

**PUBLIC ASSISTANCE TRAINING AND OUTREACH  
PROGRAM**

**TRAINING MANUAL**

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## Authority Citations

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### Federal Authorities

The following are the federal documents used in the administration of the disaster assistance programs:

- Public Law 93-288, Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act)
- Public Law 103-181, Hazard Mitigation and Relocation Assistance
- Public Law 104-156, Single Audit Act Amendments of 1996
- Public Law 106-390, Disaster Mitigation Act of 2000
- Public Law 93-234, Flood Disaster Protection Act, as amended
- Public Law 98-502, Single Audit Act of 1984
- Title 44, Code of Federal Regulations (44 CFR), Parts 9, 10, 11, 13, 14, 201 and 206
- National Environmental Policy Act, 40 CFR, Sections 1500-1508
- FEMA-State Agreements
- Memoranda of Understanding (MOU) between state and federal governments (PA, Historical, Hazard Mitigation (HM), Expedited HMGP, etc.)
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands
- Executive Order 13132, Federalism
- Executive Order 12699, Seismic Safety
- Executive Order 12898, Environmental Justice
- General Services Administration (GSA) List of Parties Excluded from Federal Procurement and Non-Procurement Programs
- OMB Circulars A-21, A-87, A-94, A-102, A-110, A-122, and A-128
- FEMA document “Hazard Mitigation Grant Program Guidelines for Acquisition and Relocation Projects” (Dated January 6, 1995)
- Interagency Hazard Mitigation Team Reports
- State of Hawaii v. FEMA (9<sup>th</sup> Cir. 2001) 294 F.3d 1152.

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## Authority Citations, Continued

**State  
Authorities**

The following are the state documents used in the administration of the disaster assistance programs:

- California Emergency Services Act, Chapter 7 of Division 1 of Title 2 of the Government Code, as amended (ESA)
- California State Emergency Plan
- California Disaster Assistance Act, Chapter 7.5 of Division 1 of Title 2 of the Government Code, as amended (CDAA) (formerly Natural Disaster Assistance Act [NDAA])
- Title 19, California Code of Regulations (19 CCR), Division 2, Chapter 6, Disaster Assistance Act
- California Environmental Quality Act (CEQA), Public Resources Code
- California Earthquake Loss Reduction Plan 2002-2003
- State of California Flood Mitigation Plan, 1996
- The Fire Mitigation Plan for the State of California, 2000
- Hazard Mitigation Early Implementation Strategy Reports
- Public Contract Code
- State Administrative Manual.

## Chapter 1 – When Disaster Strikes

### Applicant/State/FEMA Responsibilities

Following a federal declared major disaster or emergency, the Governor’s Office of Emergency Services (OES) and the Federal Emergency Management Agency (FEMA), in partnership, have the responsibility to deliver the Public Assistance (PA) program. The applicant also has certain responsibilities in order to participate in the PA program.

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#### **Applicant**

The applicant has the responsibility to:

- Request assistance.
  - Thoroughly identify damaged sites and costs, especially on small projects.
  - Provide information to FEMA and OES for all projects.
  - Expend grant funds in accordance with grant requirements.
  - Be accountable to the State, for state and federal funds.
  - Maintain clear and organized documentation (Chapter 2 will cover this in detail).
  - Complete its recovery efforts.
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#### **State**

The State has the responsibility to:

- Educate applicants on the Public Assistance program and other available assistance.
  - Provide technical support and assistance to applicants.
  - Collect cost data and prepare cost estimates (with FEMA).
  - Disburse grants funds to applicants.
  - Administer applicant grants through project monitoring, inspection, review, and audits for compliance with federal regulations.
  - Organize and conduct applicant briefing
  - Administer the NDAA program
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## Applicant/State/FEMA Responsibilities, Continued

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**FEMA**

FEMA has the responsibility to:

- Administer the Public Assistance Program.
  - Coordinate with all federal and state agencies.
  - Set up a Disaster Field Office (DFO).
  - Collect project data and prepare cost estimates (with the State).
  - Approve grants and obligate funds to the State.
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**Reference**

- Public law 93-288, Robert T. Stafford Disaster Relief and Emergency Assistance Act
  - Title 44, Code of Federal Regulations (44 CFR) §13.3, §13.37, §206.201 (I), and §206.202 (b)
  - Public Assistance Guide (FEMA 322)
  - Public Assistance Policy Digest (FEMA 321)
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## Preliminary Damage Assessment (PDA)

The Preliminary Damage Assessment (PDA) is the process used by OES and FEMA to document and determine the magnitude and impact of the damage resulting from a disaster on individuals, families, businesses, public property, and the type of resources needed (i.e., man power, financial, other government agencies assistance, Immediate Needs Funding (INF), special considerations, technical assistance, etc.).

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### **Initial Damage Estimate (IDE) Reports**

The IDE is the first step in the assessment of damages and assistance required (Mutual Aid and state resources) in an impacted area.

- **Local Government Action:** The IDE is completed by each local government agency that has sustained damages during an event and documents information such as types of damages, estimated repair costs, and the emergency assistance required from external sources. The IDE is submitted to the local government Operational Area (OA). The OA will submit information to the State Regional Emergency Operation Center.
  - **State Action:** Immediately following a disaster, the State Regional Emergency Operation Center (Coastal, Inland, or Southern) will begin collecting information from the affected areas and disseminating the information to the State Operations Center. Reports are processed through the Internet Response Information Management System (Net RIMS) database, which is part of the California Standardized Emergency Management System (SEMS).
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### **Preliminary Damage Assessment (PDA) Process**

The Preliminary Damage Assessment (PDA) is a joint venture between FEMA and State (OES) and local government to document the impact and magnitude of the disaster on individuals, families, businesses, and public property.

The PDA is conducted once the State determined that the recovery effort is beyond State and local capability.

- A list of potential applicants is developed from the Initial Damage Estimates.
  - State officials will ask the appropriate FEMA Regional Office to conduct a joint PDA with State (OES) and local officials in those areas defined by the State.
  - The PDA team will document the damage of the impacted area and prepare a report identifying damages and type of resources/assistance needed.
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## Preliminary Damage Assessment (PDA) Continued

**How is the PDA conducted?** The PDA team contacts each local government agency to:

- Determine which sites require a site visit
- Complete a PDA site estimate for each site selected
- Complete a PDA summary

**How The State Uses The PDA Information** After the PDA teams have estimated the damage, the Governor will determine whether or not to request federal disaster assistance. The Governor’s request will identify the programs necessary for addressing the State’s damages.

**State Request for Federal Disaster Assistance** The State submits the request for federal assistance through FEMA Regional IX within 30 days after the incident. The request will identify four critical elements:

- The magnitude and severity of the event.
- Verification of the need for supplemental federal assistance.
- Identification of any unmet needs that require immediate attention.
- Identification of the initial staffing and technical resource requirements.

**General Information** The following information is needed by the PDA Team when conducting the assessment:

**(Needed by the PDA Team)**

Block Title	Information Needed
County	Self-explanatory
Name of applicant	Self-explanatory
Name of local contact	Should be the person with access to all required information
Telephone number	Telephone number of applicant’s point of contact
Population	Estimated based on latest census
Total budget \$	Appropriated total and remaining balance through the end of the fiscal year
Maintenance \$	Appropriated total and remaining balance through the end of the fiscal year
Date fiscal year ends	Self-explanatory

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## Preliminary Damage Assessment (PDA), Continued

**Site Information** The following information is needed by the PDA team when conducting the assessment:

(Needed by the PDA team)	General Site Information	Specific Site information
	Site number	Give each site a number to be used as a reference
	Category	Identify damage category of work (see Chapter 2, pg. 9)
	Location	Address, road mark, or GPS
	Description of damage	Provide as much detail as possible
	Percentage of work complete	Work completed to date
	Cost estimate	Based upon the best available information

**Cost Estimate Summary** The following information is needed by the PDA team when conducting the assessment:

(Needed by the PDA Team)	Block title	Information needed
	Category	Should indicate the FEMA damage description Category of work (see Chapter 2, pg. 9)
	Number of sites	Per category
	Type of damage	General description of the damage per category
	Cost estimate	Total estimate per category
	Potential local funds for recovery funds/account	Funds available for repairs
	Available balance	Self-explanatory

- Reference**
- 44 CFR §206.33
  - Public Assistance Guide (FEMA 322)
  - Public Assistance Policy Digest (FEMA 322)

## Local Emergency Proclamation

A local proclamation allows local government to adequately deal with an emergency and start the recovery process. This is the first step in the process to access state/federal disaster relief programs.

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**Local  
Government  
Action**

Who may proclaim a local emergency?

The governing body (local government) of a county, city and county, or city, or an official designated by ordinance adopted by such a governing body may proclaim a local emergency.

*Note:* The local jurisdiction must proclaim a local emergency in order to request a Director’s Concurrence, Governor’s Proclamation of a State of Emergency, or Federal Declaration of a Major /Emergency Disaster.

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**Conditions  
Required**

What conditions must exist before proclaiming a local emergency?

- The conditions of disaster or of extreme peril to the safety of persons and property must exist within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, earthquake, plant or animal infestation or disease, the Governor’s warning of an earthquake, volcanic prediction, or other life threatening conditions.
  - Also, the conditions must be or likely to be beyond the control of the local government services, personnel, equipment, and facilities and would require the combined forces of other political subdivisions.
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**Powers  
Granted**

Local Emergency allows:

- Provision of mutual aid by other political subdivisions.
  - Provision of mutual aid by state agencies.
  - Charging of costs against the State for extraordinary services incurred by political subdivisions in executing mutual aid agreements when approved by the Governor.
  - Declaration of orders and regulations necessary to provide for the protection of life and property.
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## Local Emergency Proclamation Continued

**Restrictions**

The following restrictions may apply:

- A local emergency cannot be proclaimed if conditions resulted from a labor controversy.
- Local emergency should be proclaimed only when mutual aid is, or may be, required or upon determination by the affected jurisdiction that special emergency authority is needed to preserve public order and safety.

**Local Proclamation Timeline**

Days After Event	Deadline For:
10 Days	Deadline for local government to proclaim a local emergency (and ask for state assistance)

**Requesting State Assistance**

What is the time frame for requesting state assistance under the California Disaster Assistance Act (CDAA)?

A request for state assistance must be submitted to the Operational Area (OA) within 10 days of the emergency. The OA will forward the request to the State (OES). The request must include the following:

- Type of occurrence and the beginning date of the incident
- Copy of local emergency proclamation
- Initial Damage Estimate or other damage assessment information as appropriate
- Name or title of person(s) designated to receive, process, and coordinate aid

**Note:** The Operational Area (OA) manages and/or coordinates information, resources, and priorities among all local governments within the geographic boundary of a county.

**Termination**

The local government must review an emergency proclamation at least every 14 days until the local emergency is terminated. The governing body shall proclaim the termination of a local emergency at the earliest possible date as conditions warrant.

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## Local Emergency Proclamation, Continued

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**Reference**

- California Emergency Services Act, Chapter 7 of Division 1 of Title 2 of the Government Code, as amended (ESA), Section 8558(c)
  - California Disaster Assistance Act, Chapter 7.5 of Division 1 of Title 2 of the Government Code, as amended (CDAA), Section 8630-8634
  - Title 19, Subchapter 5, California Disaster Assistance Act, California Code of Regulations (Title 19, CCR), §2970
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## State of Emergency Proclamation

A State of Emergency Proclamation allows the State to assist with the management of incidents beyond local capability. It also provides the State the ability to task state agencies to assist with the emergency.

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**State  
Government  
Action**

The Governor, at the request of local government or on his own initiative, proclaims a State of Emergency (also called a Gubernatorial Proclamation). If the Governor is inaccessible, the Director of the Office of Emergency Services may proclaim the existence of a State of Emergency in the name of the Governor.

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**Conditions  
Required**

The following are conditions required to proclaim a State of Emergency:

- The conditions threaten the safety of persons and property within the State and are caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, earthquake, plant or animal infestation or disease, the Governor's warning of an earthquake, volcanic prediction, or other life threatening conditions.
  - The Governor is requested to do so by the governing local authority.
  - The Governor finds that local authority is inadequate to cope with the emergency.
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**Powers  
Granted**

During a State of Emergency the Governor:

- Assumes complete authority over all agencies of the State government and the right to exercise, within the area designated, all police power vested in the State.
  - May promulgate, issue, and enforce such orders and regulations, as he/she deems necessary.
  - May suspend non-safety related restrictions on delivery of emergency necessities during the State of Emergency.
  - May utilize and employ state personnel, equipment, and facilities for the performance of any and all activities designed to prevent or alleviate actual or threatened damage due to the emergency.
  - May direct any agency to expend any of the monies appropriated to it, irrespective of the particular purpose for which the money was appropriated.
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## State of Emergency Proclamation Continued

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### Restrictions

The following restrictions apply to a State of Emergency Proclamation:

- It cannot be made for conditions resulting from a labor controversy or State of War.
  - It should be requested only when the Governor finds that circumstances exist regarding the requirement for regional mutual aid assistance.
  - It should not be requested when there has not been or will not be a need for activation of a regional level mutual aid coordination.
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### Assistance Available

Disaster assistance funds can be made available through a Director's Concurrence or a State of Emergency:

- **Director's Concurrence:** This is issued by the Director of OES, initiates the State Natural Disaster Assistance Act (NDAA), and provides limited recovery assistance for **PERMANENT WORK ONLY** on public facilities. This program is generally a \*75%/\*25% cost share between state and local government.
- **State of Emergency:** This is issued by the Governor and initiates broader public assistance support under NDAA. This program is also a \*75 %/\*25% cost share between state and local government\*\*.

*Notes:* \*The Legislature of the State of California may increase the cost share percentage.

\*\* If there is a Federal Emergency/Major Disaster Declaration, the State of California's cost share is at least \*75% of the remaining \*25%.

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### Requesting State Disaster Assistance

Once a Director's Concurrence or a State of Emergency has been proclaimed, the local governments must submit their request to the State. The following required forms must be submitted:

- Project Application (NDAA Form 1)
  - List of Projects (OES Form 95)
  - Designation of Applicant's Agent Resolution (OES Form 130)
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## State of Emergency Proclamation, Continued

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**Termination**      The Governor must make a proclamation of termination of a State of Emergency, at the earliest possible date. The emergency powers of the Governor will cease by the proclamation or by concurrent resolution of the Legislature declaring it terminated.

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**Reference**            ➤ Title 19, CCR, §2970  
                              ➤ CESA, Sections 8558(b), 8567, 8588

## California Disaster Assistance Act (CDA)

The California Disaster Assistance Act is the State’s disaster assistance program. It makes funding available in the event of a natural disaster. The Director of the Office of Emergency Services is responsible for administering the CDA program.

