines.




Program Eligibility

Next, we will discuss program eligibility.




This is the eligibility pyramid, Applicant, Facility, Work and Cost. Please note, you must have all four tiers of this pyramid to be eligible for reimbursement.


That being said, the first step is to determine if you are an eligible Applicant.



Eligible Applicants

- State
- Local governments
 - Declared Counties;
 - Municipalities, cities, towns, boroughs, and townships;
 - Local public authorities;
 - School districts;
 - Agencies or instrumentalities of local governments;
 - Special districts established under State law
- State Agencies
- Certain Private Nonprofit Organizations
- Other State Political sub-divisions



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Eligible applicants include:

State

Local governments

State Agencies

Certain Private Nonprofit Organizations

Other State Political sub-divisions



The diagram is a pyramid with four levels. From top to bottom, the levels are labeled: 'Cost', 'Work', 'Facility', and 'Applicant'. Each level is contained within a red circle. A large blue 'X' is drawn over the entire pyramid, indicating that all four levels must be met for eligibility. To the right of the pyramid is an hourglass icon with the text 'January 11, 2023 or January 20, 2023'. In the top left corner of the slide is the FDEM logo. The slide number '17' is in the bottom right corner.

Program Eligibility

January 11, 2023 or
January 20, 2023


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The next step is to determine if you have an eligible facility.

As stated previously, you **MUST** have all four tiers of this pyramid to be eligible for reimbursement.

For example, an eligible applicant [transition 1] that performed eligible work [transition 2] but did not have an eligible facility [transition 3] would be considered [transition 4] **ineligible** for reimbursement. That facility may be eligible under a different applicant, but this information must be submitted correctly during [transition 5] the RPA enrollment period.


[transition 6] This is why it is of utmost importance to know who holds the legal responsibility of your facility.



Facility Eligibility

To be eligible, facilities must:

- Be damaged as a result of the Hurricane Nicole
- Be located within the Presidentially Declared Area
- Be the Legal Responsibility of an eligible Applicant
- Not be under the Authority of another Federal Agency

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To be eligible, facilities must

Be damaged as a result of Hurricane Nicole

Be located within the Presidentially Declared Area

Be the Legal Responsibility of an eligible Applicant

AND cannot be under the Authority of another Federal Agency such as,

-Army Corps of Engineers or the Federal Highway Administration



Legal Responsibility

Documents that support legal responsibility can include, but are not limited to:

- Deeds;
- Titles;
- Lease agreements (required for leased facilities); and
- Contracts (required for facilities under construction at the time of the incident)

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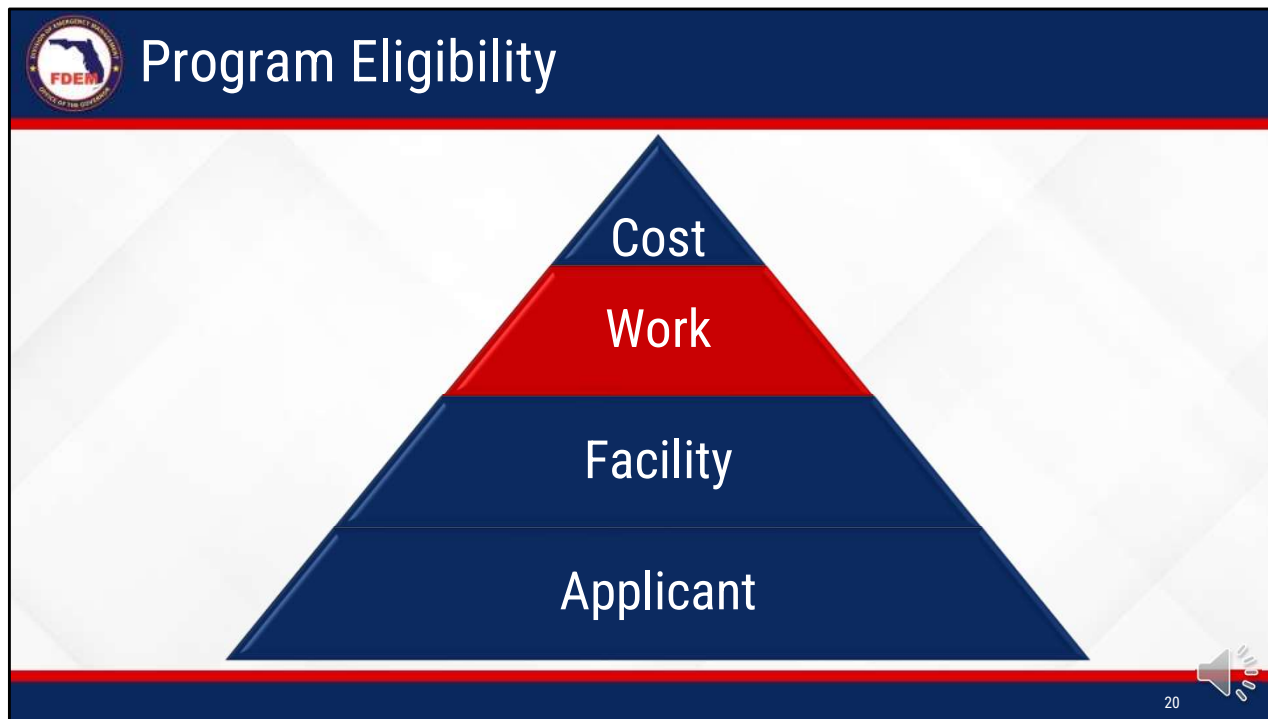
Some documents that support legal responsibility can include, but are not limited to:

Deeds;


Titles;

Lease agreements; and

Contracts




Next, determine if you have performed eligible work.



Work Eligibility

To be eligible, Work must be:

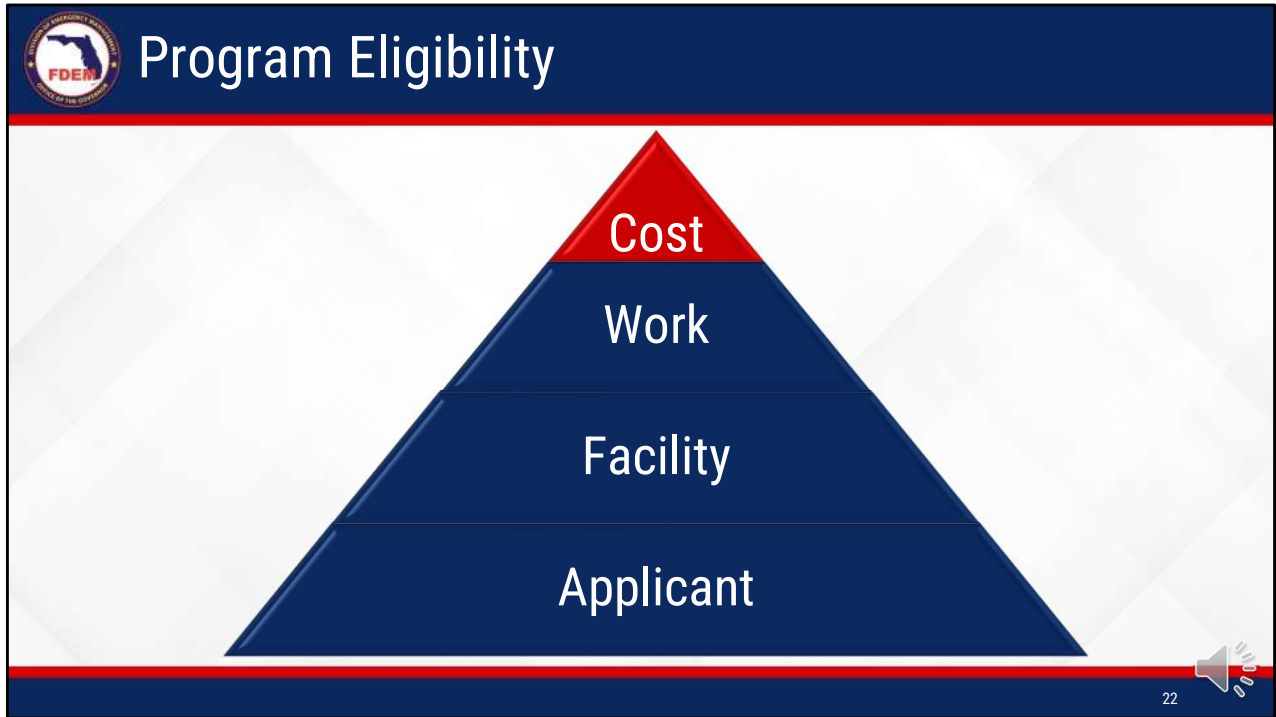
- Direct result of event
- Location: the work must be within the designated disaster area.
- Legal Responsibility: the work must be the legal responsibility of an eligible applicant.
- Not the responsibility of another federal agency

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The work must meet the following criteria to be eligible for public assistance funding:

The work must:

- Be a direct result of Hurricane Nicole
- Be located within the designated disaster area,
- Be the legal responsibility of an eligible Applicant
- **AND** not the responsibility of another federal agency



Last step is to determine if costs are eligible



Cost Eligibility

To be eligible, Cost must be:

- In Compliance with federal, state, and local laws and regulations.
- Authorized and not prohibited under Federal, State, Territorial, Tribal, or local government laws or regulations.
- Consistent with the Applicant's internal policies
- Reasonable and necessary to accomplish the work




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To be eligible for reimbursement, the cost must be reasonable and necessary to accomplish eligible work


The cost must be:

- Authorized and not prohibited under Federal, State, Territorial, Tribal, or local government laws or regulations.
- And the cost must be consistent with the Applicant's internal policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the Applicant.



Examples of Ineligible Costs

- Duplication of Benefits (DOB)- the Applicant receives disaster related funding from two sources for the same item of work
 - Funding from another Federal agency, insurance, etc.
- Loss of revenue & tax revenue



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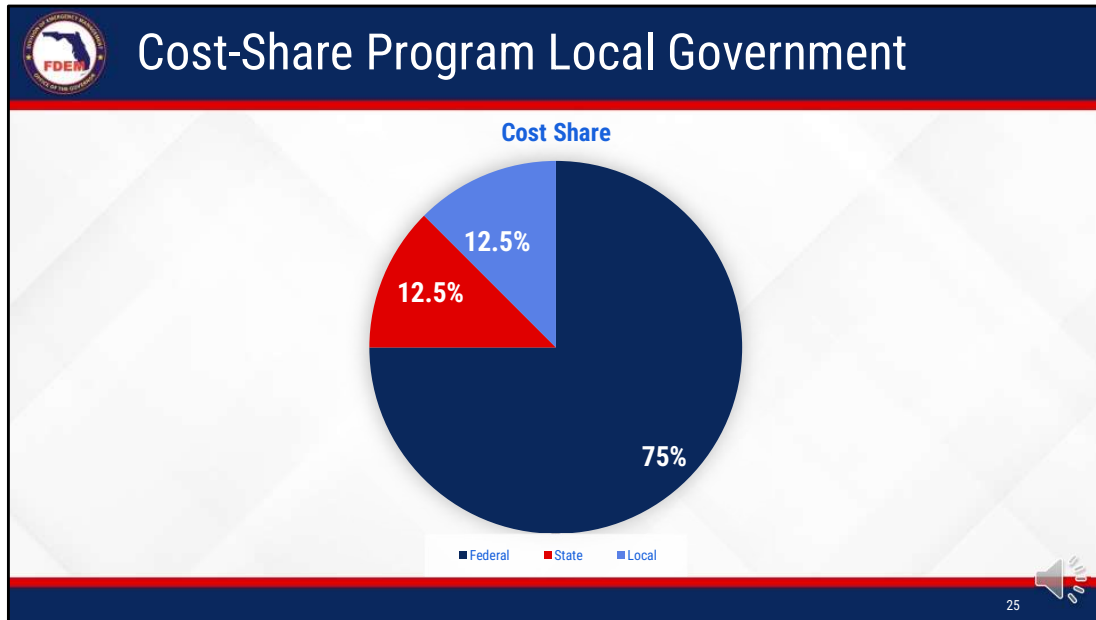
Ineligible costs include but are not limited to:

- Ding! Ding! Ding! Duplication of Benefits, meaning the Applicant receives disaster related funding from two sources for the same item of work. For example, funding from another Federal agency or insurance for the same item of work for which the applicant is requesting FEMA funding.