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### Objective

This program was designed to provide financial assistance from the State of California for costs incurred by local governments before, during, and after a natural disaster. Assistance is made available through the following:

- Director’s Concurrence with Local Proclamation
- Governor’s State of Emergency Proclamation
- Federal Major Disaster or Emergency Declaration

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### Funding Available

The State share shall generally amount to \*75% of total applicant’s eligible costs. An administrative allowance of ten percent will be added to the applicant’s eligible labor cost. Funding varies with the type of declaration:

- Director’s Concurrence (permanent work only)
- Governor’s State of Emergency Proclamation (may include emergency and permanent work)
- Federal Major Disaster or Emergency Declaration (the State will generally cost share \*75% of non federal share)

**Note:** An application resulting in a state share of less than \$2,500 is not eligible.

**\* The Legislature of the State of California may increase the cost share percentage.**

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### Eligible Applicants

- Cities
- Counties
- Special Districts
- School Districts
- Community College Districts

**Note:** Private non-profit organizations and state agencies are not eligible.

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### Work Eligibility

- Must be the result of a natural disaster
- Performed within the area covered by Local Emergency Proclamation
- Must be the legal responsibility of the applicant

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### Emergency Work

The work undertaken must be to save lives, protect public health and safety, or protect improved property. Example:

- Debris removal
- Emergency protective measures

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## California Disaster Assistance Act (CDA) Continued

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**Permanent Work**

The facility must be owned by or be the legal responsibility of the applicant and be in active use; the proposed work must be in the interest of the general public; and repair must be permanent in nature in conformity with current codes and standards.

Examples:

- Road system repairs
- Water control facilities
- Buildings and equipment
- Public utility systems
- Other (parks, recreational facilities)

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**State Eligible Cost**

The following costs are eligible under the NDAA:

- **Emergency Work**
  - Overtime emergency response costs for personnel
  - Supplies, materials and equipment used during response
  - Indirect administrative costs and any other assistance deemed necessary by the Director of Emergency Services
  - Matching fund assistance for cost sharing required under federal public assistance programs
  
- **Permanent Work**
  - To repair, restore, reconstruct, or replace facilities belonging to local agencies damaged as the result of natural disasters
  - Indirect administrative costs and any other assistance deemed necessary by the Director of Emergency Services
  - Matching fund assistance for cost sharing required under federal public assistance programs

**Note:** “State Eligible Costs” means all project costs ... and shared costs of projects deemed eligible for federal public assistance, after offsetting applicable credits, i.e. purchase discounts, rebates and allowances, insurance, and funding by other sources.

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## California Disaster Assistance Act (CDAA), Continued

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### Fair Hearing Process

In the event of a dispute or grievance between the local agency and the state concerning the application, both parties, prior to either party seeking judicial review, shall follow the following administrative procedures.

- Level One:
  1. Local agency and OES representative shall discuss grievance.
  2. If issue not resolved, local agency submits a statement of dispute in writing to the Deputy Director, OES DAD.
  3. Statement of dispute must be submitted within sixty (60) working day of receipt of notification of the issue being grieved.
  
- Level Two:
  1. Local agency prepares a letter indicating why the decision is unacceptable
  2. Attach the original statement of dispute, supporting documentation, and a copy of the Deputy Directors response.
  3. The statement of dispute package must be submitted to the Director of OES within sixty (60) working days.
  4. If local agency requests, the Director of OES may meet with local to review issues.
  5. Director of OES shall issue a written decision within sixty (60) working days of receiving the request.

**Note:** The supporting documentation of the grievance must state the issues in the dispute, the legal authority, or other basis for the local agency position, and the remedy sought.

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### Addmin. Allowance

**The California Disaster Assistance Act was revised, effective August 30, 2001, increasing the state administration allowance to 10% of the CDAA share.** The cost share must be more than \$2,500 (CDAA threshold) per application to be eligible.

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### References

- CDAA, Sections 8680 et seq. and Section 8685(d)
  - Title 19 CCR, §2900 et seq. and §2910(h)
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## Federal Emergency Declaration

A Federal Emergency Declaration supports response activities and may provide limited recovery assistance under the Stafford Act.

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**Federal Government Action**

The Federal Government shall consider the declaration of a Federal Major Emergency when any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and protect property, public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

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**Conditions Required**

In order to request a Federal Emergency Declaration the situation must be:

- Of such severity/magnitude that effective response is beyond the capacity of the State and affected local government(s).
  - Of such magnitude that supplementary Federal emergency assistance is needed to save lives, protect property, public health and safety, or to lessen or avert the threat of a disaster.
- 

**State Government Action**

The Governor makes the request for Federal assistance. The request must include:

- Confirmation of appropriate action under state law by the State and implementation of state emergency plan.
  - Information describing other federal resources that have been or will be deployed.
  - Identification of type and resources that have been or will be used.
  - Identification of the type and extent of supplementary federal assistance required.
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**State Timeline**

The Governor must file a request for an emergency declaration within the 30-day period immediately following the incident.

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**Restrictions**

Federally declared emergency disasters have the following restrictions:

- Assistance is limited to immediate and short-term emergency assistance essential to save lives, to protect property and public health and safety, or to lessen or avert the threat of a catastrophe.
  - Federal share for public assistance provided under an emergency declaration shall not be less than 75 percent of the eligible costs.
  - Total public assistance in any given emergency declaration may not exceed \$5 million, unless the FEMA Associate Director, who must make a report to congress justifying exceeding the limit.
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## Federal Emergency Declaration Continued

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### **Powers Granted**

Upon declaration of an emergency by the President, the Governor may:

- Enter into purchases, leases, or other arrangements with any agency of the Federal Government for temporary housing units to be occupied by disaster victims.
  - Acquire sites necessary for temporary housing and to do all things necessary to prepare those sites to receive and utilize temporary housing units by advancing or lending funds made available by any appropriation or from any other source.
  - Make regulations to temporarily suspend or to modify, for a period not to exceed 60 days, any public health, safety, zoning, or intrastate transportation law, ordinance or regulation, when such suspensions or modifications are essential to provide temporary housing.
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### **Applicants Request for Assistance**

Applicants must complete and submit the following forms through the State in order to be considered eligible for Public Assistance after a declared event:

- Request for Public Assistance (FEMA Form 90-49)
- List of Projects (OES Form 95)
- Designation of Applicant's Agent Resolution (OES Form 130)
- Project Application for Federal Assistance (OES Form 89)
- Vendor Data Record (State Std Form 204 - Private Non-Profit Only)

*Note:* Designation of Applicant's Agent Resolution, Application for Federal Assistance, and Vendor Data Record, for PNPs, must be on file with OES before payments can be made to applicants.

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### **Applicant's Deadline**

Potential applicants must submit their request for disaster assistance to the State within 30 days of the date of the major disaster declaration, unless the deadline is extended.

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### **Reference**

- The Stafford Act, §102 (1)(2)
  - 44 CFR §206.2(a) (9), 206.31-48
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
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## Federal Major Disaster Declaration

A Disaster Declaration supports response and recovery activities, and may provide some or all recovery assistance programs (i.e., Individual Assistance, Public Assistance and Hazard Mitigation Grant Program) under the Stafford Act.

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**Federal  
Government  
Action**

The Federal Government shall consider the declaration of a Federal Major Disaster when any natural catastrophe, or, regardless of cause, any fire, flood, or explosion, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of the States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering.

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**Conditions  
Required**

In order to request a Federal Major Disaster Declaration the situation must be:

- Of such severity/magnitude that effective response is beyond the capability of the State and affected local government(s).
- Federal assistance is necessary to supplement the efforts and available resources of the state, local governments, disaster relief organizations, and compensation by insurance for disaster-related losses.

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**State  
Government  
Action**

The Governor makes the request for federal assistance. The request must include:

- Confirmation of appropriate action under state law and implementation of state emergency plan.
- Information describing other federal resources that have been or will be deployed.
- Identification of type and resources that have been or will be used.
- Identification of the type and extent of supplementary federal assistance required.

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**State Timeline**

The state must file the request for a major disaster declaration within the 30-day period immediately following the incident.

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**Restrictions**

Federally declared disasters will include the following restrictions:

- Federal share for public assistance provided under a major disaster declaration shall not be less than 75 percent of the eligible costs; and
- Applications must be filed with the state within 30 days of the date of the disaster declaration unless the deadline is extended.

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## Federal Major Disaster Declaration, Continued

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### **Powers Granted**

Upon declaration of a major disaster by the President, the Governor may:

- Upon his/her determination of financial necessity to meet the disaster-related necessary expenses or serious needs of individuals or families affected by a disaster, accept any grant from the federal government to fund such needs;
  - Enter into an agreement with the federal government to participate in the funding of any grant for the above program, in an amount not to exceed 25 percent. The Governor is also allowed to accept an advance from the federal government of the state share to be repaid when the state is able;
  - Apply to federal government on behalf of local government, for federal Community Disaster Loans, and receive and disburse proceeds; and
  - Apply to federal government, on behalf of state and local governments, and private non-profit organizations, for public assistance, and to receive and disburse funds.
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### **Applicants Request for Assistance**

Applicants must complete and submit the following forms in order to be considered eligible for Public Assistance after a declared event:

- Request for Public Assistance (FEMA Form 90-49)
  - List of Projects (OES Form 95)
  - Designation of Applicant's Agent Resolution (OES Form 130)
  - Project Application for Federal Assistance (OES Form 89)
  - Vendor Data Record (State Std Form 204 - Private Non-Profit Only).
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### **Applicant's Deadline**

Potential applicants must submit their request for disaster assistance to the State (OES) within 30 days of the date of the major disaster declaration, unless the deadline is extended.

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### **Reference**

- Stafford Act, §102 (1)(2)
  - 44 CFR §206.2(a) (9), §206.31-48
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
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## Immediate Needs Funding (INF)

Immediate Needs Funding (INF) is intended to meet an applicant’s (government institutions only) urgent needs in the initial aftermath of a declared federal disaster. The needs are identified during the Preliminary Damage Assessment (PDA).

**How Is INF Made Available?**

- Upon a Presidential declaration, the State will determine if INF is needed and notifies FEMA that applicants will be requesting INF. The State is responsible for disbursing the funds to the applicants.
- FEMA can make Immediate Needs Funding available through the State within a few days of the disaster declaration.

**Eligibility Criteria**

1. Eligible funding is for emergency activities only; and the emergency work must be done immediately and paid for within the first 60 days after a disaster declaration.
2. The applicant needs should have been identified in the PDA.
3. The applicant must have submitted a Request for Public Assistance and a List of Projects (OES Form 95).

Examples of emergency work:

Debris removal	Overtime payroll/temporary hires
Emergency protective measures	Equipment costs
Removal of health and safety hazards	Material purchases

**Available Funding**

- An applicant may receive up to 50 percent of the federal share for estimated costs of emergency work identified during the PDA.

**How To Apply**

1. An applicant’s Authorized Agent must notify the State of their intent to request INF in writing.
2. The State will notify eligible applicants of how to request INF and any deadlines.

**Note:** Applicants not participating in the PDA, will not receive INF; however, they may request that their emergency work project worksheets be expedited.

**Recovery of Funds**

1. INF funds will be recovered by offsetting advanced funds subsequently approved emergency work projects (Category “A” and “B”)
2. Any remaining INF funds are immediately due and payable back to the State

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## Immediate Needs Funding (INF), Continued

- Restrictions**
- Funding must be used for emergency work only.
  - Work must be completed and paid for within 60 days from the date of the disaster declaration.
  - Applicant needs were identified during the PDA.
  - Emergency work associated with special considerations is not eligible.
- 

- References**
- FEMA Standard Operating Procedure 9570.7, dated September 1999
  - FEMA Policy Digest (FEMA 321)

## Applicant Briefing

The briefing provides potential applicants information about the availability of state and federal public assistance funding, application procedures, and programmatic requirements.

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**Disaster Declaration Notification**

The applicant is notified of a disaster declaration by the State with one or more of the following:

- Mass mailings to state and local governments, special districts, and Private non-profit (PNP) organizations
- Public media – press releases, newspaper, television, and radio
- Regional OES office contact with local officials
- Direct contact by OES program staff
- OES Internet Home Page
- Regional applicant briefings

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**State Role**

The State Governor’s Authorized Representative conducts the Applicant Briefing.

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**Briefing Timeline**

Briefings are usually conducted by the State within 30 days after the date of the federal disaster declaration.

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**Briefing Content**

- Application processing
- Cost documentation guidance
- Eligibility requirements
- Documentation/record keeping and audit requirements
- Completion datelines
- Time extension procedures
- Insurance requirements
- Hazard mitigation eligibility and cost-benefit requirements
- Appeal rights and procedures
- Payment processing
- Supplemental funding request and eligibility
- Environmental/historic review requirements
- Other state/federal program and administrative requirements
- Other technical assistance available

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## Applicant Briefing Continued

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### Applicant Briefing Participants

The following organizations may participate in the Applicant Briefings:

- Potential Applicants:
  - State government agencies
  - Local government agencies
  - Special districts
  - Private non-profit agencies \*
- Governor’s Office of Emergency Services:
  - Individual Assistance
  - Public Assistance
  - Hazard Mitigation
  - Grants Payment Unit
  - Grants Analysis Unit
  - Technical Assistance Programs
- FEMA
- Other federal/state agencies:
  - U.S. Army Corps Of Engineers
  - American Red Cross
  - California Department of Water Resources
  - U.S. Federal Highway Administration
  - U.S. Natural Resources Conservation Service
  - Small Business Administration
  - Other state and federal environmental agencies (i.e., Dept of Fish and Game, SHPO, etc.)

*\*Note:* Private non-profit organizations must meet federal qualifications to receive disaster assistance.

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### Who Should Attend The Applicant Briefing

It is important that the applicant send representatives to the briefing that represent the following groups:

- Elected Officials, Executives/Management
  - Financial and administrative staff (accounting department)
  - Field staff responsible for preparing Project Worksheets (i.e., public works department)
- 

### Reference

- Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
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## Kickoff Meeting

The Kickoff Meeting is an opportunity to provide the applicant with eligibility information in order to participate successfully in the Public Assistance process.

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### Purpose of Kickoff Meeting

At this meeting the applicant's damages will be discussed, needs assessed, and a plan of action put in place. It establishes the Public Assistance Coordinator (PAC) as the individual who will guide the applicant through the process, provide answers to questions, and furnish the applicant with the input of experts, as needed.

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### Role of The PAC and Specialist

- **Public Assistance Coordinator (PAC):** The PAC is the primary representative who maintains contact with the applicant. The PAC can be a federal and/or state representative.
  
- **Specialist:** Specialists are available to the PAC through the Federal/State Resource Coordinator. They have experience in a variety of areas. They may be assigned at the applicant's request to assist with project formulation and cost estimation. In addition, an appropriate specialist will be assigned to a project with a special considerations issue. Specialists may also conduct project validation.

*Note:* Be sure to keep their **phone numbers** and **e-mail address** handy for any assistance you may need during the recovery process.

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### Timeline

The PAC may contact the applicant within a week after submittal of their Request for Public Assistance.

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### Topics of Discussion

During the Kickoff Meeting the applicant will work with the PAC [s] to discuss and understand the following:

- Public Assistance processes and roles
  - Applicant List of Projects (OES Form 95)
  - Immediate Needs Funding
  - Project Eligibility criteria
  - Project Formulation
  - Cost estimating
  - Validation and project grouping procedures
  - Special Considerations Issues
  - Documentation retention and reporting requirements
  - Discuss the appeal, alternate dispute resolution, and audit processes
  - Programs & other issues
  - Other types of available technical assistance
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## Kickoff Meeting Continued

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**Who Should Attend?**

- The applicant’s authorized representative
- The financial-administrative representative(s) that will be responsible for tracking the disaster-assistance funds and expenditures
- The field personnel involved in managing or coordinating the disaster-recovery operations

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**Reference**

- Public Assistance Guide (FEMA 322)
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## Project Formulation

Project formulation is the process of identifying the eligible scope of work and estimating costs associated with that scope. Formulation allows the consolidation of similar work projects to expedite approval, funding, and to facilitate project management.

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**Applicant Responsibilities** Applicant's may be asked by their Public Assistance Coordinator (PAC), OES Area Coordinator (AC), or Project Officer to provide the following documentation for Project Formulation:

- Project location maps
  - Damage dimensions and repair sketches
  - Photographs of damages
  - Insurance policies
  - Copies of applicable codes and standards
  - Facility maintenance records or pre-disaster condition surveys
  - Procurement procedures
  - Contracts or Contractor Bids
  - Rental Agreements
  - Receipts
  - Time/Equipment records
- 

**Small and Large Projects** Work projects are divided into two groups (small and large) to facilitate review, approval, and funding. The division is based on a dollar amount threshold, which changes annually based on the Consumer Price Index. For example, the threshold for Fiscal Year (FY) 2003 is \$53,000.

- **Small Project** - Any eligible work, either emergency or permanent, with cost estimates below the threshold. Funding is based on estimated costs if actual cost is not available.
- **Large Project** – Any eligible work, either emergency or permanent, with damage costs over the threshold. Final funding is based on documented actual costs. However, funding is initially based on estimated costs.

**Note:** The minimum cost for a project to be eligible is \$1,000.

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**Project Worksheet** A Project Worksheet (PW) is the Federal form used to document the description of damage, scope of work, and cost estimate for a small or large project. Each project or similar projects are documented on a PW. The approved PW then becomes the basis for funding. (See sample Forms)

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## Project Formulation, Continued

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**Validation** This process applies to small project PWs completed by the applicant. FEMA and the State will ensure compliance by reviewing a portion of the applicant's small projects to confirm that the applicant developed an accurate scope of work and costs estimates and that supporting documentation is provided.

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**Small Projects Worksheet** These are projects below the threshold (For example, \$53,000 for FY 2003).

- The applicant develops the PW and provides all data for grant approval.
- PWs are due 30 to 60 days from the Kickoff Meeting.
- The State will provide assistance to applicants unable to develop their own small PWs.
- Funding for small projects is based on the Federal share of the approved estimate, or actual cost, of eligible work. Small projects may include several sites.
- The applicant keeps documentation on file for audit purposes.
- All documentation for each disaster related project should be kept in separate files. **Non-disaster** related project should **not** be commingled with disaster related project
- FEMA may validate the projects.

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**Small Projects Worksheet Validation** The Public Assistance Coordinator (PAC) will randomly select and sample 20 percent of the small projects for validation. A second sample of 20 percent will be identified as a backup sample in the event the first sample does not meet validation criteria. The State will have an opportunity to participate in the sample selection. The PAC will assign a Specialist to conduct small project validation.

- The PAC will initiate the validation process at the applicant's request.
  - Validated projects are reviewed for all components of eligibility (applicant, facility, work, and cost).
  - Validation is intended to ensure that:
    - The scope of work is eligible.
    - The cost estimates are reasonable.
    - Special considerations are identified.
    - All damages have been identified.
  - FEMA will validate 20% of the projects if submitted within 30 days. All projects submitted after 30 days of designation will be validated
- 

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## Project Formulation, Continued

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- |                             |   |
|-----------------------------|---|
| <b>Validation Deadlines</b> | <ul style="list-style-type: none"><li>➤ Validation must be completed within 15 days of submittal of all small projects.</li><li>➤ If the first sample does not meet validation criteria (i.e. greater than 20% variance), the second sample will then be validated.</li></ul> |
|-----------------------------|---|
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- |                                  |   |
|----------------------------------|---|
| <b>Large Project Formulation</b> | <p>Large projects with cost estimates over the threshold (\$53,000 for FY 2003).</p> <ul style="list-style-type: none"><li>➤ The applicant provides location and damage description. FEMA, OES, and applicant team develop the scope of work and cost estimates.</li><li>➤ A Project Officer (PO) is assigned to work with the applicant on each large project.</li><li>➤ Funding is based on actual eligible costs incurred.</li></ul> |
|----------------------------------|---|
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<b>Damage Description and Scope of Work</b>	<p>The damage description and scope of work must include project location, dimensions of damage, cause and description of damage, scope of work to repair the damage, and any special considerations.</p>
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|------------------------|--|
| <b>Cost Estimation</b> | <p>An estimation of costs may be developed by the applicant or by the applicant with the assistance of a Specialist or PO. Estimates can be derived from the following:</p> <ul style="list-style-type: none"><li>➤ Contracts</li><li>➤ Contractor bids</li><li>➤ State and local costs compiled from previously completed projects (based on applicant past experience in that particular area of repair work)</li><li>➤ Construction estimating tools such as RS Means, Marshall &amp; Swift</li><li>➤ FEMA cost codes (adjusted for state and disaster)</li></ul> |
|------------------------|--|
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## Project Formulation, Continued

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**Cost Estimation Procedures for Large Projects** Creates and “expert panel” that will include representatives for the construction industry and state and local government. The panel will develop recommendations for:

- Procedures for estimating large project cost; and
- Ceiling and floor percentages of estimated cost to be used in the modification of eligible cost

*Note:* This procedure is the product of the Disaster Mitigation Act of 2000. This section will not go into effect until regulations are promulgated.

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**Modification of Eligible Cost** For large projects, floor and ceiling thresholds will be developed by the “expert panel”

- For actual costs above the ceiling – FEMA will determine eligibility
- For Actual costs below the floor – funds must be returned to FEMA
- For actual costs between the floor and the ceiling – funds may be used for cost-effective mitigation

*Note:* This procedure is the product of the Disaster Mitigation Act of 2000. This section will not go into effect until regulations are promulgated.

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**Reduced Federal Share** For al applicants, the federal share for eligible costs will be reduced to not less the 25% if the facility:

- Has been damaged, on more than 1 occasion within the preceding 10-year period, by the same type of event; and
- The owner has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility

*Note:* This procedure is the product of the Disaster Mitigation Act of 2000.

“The president shall promulgate regulation to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public or private nonprofit facility following an event associated with a major disaster.”

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## Project Formulation, Continued

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### Combining Projects

Two or more damage sites may be combined into a single Project Worksheet (PW). In consolidating work sites, care must be taken not to combine sites that **do not have** special consideration with sites that **have** special considerations. This will delay funding for all sites listed on the PW.

Methods of combining projects:

- **Type of damage** – all work under a specific category or all work on certain type of facilities
- **System** – all work on a single system may be a single project
- **Jurisdiction** – all work within a specific area or all work within an administrative department
- **Method of work** – different categories may be combined (C and G), but the emergency work should be incidental to the permanent work
- **Complex** – extensive damage at several facilities in the same complex/campus may be combined into a single project

*Note:* If after combining several small projects, the estimate is over the threshold, then the project will be processed as a large project.

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### Special Considerations

Special considerations may exist in both small and large projects. There are spaces provided on the PW to indicate if a project involves any special considerations. Included in this category are:

- Floodplain/wetland/coastal areas
  - Hazardous materials
  - Coastal Barrier Resources Act (CBRA)
  - Insurance
  - Historical (Section 106 of the National Historic Preservation Act)
  - Environmental (National Environmental Policy Act)
  - Endangered Species Act (ESA)
  - Executive Orders
  - Hazard mitigation
- 

### Reference

- Public Law 106-390, Disaster Mitigation Act of 2000 (DMA 2000)
- Public Assistance Guide (FEMA 322)

## Large Project Monitoring

The State is required to monitor grant and sub-grant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. This is achieved through the Large Project Monitoring Program (LPMP). Applicants that have projects selected for the monitoring program will be notified by OES in writing.

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**Purpose of LPMP**

- To verify that work is being performed in accordance with the eligible scope of work outlined in the Project Worksheet, and within regulatory timeframes and requirements.
- Identify and document betterments
- Identify and document previously undiscovered disaster related damage and associated eligible scope of repair work
- Identify and document substantial changes to costs
- Establish a procedure for the provision of a Quarterly Construction Performance Report to OES and FEMA
- Facilitate the completion of supplemental Project Worksheets, as appropriate
- Facilitate the completion of Final Inspection closeout documents

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**Construction Performance Reports**

Generally, on-site technical inspections and certified percentage-of-completion data are relied on heavily by FEMA to monitor progress under construction grants and sub-grants.

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**Frequency of Reports**

OES/FEMA may require additional formal performance reports when considered necessary.

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**Project Selection Process**

Permanent repair projects estimated at or above the following dollar thresholds which have not been completed, will automatically be placed in the Large Project Monitoring Program:

- Earthquake disaster recovery projects in excess of \$1,000,000
- Flood and other disaster recovery projects in excess of \$250,000

The OES may impose other dollar thresholds as the workload allows or selection criteria as necessary.

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## Large Project Monitoring, Continued

<b>Additional Selected Projects</b>	<p>OES may select projects based on the following criteria:</p> <ul style="list-style-type: none"><li>➤ National Environmental Policy Act (NEPA)</li><li>➤ National Historical Preservation Act (NHPA)</li><li>➤ Endangered Species Act (ESA)</li><li>➤ Projects with a high degree of technical or program sensitivity</li><li>➤ Projects for which FEMA has completed a contingent closeout (DR 1008 only)</li><li>➤ Projects that are improved or alternate projects, or have had their funding capped</li><li>➤ Projects of material subgrantees as defined in 44 CFR, Section 13.12</li><li>➤ Projects that may have extensive hidden damage</li></ul>
<b>Applicant Responsibilities</b>	<p>The applicant is responsible for supplying documentation to support:</p> <ul style="list-style-type: none"><li>➤ Scope of work and any anticipated betterments</li><li>➤ Cost overruns</li><li>➤ Change orders that are outside the approved scope of work</li><li>➤ Verification of additional undiscovered damages</li><li>➤ Possible historical or environmental impact of additional work</li><li>➤ Design schedule</li><li>➤ Construction schedule</li><li>➤ Documentation to include photographs of work considered outside the scope, but for scheduling reasons had to be completed before approval by FEMA</li><li>➤ Other grant compliance requirements</li></ul>
<b>State Responsibilities</b>	<p>The State selects projects to monitor; conducts site visits, and maintains associated documentation.</p>
<b>Reference</b>	<ul style="list-style-type: none"><li>➤ 44 CFR §206.204(f)</li><li>➤ Public Assistance Guide (FEMA 322)</li></ul>

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## Chapter 2 – Program Requirements

### Governing Laws, Regulations and Policies

This section provides an outline of the rules governing eligibility, documentation, audits, and environmental/historical determinations for the Public Assistance (PA) program.

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**Statute**                    **Stafford Act** - The law that authorizes FEMA to provide assistance and:

- Authorizes the PA Program
- Defines program criteria and eligibility

*General Guidance*

- 102: Definitions
- 311: Insurance
- 312: Duplication of Benefits
- 316: Environmental Compliance

*Program Eligibility*

- 403: Essential Assistance
- 406: Restoration of Facilities
- 407: Debris Removal
- 422: Small Projects
- 424: Pre-disaster Expenses

- Authorizes FEMA to publish regulations
- 

**Regulations**                    **Codes of Federal Regulations (CFR)** - Rules to implement the Stafford Act. These have the same effect as the law; however, they can be revised by FEMA based on the interpretation of the Stafford Act. The Following CFRs apply to the Public Assistance Program:

- 44 CFR Part 206 - Public Assistance Program
  - 44 CFR Parts 9, 10, 13 and 59-70
  - 40 CFR Parts 1500-1508
  - 36 CFR Parts 800 and 1190
  - 28 CFR Part 35
- 

**Other Federal Regulations**                    ➤ OMB Circulars A-21, A-87, A102, A-110, and A-122  
➤ Executive Order 11988

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**Policy**                    **Policies** - Policies apply to laws/regulations and may be subject or disaster specific. They are issued by FEMA (i.e., Landslide, Welded Steel, Moment Frame).

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**FEMA References**                    These can be accessed through the web as follows:

- Laws and Legislation (i.e., 44 CFR) ([www.fema.gov/r-n-r/pa/pa009.htm](http://www.fema.gov/r-n-r/pa/pa009.htm))
  - FEMA Policies ([www.fema.gov/r-n-r/pa/9500toc.htm](http://www.fema.gov/r-n-r/pa/9500toc.htm))
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## The Four Components of Eligibility

The components act as “building blocks” that support each other. For example, if the applicant is not eligible, then the other aspects of the applicant’s projects (facility, work, and cost) are not eligible.

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### Reference

- Stafford Act, Part 206, Subpart H
  - Public Assistance Guide (FEMA 322)
-

## Applicant Eligibility

An eligible applicant must fall within the types below in order to receive state and/or federal disaster assistance.

- State Government Agencies** For example:
- Department of Parks and Recreation
  - California Department of Forestry

Note: State Agencies are **only** eligible for federal assistance

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- Local Governments** For example:
- Cities/Towns
  - Counties
  - Special districts
  - School districts
  - Rural or unincorporated communities represented by the State or political subdivision of the State

**Private Non-profit (PNP) Organizations** The PNP must own or operate a qualified facility. It must be tax exempt from the IRS role or have a certification from the State that it is a non-revenue organization. PNP's are only eligible for federal assistance. The PNP must provide "critical services" to the general public that fall within one of the categories below:

- Utilities
- Irrigation (potable water, electricity generation, and fire suppression)
- Sewer
- Wastewater Treatment
- Communications (transmission, switching, and distribution of telephone traffic)
- Emergency Medical Care (hospitals, clinics, outpatient services, and nursing homes)

**Note:** Non-critical private non-profit organizations that do not meet the above criteria must first apply to the U.S. Small Business Administration (SBA) for a disaster loan. If SBA declines the loan or the loan does not cover all eligible damages, the PNP may be eligible for FEMA assistance.

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**Indian Tribal Governments** Indian Tribes or authorized tribal organizations and Alaskan Native village organizations.

**Note:** They apply through the designated Indian Tribal Government (Grantee). Only eligible for federal assistance.

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## Applicant Eligibility, Continued

- Reference**
- Stafford Act §102(2)(4)
  - DMA of 2000
  - 44 CFR §206.201(a), §206.221(f)(g), and §206.222
  - Public Assistance Guide (FEMA 322)
  - Policy Guide (FEMA 321)
-

## Eligible Facility

An eligible facility is defined as any building, works, system, or equipment that is built or manufactured, or any improved and maintained natural feature that is owned by an eligible applicant.

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### Natural Features

They must be improved and maintained. Examples:

- Channel realignment
- Non-structural portions of public golf courses
- Terracing

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### Public Facilities

Examples:

- Roads, bridges, and culverts
- Drainage and irrigation channels
- Schools, city halls, and other buildings
- Water, power, and sanitary systems
- Airports
- Parks
- Landfills
- Railroads

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### Private Non-Profit (PNP)

Facility must provide “critical services” to the general public, such as:

- Power, water, sewer
- Emergency medical care: hospitals, clinics, outpatient services, and nursing homes
- Wastewater treatment
- Communications

---

### Eligibility Criteria

An eligible facility must:

- Be the legal responsibility of an eligible applicant.
- Be located in a designated disaster area.
- Not be under the specific authority of another Federal agency.
- Be in active use at the time of the disaster.

**Note: Legal Responsibility** - The eligible applicant must be responsible for the repairs to the damaged facility at the time of the disaster. Legal responsibility can be established by ownership documents and/or a lease agreement. The lease agreement must state if the owner or the lessee is responsible for the repairs.