Additional examples of ineligible costs include

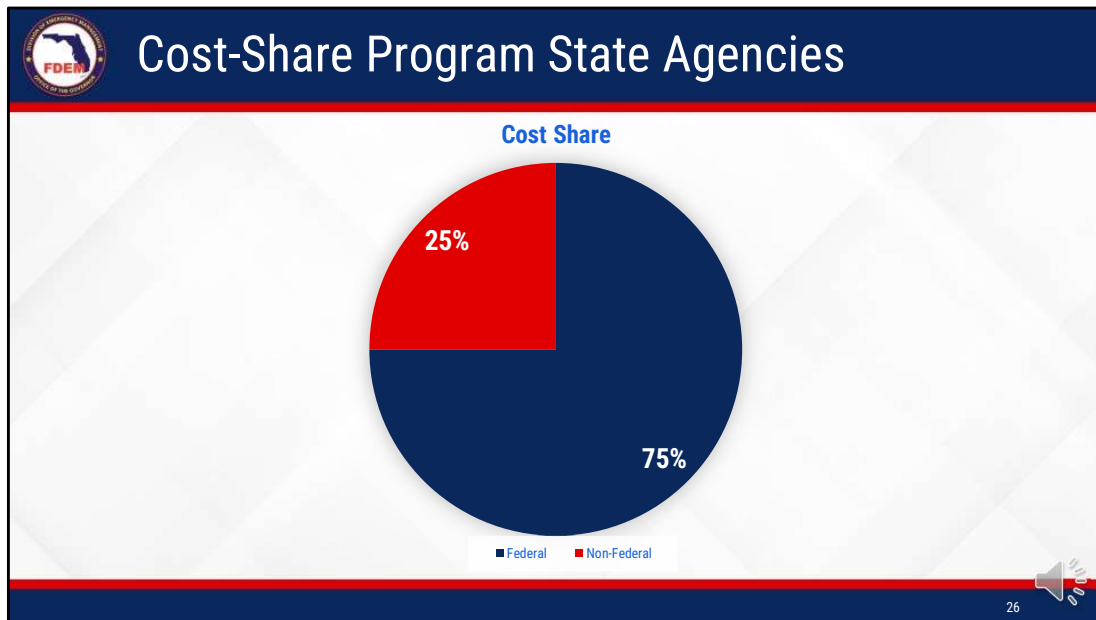
Loss of revenue & tax revenue

Duplication of Benefits (DOB) definition https://emilms.fema.gov/is_1024/groups/57.html



The assistance FEMA provides through its PA Program is subject to a cost share. The federal cost-share is no less than 75 percent Federal and 25 percent non-federal. Now, *the State of Florida* will split the non-federal share with the Local Government Applicants. So, you will be responsible for 12.5% and the state will match the remaining 12.5%. Please note, if you cannot provide the 12.5% cost share, you could jeopardize your ability to receive full PA funding.

Local governments who identify as fiscally constrained are able to apply for a waiver for the match portion they would otherwise be responsible for. This application must be received by the Governor's Office within the first 18 months after the disaster declaration date and for Hurricane Nicole, that's by June 13, 2024 (F.F. 252.37):



For state agencies, the federal cost-share is no less than 75 percent Federal and 25 percent non-federal.

Meaning, State Agencies are responsible for the full 25 percent non-federal share.

Please note, if you cannot provide the 25% cost share, you could jeopardize your ability to receive full PA funding.

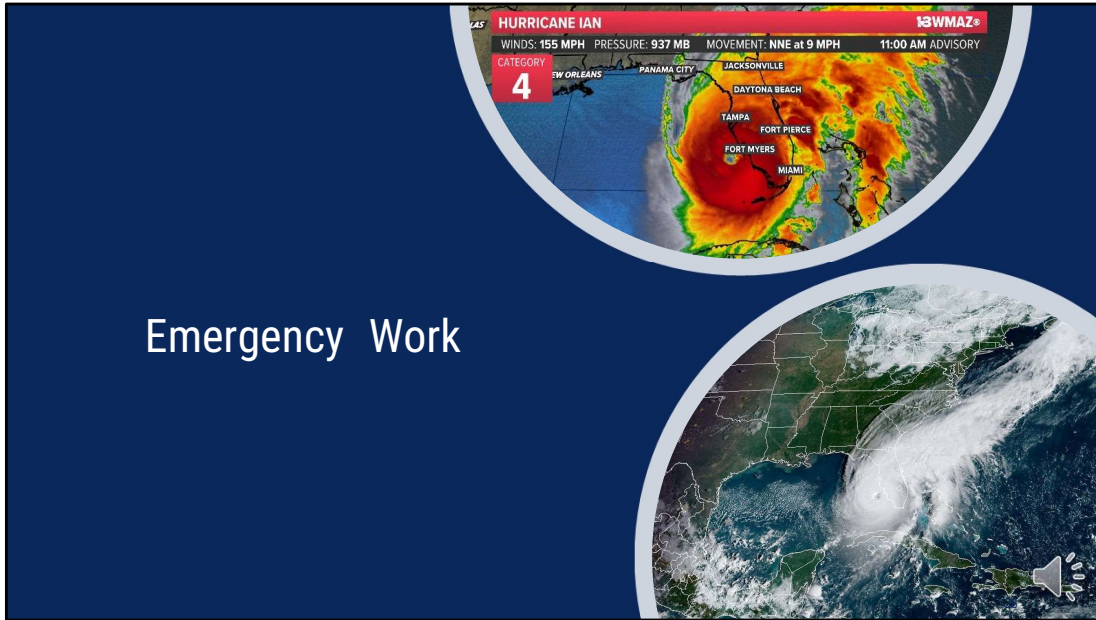
Florida Statute 252.37(5)(a)

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0252/Sections/0252.37.html



Eligible work is broken into the following public assistance categories:

- Cat. A (Debris Removal) & Cat. B (Emergency Protective Measures) are both considered Emergency Work.
- The deadline to complete Emergency Work is 6-months from the declaration date
- Within its discretion, the State, as the Recipient, has the authority to grant a time extension of up to 6 months, and then FEMA may grant additional time extensions
- Cat. C – G are considered Permanent Work.
- The deadline to complete Permanent Work is 18-months from the declaration date
- Within its discretion, the State, as the Recipient, may grant a time extension for up to 30-months for Permanent work on a project-by-project basis *44 C.F.R. §206.204 PAPPG, v4. Chapter 7. Emergency Work Eligibility, II. Emergency Protective Measures, V. 7. PAPPG, v4. Chapter 11. Post Award Monitoring, V. Work Completion Dates.*



Now let's review emergency work.



Emergency Work - Force Account Labor

Emergency Work Labor Eligibility		
Budgeted Employees	Overtime	Straight-Time
Permanent employee	<input checked="" type="checkbox"/>	
Seasonal employee working during normal season of employment	<input checked="" type="checkbox"/>	
Unbudgeted Employees	Overtime	Straight-Time
Essential employee called back from administrative leave	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Permanent employee funded from external source	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Temporary employee hired to perform eligible work	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Seasonal employee working outside normal season of employment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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A few items to note for Emergency Work and Force Account Labor, *which by the way means*: labor performed by non-contracted forces. For Emergency Work, budgeted employees straight time is not eligible **only** their overtime, and for **un**budgeted employees you can claim **both** straight time and overtime.

When you submit your documentation for force account labor, please ensure you include the following:

The employees'

- Name
- Their Job Title and Function
- What type of Employee they are: if they're full-time, temporary, Exempt, or Non-exempt
- The days and hours they worked and for this, please include the time they clocked in and out
- Their Pay rates with fringe benefits
- A description of work performed which includes their location, and you can provide in this in daily logs, activity reports, or other methods.
- Timesheets, and your
- Pay Policy

Please note, we're reviewing labor costs now. But equipment, materials, and supplies can also be found eligible as long as they are documented properly.



Category A – Debris Removal

Clearance, removal, and disposal, will be considered *if* the removal is in the public interest

- Eliminates immediate
 - threats to life, public health, and safety
 - threats of significant damage to public or private property
- On September 6, 2022, new FEMA debris guidance was released that changed the measurement requirements
 - Applicants must ensure they adhere to the contract terms in place with pre-existing and standby debris vendor contracts.



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Now, let's go over Category A- Debris Removal:

Debris removal work eliminates an immediate threat to lives, public health and safety. It promotes the economic recovery of the affected area to benefit the community at large. Debris includes, but is not limited to

- vegetative debris, construction and demolition debris, and vehicle and vessel wreckage.

Clearance, removal, and disposal, will be considered if the removal is in the public interest, meaning it's not merely benefiting an individual or a limited group of individuals.

On September 6, 2022, in FEMA's Memo *Simplifying Public Assistance Part 2* new FEMA debris guidance was released that changed the measurement requirements

However, applicants must ensure they adhere to the contract terms in place with **pre-existing** and **standby** debris vendor contracts.

A link to this document is included in the Additional Resources pdf.

PAPPGv4v4, Chapter 7. Emergency Work Eligibility, I. Debris Removal



Alternative Procedures for Debris Removal

Applicants may elect to participate in the Alternative Procedures for debris removal and receive reimbursement for straight-time for the Applicant's budgeted employees that conduct debris removal activities.

The Applicant opts-in by including straight-time in their debris removal (Category A) project claims.

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Now, let's go over some alternative procedures for Debris Removal:

Applicants may elect to participate in the Alternative Procedures for debris removal and receive reimbursement for **straight-time** for the Applicant's **budgeted** employees that conduct debris removal activities. The Applicant opts-in simply by including straight-time in their debris removal (Category A) project claims.

Work with your FEMA PDMG to include straight time of your budgeted employees who conduct debris removal activities in your CAT A projects.



Private Property Debris Removal (PPDR)

Debris Removal from Private Property



Debris removal from private property (PPDR) is the responsibility of the property owner and is usually ineligible under the PA Program.

FEMA may determine that debris removal from private property is eligible under the PA Program.

- FEMA works with the SLTT governments to designate specific areas where debris removal from private property, including private waterways, is eligible.
- The debris removal must be in the ***public interest***

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Debris removal from private property (PPDR) is the responsibility of the property owner and is usually ineligible under the PA Program.

However, in limited circumstances, based on the severity of the impact of an incident and whether debris on private property is so widespread that it threatens public health and safety or the economic recovery of the community, FEMA may determine that debris removal from private property is eligible under the PA Program.

In such cases, FEMA works with the State, Local, Territorial, and Tribal governments (SLTT) to designate specific areas where debris removal from private property, including private waterways, is eligible.


There is an approval process for PPDR. You can reference the PAPPG version 4 for more information

FEMA (2020). Public Assistance Program and Policy Guide V4 G.



Private Property Debris Removal (PPDR)

Debris Removal from Private Roads *Open to Public*



If the public **has unrestricted access** (no locks, gates, or guards) and frequently uses the private road, then removal and disposal of the debris, including debris placed at the curbside by residents, is in the public interest and the Applicant is not required to submit documentation demonstrating the debris removal is in the public interest.

Does not include debris on private driveways or parking lots.



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Next, let's take a look at private roads.

Private roads are those that are not owned, operated or maintained by SLTT governments. These private roads can include orphan roads, roads in gated communities, and homeowners' association roads.


FEMA categorizes private roads into one of two categories, those that are open to the public, and those that are rarely used or have limited public access.

For private roads to be considered open to the public, the public must have unrestricted access (meaning no locks, gates, or guards on the road) and the public must frequently use the private road.

If that is the case, then removal and disposal of the debris, including debris placed at the curbside by residents, is in the public interest and the Applicant is not required to submit documentation demonstrating the debris removal is in the public interest.


Please note, this does not include debris on private driveways or parking lots.

FEMA (2020). Public Assistance Program and Policy Guide V4 Chapter 7



Private Property Debris Removal (PPDR)

Debris Removal from Private Roads *Rarely Used or Limited Public Access*



If the public **does not have unrestricted** access (locks, gates, or guards), or the road is rarely used by the public, then removal and disposal of the debris, including debris placed at the curbside by residents, is **typically not eligible for reimbursement**.

Required documentation:

- Is in the public interest
- Related to health or economic impacts
- Legal responsibility of the Applicant
- Permission and Indemnification

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Now, let's review private roads that are rarely used or have limited public access

If the public **does not have unrestricted** access (meaning roads with locks, gates, or guards on them) [transition], or the road is rarely used by the public, then removal and disposal of the debris, including debris placed at the curbside by residents, is typically not eligible for reimbursement. However, to be considered eligible for reimbursement the Applicant is required to submit documentation demonstrating **all** of the following:

That the debris removal:

- 1. Is in the public interest
- 2. Is related to health or economic impacts
- 3. Is the legal responsibility of the Applicant
- 4. That the applicant has permission or Right of entry (Because this road is privately owned, the Applicant must show proof that they received permission to remove the debris), and
- 5. Indemnification – Proof that the owner of the private road will not file a lawsuit against the Applicant for removing the debris on their road.

FEMA (2020). Public Assistance Program and Policy Guide V4 Chapter 7



Private Property Debris Removal (PPDR)

Commercial Property Debris Removal



Removal of debris from commercial properties is usually not eligible since commercial enterprises are expected to retain insurance.

In limited circumstances, FEMA may grant an exception; however, FEMA must approve the work **PRIOR** to the Applicant removing the debris.




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Now, let's look at Commercial Property Debris Removal

The most important item I want you to remember here is that Commercial Property debris removal requires FEMA's Pre-approval.