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## Eligible Facility Continued

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### Restrictions

The following facilities may or may not be eligible:

- **Facilities under construction** - Repairs are the responsibility of the contractor, unless the owner has accepted the work as complete.
- **Facilities scheduled for replacement** - Not eligible if using other federal funds for the replacement or are under contract for replacement.
- **Inactive facilities** - Not eligible, unless the applicant can demonstrate to FEMA that there was intent to begin use within a reasonable amount of time.
- **Facilities used for alternate purposes** - If a facility is being used for purposes other than the pre-disaster design, the facility will be restored to the immediate pre-disaster use. For example: An office building being used as a storage facility. Only those repairs to restore a storage facility are eligible.

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### Reference

- Stafford Act §102(8)(9)
  - DMA 2000 (PNP Eligibility)
  - 44 CFR §206.201(c), §206.221(e)(h), and §206.226(i)(1)
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
-

## Eligible Work

Eligible work must be required as a direct result of the declared disaster.

**Eligibility Criteria**

The three criteria below must be met for an item of work to be eligible:

- Be the direct result of a disaster
- Be located in a designated disaster area
- Be the legal responsibility of an eligible applicant

**Note: Legal Responsibility** - The eligible applicant must be responsible for the repairs to the damaged facility at the time of the disaster. Legal responsibility can be established by ownership documents and/or lease agreement. The lease agreement must state if the owner or the lessee is responsible for the repairs.

**Categories of Work**

There are two types of work eligible for Public Assistance:

- **Emergency Work**
- **Permanent Work.**

**Emergency Work**

The work necessary to reduce the immediate threat to lives, public health and safety, and/or improve public and private property, and/or ensure economic recovery to the community.

Category	Type of Work
A	Debris Removal
B	Emergency Protective Measures

**Permanent Work**

The work necessary to restore a facility to its pre-disaster design, function, and capacity.

Category	Type of Work
C	Roads & Bridges
D	Water Control Facilities
E	Buildings and Equipment
F	Utilities
G	Parks, Recreational Facilities, and Other Items

**Ineligible Work**

- Work due to damage caused by negligence
- Lack of maintenance
- Pre-existing damage (not disaster related)

**Reference**

- 44 CFR §206.223, §206.225, and §206.226
- Public Assistance Guide (FEMA 322)
- Policy Digest (FEMA 321)

## Emergency Work (Category A-B)

The work necessary to reduce the immediate threat to lives, public health and safety, and/or improved public and private property, and/or ensure economic recovery to the community. The work is divided into Category A and B.

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### Category A      **Debris Removal**

Includes tree clearance, woody debris, building wreckage, mud and silt deposited in public property (roads, natural streams). The debris must pose an immediate threat in order to be eligible.

**Restrictions:** Debris removal from private property is generally not eligible because it is the responsibility of the individual property owner. If property owners move the disaster-related debris to a public right-of-way, the local government may be reimbursed for curbside pickup and disposal for a limited period of time. If the debris on private business and residential property is so widespread that public health, safety, or the economic recovery of the community is threatened, FEMA may fund debris removal from private property, but it must be approved in advance by FEMA

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### Category B      **Emergency Protective Measures**

It includes emergency communication, emergency access, emergency public transportation, and snow removal. The emergency situation must pose an immediate threat in order to be eligible.

Examples:

- Warning devices
  - Search and rescue
  - Security forces
  - Construction of temporary levees
  - Provision of shelters or emergency care
  - Sandbagging
  - Bracing/shoring damaged structures
  - Provision of food, water, medicine, and other essential needs
  - Emergency repairs
  - Removal of health and safety hazards
- 

### Reference

- Stafford Act §403 and §407
  - 44 CFR, §206.204, §206.225, and §226.201(b)
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
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## Permanent Work (Category C-G)

Work necessary to repair; restore, or replace a damaged facility to its pre-disaster design, function, and capacity is considered permanent work. The damage must be disaster related. The work is divided into Category C through G.

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### Category C

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#### Roads & Bridges

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##### Roads - Eligible Work

Repair to roads (paved, gravel, and dirt) and features such as shoulders, ditches, culverts, lighting, and signs are eligible.

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##### Other - Roads Eligible Work

The following work may be eligible:

- Debris slides and slip-outs that directly affect the integrity of the right of way
  - Damage to roads due to diverted traffic
  - Cost of building a temporary bypass around damaged roads
- 

##### Bridges - Eligible Work

Repairs to decking, guardrails, girders, pavement, abutments, piers, slope protection, and approaches.

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##### Other -Bridges Eligible Work

- Work to the channel and stream banks is eligible if the repair is necessary to ensure the structural integrity of the bridge.
  - Debris removal from a channel may be eligible if it poses a threat to the structure or could cause floodwaters to inundate nearby homes, businesses, or other facilities.
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## Permanent Work (Category C-G) Continued

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### Category C

#### Roads & Bridges - **Continued**

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**Federal-Aid Roads/Bridges** Roads/bridges under the authority of the Federal Highway Administration (FHWA) are not eligible for Public Assistance funds. The FHWA will activate the Emergency Relief (ER) program to provide state/local government assistance to repair roads/bridges damaged during a disaster. If the ER program is not activated, FEMA may provide limited assistance for emergency work.

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**Restrictions**

- Must not be under the authority of another federal agency
- Routine maintenance items are not eligible
- Pre-disaster damage is not eligible

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### Reference

- Stafford Act §102(8)(B)
  - 44 CFR §206.221(h) and §206.226(a)(b)
  - Public Assistance Guide (FEMA322)
  - Policy Digest (FEMA 321)
- 

*Continued on next page*

## Permanent Work (Category C-G) Continued

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### Category D

#### Water Control Facilities

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##### Typical Eligible Facilities

Facilities built for the following purposes:

- Channel alignment
- Recreation
- Navigation
- Land reclamation
- Fish and wildlife habitat
- Interior drainage
- Irrigation
- Erosion prevention

Examples:

- Dams and reservoirs
- Drainage and irrigation channels/facilities (to pre-disaster hydraulic capacity only)
- Levees
- Shore facilities other than beaches

---

##### Restrictions

- Levees, dams, and flood control channels eligibility are limited. If built for other purposes, they will be evaluated as any other eligible facility.
- If the facility is under the authority of the U.S. Army Corps of Engineers (USACE) or the Natural Resources Conservation Service (NRCS), the permanent repairs are not eligible for FEMA funding.

*Note: The applicant should contact these other federal agencies prior to start of repair/restoration.*

---

##### Reference

- Safford Act §102(8)(a)
- 44 CFR §206.221(h)
- Public Assistance Guide (FEMA 322)
- Policy Digest (FEMA 321)
- Policy for Rehabilitation Assistance for Levees and Other Flood Control Works, FEMA Policy #9524.3 dated August 177, 1999

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*Continued on next page*

## Permanent Work (Category C-G) Continued

**Category E**

**Buildings and Equipment**

---

- Typical Eligible Facilities/Equipment**
- Buildings (i.e., schools, administrative centers, etc.)
  - Building contents and interior systems (i.e., electrical work, etc.)
  - Equipment
  - Vehicles
- 

- Additional Eligible Items**
- Removal of mud, silt, debris
  - Cleaning and painting
  - Demolition
  - Supplies and inventory (to pre-disaster quantities)
  - Library books and publications
- 

**Insurance** Insurance proceeds are deducted from the eligible cost.

- Replacement vs. Repair**
- Applicant has the option to replace a facility if the repair costs exceed 50 percent of the replacement cost (cost does not include codes and standards, demolition, and replacement cost does not include site work, and any soft costs).
  - If the standard for space per occupant has changed since the facility was built (per state, federal, or statute mandate), FEMA will pay for a larger facility to comply with the standard when replacing the building. FEMA will not fund additional capacity necessary due to increased population or use, even if required by code.
- 

- Restrictions**
- Repair upgrades are limited to the damaged elements only.
  - Art collections and other one-of-a-kind objects are not eligible for replacement.
- 

*Continued on next page*

## Permanent Work (Category C-G), Continued

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**Reference**

- Stafford Act §102(8)(c)
- 44 CFR §206.221(h) and §206.226(a)
- Public Assistance Guide (FEMA 322)
- Policy Digest (FEMA 321)
- FEMA Policies; 9525.5 Americans with Disabilities Act (ADA) dated 10/26/00, 9525.8 Damage to Applicant Owned Equipment dated 8/17/99, 9525.12, Disposition of Equipment, Supplies, and Salvaged Materials dated 8/29/00, and 9527.1 Seismic Safety – New Construction

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*Continued on next page*

## Permanent Work (Category C-G), Continued

**Category F**

**Utilities**

---

- |  |                                     |
|--|-------------------------------------|
| <b>Typical<br/>Eligible<br/>Facilities</b> | ➤ Water treatment and delivery      |
|  | ➤ Power generation and distribution |
|  | ➤ Sewage collection and treatment   |
- 

- |                     |   |
|---------------------|---|
| <b>Restrictions</b> | ➤ The owner of a facility is responsible for determining the extent of damage; FEMA does not provide funds for random surveys to look for damage, such as video inspections of sewer lines. |
|                     | ➤ If disaster-related damage is evident, however FEMA may pay for inspections to determine the extent of the damage and method of repair.   |
|                     | ➤ When disaster-related damage is discovered during random survey, inspections of the damaged section only is eligible.   |
- 

**Reference**

- 44 CFR §206.221(h) and §206.226
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
- 

*Continued on next page*

## Permanent Work (Category C-G) Continued

---

### Category G

### Parks, Recreational, and Other

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- Typical Eligible Facilities**
- Parks
  - Public recreational facilities: playgrounds, pools, ball fields
  - Public cemeteries
  - Improved and maintained beaches
  - Any work/facility that does not fall into Categories A-F

*Note: Beaches* - Emergency placement of sand on a natural or engineered beach may be eligible when necessary to protect improved property from immediate threat (5-year storm profile or to its pre-storm profile, whichever is less).

---

- Ineligible Facilities**
- Trees, shrubs, and other ground cover (does not affect debris removal)
  - Natural beaches
  - PNP recreational facilities
- 

- Restrictions**
- Beaches that are improved and routinely maintained prior to the disaster are eligible.
  - Facility must be publicly owned.
- 

### Reference

- Stafford Act §102(8)
  - 44 CFR §206.221(e)(h)
  - Public assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
  - FEMA Policy #9524.5 Trees, Shrubs and Other Plantings Associated with Facilities dated September 24, 1998
-

## Codes and Standards

When a facility must be repaired or replaced, FEMA may pay for upgrades that are necessary to meet specific requirements of current applicable **Codes and Standards**. The determination of which code or standard applies to the work is very important in determining eligible work.

---

### Eligibility Criteria

In order for necessary upgrades (mandated by state or local departments) to be eligible they must meet the following criteria:

- Apply to the repair work (damaged elements only) being performed.
- Be appropriate to pre-disaster use of the facility.
- Be reasonable, formally adopted, in writing, and implemented prior to the disaster date.
- Apply uniformly to all facilities of the type repaired within the applicant's jurisdiction.
- Be enforced during the time that it was in effect.

**NOTE:** Some limited triggered code upgrades may be eligible upon evaluation by FEMA.

For additional information regarding standards, see **Bridges, Americans With Disabilities Act (ADA)**, and **Seismic Safety**

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### Reference

- Stafford Act §406(e) and 409
  - 44 CFR §206.221(i) and §206.226(b)
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
-

## Repair vs. Replacement (50 Percent Rule)

FEMA will repair or replace an eligible facility to its pre-disaster design and function. If a facility is damaged to the point where the applicant thinks the facility should be replaced rather than repaired, the “50 Percent Rule” is used to determine replacement eligibility.

---

**50 % Rule** For replacement to be eligible, repair costs must be greater than 50 percent of the replacement costs.

Calculation:

- **Repair Cost** – Includes costs for the damaged elements only (it does not include upgrades triggered by codes and standards or soft costs)
- **Replacement Cost** – Includes costs for replacement, including codes and standards (it does not include soft costs)

*Note: Soft Costs* are the costs for demolition, site work, and applicable project management costs.

---

**Eligible for Repair Only** IF  $\frac{\text{Repair Cost}}{\text{Replacement Cost}} < 50\%$  THEN only the **repair** cost is eligible.  
*(Repair cost does not exceed 50% of the replacement cost)*

---

**Eligible for Replacement** IF  $\frac{\text{Repair Cost}}{\text{Replacement Cost}} \geq 50\%$  THEN the **replacement** cost is eligible.  
*(Repair costs exceeds 50% of the replacement cost)*

*Note:* The applicant may elect to perform repairs to the facility, in lieu of replacement, if such work is in conformity with applicable standards. However, eligible costs shall be limited to the less expensive of repairs or replacement.

---

**Reference**

- Stafford Act §406(a)
- 44 CFR §206.226 (e)
- Public Assistance Guide (FEMA 322)
- Policy Digest (FEMA 321)
- FEMA Policy 9524.4 Eligibility of Facilities for Replacement under 44CFR §206.226(d)(1) (The 50% Rule) dated September 24, 1998

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## Relocation, Permanent

An applicable federal, state, or local standard, such as floodplain management regulation, may require that a damaged facility be relocated away from a hazardous area. Relocation may also be required by FEMA if the facility is subject to repetitive heavy damage because of its location.

---

**Project Approval**

- Must be cost effective and not prohibited by any other federal regulation or policies
- Must be approved by the FEMA Regional Director

---

**Eligible Costs**

- Demolition of old facility
- Site acquisition
- New construction
- Attendant/ancillary facilities

---

**Restriction**

- If a relocation project is approved, no federal funding for the repair or replacement of any facility subsequently built at the old site will be approved.

*Note:* Except for facilities or structures that facilitate an open space use (i.e., a park bench, table, restroom, and minor gravel roads).

---

**Alternative To Relocation**

- If it is not desirable, feasible, or cost effective, and restoration is not practical or allowed because of special considerations or laws, then the applicant may opt to apply for an Alternate Project (see Tab 5 for sample letter for Alternate Project request).

---

**Reference**

- 44 CFR §206.226(f)
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
-

## Eligible Costs

Generally, these are costs that can be directly attributed to the performance of eligible work.

---

### Eligible Costs Criteria

Eligible costs must:

- Be reasonable and necessary.
- Comply with standards for procurement.
- Exclude credits (insurance proceeds, salvage values, etc.).

*Note: Reasonable Cost* is a cost that is both fair and equitable for the type of work being performed. For example: If the going rental rate for a backhoe were \$25/hour, it would not be reasonable to charge \$75/hour for a backhoe.

---

### Restrictions

- The applicant may not receive duplicate funding for the same work.
- The applicant must adhere to all federal, state, and local procurement requirements.

---

### Eligible Costs

Direct Costs:

- Labor
- Equipment
- Materials
- Contract costs

---

### Reference

- Stafford Act, §101, §312, §312, and §406
  - 44 CFR §206.228 and §206.250-253
  - OMB Circulars; A-21, A-87, Attachment A.C. 2, and A-122
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
-

## Force Account

---

**Force  
Account  
Labor**

Work performed by the applicant's employees. Costs incurred must be based on actual hours worked to be eligible. (Includes wages and fringe benefits as paid or credited by the applicant.)

---

**Regular Time  
and  
Overtime**

- **Emergency Work** – Regular time for permanent employees **is not eligible**. Overtime is eligible.
  - **Permanent Work** – Regular and overtime are eligible.
- 

**Fair Labor  
Rates**

Reimbursement is based on type of work performed. The labor rate will be the average rate for the employee who normally performs that type of work.

*For example:* The Mayor assisted in placing sandbags around the building. He/she will not be paid at his/her regular hourly rate. He/she will get paid at the average rate for that type of work.

---

**Reassigned  
Employees**

Reimbursement rate is the average labor rate for the employees who normally do that type of work.

---

**Temporary  
Employees**

All reasonable wages paid for **emergency and permanent work** are eligible.

---

**Volunteer  
Labor\***

Can be used to offset the non-federal portion of costs for emergency work. **See Donated Resources p p. 24-25 of this chapter.**

---

**Labor  
Timekeeping  
Components**

Labor cost summary sheets should answer the following questions:

- Who
  - What
  - When
  - Where
  - How long
- 

*Continued on next page*

## Force Account, Continued

---

**Labor Cost  
Components**

The following labor cost are eligible for reimbursement the Public Assistance Program:

- 
- Salaries and wages
- Fringe benefits percentage and components
- Nonproductive leave time percentage and components
- Indirect and overhead cost are covered by the Administrative Allowance

---

**Reference**

- Stafford Act §406
- 44 CFR §206.221(b) and §206.228(a)(4)
- Public Assistance Guide (FEMA 322)
- FEMA Policy 9525.7, Labor Costs-Emergency Work dated July 20, 2000

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*Continued on next page*

## Force Account, Continued

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### Force Account Equipment

The incurred costs of applicant-owned equipment are eligible.

---

#### Eligibility Criteria

- Eligible costs are based on the actual time a piece of equipment is used (no standby time).

Note: FEMA will pay for a full day if a piece of equipment is used intermittently for the majority of the day.

---

#### Rates Types Used

- FEMA schedule of equipment rates (Rates over \$75 per hour may be approved by FEMA on a case-by-case basis.)
  - State approved rates
  - Locally developed rates
  - Local rates used if lower than FEMA's
- 

#### Rates Include

- Cost of operation (does not include operator's labor)
  - Insurance and depreciation
  - Maintenance
- 

#### Vehicle Costs

- Automobile/ pickup truck costs may be reimbursed on the basis of mileage only.
- 

#### Repair or Replacement

- Equipment may be eligible for repair or replacement (to pre-disaster condition) when damaged as a result of performing emergency work under severe operating conditions during a declared event.
- 

#### Restrictions

- Damage to equipment is not eligible if it is due to negligence.
  - Standby and idle time **is not eligible**.
- 

*Continued on next page*

## Force Account, Continued

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**Force Account  
Equipment  
Components**

Equipment cost summary sheets should answer the following questions:

- What equipment
- Who used it
- Doing What
- Where
- When
- Hourly rate
- How long

**Note: Exclude idle and standby time**

---

**Rental  
Equipment**

Venders invoice must identify:

- What was done
  - When
  - Where
  - How long
  - What kind of equipment
  - Charges per project
- 

**Reference**

- 44 CFR §13.32, §13.33, §206.226(f), and §206.228(a)(1)
  - OMB Circulars A-21, A-87, A-110, and A-122
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
  - FEMA Policy 9525.8, Damage to Applicant-Owned Equipment dated August 17, 1999
  - FEMA Policy 9525.12, Disposal of Equipment, Supplies and Salvaged Materials August 29, 2000
- 

*Continued on next page*

## Force Account, Continued

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**Force Account  
Materials**

These are the costs of supplies that were purchased or taken from an applicant's stock.

- The costs are eligible only if the materials were used for the eligible work.
  - Reimbursement is based on purchase price and quantities taken from the applicant's stock. If invoices are not available, costs can be developed from the applicant's historical data or vendors in the area.
  - Donated materials are not eligible. The value may be credited towards the applicant's cost share.
- 

**Materials,  
Supplies and  
Purchases  
Components**

Material, supplies, and purchase cost summary sheets should answer the following questions:

- What was used
- Who used it
- When
- Where
- Quantity
- Unit price

Note: Costs may be developed from historical data or by contacting area vendors

---

**Reference**

- OMB Circulars A-21, A-87, and A-122
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
  - FEMA Policy #9525.12, Disposition of Equipment, Supplies, and Salvaged Materials dated August 29, 2000
  - FEMA Policy #9525.2, Donated Resources dated August 17, 1999
- 

*Continued on next page*

## Force Account, Continued

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**Donated Resource** Donated Resource, which include volunteer labor, donated equipment and donated materials, are eligible to **offset** the State and Local portion of the cost share for emergency work (Categories A and B).

---

**Amount of Credit** The amount of credit that can be applied to a project is capped at the *non-Federal* share so that the Federal share will not exceed the Applicant's actual out-of-pocket costs.

**Note:** Any excess credit can be applied to other emergency work project of the same Applicant.

---

**Eligible Work** Donated resources must apply to actual eligible **emergency work**, such as debris removal or the filling and placing of sandbags.

**Note:** Donated services must be documented and must include a record of hours worked, the work site, and a description of work.

---

**Volunteer Labor** Volunteer labor will be valued at the same hourly labor rate as someone in the Applicant's organization performing similar work. If the Applicant does not have employees performing similar work, then the rate should be consistent with those ordinarily performing the work in the sane labor market.

---

**Donated Equipment** The value for donated equipment should be determined by using the applicable FEMA equipment rates and multiplying it by the number of hours the piece of equipment was used to perform eligible emergency work.

---

**Donated Materials** Donated materials are valued at the current commercial rate. I the materials were donated by a Federal agency, such as sandbags donated by the U.S army Corps of Engineers, the material cannot be applied for volunteer credits.

---

**Reference**

- Safford Act §403
- 44 CFR §13.24
- OMB Circular A-87
- FEMA Policy 9525.2, Donated Resources dated August 17. 1999
- Public Assistance Guide (FEMA 322)
- Policy Digest (FEMA 321)

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## Contracts

---

### Contracts Eligibility

Contract costs must:

- Be for reasonable costs
- Generally must be competitively bid
- Subgrantees must follow their own procurement practices as long as those practices meet or exceed state and federal requirements
- Not be contingent on FEMA funding.

**Note:** Grantees and subgrantees must not make any award or permit any award subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance

---

### Procurement Methods

FEMA finds four methods of procurement acceptable. Each is described below:

- **Small Purchase Procedures-** Small purchase procurement is an informal method for securing services or supplies that do not cost more than \$100,000 by obtaining several price quotes from different sources.
- **Sealed Bid** – Sealed bid procurement is a formally method where bids are publicly advertised and solicited, and the contract is awarded to the bidder whose proposal is the lowest in price (this method is the preferred for procuring construction contracts).
- **Competitive Proposals** - Similar to sealed bid procurement, but the award is based on qualifications instead of on price (this method is used for procuring architectural and engineering professional services).
- **Non-Competitive Proposals** – Noncompetitive procurement is a method whereby a proposal is received from only one source. Non competitive proposals should be used only when the award of a contract is not feasible under small purchase procedures, and one of the following circumstance:
  - The item is available only from a single source
  - There is an emergency requirement that will not permit a delay
  - FEMA authorizes noncompetitive proposals
  - Solicitation from a number of sources has been attempted, and competition is determined to be inadequate.

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## Contracts, Continued

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### Acceptable Contracts

FEMA provides reimbursement for three types of contracts. They are:

- **Lump Sum** - A prescribed boundary with clearly defined scope and a total price
- **Unit Price** - Work done on an item-by-item basis with cost determined by unit
- **Cost Plus Fixed Fee** - Lump sum or unit price contract with a fixed contractor fee added into the price.

**Note:** Time and materials contracts should be **avoided**, but may be allowed for work that is necessary immediately after the disaster has occurred when a clear scope of work cannot be developed. Applicants must carefully monitor and document contractor expenses, and a cost ceiling or “not to exceed” provision must be included in the contract.

---

### Davis-Bacon Act Compliance

The Act requires Federal construction contractors to pay their workers the “prevailing wage” based on local union wage scale defined by the Department of Labor. The provisions of the act do not apply to state or local governments contracts using public assistance funds under the Stafford Act. However, if your normal practices require compliance, regardless of funding source, then those rates will be required.

---

### Restrictions

- Contracts should not be contingent on FEMA funding
  - No cost plus percentage of cost contracts
  - Time & materials contracts must have a ceiling above which contractors exceed at their own risk
  - No contracts with debarred & suspended contractors
  - Sole source contracts only when no other procurement method works
- 

### Procurement and Contract Requirements

- Follow your own practices AS LONG AS the meet or exceed federal requirements
  - State and Local Governments
    - OMB Circular A – 102
    - 44 CFR 13.36
  - All others
    - OMB Circular A – 110
  - If contracts exceeds \$100,000, it should be competitively bid
- 

*Continued on next page*

## Contracts, Continued

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**Procurement and Contract Requirements**  
(continued)

- Method of procurement
  - Advertising
  - Bids received
  - Awarding Action
  - Signed contract and change orders
  - Bonds
  - Progress payments and invoices
  - Other related documentation
- 

**Contracting Provisions Fact List**

Contract provisions. A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

1. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)
  2. Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)
  3. Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)
  4. Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). (All contracts and subgrants for construction or repair)
  5. Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)
  6. Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)
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## Contracts, Continued

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**Contracting Provisions Fact List** (continued)

7. Notice of awarding agency requirements and regulations pertaining to reporting.
8. Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.
9. Awarding agency requirements and regulations pertaining to copyrights and rights in data.
10. Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
11. Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.
12. Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)
13. Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

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**Reference**

- 44 CFR Part 13, for state and local governments
  - OMB Circular A-102 ([www.whitehouse.gov/omb](http://www.whitehouse.gov/omb)), for state and local governments.
  - OMB A-110 for Institutions of Higher Education, Hospitals, and other Non-Profits
  - 41 U.S.C. 403(11)
  - Public Assistance Debris Management Guide (FEMA 325)
  - Public Assistance Debris Operations Job Aid (FEMA 9580.1)
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
-

## Engineering/Design Services

Reasonable and necessary engineering and design costs are eligible costs. Services are typically for large projects. An exception may be made for small complex projects where specific services are required (i.e., geo-technical analysis, etc.).

- 
- Categories** For estimating purposes, engineering/design services fall into the following three categories:
- **Basic engineering and design services** (common to construction projects). Preliminary engineering analysis, preliminary design, final design and construction inspection.
  - **Special services** (must be necessary prior to completing work) Land surveys, geo-technical investigations, resident engineering, and environmental studies
  - **Construction inspection in unusual situations** Used for unusual inspection circumstances, estimated at three percent of construction costs, and is **not** added to every construction project (must be necessary)
- 

- Costs Curves** While a final inspection and reconciliation will be used to determine the actual costs for reimbursement of these services, the costs can be estimated during project formulation using a percentage of the construction cost. These curves, which were developed for FEMA by the American Society of Civil Engineers, show a correlation between engineering costs and total construction costs.
- **Curve A** - applies to projects of above average complexity and non-standard design (i.e. large airports, water wastewater treatment plants, power plants, dams, and hospitals)
  - **Curve B** - applies to projects of average complexity (i.e. industrial buildings, warehouses, conventional bridges, conventional levees, roads, and streets)

*Note:* See the Public Assistance Guide (FEMA 322) for chart.

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- Reference**
- Public Assistance Guide (FEMA 322)
  - Public Assistance Policy Digest (FEMA 321)
-

## Administrative Allowance

The administrative allowance is intended to cover the applicant’s direct and indirect costs incurred in requesting, obtaining, and administering the Public Assistance Grant.

**Eligible Costs**

The administrative allowance includes, but it is not limited to, the following items:

- Identifying damage
- Attending the Applicant’s Briefing and Kickoff Meeting
- Completing forms necessary to request assistance.
- Working with federal and state teams to assess damage, collect cost data, and develop cost estimates.
- Working with the State during project monitoring and final inspections.
- Working with State and Federal official during audits.

**Allowance Calculation**

The allowance is calculated as a percentage of all approved eligible costs that the applicant receives in a given disaster (see sliding scale in the table below).

Total PA Funds (Net Eligible Costs)	Allowance
First-----\$100,000	3 percent of net eligible costs
Next-----\$900,000	2 percent of that \$900,000
Next-----\$4,000,000	1 percent of that \$4,000,000
Excess of \$5,000,000	½ percent of that excess

- Calculated on 100 percent of the applicant’s eligible amount.
- Automatically added to FEMA’s obligation funding.
- Applicant does not have to account for the use of these funds.

**Restrictions**

Does not cover project management costs for specific projects.

**Reference**

- Stafford Act §406(f)
- 44 CFR §206.228 (a)(2)
- Public Assistance Guide (FEMA 322)
- Policy Digest (FEMA 321)

## Documentation Resources

Applicants should establish and maintain accurate records of events and expenditures related to disaster recovery work.

---

**Objective** Good documentation facilitates the project formulation, validation, approval, funding, closeout, and audit process.

---

- Advance Planning**
- Begin the record keeping process before a disaster is federally declared.
  - Have a financial and record keeping system in place (databases and hard copies).
  - Segregate disaster related work for normal activities

*Note:* If the applicant uses a database, it will be a simple procedure to sort all costs associated with a specific site number and print out a spreadsheet that is acceptable to FEMA.

---

- Suggested Subgrantees Standard Operating Procedures**
- To ensure that work performed and costs incurred are documented, a potential applicant should:
- Designate a person to coordinate the accumulation of records.
  - Establish a file for each project where work has been or will be performed.
  - Maintain accurate disbursement and accounting records to document the work performed and the costs incurred.
  - Once a Project Worksheet (PW) number has been assigned, write the number on documents as appropriate and file with the corresponding PW.
  - Supplement project cost approvals should be accumulated with the original project records
- 

**What Records Should Contain** Records should contain the following information:

Who	Name of individual, piece of equipment, or material
What	What work was performed?
Where	Location of work
When	Date and time
Why	Why was the work being performed, disaster related?
How Long	Duration (i.e., hours)
How much	Cost
Contracts	Procurement process and accepted contracts

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*Continued on next page*

## Documentation Resources Resources Continued

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### Summary Spreadsheets and Actual Documentation

OES and FEMA prefers to review costs through summary spreadsheets instead of reviewing every individual copy of all time cards, invoices, equipment logs, etc. Spreadsheets should only reflect data that the applicant can substantiate; however, OES or FEMA may request to see the backup documentation for verification at any time.

---

### Records Retention

All Public Assistance Grant documentation should be stored and be available up to three years after the notification of audit wavier by OES. The last action is usually considered to be the Closeout procedure.

**Note: Beware of routine destruction cycles**

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### Audits

- Annual Financial Statement audits
  - Federal Single Audit Requirements
  - Office of Inspector General
  - Office of Emergency Services
- 

### Reference

- Stafford Act §318 and §705
  - 44 CFR §14.1, §14.2, and §206.207(c)
  - OMB Circular A-87
  - Donated Resources, FEMA Policy 9525.2, dated August 17, 1999
  - Public Assistance Guide (FEMA 322)
-

## Documenting Response, Recovery and Mitigation Cost

Documenting Disaster Related Response Recovery and Mitigation Costs to Maximize Reimbursement and Reduce or Eliminate Problems at the time of Closeout or Audit.