Removal of debris from commercial properties, such as industrial parks, golf courses, cemeteries, apartments, condominiums, and trailer parks is usually not eligible because commercial enterprises are expected to retain insurance that covers debris removal. In very limited, extraordinary circumstances, FEMA may grant an exception.


However, FEMA must approve the work **prior** to the Applicant removing the debris.



Category B - First Push

Debris clearance (first push or cut and toss) for emergency access may be eligible as Category B work.

First Push may even be eligible for PPDR even if the private road was rarely used or had limited public access. However, this is only considered a Category B, not A activity.

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You may be wondering, what about first push??

Debris clearance (also known as first push or cut and toss) for emergency access may be eligible as Category B work if it meets the criteria in PAPPv4.

First Push **may even** be eligible for PPDR even if the private road was rarely used or had limited public access. However, this is only considered a Category B, not A activity.

PAPPv4, Chapter 7. Emergency Work Eligibility, II. Emergency Protective Measures.



Category B – Emergency Protective Measures

Activities taken *before, during, and after* a disaster

- Activation and staffing of local and state EOCs.
- **Overtime** costs of staff used to board up windows, remove outside equipment, fill sandbags, etc.
- Mutual aid claims from outside assisting entities.
- Search and rescue operations.
- Power Restoration
- Emergency berms on beaches.


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Now, let's review Category B, Emergency Protective Measures

Emergency Protective Measures are activities taken **before, during, and after** a disaster and are necessary to **eliminate or reduce an imminent threat to life, public health or safety**, or they eliminate or reduce immediate threat of significant damage to improved public or private property.

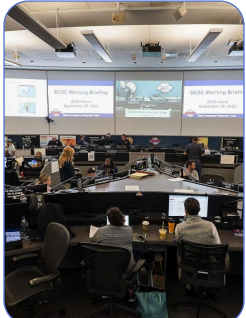
In addition to the examples listed on this slide, you may also be required to submit the following:

- A narrative and methodology regarding how personnel costs were calculated
- And a statement including:
 - 1. that only Overtime and/or reassigned (unbudgeted) labor costs are included
 - 2. that no administrative leave hours were incorporated in documented costs, and
 - 3. that staging was not utilized and is not incorporated in documented costs



Category B – Emergency Protective Measures

Emergency Operations Centers



Response activities and associated costs conducted at EOCs are eligible provided they are associated with eligible work, including, but not limited to:

- Increased utility costs
- Costs to lease a facility
- Supply costs
- Meal costs

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Most common activities for reimbursement occur within or at the direction of an **Emergency Operations Center or EOC**.

The Applicant may use its EOC to direct and coordinate resources and response activities for a period of time. Response activities conducted at EOCs are eligible provided they are associated with eligible work. Costs associated with operating the EOC are also eligible, including, but not limited to:

- Increased utility costs
- Costs to lease a facility
- Supply costs
- Meal costs,

Please refer to the PAPPGv4 for guidance on limitations related to these costs.

PAPPGv4 Chapter 7: Emergency Work Eligibility, II. I. Emergency Operations Centers



Category B – Emergency Berms

Emergency Berms on Beaches

If a natural or engineered beach has eroded to a point where flooding from a 5-year storm could damage improved property, then cost-effective emergency protective measures on the beach that protect the improved property against damage from that 5-year storm are eligible.


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Seeing as how Hurricane Nicole affected many beach communities in our State, let's review emergency protective measures for beaches.

If a natural or engineered beach has eroded to a point where flooding from a 5-year storm could damage improved property, then cost-effective emergency protective measures on the beach that protect the improved property *against damage from that 5-year storm* are eligible.

- Emergency sand berms are not intended to permanently restore the beach; they are intended only to provide protection from **immediate** threats.
- Placement of dune grass on an emergency berm is only eligible if it is required by permit and is an established, enforced, uniform practice that applies to the construction of all emergency berms within the Applicant's jurisdiction, regardless of the circumstance.


PAPPGv4 Chapter 7 Emergency Work Eligibility II.X.4.



Category B - Power Restoration

FEMA is providing applicants flexibility in how they claim costs for the work associated with power restoration projects.

Emergency Work Category B	Permanent Work Category F
<ul style="list-style-type: none"> Force Account Labor straight-time for budgeted employees is not eligible 406 mitigation funding not eligible 	<ul style="list-style-type: none"> Force Account Labor straight-time for budgeted employees is eligible 406 mitigation funding is eligible

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Now, let's talk about power restoration. This is always a topic of discussion due to the administrative categorization of power restoration work.

In short, FEMA recognizes that power restoration is unique. This work can both save lives and restore the functions of a facility, thus able to be categorized as Category B and Category F. In the simple procedures memo released on September 6, 2022, FEMA is providing applicants flexibility in how they claim these costs. Applicants may either claim the work as Category B or Category F.

Let's break those down,

If claimed as Category B- (Emergency Work) keep in mind that force account labor straight-time for budgeted employees is not eligible. 406 mitigation funding is also not eligible under emergency work.

If claimed as Category F- (Permanent Work) straight time for budgeted employees is eligible and so is 406 mitigation.

It's important to note that temporary power restoration work that is not completed in accordance with applicable codes and standards will be categorized as Category B. You should work with your assigned PDMG to categorize work appropriately.

https://www.fema.gov/sites/default/files/documents/fema_memo-on-simplifying-pa-part-signed.pdf



Donated Resources

Can help Offset the non-federal share

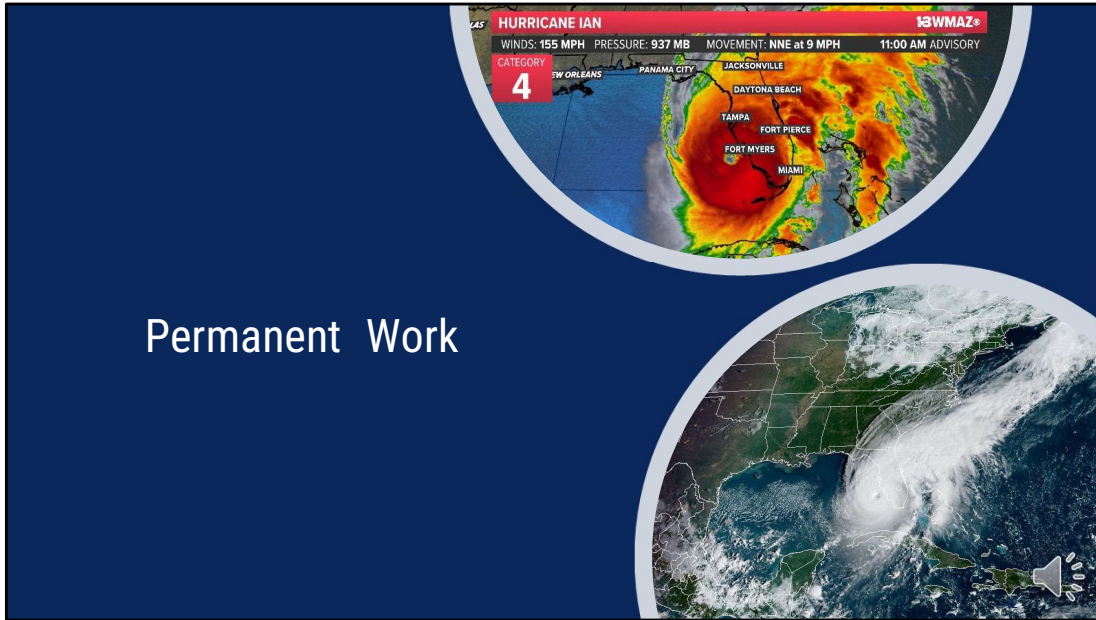
- Applicant uses the resources in the performance of eligible work; and
- The Applicant or volunteer organization tracks the resources (materials, equipment, etc.) and work performed, including description, specific locations, and hours.
- If the donation is specific to permanent work on an eligible facility, then offset to permanent work may be done under some circumstances.

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Now, let's review donated resources

- Applicants may use the value of donated resources such as equipment, supplies, materials, or labor to offset the non-Federal share of their eligible projects. Remember, Local Governments that's the 12.5% you'll be responsible for, and State Agencies will be responsible for 25%. All donated resources being claimed must be documented. Make sure you show who, what, when, where, why, and how the donated resources activity occurred. For example, for your volunteers, make sure you include their:
 - Name, the days and hours they worked and for this, please include the time they clocked in and out, and
 - A description of work performed which includes their location. You can provide this in daily logs, activity reports, or other methods.
- FEMA considers unpaid individuals who volunteer their labor to an Applicant to be a third party even if they are officially members or employees of the Applicant's organization
- FEMA prepares the donated resources project separate from the Emergency Work projects for the Applicant's incurred costs. FEMA does not obligate the donated resources project until after it obligates all the Applicant's Emergency Work projects.
- Please remember, if the donated resources are not sufficiently documented, they will not be considered eligible to offset the non-federal cost share.

<https://www.fema.gov/fact-sheet/donated-resources-can-help-offset-public-assistance-project-costs>, *Donated Resources Can Help Offset Public Assistance Project Costs. February 9, 2022.*



Let's move on to permanent work, Categories C-G.



Category C – Roads and Bridges



Includes:


Roads: surfaces, bases, shoulders, ditches, drainage structures, low water crossings, etc.	Bridges: decking, pavement, piers, girders, abutments, slope protection, approaches, etc.
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Does *not* include:

<i>Unmaintained roads/bridges</i>	FHWA roads/bridges	Private roads, <u>with exceptions</u>
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Category C- Roads and Bridges

This includes repairs of roads, bridges and associated features such as bases, shoulders, and ditches

YOU the Applicant must,

- Ensure that the road was maintained prior to the disaster – ONLY repairs of damages caused by the disaster are eligible.
 - Dirt roads, for example, may appear damaged by the disaster when in fact it may have been due to **lack of maintenance**. So, be prepared to submit maintenance records.
 - There is new policy guidance on this in FEMA's Submerged Road Policy 104-009-013 that was published in April of 2021. As mentioned previously, the link to this document and others is included in the Additional Resources pdf.
- For Bridges also be sure to have the most recent safety inspections on hand or available.

Some ineligible examples of Category C projects include

Unmaintained roads or bridges

Federal Highway Administration roads

And Private roads with some exceptions.

PAPPGv4, Chapter 8. Permanent Work Eligibility, IX. Eligibility Considerations by Facility, A. Roads and Bridges

PAPPGv4, TERMS and DEFINITIONS



Best Practices for Unpaved Roads



Ensure Rural Communities have a plan for establishing predisaster condition



Record Road Conditions (photo and/or video) on a regular basis



Keep Thorough Records of Maintenance and Repairs to Include Quantities of Materials

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Here are some best practices for unpaved roads:

Ensure Rural Communities have a plan for establishing pre-disaster condition

Record Road Conditions with photos and/or video on a regular basis; and

Keep Thorough Records of Maintenance and Repairs to Include Quantities of Materials



Category D – Water Control Facilities



Includes:

Dams, reservoirs, levees, lined and unlined engineered drainage channels, canals, aqueducts, sediment basins, shore protective devices, irrigation/pumping facilities.



Does not include:

Facilities under the control of the US Army Corps of Engineers (USACE) or National Resource Conservation Service (NRCS) or any other Federal agency with very few exceptions.

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Category D- Water Control Facilities

This includes repairs of irrigation systems, drainage channels and pumping facilities to include levees.

This does not include water control facilities under the control of another Federal agency with very few exceptions,

So please, check with your water management district if you are unsure of the legal responsibility of your Water Control Facility.



Category E – Buildings and Equipment



Includes:

Buildings, structural components, interior electrical or mechanical work, and contents.

Replacement/repair of vehicles and equipment damaged by the disaster or damaged in the response.

Does not include:

Damages covered by insurance.

Accidental damages/neglect.

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Category E- Buildings and equipment


This includes repairs or replacement of buildings, including their contents and systems, or their heavy equipment.

Work required to restore damaged buildings will be considered along with upgrades required by Building Codes and Standards. This includes all structural and non-structural components, including mechanical, electrical, and plumbing systems, as well as contents, furnishings, and equipment within the building.

But this does not include damages already covered by insurance, because ding! ding! ding! that would be a duplication of benefits.





Category F – Utilities



Includes:


Water treatment plants and delivery systems, power generation and distribution facilities, sewage collection systems and other treatment plants, communications.





Does not include:

Loss of revenue expenses (i.e. time off-line).	Increased operating costs (i.e. obtaining water/electricity from alternate source).
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Category F- Utilities

This includes repairs of water treatment and delivery systems; power generation facilities and distribution lines; and sewage collection and treatment facilities.

Please note, FEMA will not provide reimbursement for increased operating expenses or revenue lost if a utility is shut down.



Category G – Parks & Recreation, Other



Includes:

Mass transit facilities, swimming pools, playgrounds, tennis courts, piers, docks, picnic tables, golf courses, walkovers, anything not in Categories C – F.	Beach Restoration on beaches.
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Does not include:

Unimproved natural features. Replacement of trees, shrubs, ground cover unless for slope stabilization or to minimize erosion.	PNP-owned recreational facilities unless the facility is providing eligible essential social services.
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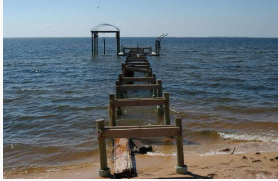
- Finally, Category G, Parks and Recreation, Other
- Category G projects include the repair and restoration of
 - parks, playground equipment, beaches, ball fields, public cemeteries and other facilities that do not otherwise fit in categories C-F.
- This does not include unimproved natural features, or the replacement of trees, shrubs, or ground cover **unless** they are used for slope stabilization or to minimize erosion, and it does not include PNP-owned recreational facilities **unless** the facility is providing eligible essential social services.

PAPPG, V4. APPENDIX B: PRIVATE NONPROFIT FACILITY ELIGIBLE EXAMPLES

PAPPG, v4. Chapter 8. IX. Eligibility Considerations by Facility. E. Parks, Recreational, Other (Category G)



Category G – Parks & Recreation, Other



Beaches and Related Facilities

- Engineered, non-federal beaches only.
- Other agency coordination required: DEP, USACE and any other required permitting.
- Possible 406 Mitigation Opportunities
- Proof of pre-disaster condition is required.

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A beach is considered an eligible facility when **all** of the following conditions exist:

- The beach is engineered and is not a federally constructed shoreline under the specific authority of the United States Army Corps of Engineers (USACE),
- The beach was constructed by the placement of imported sand and the Applicant has established and adhered to a maintenance program involving periodic renourishment with imported sand to preserve the original design, and
- Proof of the pre-disaster condition is provided.



Category G – Parks & Recreation, Other

Documentation Supporting Eligibility of a Beach

Applicants should provide the following information:

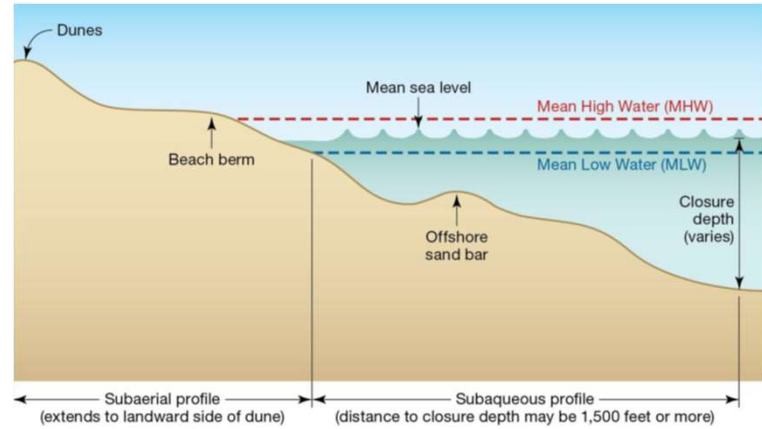
- All design studies, plans, construction documents, and as-builts for the *original* nourishment;
- All studies, plans, construction documents, and as-builts for every renourishment;
- Documentation and details of the maintenance plan, including how the need for renourishment is determined and funded; and
- Pre- and post-storm profiles that extend at least to the seaward edge of the sub-aqueous nearshore zone

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Applicants should provide the following information to support eligibility of a beach:
All design studies, plans, construction documents, and as-builts for the original nourishment;
All studies, plans, construction documents, and as-builts for every renourishment;
Documentation and details of the maintenance plan, including how the need for renourishment is determined and funded; and
Pre- and post-storm profiles that extend at least to the seaward edge of the sub-aqueous nearshore zone


Category G – Parks & Recreation, Other



- This is an example of a Typical Beach Profile.
- As you can see, the subaqueous zone is below the water



Next let's go over project costs such the PA Project Threshold, management costs, and a quick overview of Expedited Projects.



Project Threshold

Public Assistance projects are processed as either small or large projects. FEMA implemented a major change to its PA program by increasing the Large Project threshold to \$1 million.

The minimum threshold necessary for an eligible project is \$3,800 dollars.

Small Project	Large Project
<ul style="list-style-type: none"> Funding is based on initial cost estimate \$3,800 to <\$1M 	<ul style="list-style-type: none"> Project is paid as work is complete \$1M and greater

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Public Assistance projects are processed as either small or large projects.

On August 3, 2022, FEMA implemented a major change to its Public Assistance program by increasing the Large Project threshold to \$1 million.

Let's break that down, if the project cost is less than \$1M, the project is processed as a small project. If the project cost equals, or exceeds the threshold, the project is processed as a large project.

Please note, the minimum threshold necessary for an eligible project is \$3,800 dollars.

Let's look another difference between a small and a large project:

For Small Projects

- Funding is based on an initial cost estimate, and

For large projects:

- The project cost is paid as work is accomplished

<https://www.fema.gov/assistance/public/tools-resources/per-capita-impact-indicator>



Management Costs

- Management Costs are the costs incurred to meet administrative requirements while working within the Public Assistance (PA) program and developing eligible PA projects.
- 5% of the total award amount obligated

Management Cost	Examples
Preliminary Damage Assessments	Developing the detailed site-specific damage description
Meetings regarding the PA Program or overall PA damages claimed	Evaluating Section 406 hazard mitigation measures
Organizing PA damage sites into logical groups	Preparing Small and Large Projects
Correspondence with Recipient / affiliate	Reviewing PWs
Site inspections	Collecting documents to support a claim
Travel expenses	Requesting disbursement of PA funds

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Next, let's review management costs which are the costs incurred to meet administrative requirements while working within the Public Assistance program and developing eligible PA projects.

There is not a minimum threshold for this category.

FEMA formulates a Project Worksheet or (PW) for a maximum of 5% of the total award amount obligated for a subrecipient at the time of its request.

Total award amount is the **actual** eligible PA project cost including the non-federal share, after insurance and any other reduction. This does not include any Donated Resources projects.

Although management costs are awarded at the end of the project, please start documenting your efforts now. It is very important that you document **all** your administrative costs to substantiate the eligibility of costs and activities claimed as management costs. Your documentation should include activity logs, procurement data, invoices, and proof of payments.



Management Costs - Category Z

Contributions for management costs are based on actual costs incurred up to 5 percent of the total award amount for each Subrecipient.



- Includes management costs for all projects, both Large & Small (except Category B Donated Resources PWs)
- Obligated as a Category Z Project Worksheet
- Funded at a 100 percent Federal cost share

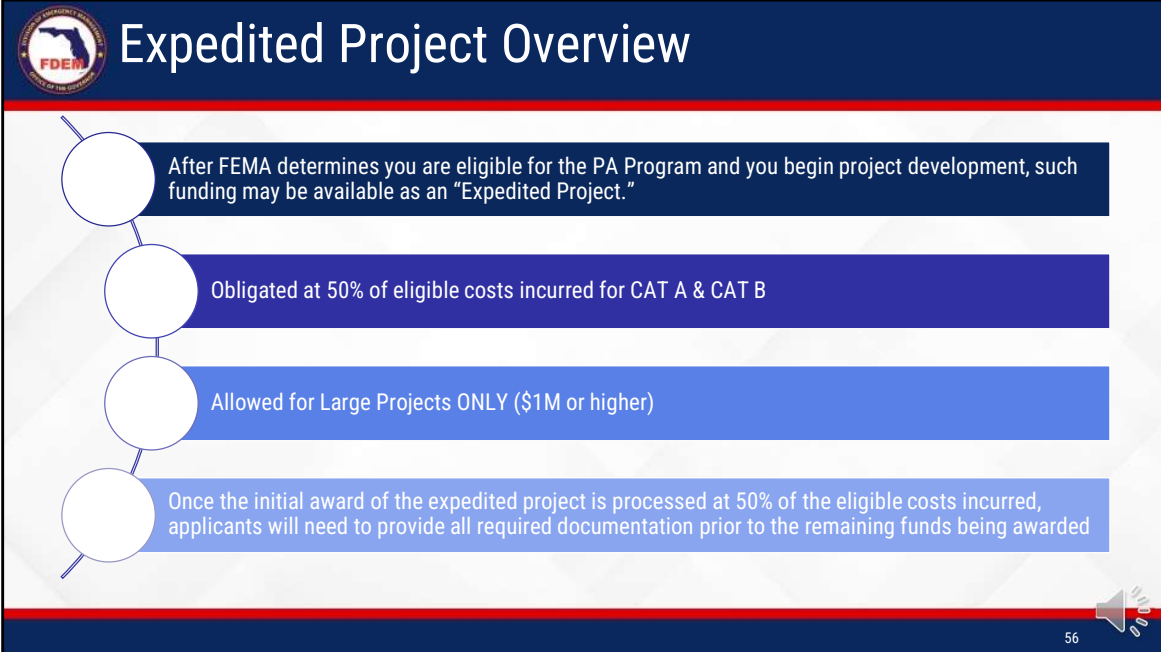


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As a reminder, management costs are based on actual costs incurred up to 5% of the total award.

This includes management costs for all projects, both Large & Small (except Category B Donated Resources PWs)

- it is obligated as a Category Z Project Worksheet, and
- it is funded at a 100 percent Federal cost share



Expedited Project Overview

- After FEMA determines you are eligible for the PA Program and you begin project development, such funding may be available as an "Expedited Project."
- Obligated at 50% of eligible costs incurred for CAT A & CAT B
- Allowed for Large Projects ONLY (\$1M or higher)
- Once the initial award of the expedited project is processed at 50% of the eligible costs incurred, applicants will need to provide all required documentation prior to the remaining funds being awarded

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Now, Expedited projects: We understand that some Applicants may need access to funding on an expedited basis in order to address costs incurred responding to or recovering from the disaster.

After FEMA determines you are eligible for the PA Program and you begin project development, such funding may be available as an "Expedited Project."

Please note, you will have 60 days following your RSM to Submit your request for an Expedited Project, if desired.

Expedited Projects are obligated at 50 percent of eligible costs incurred for Debris Removal (Category A) and Emergency Protective Measures (Category B).

Only projects totaling \$1M or greater or large projects can be processed through the Expedited project process.

Once the initial award of the expedited project is processed at 50% of the eligible costs incurred, applicants will need to provide all required documentation prior to the remaining funds being awarded

If you have questions on an eligibility determination for your organization, please bring them to your Recovery Scoping Meeting held after submitting your RPA.

PAPPG, v4 (2020). Chapter 9. Scope of Work and Cost Development, II. Cost Development, B.

Expedited Projects for Emergency Management Work.

B. Expedited Projects for Emergency Work



Let's discuss procurement requirements for using contracts for eligible work.



Procurement – Using Contracts for Eligible Work

- FEMA provides PA funding for contract costs based on the terms of the contract if the Applicant meets Federal procurement and contracting requirements.
2 C.F.R. § 200 (Uniform Rules) and/or 44 C.F.R. § 13.36
- Federal procurement requirements for Tribal, local governments, and PNPs are found at 2 C.F.R. § 200.318 through 200.327.
- Applicants must use their own documented procurement procedures. Unless the corresponding local procurement rule is more stringent, Federal law and standards should be applied.

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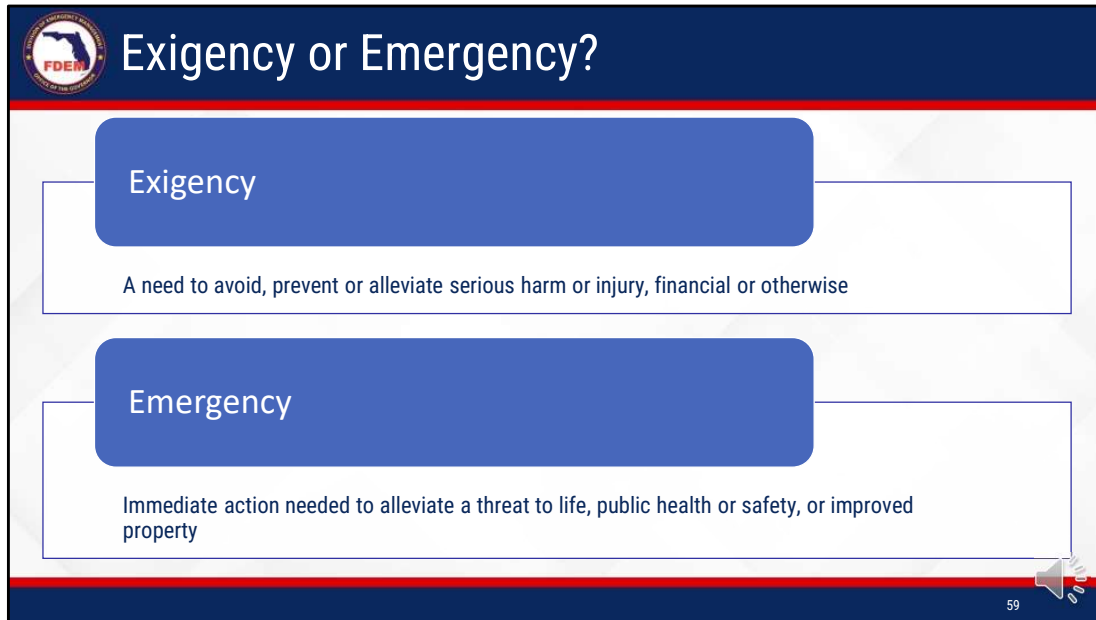
- FEMA provides PA funding for contract costs based on the terms of the contract if the Applicant meets Federal procurement and contracting requirements.
- Contract costs must be reasonable
- You may be wondering "What is reasonable"??
 - FEMA generally considers contract costs reasonable when the Applicant adheres to full and open competition
 - Applicants must use their own documented procurement procedures. Unless the corresponding local procurement rule is more stringent, Federal law and standards should be applied.
 - Please note, you **MUST** have an internal procurement policy before submitting your RPA. 2 C.F.R. § 200.319
- Some general requirements and best practices for procurement are:
 1. Document everything and retain those documents related to procurement
 2. Include FEMA's required clauses and provisions in contracts
 3. Take the required 6 affirmative steps to encourage women and minority small business owners and labor surplus areas if applicable to participate in the contracting process
 4. Please consider attending procurement trainings offered by FEMA. A schedule of virtual trainings being offered right now is available on [fema.gov](https://www.fema.gov).
- Another best practice we recommend for our applicants:

Be sure that your organization identifies multiple staff members who are familiar with the processes and the documentation that your organization will be required to submit to the State and FEMA PA staff. Identifying these individuals now can ensure a seamless review, project development, and anticipated approval of your organization's damages.