	<b>Administrative Requirements</b>	<b>Cost Principles</b>	<b>Audits</b>
State and Local Government	44 CFR 13 OMB Circular A-102	OMB Circular A-87	OMB Circular A-133
Institutions of Higher Education	OMB Circular A-110	OMB Circular A-21	OMB Circular A-133
Hospitals	OMB Circular A-110	45 CFR 74	OMB Circular A-133
Private-Non-Profits	OMB Circular A-110	OMB Circular A-122	OMB Circular A-133

**Project Accounting**

- Segregate disaster related work from normal activities
- Accumulate and segregate costs by approved projects
- Keep all documentation
- Details, Details, Details

**Suggested File Set-up**

- Separate file for each project
- Supplemental project approvals should be accumulated together with the original project
- Each file should contain a summary sheet of actual expenditures
- Support for each expenditure DOES NOT have to be in the file AS LONG AS it is easily and quickly obtained when requested

## Reimbursements

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- PA Payment Process Overview**
- Federal/State Cost Share
  - Funding Notification
  - Required Documents
  - Payment Notification
  - Payment of Federal Share
  - Payment of State Share

---

All Funding is Subject to FEMA/STATE AGREEMENT AND state Legislative Action

**Federal/State Cost Share**

Based on Total Eligible Costs

- FEMA will fund a minimum of 75% under the Stafford Act
- State share will generally be \*75% of the non-federal share for eligible applicants under the California Disaster Assistance Act (CDAA); (OR 18.75% of total eligible cost).
  - CDAA share must reach \$2500 before state funding can be provided
- For CDAA eligible applicants, the Local share will generally be \*25% of the federal share (or 6.25% of total eligible costs)

*\*Note:* The Legislature of the State of California may increase the cost share percentage.

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**Funding Notification**

- OES – Grant Payments Unit (GPU) will prepare and send Funding (Supplement) Notification Packages
- Federal Funding
  - Project Work Sheet (PW)
- State Funding
  - Damage Survey Report

**Required Documents**

- Project Application for Federal Assistance (OES Form 89)
  - Designation of Applicant’s Agent Resolution (OES F130)
  - Vendor Data Record (STD Form 204)
    - For Private-Non-Profits (PNP’s) only
- 

*Continued on next page*

## Reimbursements, Continued

- 
- \$\$ Helpful Hints \$\$**
- Send all required documents in as soon as possible
  - Keep the Grant Payment unit informed of Authorized agent(s) Changes
    - If OES Form 130 lists titles only, send separate correspondence that identifies agents by name
  - Keep the Grant Payment Unit informed of address changes
- 

- Payment Notification**
- All funding (federal and state) disbursements are issued on State Warrants
  - State Warrants are prepared and mailed by the State Controller's Office
  - OES-GPU WIL SEND PAMENT Notification letters (including payment details) prior to State Warrant issuance
- 

### Administrative allowance and Small projects

- Payment of Federal Share**
- Federal Administrative Allowance for al projects (small and large projects) is paid automatically by OES
  - Federal share of small projects is paid automatically by OES
    - Small/Large project threshold changes each year, but once established, remains for the entire disaster

### Large Projects

- Federal Share of Large Project is paid on a reimbursement basis using a "Request For Reimbursement" Form (OES131)
  - Payment is based upon the lesser of –
    - Amount requested, or
    - Expenditures to-date, or
    - Amount available per OES records, less retention
- 

### The purpose of retention is to reduce risk of overpayment

- Retention**
- A 10% Retention is held for the federal share Large Projects only
    - No retention on small projects
  - Retention is released after completion of the final inspection/reconciliation process
- 

*Continued on next page*

## Reimbursements, Continued

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**\$\$ Helpful  
Hints \$\$**

- Fill out the 131 Form completely (don't leave blank)
- Do not include small projects
- Prepare a separate 131 Form for each disaster and each application number
- Make sure the authorized agent for record signs the 131 Form
- Maintain documentation that supports your 131 Form
  - These forms are audited

---

**Payment of  
CDAA Funds  
(State Share)**

- For Federal Disasters: 90% of State Share is advanced automatically by OES
- For State-Only Disasters: 90% of State Share is advanced after submittal of Exhibit "D"/ Payment Request Form (CDAA Form 3A)
- Final payment not processed until after the final inspection/reconciliation process

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**Payment or  
Document  
Questions/  
Inquiries**

- **Grant Payment Unit – GPU Phone (916) 845-8110, Facsimile (916) 845-8392**
  - **Mailing Address:**  
  
**Post Office Box 419023  
Rancho Cordova, CA 95741-9023**
  - **Physical Address:**  
  
**3650 Schriever Avenue  
Mather, Ca 95655**
-

## Application Closeout

The Application Closeout/Final Inspection process is needed to programmatically and financially close a disaster application. The “Closeout Report” will reconcile the actual project scope costs with the approved scope and dollar amount of all the subgrantee’s projects.

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- Objective**
- Programmatic Closure
    - All projects have been completed.
    - All appeals have been resolved and funds obligated.
  - Financial Reconciliation
    - Occurs after programmatic closure.
    - State has awarded all grant federal/state funds
- 

**Request Closeout** Applicant should request closeout upon completion of their last project.

---

- Requirements**
- All projects must be completed.
  - No Project Worksheet shall be in suspension.
  - All funds have been obligated.
  - Appeals are resolved.
- 

- Requesting a Closeout**
- Applicants must submit their request in writing to the State within 60 days of completion of the last project.
  - The State will send a Project Completion and Certification Form (P.4 or P.4 Alternate) to the applicant. This form must be fully completed and returned to OES.
- 

- Required Documentation** Depending on your claim, one or more of the following may be requested by your Area Coordinator or Applicant Services Representative:
- All documentation related to each Project Worksheet
  - Summary Spreadsheets to support the claim
  - Contracts
  - Invoices and proof of payment
  - Payroll documentation
  - Justification for changes in scope of work
  - Approved time extensions
  - Insurance
- 

*Continued on next page*

## Application Closeout Continued

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**Closeout Processing**

Once the completed Project Completion and Certification Form (P.4 or P.4 Alternate) is received by OES, appropriate staff will be assigned to complete the federal forms necessary for submittal to FEMA.

---

**Additional Eligible Funding**

If FEMA approves any additional funding as a result of the Closeout, an adjusting Project Worksheet will be prepared and funded to adjust final costs.

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**De-obligation**

In the event of excess funding, an adjusting Project Worksheet will be prepared to reduce (deobligate) previously approved funding to final approved amounts.

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**Appeal**

**See Chapter 3 – Additional Grant Requirements, pp. 3-9 thru 3-11**

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**Reference**

- 44 CFR §13.50(a)
  - Public Assistance Guide (FEMA 321)
  - Policy Digest (FEMA 321), p. 52 (Grant Closure)
  - California Disaster Assistance Act (CDAA), §2980
-

## Chapter 3 - Additional Grant Requirements

After the applicant has been approved and project funds have been obligated, the applicant may find that there are cost overruns due to variations in unit prices, a change in the scope of eligible work, delays in timely starts or completion of eligible work, not in the best interest of the public to repair the facility, or there is a disagreement with a FEMA determination. The applicant has the option to submit requests through the State to address any of these issues.

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**Type of Requirements**

- Time Extension
- Supplement Funding
- Improved Project
- Alternate Project
- Appeals
- Net Small Project Overruns (appeal)

---

**Change in Scope of Work**

Any time the applicant wishes to change the scope of repairs approved by FEMA, written notification from FEMA must be received through OES before the applicant may proceed. FEMA must comply with special consideration issues before funds can be used toward the new proposed scope of work. Federal regulations offer options for changing the pre-disaster design of a damaged facility.

---

**Reference**

- Public Assistance Guide (FEMA 322)
-

## Time Extensions

Applicants must request a time extension if they cannot complete the scope of work by the deadlines established by federal regulations. Failure to do so may jeopardize eligible funding.

**Regulatory Project Completion Time Frames**

Time frames to complete eligible work are based on type of work and declaration date.

Type of work	Time From Declaration	Time Extension (State Authority)
Debris Clearance	6 months	6 months
Emergency Work	6 months	6 months
Permanent Work	18 months	30 months

**State Authority**

The State has authority to grant time extensions for debris clearance and emergency work for an additional 6 months and permanent work for an additional 30 months. Requests that exceed the State’s authority to grant will be furnished to FEMA with the State’s recommendation.

**Conditions Required**

The applicant must demonstrate the existence of extenuating circumstances or unusual project conditions beyond the control of the applicant to complete the work.

Examples of extenuating circumstances:

- Projects under review for special considerations
- Environmental permitting
- Inclement weather
- Legal dispute

*Note:* Budget problems or lack of staff are not extenuating circumstances.

**Requesting a Time Extension**

- The applicant must submit the request in writing through the State.
- Time extension request must contain the following information:
  - PW number and category of work
  - Dates and provisions of all previous time extensions on the project
  - A detailed justification for the delay
  - A projected completion date

**Example**

See attachments section for sample letter format.

**Limitations**

- Time extensions may not be granted for suspended or ineligible Project Worksheets
- Costs incurred for work completed after the approved completion date will not be eligible for reimbursement. Cost incurred prior to the last approved completion date is eligible if the project is completed.

*Continued on next page*

## Time Extensions, Continued

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- Reference**
- 44 CFR §206.202, §206.204, §206.206
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)

## Supplemental Funding Request

During the performance of work on a project, the applicant may discover hidden damage, unforeseen conditions requiring additional work necessary to properly complete the project, or discover that certain costs are higher than those used to make the original estimate for the Project Worksheet.

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**When To Request Supplemental Funding**

A supplement may be requested to change the scope of work because of subsequently discovered additional damage, determination of a more cost-effective method of repair, additional work required by codes and standards, other legal requirements, or because necessary work was not included in the original project. A supplement may also be requested when the costs of a large project exceed the authorized dollar amount.

---

**How to Request Supplemental Funding**

Submit your request through the State. The State will review your request and forward it to FEMA with a written recommendation.

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**Required Information**

The request for the supplement should identify the project, the proposed change in scope of work, if any, the reason for the proposed change, and supporting documentation. Examples of supporting documentation would include engineering studies and plans, construction codes, contracts, permit requirements, invoices, and descriptions or photographs of additional damage.

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**Small Projects**

FEMA will not normally review supplement requests for small projects. You must wait until all your small projects are completed and submit a request for a Net Small Project Overrun (Appeal) within 60 days of completion of all your small projects (See Net Small Project Overrun Request). However, scope changes will require special consideration review, and should be submitted through OES for such.

---

**Restriction**

**Compliance with Special Considerations** - The project must comply with special consideration issues (e.g. environmental, historical, etc.) before funds can be used toward the new proposed scope of work. Subgrantees must wait for FEMA's clearances prior to continuing or completing the work. Failure to comply with special considerations may result in de-obligation of all funds for the project.

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**Example**

See attachments section for sample letter format.

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**Reference**

- 44 CFR §206.204(e)
- Public Assistance Guide (FEMA 322)

## Improved Project Request

In making repairs to a damaged facility, an applicant may take the opportunity to make some improvements to the facility. The improved facility must have the same pre-disaster function. The subgrantee must request approval for an improved project from the State and receive environmental/historical clearance prior to construction. Failure to do so could jeopardize eligible funds.

---

<b>How to Request an Improved Project</b>	Submit your request to OES. The State will consider your request and will make a recommendation to FEMA for environmental/historical compliance
<b>Required Information</b>	Requests for an improved project should include the newly proposed scope of work, a construction schedule that includes an anticipated completion date, as well as the pre-disaster and post-disaster function of the facility.
<b>Considerations Before Submitting Request</b>	Before making the request, the applicant should examine the improvement to see if it is required by codes and standards, a hazard mitigation measure, or relocation. If the improvement falls under one of these categories, the project may be eligible for supplemental funding.
<b>Approval Authority</b>	Projects incorporating improvements require state approval prior to construction. Also, such projects are subject to environmental/historical review by FEMA.
<b>Restrictions</b>	The following restrictions apply when requesting an improved project: <ul style="list-style-type: none"><li>➤ The applicant must obtain approval for an improved project from the State prior to construction.</li><li>➤ The project must comply with special consideration issues (e.g. environmental, historical, etc.) before funds can be used toward the new proposed scope of work. Subgrantees must wait for FEMA’s clearances prior to continuing or completing the work. Failure to comply with special considerations may result in de-obligation of funds for the project.</li><li>➤ Funding is limited to the federal share of the eligible costs associated with repairing or replacing the damaged facility to</li></ul>
<b>Example</b>	See attachments section for sample letter format.
<b>Reference</b>	<ul style="list-style-type: none"><li>➤ 44 CFR §206.203(d)(1)</li><li>➤ Public Assistance Guide (FEMA 322)</li><li>➤ Policy Digest (FEMA)</li></ul>

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## Alternate Project Request

If an applicant determines that the public welfare would **not** be best served by restoring a damaged facility or its function to pre-disaster design, the applicant may choose to use the approved funding for an alternate project.

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<b>Example of an Alternate Project</b>	Applicant decides not to repair a damaged school. The applicant may use the approved funding to make improvements to an undamaged office building or buy new school buses.
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<b>How to Request an Alternate Project</b>	Submit your request through OES. The State will review your request and forward it to FEMA with a written recommendation.
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<b>Required Information</b>	The request for an alternate project should include the following: <ul style="list-style-type: none"><li>➤ A description of the proposed alternate project</li><li>➤ A schedule of work</li><li>➤ The projected cost of the project</li></ul>
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<b>Considerations Before Submitting A Request</b>	Before making your request, the applicant should examine whether their request is an “Improved Project”. Example: Demolishing a school building and requesting to spend the money on another building within the campus is an “Improved Project”, because the function is still restored.
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<b>Restrictions</b>	The following restrictions apply to alternate project requests: <ul style="list-style-type: none"><li>➤ The Alternate Project option may be taken on permanent work only.</li><li>➤ The funds for an alternate project are limited to 75 percent of the funds that were authorized for the damaged facility, or the actual cost of the alternate project, whichever is less.</li><li>➤ If the alternate project request is the result of unstable soil conditions, project funding may be granted at 90 percent of the funds that had been authorized for the repair or the actual cost of the alternate project.</li><li>➤ Alternate project funds cannot be used for operating expenses or as the local or state matching funds on other public assistance projects..</li><li>➤ The project must comply with special consideration issues (e.g. environmental, historical, etc.) before funds can be used toward the new proposed scope of work. Subgrantees must wait for FEMA’s clearances prior to starting the work. Failure to comply with special considerations may result in de-obligation of all project funds.</li></ul>
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<b>Example</b>	See attachments section for sample letter format.
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<b>References</b>	<ul style="list-style-type: none"><li>➤ Stafford Act §406 (c)(1)</li><li>➤ DMA 2000</li><li>➤ 44 CFR §206.203(d)(2)</li><li>➤ Policy Digest (FEMA 321)</li></ul>
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## Alternate Dispute Resolution (ADR) Process

The Alternate Dispute Resolution is a process to resolve Project Worksheet (PW) issues at the lowest level possible. If the applicant disagrees with a scope or dollar amount prior to formal approval of a PW, the applicant may request an, Alternate Dispute Resolution (ADR) to resolve the issue.

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### Objective

The objective of the ADR is to expedite funding and minimize lengthy formal appeals as defined in 44 CFR, Section 206.206. This process must take place prior to formal approval of the PW.

---

### How to request an ADR

1. The subgrantee should try to resolve the issue at the lowest level by notifying their Area Coordinator or Project Officer of their concerns prior to FEMA approving the PW.
2. If the result is unsatisfactory, the subgrantee may initiate the ADR process by submitting a written request via mail, e-mail, or facsimile to either the FEMA or state PAO.
3. The PAO will request that the PW be immediately suspended pending resolution of the issue.
4. The state and federal PAO will each appoint a representative to investigate the issue and report back to their respective PAO within ten (10) days.
5. The subgrantee will be notified in writing by the state PAO of the decision and FEMA/OES staff will be directed to implement that decision.
6. If the issue remains unresolved after ten (10) days, the state and federal PAOs will draft a joint memo to the State Coordinating Officer (SCO) and Federal Coordinating Officer (FCO) for a decision.
7. The SCO/FCO will make a determination and refer it back to the PAOs for implementation.
8. Once the decision is implemented, the PW will be removed from suspension, revised as necessary, and approved for funding by the state and federal PAOs.
9. The subgrantee will maintain its right to appeal the subsequent scope and/or costs determinations on the resulting PW with sixty (60) days of receipt of the OES letter notifying the Subgrantee of the OES/FEMA ADR determination in accordance with 44 CFR, §26.206.