You should have a procurement policy in place detailing how your organization acquired services and contracted services to be in compliance with federal procurement guidelines. If your organization does not have a procurement policy, then you may consider downloading a template. Your organization's procurement policy needs to be in place prior to submission of your Request for Public Assistance.

Procurement Under Grants Training Schedule

<https://www.fema.gov/grants/procurement/training>



The slide features a dark blue header with the Florida Department of Emergency Management (FDEM) logo on the left and the title "Exigency or Emergency?" in white. Below the header, two blue rounded rectangular boxes define the terms. The first box is labeled "Exigency" and contains the text "A need to avoid, prevent or alleviate serious harm or injury, financial or otherwise". The second box is labeled "Emergency" and contains the text "Immediate action needed to alleviate a threat to life, public health or safety, or improved property". A small speaker icon and the number "59" are located in the bottom right corner of the slide.

Exigency or Emergency?

Exigency
A need to avoid, prevent or alleviate serious harm or injury, financial or otherwise

Emergency
Immediate action needed to alleviate a threat to life, public health or safety, or improved property


Now, Exigency or Emergency?

The existence of an Executive Order from the Governor does not automatically create an exigency (ex-uh-genc-ee) or emergency. These situations are LIMITED to as long as the dangerous condition exists. Once the condition is over, FEMA would expect the applicant to terminate these contracts and competitively procure a new contract (if there is still a need to continue work).

Please check your specific circumstances to determine whether an emergency still exists in your area. Relying on the Governor's Executive Order for the whole State of Florida may not be enough to indicate the continuation of an emergency situation.

If you are using **sole sourcing** due to emergency or exigency, you must


- Justify it with proper documentation
- Use it only during the period of actual exigent or emergency circumstances
- And transition to a competitive method, as soon as the period ends.



Procurement – Cost or Price Analysis Required

Applicants must:

- Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold, currently \$250K, including contract modifications.
- Make independent estimates before receiving bids or proposals.



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- An Applicant must perform a cost or price analysis in connection with every procurement action in excess of the simplified acquisition threshold, currently \$250,000, including contract modifications.
 - The method and degree of analysis depends on the facts surrounding the specific procurement situation.
- And the Applicant must make independent estimates before receiving bids or proposals.



Procurement – Acceptable Contract Types



- FEMA reimburses costs incurred using three types of contract payment obligations:
 - fixed-price,
 - cost-reimbursement, and
 - to a limited extent, time and material (T&M).
- Include required contract provisions
- Maintain oversight
- FEMA **does not** reimburse costs incurred under a cost plus a percentage of cost contract or a contract with a percentage of construction cost method.

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Now let's review some acceptable contract types

FEMA reimburses costs incurred using three types of contract payment obligations:


fixed-price,
cost-reimbursement, and
to a limited extent, time and material.

The Applicant must include the required provisions in all awarded contracts and maintain oversight to ensure that contractors perform according to the contract's conditions and specifications, as well as, any purchase orders.

FEMA does not reimburse costs incurred under a cost plus a percentage of cost contract, or a contract with a percentage of construction cost method.

A FEMA guidance document outlining these required contract provisions can be found on [FloridaPA](#) under the PA Info TAB.

https://emilms.fema.gov/is_1009/groups/21.html




Procurement – Time and Material Contract

FEMA advises against the use of T&M contracts and generally limits the use of these contracts to a reasonable time based on the circumstances during which the Applicant could not define a clear scope of work (SOW).

FEMA may reimburse costs incurred under a T&M contract only if all the following apply:

- No other contract was suitable;
- The contract has a ceiling price that the contractor exceeds at its own risk; and
- The Applicant provides a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.



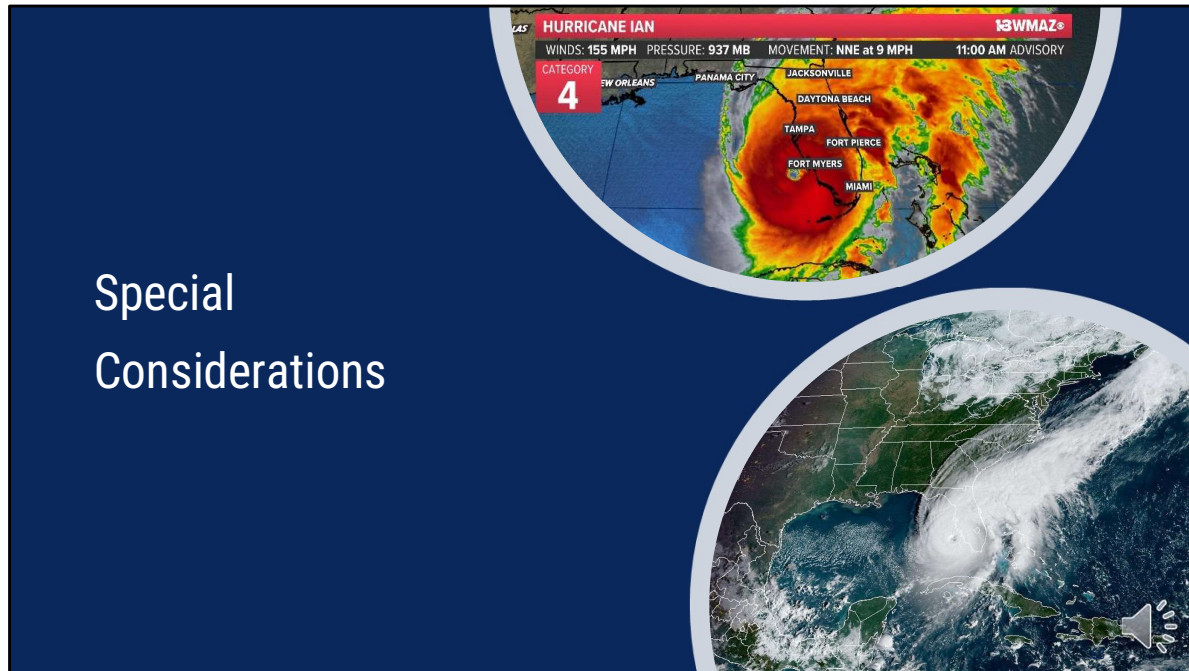
62

FEMA advises against the use of Time & Material contracts and generally limits the use of these contracts to a reasonable time based on the circumstances during which the Applicant could not define a clear scope of work.

FEMA reimburses costs incurred during a Time & Material contract only if all of the following apply:


1. No other contract was suitable;
2. The contract has a ceiling price that the contractor exceeds at its **own** risk; and
3. The Applicant provides a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

The Applicant should define the Scope of Work as soon as possible to enable procurement of a more acceptable type of contract.




Now, let's review some special considerations which are issues other than program eligibility that could affect the scope of work and the funding of a project such as:

- Insurance
- Floodplain Management
- Hazard Mitigation
- Environmental Protection, and
- Historic Preservation and Cultural Resources



Insurance Proceeds

- PA Funding will be reduced by:
 - Actual insurance proceeds, if known.
 - Anticipated insurance proceeds based on the applicant's policy, if known.
- Applicants **must** pursue and recover entitled claims
- There cannot be *any* duplication of benefits.
- Obtain & Maintain
 - Applicants must insure facilities with the types and extent of insurance reasonably available, adequate, and necessary to protect against future loss to the property.

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Ding! Ding! Ding! No double-dipping! FEMA cannot provide assistance for disaster-related losses when duplication of benefits occurs for an applicant, which, as a reminder, means that the Applicant receives disaster-related funding from two sources for the same item of work. For instance, funding from insurance and FEMA for the same item of work; not acceptable.


Before FEMA approves assistance for a property, an applicant must provide FEMA with information about any actual or anticipated insurance settlement or recovery it is entitled to for that property. This is because FEMA PA funding will be reduced by these insurance proceeds to avoid a duplication of benefits.

Applicants must make reasonable efforts to pursue and recover all claims.

Applicants that receive PA funding for permanent work to replace, repair, reconstruct, or construct a facility must **obtain** and **maintain** insurance on the FEMA funded facilities with the types and extent of insurance reasonably available, adequate, and necessary to protect against **future** loss to the property.

Stafford Act § 311, 42 U.S.C. § 5154; 44 C.F.R. § 206 Subpart I.

Duplication of Benefits (DOB) definition https://emilms.fema.gov/is_1024/groups/57.html




National Flood Insurance Program (NFIP)

FEMA must reduce PA funding when the facility is:

- Located in an area that FEMA has identified as a Special Flood Hazard Area (SFHA) for more than 1 year;
- Damaged by flooding; **and**
- Uninsured for flood loss.

If the Applicant does not have flood insurance for the facility or carries inadequate flood insurance for the insurable facility, FEMA reduces eligible project costs by the lesser of:

- The maximum amount of insurance proceeds that could have been obtained from an NFIP standard flood insurance policy for the building and its contents; or
- The value of the building and its contents at the time of the incident.

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One type of insurance that you may consider obtaining and maintaining is a standard flood insurance policy provided by the National Flood Insurance Program (NFIP)

Please note,

FEMA must reduce PA funding when the facility is:

- Located in an area *that FEMA has identified as a Special Flood Hazard Area* for more than 1 year;
- Is damaged by flooding; **and**
- Uninsured for flood loss.

If the Applicant does not have flood insurance for the facility **or** carries **inadequate** flood insurance, FEMA reduces eligible project costs by the lesser of:

- The maximum amount of insurance proceeds that could have been obtained from an NFIP standard flood insurance policy for the building and its contents; or
- The value of the building and its contents at the time of the incident.

So, please notify your PDMG if you believe your facility meets this criteria.

44 C.F.R. § 206.252



406 Hazard Mitigation

Hazard Mitigation, Section 406 of the Stafford Act is a funding source for cost-effective measures to reduce or eliminate the potential threat of similar damage to a facility during a future disaster.

- These are measures to prevent repetitive damage and are for permanent work only.
- Section 406 mitigation is applied on the parts of an eligible facility that were damaged during a declared disaster.

FEMA may approve if cost is:

- Up to 15% of eligible project cost
- Can be up to 100% of eligible project cost if on FEMA's pre-approved list
- If not on FEMA's pre-approved list, Appendix J (PAPPGv4), must be cost effective based upon acceptable benefit-cost analysis (BCA)

66



Next, let's review 406 Hazard Mitigation -

Hazard Mitigation, Section 406 of the Stafford Act is a funding source for cost-effective measures to reduce or eliminate the potential threat of similar damage to a facility during a future disaster.

These are measures to prevent repetitive damage and are for permanent work only.

Section 406 mitigation is applied on the parts of an eligible facility that were damaged during a declared disaster.


FEMA considers mitigation measures to be cost-effective if any of the following criteria are met:

1. The cost for the mitigation measure does not exceed 15 percent of the total eligible repair cost (prior to any insurance reductions)
2. The mitigation measure is specifically listed in [Appendix J: Cost-Effective Hazard Mitigation Measures](#) in the PAPPG AND the cost of the mitigation measure does not exceed 100 percent of the eligible repair cost (prior to any insurance reductions) of the facility or facilities for which it applies, or
3. The Recipient or Applicant demonstrates through an acceptable benefit-cost analysis (BCA) methodology that the measure is cost-effective.

Many mitigation measures that do not meet the first two criteria mentioned previously prove to be cost-effective based on a BCA. If that is the case, FEMA, the Recipient, and the Applicant will work together to develop a BCA methodology to determine whether the project is cost-effective.


PAPPG, v4. Chapter 8. Permanent Work Eligibility, IV. Hazard Mitigation, A. Public Assistance Hazard Mitigation

PAPPG, v4. Appendix J. Cost-effective Public Assistance Hazard Mitigation Measures



Environmental and Historic Preservation (EHP)

FEMA uses all practical means and measures to protect, restore and enhance the quality of the environment, to avoid or minimize adverse impacts to the environment, and to preserve historic, cultural and natural aspects of national heritage, as required by Federal environmental and historic preservation policies and laws.



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Moving on to Environmental and Historic Preservation (EHP), FEMA uses all practical means and measures to protect, restore and enhance the quality of the environment, to avoid or minimize adverse impacts to the environment, and to preserve historic, cultural and natural aspects of national heritage, as required by Federal environmental and historic preservation policies and laws.

EHP reviews must occur before construction, let me repeat that.. Environmental and Historic Preservation reviews must occur before construction and failure to comply with applicable Federal, State and local EHP requirements could **jeopardize** or **delay** your PA funding.

EHP Codes and Standards IS 1019 https://emilms.fema.gov/is_1019/groups/62.html



Environmental and Historic Preservation (EHP)

All PA awards must comply with the following:

National Historic Preservation Act	Coastal Zone Management Act
National Environmental Policy Act	Farmland Protection Policy Act
Endangered Species Act	Fish and Wildlife Coordination Act
Clean Water Act	Wild and Scenic Rivers Act
Coastal Barrier Resources Act	Magnuson-Stevens Fishery Conservation and Management
Migratory Bird Treaty Act	Floodplain Management
Resource Conservation and Recovery Act	Protection of Wetlands
Clean Air Act	Environmental Justice



All PA awards must comply with the applicable EHP laws and regulations and all EHP permits such as the ones outlined in the National Historic Preservation Act, the National Environmental Policy Act, the Endangered Species Act, and so on...

The links to all these policies are available in the Additional Resources pdf.

Clean Air Act (CAA)

<https://www.epa.gov/laws-regulations/summary-clean-air-act>

Clean Water Act (CWA)

<https://www.epa.gov/laws-regulations/summary-clean-water-act>

Endangered Species Act (ESA)

<https://www.fws.gov/law/endangered-species-act>

National Environmental Policy Act (NEPA)

<https://www.epa.gov/nepa>

Resource Conservation and Recovery Act (RCRA)

<https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>

National Historic Preservation Act

<https://www.achp.gov/digital-library-section-106-landing/national-historic-preservation-act>

Coastal Barrier Resources Act

<https://www.fws.gov/program/coastal-barrier-resources-act>

Migratory Bird Treaty Act

<https://www.fws.gov/law/migratory-bird-treaty-act-1918>

Coastal Zone Management Act

<https://coast.noaa.gov/czm/act/>

Farmland Protection Policy Act

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/>

Fish and Wildlife Coordination Act

<https://www.fws.gov/law/fish-and-wildlife-coordination-act>

Wild and Scenic Rivers Act

<https://www.energy.gov/nepa/downloads/wild-and-scenic-rivers-act>

Magnuson-Steven Fishery Conservation and Management Act

<https://www.fisheries.noaa.gov/resource/document/magnuson-stevens-fishery-conservation-and-management-act>

Floodplain Management Act

<https://www.epa.gov/cwa-404/floodplain-management-executive-order-11988>

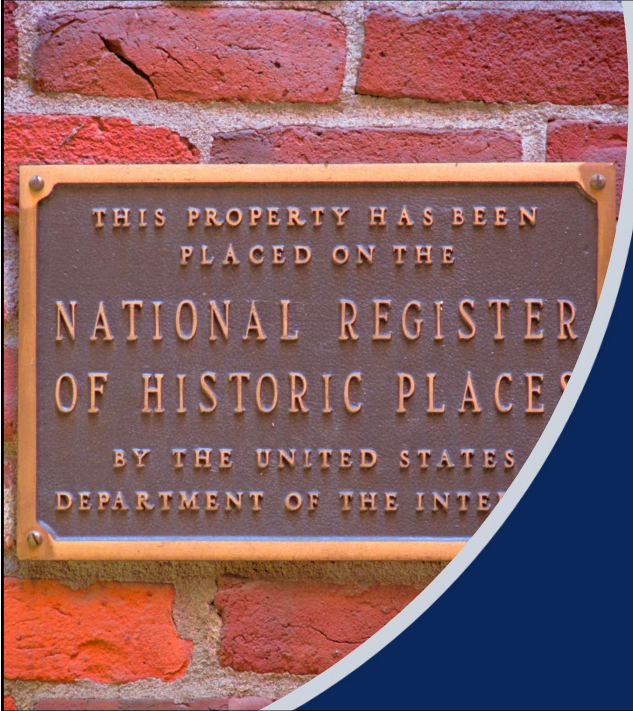
<https://www.fema.gov/floodplain-management>

Protection of Wetlands Act

<https://www.epa.gov/cwa-404/protection-wetlands-executive-order-11990>


Environmental Justice Act

<https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act>



National Historic Preservation Act

- If the facility is listed in, or meets the criteria to be listed in, the National Register of Historic Places, then costs associated with work to comply with that specific code or standard are eligible, even if repair costs exceed replacement costs.
- This is an exception to the regulatory requirement that when a facility is eligible for replacement, FEMA limits eligible costs to the less expensive of repairs or replacement.



Let's take a closer look at the National Historic Preservation Act : If your facility is listed in, or meets the criteria to be listed in, the *National Register of Historic Places*, **then** costs associated with work to comply with that specific code or standard are **eligible, even if repair costs exceed replacement costs**.

This is an exception to the regulatory requirement that when a facility is eligible for replacement, FEMA limits eligible costs to the **less** expensive of repairs or replacement

Please inform your PDMG if your facility has a building that is on or meets the criteria to be on the National Register of Historic Places. You can check this by going to: nps.gov

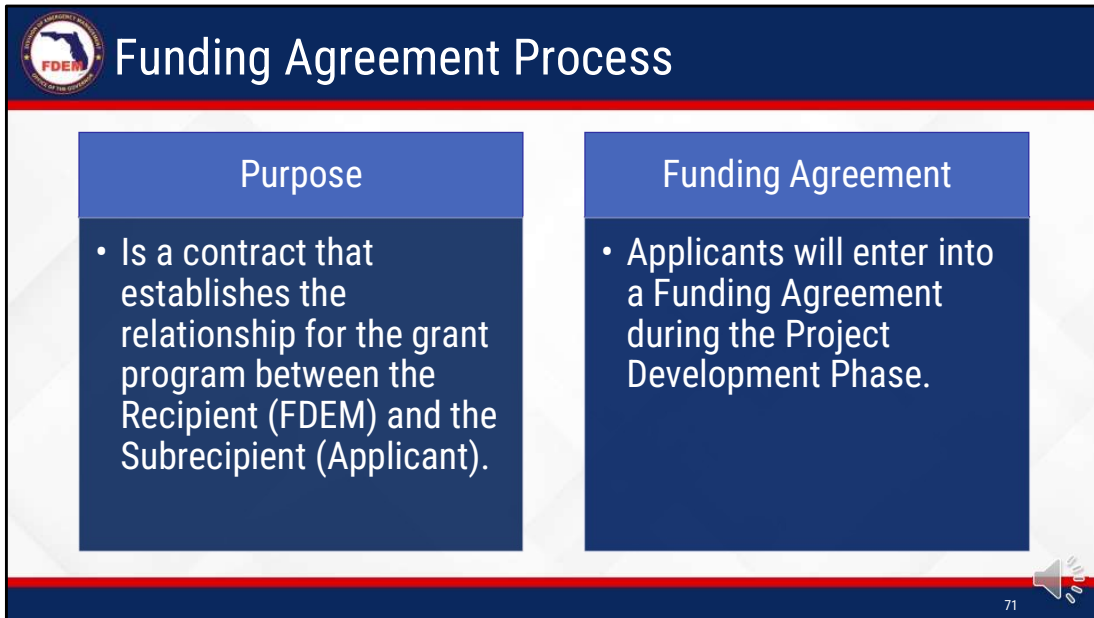
www.nps.gov/subjects/nationalregister/database-research.htm

https://emilms.fema.gov/is_1016/groups/90.html

National Register of Historic Places, Creative Commons License, flickr.com <https://www.flickr.com/photos/samagnew/6138737993>



Finally, let's go over some requirements to receive this reimbursement.



The slide features a dark blue header with the Florida Department of Emergency Management (FDEM) logo on the left and the title "Funding Agreement Process" in white. Below the header, two blue boxes with white text are arranged side-by-side. The left box is titled "Purpose" and contains a bullet point describing the contract between the Recipient (FDEM) and the Subrecipient (Applicant). The right box is titled "Funding Agreement" and contains a bullet point stating that applicants will enter into a Funding Agreement during the Project Development Phase. A small speaker icon and the number "71" are located in the bottom right corner of the slide.

Funding Agreement Process

Purpose	Funding Agreement
<ul style="list-style-type: none">• Is a contract that establishes the relationship for the grant program between the Recipient (FDEM) and the Subrecipient (Applicant).	<ul style="list-style-type: none">• Applicants will enter into a Funding Agreement during the Project Development Phase.

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In order to receive reimbursement, the Applicant is required to enter into a Funding Agreement with the State (FDEM) as a pass-through entity. The Funding Agreement outlines the terms and conditions of accepting Federal funding through the Public Assistance Program, and Applicants will enter into a Funding Agreement with the State during the Project Development Phase

The slide features a dark blue header with the Florida Department of Emergency Management (FDEM) logo on the left and the title "Audits and Retention of Records" in white. Below the header, a white box contains the text: "All documents are subject to an audit by the State, FEMA, and the U.S. Department of Homeland Security Office of Inspector General". A large white arrow points from this box down to another white box containing the text: "maintain ALL records for 5 years post Account closeout". To the right of the second box is a red stamp that says "AUDIT" and a red pushpin. In the bottom right corner of the slide, there is a small speaker icon and the number "72".

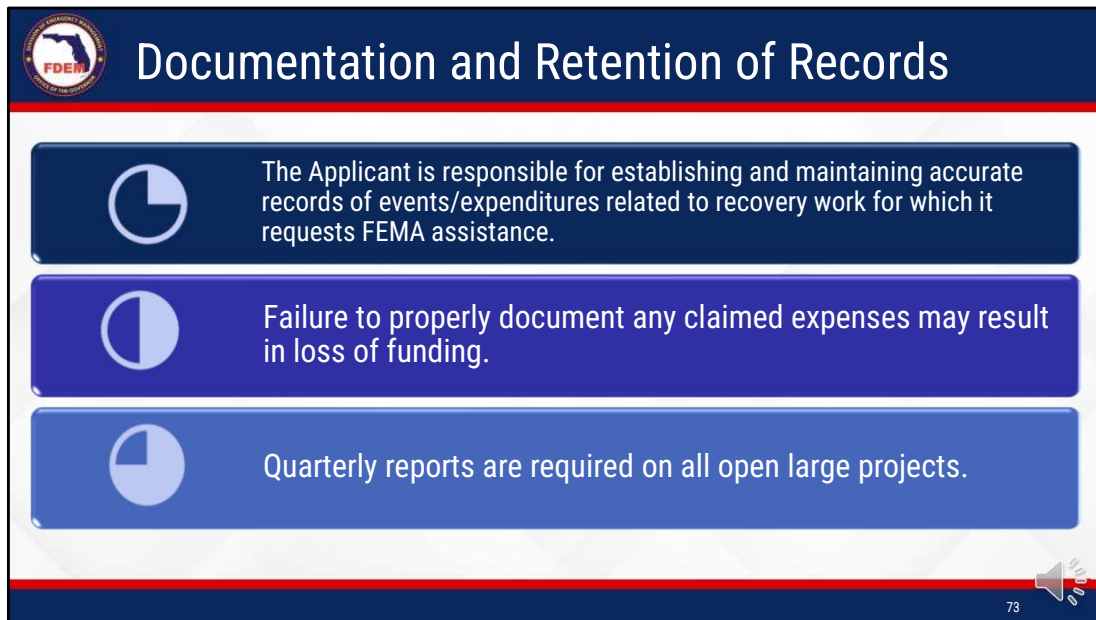
All documents are subject to an audit by the State, FEMA, and the US Department of Homeland Security, Office of Inspector General. Failure to properly document any claimed expenses may result in loss of funding.

[transition]

You must maintain ALL records for 5 years post *Account* closeout.

So, preserve everything for 5 years after the last activity is performed on the account. Appeals and other administrative actions could shift that deadline slightly.