NOTE: Alternate Dispute Resolution (ADR) Process derives its authority through the State Administration Plan, Public Assistance

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## Appeals Request

The appeals process is the opportunity for applicants to request that FEMA reconsider its determination regarding the funding for work or any other matter. The applicant has the right to appeal any determination. Applicant may also appeal OES denial of “Time Extensions” and request for “Improved Projects”

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**Levels Of Appeals**

There are two levels:

- The first level appeal is to the FEMA Regional Director for Region IX.
  - The second level appeal is to the Associate Director at FEMA Headquarters in Washington D.C.
- 

**Deadline**

The applicant must file an appeal through the State within 60 days of receipt of a notice of the FEMA action that is being appealed.

---

**Required Documentation**

The documentation should clearly explain why the applicant believes the original determination is wrong and the amount of adjustment being requested. The applicant’s referral to specific regulations regarding the appeal is recommended.

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**Examples**

The following are examples of possible appeal issues:

- An entity was determined an ineligible applicant.
  - A facility, an item of work, or a project was determined to be ineligible for disaster assistance.
  - A requested time extension was not granted.
  - A portion of the cost claimed for the work is not eligible.
  - An Improve or Alternate Project
- 

**State’s Role**

The State will review the applicant’s appeal documentation and may request additional information, if necessary. The State will prepare a written recommendation based on the merits of the appeal. This recommendation will be attached to the appeal and forwarded to FEMA within 60 days of its receipt.

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*Continued on next page*

## Appeals Request Continued

**Time Frames** The following are time frames for responding to an appeal:

<b>Applicant 1<sup>st</sup> and 2<sup>nd</sup> Appeal to State</b>	<b>State Transmittal to FEMA</b>	<b>FEMA Response to State</b>	<b>State Response to Applicant</b>
60 days from receipt date of FEMA's determination	60 days from receipt date of appeal request from applicant	90 days from receipt date of appeal request from state	Within 30 days from receipt date of FEMA's determination

**Time Frames Exception** If FEMA requests additional information from the applicant before making a determination, by regulation FEMA will respond within 90 days from receipt of the requested information.

**Appeal Granted** If the appeal is granted, the Regional Director will take appropriate action, such as approving additional funding or sending a Project Officer to meet with the applicant to determine additional eligible funding.

**Appeal Denied** If the appeal is a first appeal and it is denied, the applicant has the right to submit a second appeal through the State within 60 days of receipt of notification.

**Example** See attachments section for sample letter format.

**Reference**

- Stafford Act §423
- 44 CFR §206.206
- Public Assistance Guide (FEMA 322)

## Net Small Project Overrun Request (Appeal)

When all small projects are completed and the applicant finds a net overrun has occurred, a request for a Net Small Project Overrun (NSPO) must be submitted to OES. This action by regulation is considered an appeal. [**Note:** Small Projects are those projects under the federal \$52,000 threshold (amount changes with the federal fiscal year).

- Deadline**
- The applicant must submit a request for NSPO within 60 days of the completion of the last small project under a single disaster event.
  - Request must be submitted to the State in writing and provide supporting documentation (see required information below).

- Required Information**
- Provide a spreadsheet listing all small projects showing approved amount, actual cost, completion dates, and short explanation regarding overruns and underruns.
  - Provide supporting documentation (invoices, contracts, Force Account Labor, Equipment, and material summaries) to justify substantial cost overruns and underruns.

Sample Spreadsheet:

Project Worksheet #	Approved Amount	Claimed Cost	Date Project Completed	Difference (Overrun or Underrun)	Comments
23456	7,235.00	7,235.00	5/7/00	0.00	No change
54321	9,682.00	10,578.00	9/9/99	896.00	Cost of fill underestimated
56789	26,890.00	32,269.00	7/7/00	5,379.00	Increase in material cost
32679	11,289.00	11,047.00	7/799	(242.00)	Less labor than estimated
<b>Totals</b>	55,096.00	61,129.00		<b>6,275.00</b>	Amount Requested

- Restrictions**
- Request must be submitted within 60 days from completion of the last small project. Failure to do so will jeopardize eligibility of additional funding.

**State/FEMA Action** OES in conjunction with FEMA, will review documentation and prepare an adjusting Project Worksheet for FEMA for approval.

- Reference**
- Stafford Act §423
  - 44 CFR §206.204(e) and §206.206
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)

## CDAA vs. FEMA Time Deadline Reference Table

CDAA vs. FEMA - The table below shows the differences between state and federal disaster assistance programs.

Issue	Federal Declaration		State - CDAA	
	FEMA	CDAA (Cost Share)	Governor's Proclamation	Director's Concurrence
<b>Application Deadline</b>	30 days from the declaration date		60 days from local emergency date	60 days from local emergency date
<b>Emergency Work</b>	Eligible ( <b>ONLY OVERTIME</b> salary and benefit for public safety and emergency services personnel)	Straight Cost Share	Eligible ( <b>ONLY OVERTIME</b> salary and benefit for public safety and emergency services personnel)	Not eligible
<b>Permanent Work</b>	Eligible	Straight Cost Share	Eligible	Eligible
<b>Completion Deadlines (Emergency Work)</b>	6 months		6 months	6 months
<b>Completion Deadlines (Permanent Work)</b>	18 months		18 months	18 months
<b>Cost Share with Other Federal Agencies (i.e., NRCS, USACE)</b>	N/A	Straight Cost Share with other Federal Agencies.	May be eligible for straight cost share with other federal agencies	May be eligible for straight cost share with other federal agencies
<b>Appeals (1<sup>st</sup> and 2<sup>nd</sup>)</b>	Applicant must submit request within 60 days from receipt of determination		N/A	N/A
<b>Fair Hearing Request (1<sup>st</sup> and 2<sup>nd</sup>)</b>	N/A	N/A	Applicant must submit request 60 days from receipt of OES determination letter	Applicant must submit request 60 days from receipt of OES determination letter
<b>Net Small Project Overrun (NSPO) Appeal (1<sup>st</sup> and 2<sup>nd</sup>)</b>	Applicant must submit request within 60 days of completing their last Small Project	See FEMA column	N/A	N/A
<b>Application Closeout Deadline</b>	Within 60 days from completion of all projects	See FEMA column	60 days from completion of all projects	60 days from completion of all projects

*Note:* TITLE 19 – As revised 01/01/03

### Reference

- CDAA §8685-8587.8
- Title 19, CCR, §2970, § 2980, and § 2990,

## Chapter 4 - Special Considerations

Special Considerations is a term used by FEMA to refer to issues other than program eligibility that affect the scope of work and funding for a project. Special Considerations include floodplain management, insurance, historic, environmental, and hazard mitigation issues.

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### Types

- Floodplain Management
- Insurance
- Hazard Mitigation
- Other Federal Laws and Regulations:
  - National Environmental Policy Act (NEPA)
  - National Historic Preservation Act (NHPA)

*Note:* Try to identify these special considerations during the Preliminary Damage Assessment.

---

### Consequences of Non-Compliance

- **Loss of Funding** - FEMA may not be able to approve funds for a project or may be required to deobligate funds after the initiation of a project.
  - **Delays in Project Approval** - Funding may be delayed while special considerations issues are resolved. This funding delay could result from the delayed submission of required reports or other documentation.
  - **Legal Action** - Litigation from citizens' advocacy groups or others who may file lawsuits against projects funded by FEMA.
  - **Loss of Opportunity** - Hazard mitigation measures are more often effective when included in the initial repair or replacement of the damaged facility.
  - **Negative Publicity** - For FEMA, the State, and the applicant
- 

### Applicant Responsibilities

Applicants must:

- Answer all of the Special Considerations questions for each work project.
  - Identify all facilities located in the 100-year flood-plain area.
  - Identify all facilities 50 years old or older and/or those that have an important social or cultural significance.
  - Identify if a project will require ground disturbance, particularly if the ground was previously undisturbed.
  - Look for and request hazard mitigation opportunities.
  - Provide insurance policies to the Public Assistance Coordinator (PAC) as early as possible.
  - Notify the PAC of all Special Considerations issues as soon as possible.
  - Maintain all documentation for identified Special Considerations issues.
- 

### Reference

- Public Assistance Guide (FEMA 322)
- Policy Digest (FEMA 321)

## Floodplain Management

FEMA has the responsibility to review Floodplain Management issues for any project that may receive federal funding. FEMA must determine the impact a project may have on a floodplain.

---

- Objectives**
- Avoid long-term and short-term adverse impacts associated with the occupancy and modification of Special Flood Hazard Area (SFHA)
  - Control direct and indirect flood-plain development where there is a practical alternative
- 

- FEMA Responsibilities**
- Eight (8) Steps that must be completed by FEMA prior to approval of funding:
1. Determine the location and effect of the proposed action within a wetland or the 100-year floodplain.
  2. Notify the public of the proposed action within a wetland or floodplain
  3. Identify and evaluate practicable alternatives, including alternative sites or actions outside the floodplain or wetland.
  4. Identify the potential direct and indirect impacts associated with the proposed action.
  5. Minimize potential adverse impact of the proposed action.
  6. Re-evaluate the proposed action and other practical alternatives based on steps three, four, and five.
  7. Inform the public of the final decision.
  8. Implement the action.
- 

- Exception**
- The review is not required for projects with eligible damage less than \$5,000.
  - The review is not required for emergency work, except for projects involving disposal of debris in Special Flood Hazard Area (SFHA).
- 

**FEMA's Role**

For projects located within SFHA, FEMA must determine if it is practicable to avoid restoration in the floodplain. If avoiding the floodplain is not feasible, FEMA must identify all effects to both the floodplain and the facility, and minimize the adverse effects through mitigation, such as relocation or redesign.

FEMA must perform floodplain management reviews for critical facilities located in any floodplain up to and including the 500-year floodplain. A critical facility is a structure that, if flooded, would present an immediate threat to life, public health, and safety.

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*Continued on next page*

## Floodplain Management, Continued

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**Flood  
Insurance Rate  
Map (FIRM)**

The FIRM can provide you information that allows you to identify the following:

- Special Flood Hazard Area (SFHA)
- The location of a specific property in relation to the special flood hazard areas
- The base (100-year) flood elevation at a specific site
- The magnitude of the flood hazard in a specific area
- Locate regulatory floodways
- Locate undeveloped coastal barriers where flood insurance is not available

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**Reference**

- Stafford Act §406(e)
  - 44 CFR Part 9
  - Executive Order 11988
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA)
-

## Insurance

Insurance issues are often disaster and site specific. In some cases, the applicant's insurance policy may provide coverage for items that are ineligible for FEMA/OES reimbursement (e.g., loss of business income). The insurance specialist is responsible for interpreting policies and making funding reduction recommendations.

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**Insured Facility** When the applicant has an insured property, the amount of all insurance proceeds (known or anticipated), applicable to eligible scope of work, is deducted from the FEMA/OES eligible costs and included as a line item on the PW. If a facility is fully insured and disaster damages do not exceed the full amount, FEMA/OES will reimburse the applicant for the deductible amount for the eligible repairs.

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**Information Needed** The applicant must submit copies of all insurance documentation, including the insurance policy with the deductible amounts and property coverage clearly identified. The copy of the insurance policy must include all data, declarations, endorsements, exclusions, schedules, and other attachments or amendments. The applicant must also submit any settlement documentation, including copies of the claim, proof of loss, statement of loss, and any other documentation that describes the covered items and insurance proceeds available for those items. This documentation will be used to determine the level of funding for your project.

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**Requirements** If an applicant has over \$5,000 in damages to an insurable facility, including buildings, contents of the buildings, equipment, vehicles, etc., FEMA will require the applicant to obtain and maintain insurance coverage on that facility as a condition of receiving future disaster assistance. The required insurance must provide facility coverage for the type of hazard that caused the damage and be for the minimum amount of the damage or repair costs. The insurance coverage must be maintained for the useful life of the repairs.

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**General Property Insurance** FEMA uses this term for all perils except flood. The type of insurance will be described in the scope of work of the PW. There are two types of policies:

- **Open Peril** - Fire, wind, rain (anything unless excluded)
- **Named Peril** - Earthquake (only those items specifically listed)

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*Continued on next page*

## Insurance, Continued

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**National Flood Insurance program (NFIP)** FEMA’s Federal Insurance Administration and Mitigation Directorate manage NFIP. It provides federally funded insurance to communities that adopt and enforce floodplain management ordinance. It is based on flood risk established by the Flood Insurance Rate Map. If a community is in a floodplain and does not participate in the NFIP, federal financial assistance is not available for insurable buildings in that community.

**Flood Insurance** This is the standard flood insurance available through NFIP and private insurance companies for insurable facilities (buildings, building contents, building additions, and detached garages). If the facility is insured, the insurance proceeds will be deducted. If the facility is uninsured/inadequately insured, the maximum settlement payable under NFIP or the value of the structure will be deducted. The reduction applies even to non-participating NFIP communities.

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**Eligible Costs**

- Insurance deductible
- Depreciation
- Items not covered by the policy
- Eligible costs above the policy (limited)

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**Restrictions**

- Insurance is the first line of responsibility and not contingent on FEMA assistance. Applicants can file lawsuits against their insurance carrier if the carrier refuses to pay for all damages or if payments appear to be too low.
- If the applicant does not maintain insurance, FEMA will not provide assistance for that facility in future disasters.

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**Exceptions** Applicants are exempt from the insurance purchase requirement for the following:

- Projects in which the eligible damage is less than \$5,000
- Projects for which the State Insurance Commissioner determines insurance is not reasonably available, adequate, and necessary (this requires an official waiver from the State Insurance Commissioner).

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*Continued on next page*

## Insurance, Continued

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Exceptions  
(continued)

*Note:* This exception does not apply to facilities insurable under the NFIP.

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Reference

- Stafford Act §311, §312, and §406(d)
  - 44 CFR §206.250-206.253
  - FEMA Policy 9525.3, Duplication of Benefits, Non-Government Funds dated October 30, 2000
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
-

## Hazard Mitigation, Section 406

Hazard Mitigation is defined as any cost-effective action taken to prevent or reduce the threat of future damage to a facility. The applicant, FEMA, or the State may recommend that hazard mitigation be included as part of a Project Worksheet (PW). In some cases, FEMA may require that such actions be taken as part of a project. The cost of eligible hazard mitigation actions will be included in the overall funding of a project.

**Note:** Section 406 hazard mitigation measures consist of work that is above and beyond the work required to return the damaged facility to its pre-disaster design. Upgrades required to meet current codes and standards, however are not considered hazard mitigation measures for the purpose of the PA Program.

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**Requirements** Under the PA Program, Section 406 Hazard Mitigation applies only to the damaged elements of a facility, rather than to undamaged parts of the facility or the entire system. Hazard mitigation measures apply only to permanent work projects (Categories C through G) and are considered part of the total eligible cost of the repair, restoration, reconstruction, or replacement of a facility.