<https://files.floridados.gov/media/703328/g1-sl-2020.pdf>



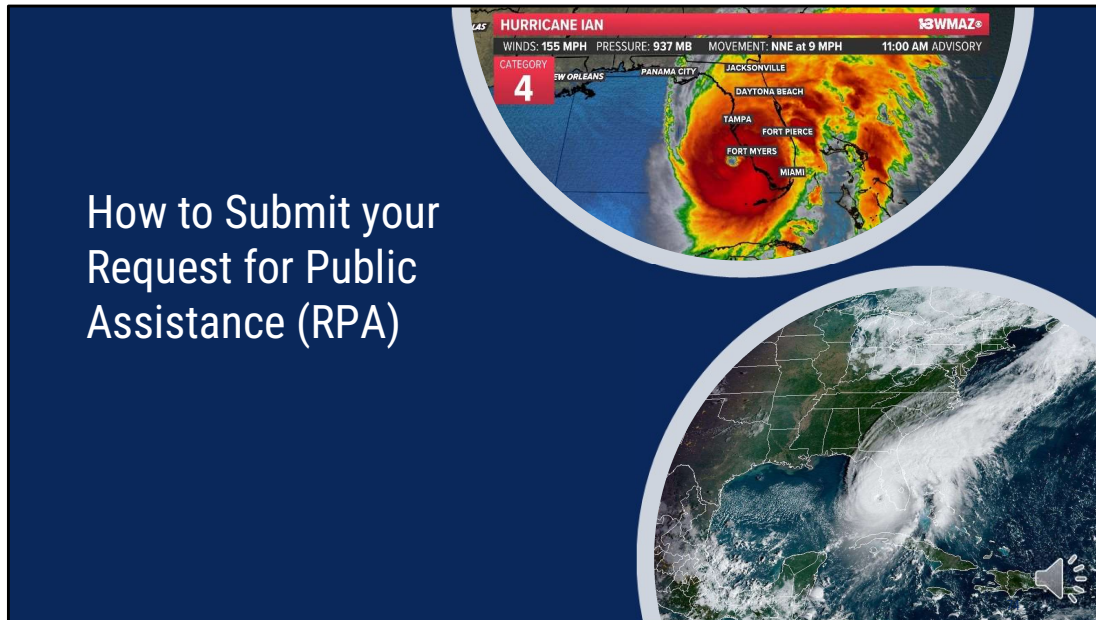
The slide features a dark blue header with the FEMA logo on the left and the title "Documentation and Retention of Records" in white. Below the header are three horizontal bars of varying shades of blue, each containing a pie chart icon and a text box. The first bar is dark blue with a white pie chart icon and text: "The Applicant is responsible for establishing and maintaining accurate records of events/expenditures related to recovery work for which it requests FEMA assistance." The second bar is medium blue with a white pie chart icon and text: "Failure to properly document any claimed expenses may result in loss of funding." The third bar is light blue with a white pie chart icon and text: "Quarterly reports are required on all open large projects." A small speaker icon and the number "73" are located in the bottom right corner of the slide.

Documentation and Retention of Records

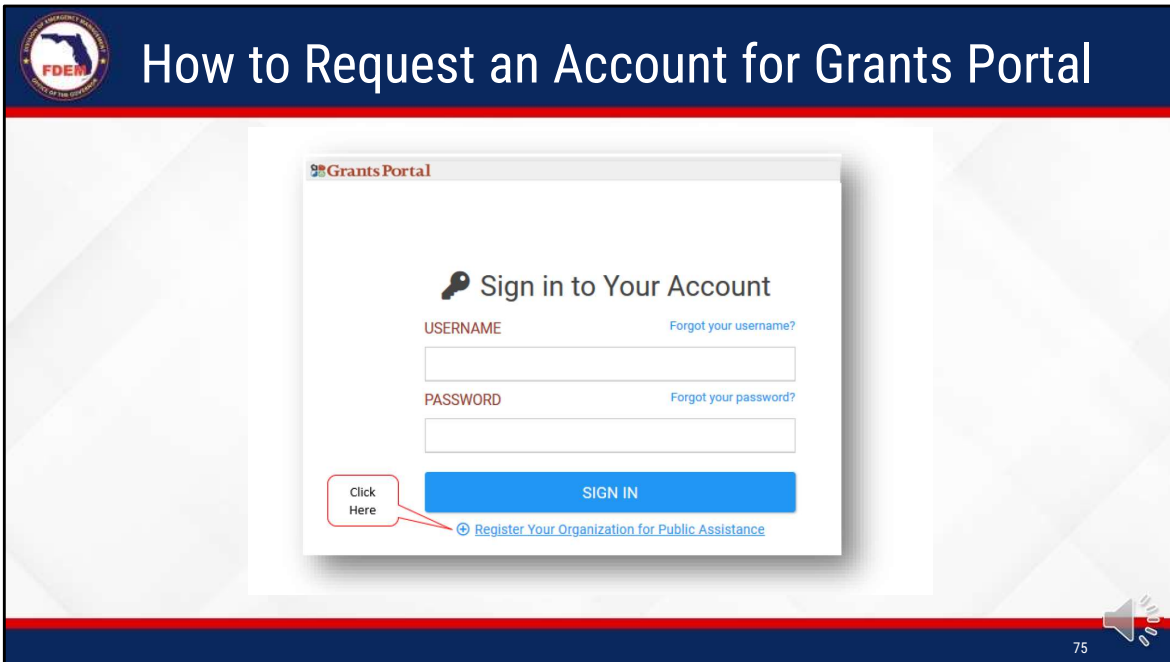
- The Applicant is responsible for establishing and maintaining accurate records of events/expenditures related to recovery work for which it requests FEMA assistance.
- Failure to properly document any claimed expenses may result in loss of funding.
- Quarterly reports are required on all open large projects.

And finally, documentation and retention of records:

You, as the Applicant, are responsible for establishing and maintaining accurate records of events or expenditures related to recovery work for which you request FEMA assistance. Failure to properly document any claimed expenses may result in loss of funding; and quarterly reports are required on all open large projects.



Congratulations! You may have determined that you are an eligible applicant, have an eligible facility, have performed eligible work, and have incurred eligible costs. If so, you're ready to submit your request for public assistance! Let's go over those steps.



First, if you have never requested an account in Grants portal, you'll want to follow these directions.

Please note, we will be providing the links to Grants Portal as well as an Applicant Quick Guide from FEMA in the chat.

To request Grants Portal access, go to the Grants Portal home page at grantee.fema.gov and click on "Register your Organization for Public Assistance".

Grants Portal

<https://grantee.fema.gov>

[https://grantee.fema.gov/Content/files/Applicant%20Quick%20Guide%20Grants%20Portal%20Account%20and%20RPA%20\(Mar%2028%202020\).pdf](https://grantee.fema.gov/Content/files/Applicant%20Quick%20Guide%20Grants%20Portal%20Account%20and%20RPA%20(Mar%2028%202020).pdf)



The screenshot shows the FEMA Grants Portal registration interface. At the top left is the FEMA logo. The main heading is "How to Request an Account for Grants Portal". Below this, the portal title "Grants Portal" is displayed. A blue banner instructs users to "Register Your Government or Private Non-Profit Organization for Public Assistance" and provides a brief overview of the process. A progress bar indicates the current step is "Organization". The "Section I - Organization" form includes a dropdown for "Within which state / territory / tribe is your organization?", a text field for "Organization Name", a dropdown for "Organization Type", and fields for "EN Number" and "DUNS Number". A "Submit" button is visible at the bottom right of the form area. Below the screenshot, contact information is provided: RPA.Help@em.myflorida.com, 1-866-337-8448, and FEMA-Recovery-PA-Grants@fema.dhs.gov. A small "76" is visible in the bottom right corner of the screenshot area.

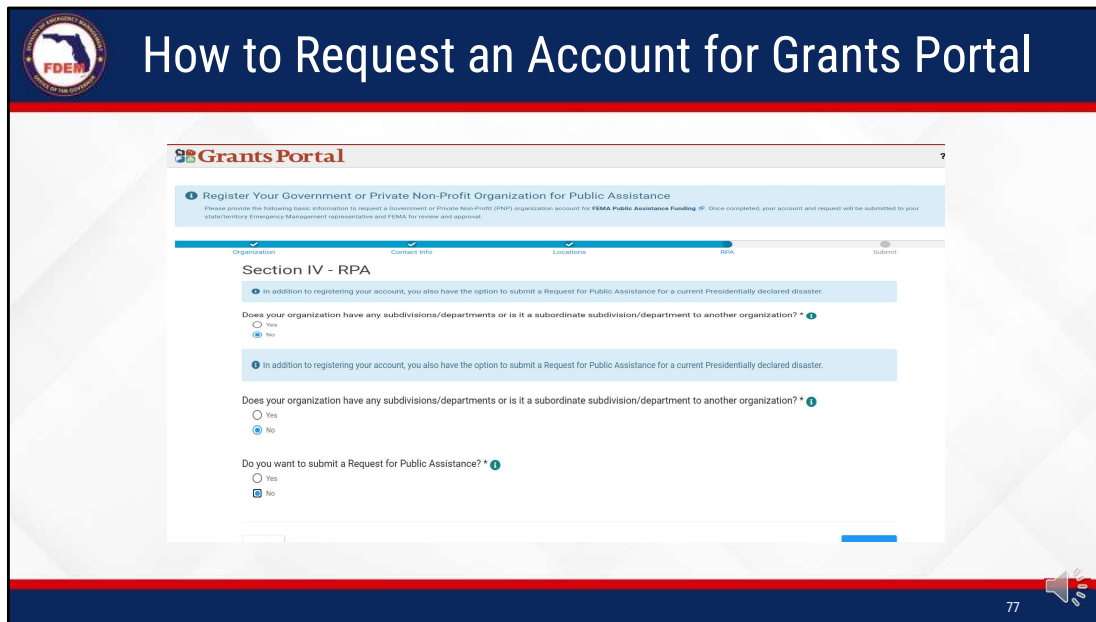
You, the Applicant, are then prompted to complete basic information about the organization, contact information, and location and then submit the form for Recipient review.

The online form will prompt you to select the "Organization Type". If you select an incorrect "type", the processing of the RPA will be delayed.

Public non-profit entities, such as those agencies of SLTT governments, are generally considered SLTT government entities and do not need to submit additional documentation required by Private Nonprofit Applicants. These entities should select the government organization type that best describes them.

If you are unsure of your type or are having any difficulties with registering or submitting your RPA, please email: [transition1] RPA.Help@em.myflorida.com to be connected with a State of Florida representative.

To speak with a FEMA representative, call the hotline at [transition2] 1-866-337-8448, or email: [transition3] FEMA-Recovery-PA-Grants@fema.dhs.gov



The screenshot shows the 'Grants Portal' registration interface. At the top left is the FEMA logo. The main heading is 'How to Request an Account for Grants Portal'. Below this is a progress bar with steps: Organization, Contact Info, Location, RPA, and Submit. The current step is 'RPA'. The section is titled 'Section IV - RPA'. It contains three questions, each with a blue information icon and a light blue background:

- Question 1: 'In addition to registering your account, you also have the option to submit a Request for Public Assistance for a current Presidentially declared disaster.' Below it is the question: 'Does your organization have any subdivisions/departments or is it a subordinate subdivision/department to another organization? *'. The 'No' radio button is selected.
- Question 2: 'In addition to registering your account, you also have the option to submit a Request for Public Assistance for a current Presidentially declared disaster.' Below it is the question: 'Does your organization have any subdivisions/departments or is it a subordinate subdivision/department to another organization? *'. The 'No' radio button is selected.
- Question 3: 'Do you want to submit a Request for Public Assistance? *'. The 'No' radio button is selected.


At the bottom right of the screenshot, there is a speaker icon and the number '77'.

For government entities, if there are events with an open RPA enrollment period in the State, you may continue to submit an RPA with this account creation request. If you choose not to, the Recipient will review only the account creation request and you may submit your RPA later.

After you complete the account request and the Recipient and FEMA approves the RPA request (if you chose to submit it), you will receive a system-generated email with a username and temporary password to gain access to Grants Portal.

The system will then prompt you to create a permanent password.

Once you have access to Grants Portal, you can choose to follow the instructions we are going to talk about next to either directly submit an RPA in the system or request an RPA to be submitted by the Recipient on your behalf.



The screenshot shows the FEMA Grants Portal dashboard. At the top left is the FEMA logo. The main header reads "Grants Portal". Below the header is a navigation menu with "Dashboard" selected. A notification banner states: "Your parent organization has been assigned as the primary Grantee for one or more disasters and you may submit a Request for Public Assistance (RPA) to FEMA's Public Assistance program." Below the notification is a link: "Click here to submit a RPA for your organization." To the right of the notification is a blue hourglass icon. The text "Deadline to apply is January 11, 2023 or January 20, 2023" is displayed in large blue font. A small speaker icon is visible in the bottom right corner of the screenshot area.

How to Submit an RPA

Deadline to apply is
January 11, 2023 or
January 20, 2023

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This section describes how an Applicant who has a Grants Portal account may submit its RPAs: simple, it's directly through Grants Portal.

The Applicant logs into Grants Portal and selects "Click here to submit an RPA for your organization" on the Dashboard.

Remember, the deadline to submit RPAs for Hurricane Nicole is January 11th for the original 10 counties and January 20th for the additional 51 counties.



How to Submit an RPA via Grants Portal

Request Public Assistance

General Info | Contacts | Addresses | **PNP Info** | Other Info | Submit

FEMA and State personnel use this questionnaire to determine the eligibility of a Private Non-Profit (PNP) organization (See 44 CFR 206.221). Owners or operators of facilities that provide critical services can apply to FEMA for assistance for emergency work (debris removal and emergency protective measures) and permanent work (restoring a damaged facility). Critical services include education, emergency medical care, other emergency services, and utilities (power, sewer, wastewater treatment, communications, water—including water provided by an irrigation organization or facility, if it is not provided solely for irrigation purposes).

Owners or operators of facilities that provide non-critical, but essential social-type services to the general public can apply to FEMA for assistance for emergency work, but must also apply to the U.S. Small Business Administration (SBA) for assistance for permanent work.

Additional information about PNP eligibility can be found in the [Public Assistance Program and Policy Guide](#).

1 Name of the damaged facility and location

2 What was the primary purpose of the damaged facility?

3 Is the facility a critical facility as described above? Yes No

4 Who may use the facility?

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Next, complete all required information including naming the damaged facility and location and the primary purpose of the facility.

How to Submit an RPA via Grants Portal

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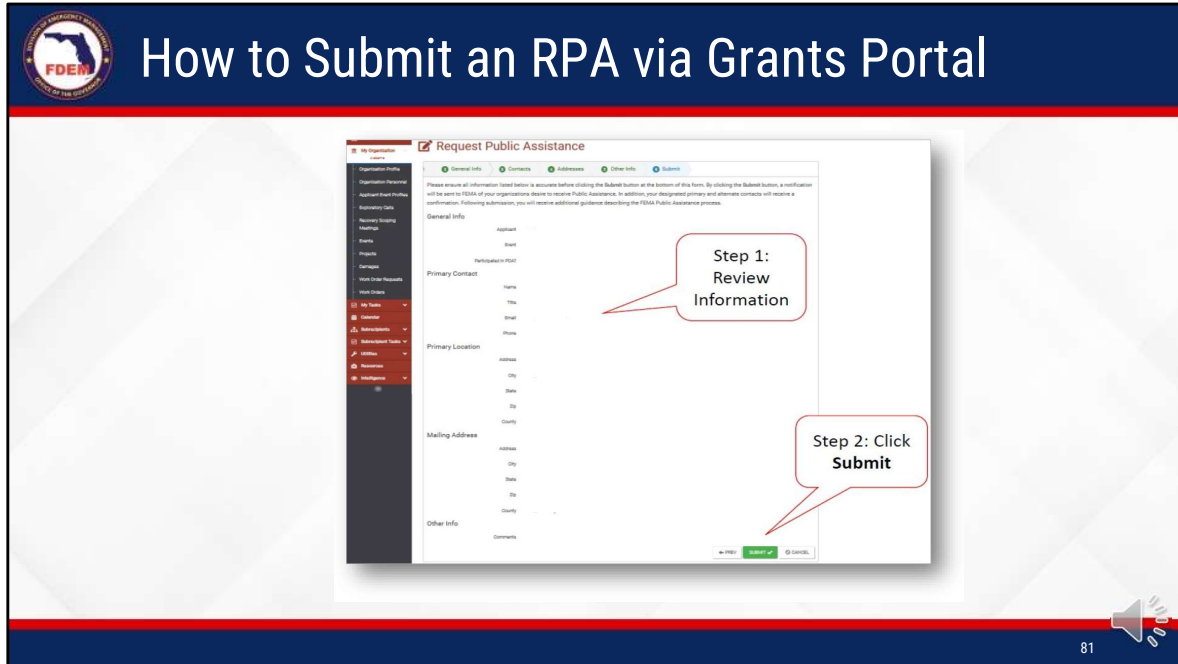
Required Documentation

- Please provide valid Articles of Association/Incorporation or Charter and/or By-Laws [Attach Articles of Association/Incorporation or Charter and/or By-Laws](#)
- Please provide valid Accreditation (Educational Facilities Only) [Attach Accreditation](#)
- Please provide valid PNP Status Documentation [Attach PNP Status Documentation](#)

← PREV NEXT → CANCEL

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Private Nonprofit organizations should upload all required information and documentation here before clicking “next”

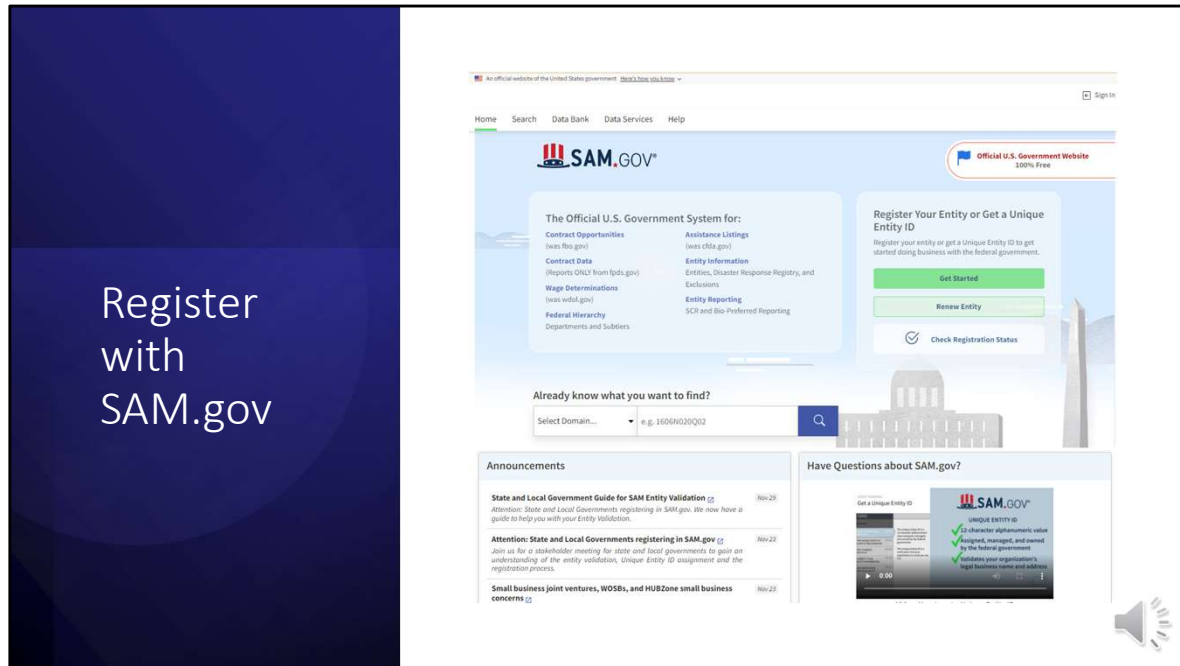


The screenshot displays the FEMA Grants Portal interface for submitting a Request for Public Assistance (RPA). The form is titled "Request Public Assistance" and includes a navigation menu on the left with options like "My Organization", "Request Profile", "Request Details", "Request Location", "Request Status", "Request History", "Request Documents", "Request Comments", "Request Notifications", "Request Alerts", "Request Settings", "Request Help", "Request Support", "Request Training", "Request Resources", "Request Tools", "Request Reports", "Request Dashboard", "Request Analytics", "Request Settings", "Request Help", "Request Support", "Request Training", "Request Resources", "Request Tools", "Request Reports", "Request Dashboard", "Request Analytics". The main form area is divided into sections: "General Info", "Primary Contact", "Primary Location", "Mailing Address", and "Other Info". A callout box labeled "Step 1: Review Information" points to the "General Info" section. Another callout box labeled "Step 2: Click Submit" points to the "Submit" button at the bottom right of the form. The "Submit" button is a green button with the text "Submit" and a checkmark icon.

When finished, click “Submit.”

Once submitted, the Recipient and FEMA review the RPA for Applicant eligibility. The Applicant can view the status of its RPA in Grants Portal.


Please note, an applicant can request an RPA is submitted by the Recipient (the State) on their behalf. If you’d prefer that, please provide the State with the information listed on page 5 of the Applicant Quick Guide from FEMA that has been linked for you in the chat.



The image shows a screenshot of the SAM.gov website. On the left side, there is a dark blue vertical overlay with the text "Register with SAM.gov" in white. The main content area of the website is white and features the SAM.gov logo at the top. Below the logo, there are several sections: "The Official U.S. Government System for:" with links to Contract Opportunities, Contract Data, Wages Determinations, and Federal Hierarchy; "Assistance Listings" with links to Entity Information and Entity Reporting; and "Register Your Entity or Get a Unique Entity ID" with buttons for "Get Started", "Renew Entity", and "Check Registration Status". There is also a search bar with the text "Already know what you want to find?" and a dropdown menu for "Select Domain...". At the bottom, there are "Announcements" and "Have Questions about SAM.gov?" sections.

Applicants will also be asked to enter in their Unique Entity Identifier (UEI) upon submitting their RPA. You can register for your UEI at [SAM.gov](https://sam.gov) which we have linked for you in the Additional Resources pdf.

U.S. General Service Administration
<https://sam.gov/content/home>




Reminder – Important Steps

- 1 • Access FEMA's Grants Portal.
- 2 • Submit RPA in Grants Portal.
- 3 • Document! Document! Document!

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As a reminder, the important steps are:


- Get FEMA's Grants Portal access, if needed.
- Submit your RPA.
- As always, Document your Efforts.



Contact Information

Florida Division of Emergency Management
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
www.floridadisaster.org

Melissa Shirah Recovery Bureau Chief Melissa.Shirah@em.myflorida.com (850) 815-4410	Ben Fairbrother Deputy Bureau Chief Ben.Fairbrother@em.myflorida.com (850) 815-4462	Doug Roberts Deputy Bureau Chief Douglas.Roberts@em.myflorida.com (850) 815-4409
Kevin Adkison State Public Assistance Officer (SPA0) Kevin.Adkison@em.myflorida.com (850) 815-4456	Jose Morales Deputy SPA0 Jose.Morales@em.myflorida.com (850) 815-4430	Ian Ohlin Individual Assistance Officer Ian.Ohlin@em.myflorida.com (850) 815-4488

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This is the contact information for our leadership here at the Recovery Bureau.

Regional Coordinators for Recovery/Mitigation

Elizabeth Caison
Region 1 Coordinator
Elizabeth.Caison@em.myflorida.com
(850) 524-0225

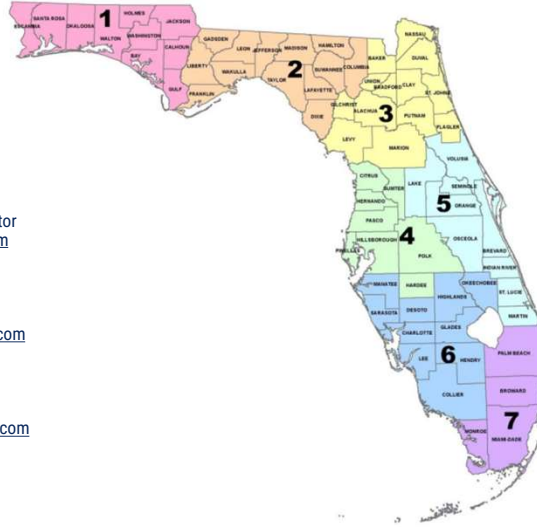
Justin Lazzara
Region 2 Coordinator
Justin.Lazzara@em.myflorida.com
(850) 567-6959

Joshua Saunders
Region 3 Coordinator
Joshua.Saunders@em.myflorida.com
(850) 591-3855

Jeremy O'Dell
Manager and Region 4 Coordinator
Jeremy.ODell@em.myflorida.com
(850) 591-5189

Shannon Hagan
Region 5 Coordinator
Shannon.Hagan@em.myflorida.com
(850) 815-5769

Dana McGeehan
Region 7 Coordinator
Dana.McGeehan@em.myflorida.com
(850) 591-6025



This is the contact information for our Regional Coordinators who specialize in recovery and mitigation. They are located all over the state and are available to meet your needs.



Please send any additional questions to
FDEM-Recovery-Questions@em.myflorida.com

We hope you've enjoyed this briefing, if you'd like to recommend this presentation to others, or want to check in for future updates, please see the updated schedule posted in [Florida PA](#), [WebEOC](#) or [FloridaDisaster.org](#).

Thank you for posting your questions in the chat. Please send any other questions to FDEM-Recovery-Questions@em.myflorida.com or reach out to your Regional Coordinators. A copy of this presentation and the recording is uploaded to FloridaPA. Additional resources mentioned throughout this presentation have been compiled for you in the pdf: [Hurricane Nicole \(DR-4680\) State Applicant Briefing Additional Resources](#)

which is also uploaded to Florida PA and linked for you in the chat.

This concludes our Applicant Briefing for Hurricane Nicole for our Local Governments & State Agencies. We will leave the webinar open for 5 more minutes for any questions you'd like to include in the chat. Thank you for attending.