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**Approval** For hazard mitigation measures to be approved, FEMA staff must ensure eligibility, technical feasibility, environmental and historical compliance, and cost effectiveness.

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**Eligible Funding** The Public Assistance Coordinator (PAC) may approve hazard mitigation measures amounts up to 15 percent of the total eligible cost of the repair work on a particular project. The PAC may approve hazard mitigation measures up to 100 percent of the total eligible cost if the mitigation measure is on the pre-approved hazard mitigation list.

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**Exception** The following are exceptions to the basic 15 percent rule:

- Certain mitigation measures may be determined to be cost-effective as long as the mitigation measure does not exceed the cost of the eligible repair work on the project
- For measures that exceed the costs of eligible repair work, the applicant must demonstrate through an acceptable benefit/cost analysis that the measure is cost effective

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*Continued on next page*

## Hazard Mitigation §406, Continued

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**Example  
Projects**

The following are examples where hazard mitigation may be applied:

- Relocation of facilities from hazardous locations
  - Protection from high winds
  - Flood proofing of buildings
  - Flood protection of bridges and culverts
  - Seismic protection
  - Protection of utilities
- 

**Reference**

- Stafford Act §406
  - 44 CFR §206.201(f) and §206.226(c)
  - FEMA Policy 9526.1, dated August 13, 1998
  - Public Assistance Guide (FEMA 322)
  - Policy Digest (FEMA 321)
-

## Environmental Considerations

Any project that receives federal funding must comply with the National Environmental Policy Act (NEPA). NEPA requires the review process be completed prior to start of construction. All scope of work changes or modifications requires a NEPA review. Failure to comply with NEPA may jeopardize the funding of eligible project.

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**What is NEPA?** NEPA requires that FEMA include an environmental prospective in their project planning by evaluating the potential environmental impacts of the proposed project and ensuring that an appropriate level of public involvement takes place.

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**NEPA Review** Implementing the NEPA review process often allows FEMA to identify and consider the requirements of other federal, state, and local environmental laws and regulations that apply to the project.

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**Federal Laws and Regulations** The following environmental laws and regulations impact federally funded projects:

- The Clean Water Act
- The Clean Air Act
- The Coastal Barriers Resources Act (CBRA)
- The Resources Recovery and Conservation Act
- The Endangered Species Act (ESA)

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**Federal Laws to Consider** Consider the following Federal Laws:

- Coastal Zone Management Act - applies to areas covered by a Coastal Zone Management Plan
- Farmland Protection Policy Act - applies to proposed projects which cause loss/irreversible conversion of farmlands (NRCS)
- Wild and Scenic River Act - applies to projects located on rivers designated as wild and scenic

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**Executive Orders** The following Executive Orders frequently affect federally funded projects:

- 11988: Floodplain Management - mitigate, relocate, or leave alone
- 11990: Protection of Wetlands - avoid wetlands; if wetland is filled, one must be created
- 12898: Environmental Justice - protects minority or economically depressed communities and tribal areas

## Environmental Considerations, Continued

**Statutory Exclusions** FEMA is provided with statutory exclusions under Section 316 of the Stafford Act. These exclusions exempt certain actions from the NEPA review process and generally include:

- Debris removal and clearance of roads and demolition of unsafe structures
- Emergency protective measures, such as the construction of temporary bridges and other activities necessary to reduce immediate threats to life, property, and public health and safety
- Repair or restoration projects that do not affect the footprint, function, and size of the original facility

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*Note:* Compliance with other individual laws, such as the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act, is still required, even when a project is excluded from NEPA review.

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**Categorical Exclusions** These include actions that, through experience, FEMA has found typically will have little or no environmental impact. Examples include:

- Minor improvements or minor hazard mitigation measures at existing facilities, such as placing riprap at a culvert outlet to control erosion.

*Note:* If there are unresolved extraordinary circumstances, such as the presence of protected natural or cultural resources, the proposed action cannot be categorically excluded, and an Environmental Assessment would be required.

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**Reference**

- Stafford Act, §316
- 44 CFR Part 10
- 40 CFR Parts 1500-1508
- Environmental Police Memoranda
- FEMA Policy 9560.1, Environmental Policy Memoranda dated August 17, 1999
- Public Assistance Guide (FEMA 322)
- Policy Digest (FEMA 321)

## Historic Preservation Considerations

The National Historic Preservation Act (NHPA) requires a Federal Agency to consider the effects of its undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places. The agency funding the undertaking is required to afford the State Historic Preservation Office, Tribal Historic Preservation Office, and Advisory Council on Historic Preservation a reasonable opportunity to comment regarding the undertaking.

**NHPA Affect's** NHPA requires that FEMA consider the direct or indirect effects of “undertakings” it funds on historic, cultural, or archaeological resources.

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**FEMA'S  
Historic  
Preservation  
Program**

Many public assistance projects have the potential to affect historic properties. These projects include:

- Repair and restoration of historic structures
  - Demolition or removal of historic structures
  - Repair, restoration, and demolition projects in historic districts
  - Improved, alternate, or relocated projects that affect undisturbed areas that may contain archeological sites or other historic properties
- 

**When To  
Consider  
FEMA  
Requirements**

Facilities are generally considered historic when they are 50 years old or older.

The NEPA requires FEMA to:

- Identify historic properties that may be affected by Federally funded activities
- Assess the effects of the proposed work on historic properties
- Consult with the State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer (THPO), the Advisory Council on Historic Preservation and other interested parties to resolve adverse effects
- Proceed with the work only after completing the historic review process

## Other Federal Laws and Regulations

### Applicable Laws and Regulations

- 12699: Seismic Design - requires use of appropriate seismic design standards Federally assisted or regulated construction of new buildings
- Native American Grave and Reparation Act (NAGRA) of 1990 – Requires museums receiving federal funds to inventory their holdings of Native American cultural items and notify the Indian Tribe and afford them the opportunity to claim the remains and/or items.
- American Indian Religious Freedom Act (AIRFA) – protects the rights of Native Americans to exercise their traditional religions by access the sites.

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### Reference

- Public Assistance Guide (FEMA 322)
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## Chapter 5 - Other Disaster Assistance Programs

Disaster assistance may be available from other government sources.

**Available Programs**

Other federal programs may offer assistance during a declared event. Below is a listing of these organizations:

Organization	Assistance Provided
Federal Highways Administration (FHWA)	Provides funds under their Emergency Relief (ER) Program for “on system” roads that incur damages due to a declared event. <i>NDAAs may cost share with this program.</i>
U.S. Army Corps of Engineers (USACE)	May provide assistance in emergency flood fighting, restoration of levees, dams, etc., that are enrolled in their program. USACE are generally funded at 100% federal funds, so no NDAA cost share is needed.
U.S. Natural Resources Conservation Service (NRCS)	This program is designed to provide disaster assistance for erosion control on undeveloped public land. Also may provide assistance for watershed restoration and preservation. Private land may be eligible if sponsored by an eligible applicant. <i>NDAAs may cost share with this program.</i>
U.S. Small Business Administration (SBA)	Provides low cost disaster assistance loans. Certain PNP organizations must first apply and be denied a disaster loan before requesting a Public Assistance Grant. <i>NDAAs may cost share with this program.</i>

**Restrictions**

Applicants must be aware that some or all of the above organizations may have time requirements that differ from the FEMA Disaster Assistance Program. If the applicant has a project that may qualify for assistance under one of the agencies above, it is highly recommended that the appropriate agency be contacted immediately for clarification and guidelines on available program. *If NDAA cost shares with any of these Federal programs, funding will be provided at project completion.*

**Note:** The applicant must be an approved eligible applicant to receive cost share funding. Applicant is responsible for informing OES of the potential cost share, and provides documentation-indicating funding of the project by another federal agency.

## OES Individual Assistance Section

### Individual Assistance

The term “Individual Assistance” is truly an umbrella term for a variety of local, state, and federal programs that are coordinated by the Individual Assistance (IA) Section. These programs are intended to help the general, agriculture community, and businesses recover for the effects of a disaster.

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**Objective** Increase the awareness of disaster recovery assistance to various local, state, federal agencies, and private non-profit organizations; and ensure all available resources are identified and implemented, as appropriate, to assist disaster victims through the recovery process. The following programs are examples of assistance that may become available, dependent on the size and scope of the event:

#### Program for Individuals

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**Assistance to Individuals and Households Program (IHP)** The Assistance to Individuals and Households Program (**IHP**) may provide grants and/or direct assistance to individuals for:

- Temporary Housing
- Repairs
- Replacement
- Permanent Housing Construction
- Medical, Dental, and Funeral Expenses
- Personal Property
- Transportation
- Other Expenses

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**State Supplemental Grant Program (SSGP)** State Supplemental Grant Program (**SSGP**) may provide additional grant funds to individuals and households for:

- Temporary Housing
- Repairs
- Replacement
- Permanent Housing Construction
- Medical, Dental, and Funeral Expenses
- Personal Property
- Transportation
- Other Expenses

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## Individual Assistance, Continued

### Program for Individuals, Continued

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**U.S. Small  
Business  
Administration  
(SBA)**

U.S. Small Business Administration (**SBA**) loans may be made available to individuals for:

- Personal Property
- Real Estate
- Hazard Mitigation

### Program for Businesses

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**U.S. Small  
Business  
Administration  
(SBA)**

U.S. Small Business Administration (**SBA**) loans may be made available to businesses for:

- Real Estate
- Business Assets
- Economic injury
- Hazard Mitigation

### Programs for Agriculture

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**U.S.  
Department of  
Agriculture**

U.S. Department of Agriculture (**USDA**) Loans for farm property/crop productions losses to:

- Farming operations
- Ranching operations
- Aquaculture operations

Note: In response to a USDA designation, SBA implements the Economic Injury Disaster Loan (**EIDL**) program for small agricultural cooperatives/businesses impacted by a designated agriculture disaster.

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## Individual Assistance, Continued

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<b>Unemployment Assistance</b>	Disaster Unemployment Assistance ( <b>DUA</b> ) may provide financial assistance and employment services to jobless workers and the self-employed as a direct result of a major disaster
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<b>Crisis Counseling</b>	Crisis Counseling Programs may provide short/long term intervention counseling for emotional and mental health problems caused or aggravated by the disaster.
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<b>Other Vital Functions Performed by the IA Section for the Disaster Assistance Division (DAD)</b>	<ul style="list-style-type: none"><li>➤ Assists the Director of OES, the Governor, and federal authorities in determining what programs are necessary to provide relief.</li><li>➤ Coordinates damage assessment efforts to determine the number and location of individuals, homes, and businesses impacted by a disaster.</li><li>➤ Ensures all appropriate resources and programs are requested, identified, and implemented.</li><li>➤ Coordinates, monitors, and/or provides oversight to IA programs once activated by the state or federal and/or voluntary agencies.</li><li>➤ Coordinates the activation and operations of Local Assistance Centers (LAC), where local, state, federal, and voluntary agency resources combine to provide a centralized location(s) for members of the public to access information about disaster recovery programs.</li><li>➤ Conducts public speaking engagements that focus on discussing various types of assistance that may be available.</li></ul> <p>Educates public entities on the importance of providing accurate and timely disaster damage assessment figures as well as participates in the information collection process.</p>
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<b>For Additional Information</b>	For additional information please call the Office of Emergency Services, Individual Assistance Section at <b>(916) 845-8100</b>
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## OES Hazard Mitigation Section

### Hazard Mitigation Programs

Hazard Mitigation is: “any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards\*.”

\*This definition comes from the Interim Final Rule, 44CFR201.2, published in the Federal Register 02/26/02. It is neither in DMA 2000, nor is it in adopted legislation.

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**Objective** Within the Division, the Hazard Mitigation Section is responsible for coordinating the state’s hazard mitigation efforts including:

- Hazard mitigation planning
- Hazard mitigation grants administration
- Technical assistance to state and local officials.

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**State Hazard Mitigation Officer** *The state is required by federal regulations to identify a State Hazard Mitigation Officer (SHMO) who is responsible for coordinating state activities relating to hazard mitigation. In California the SHMO is the manager of the Hazard Mitigation Section.*

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**State Hazard Mitigation Planning**

- Federal law requires the state to develop and maintains a State Hazard Mitigation Plan, approved by FEMA, as a prerequisite for obtaining federal financial assistance for
  - Hazard mitigation measures, repair and
  - Replacement efforts under the Public Assistance Program and
  - Fire suppression the Fire Management Assistance Grant Program authorized under the Stafford Act.
- California’s hazard mitigation planning process is continuous and involves a multitude of federal, state and local agencies, as well as academia, private non-profit organizations, community-based organizations, and the general public.
- The State Hazard Mitigation Plan describes the state’s hazards, vulnerability to those hazards, mitigation strategy and goals, and the states capability to address such hazards.

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## Hazard Mitigation Programs, Continued

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State Hazard Mitigation Planning (continued)

- The State Hazard Mitigation Plan incorporates the California Earthquake *Loss Reduction Plan* written by the California Seismic Safety Commission and the *State Fire Plan* written by the California Department of Forestry and Fire Protection.
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Local Hazard Mitigation Plans

### **Purpose of the Local Hazard Mitigation Planning Program (LHMP)**

- The Local Hazard Mitigation Planning Program provides technical and/or financial assistance to local governments to aid in the development of local mitigation plans which meet the criteria established by the Federal Emergency Management Agency.
- Local hazard mitigation planning integrates hazard identification, risk assessment, risk management, prevention and the identification of cost effective mitigation measures and projects into a comprehensive strategy.
- In addition, the LHMP strives to set effective use of available public and private resources, grants and funds devoted to risk management and hazard mitigation.
- The LHMP also helps coordinate state agency and the private sector involvement in the development of local hazard mitigation plans.

### **LHMP Program Emphasis**

The overall goal of the LHMP is to have FEMA approved, local hazard mitigation plans in place by November 1, 2004. According to the regulations, these plans must be in effect in order for the local government to be eligible for Hazard Mitigation Grant Program (HMGP) funding as well as other post-disaster and pre-disaster funding after November 1, 2004.

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## Hazard Mitigation Programs, Continued

The Hazard Mitigation Section currently administers three ongoing federal grant programs and has administered several other one-time grants. Descriptions of OES' three main hazard mitigation grant programs are listed below:

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### Grant Programs

#### ➤ Hazard Mitigation Grant Program (HMGP)

**Purpose:** Hazard Mitigation projects are aimed at reducing or eliminating future damages. The focus of hazard mitigation projects is on protecting, strengthening, elevating, relocating, or otherwise modifying buildings, infrastructure, or other facilities to enhance their ability to withstand the damaging impacts of future natural disasters.

**Funding:** HMGP funding is provided by the Federal Emergency Management Agency through the Governor's Office of Emergency Services (OES).

- Federal funding is only available after the President signs a Major Disaster Declaration.
- The total amount of federal funding under the HMGP cannot exceed 15 percent of the total (estimated) federal assistance provided under certain other sections of the Stafford Act, (Public Assistance and Individual Assistance programs) for that disaster.
- The Federal government may provide up to 75% of the cost of hazard mitigation measures.
- The non-federal share must be provided by the applicant from non-federal sources and can include a "soft" match, such as donated labor and materials.

**Eligible Applicants:** State and local governments, special districts and approved private non-profit organizations can compete for HMGP funds by applying to OES during an open application period.

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## Hazard Mitigation Programs, Continued

### Grant Programs (continued)

**Eligible Projects:** Applications for HMGP funds must meet the minimum eligibility criteria established by regulation, be consistent with the state plan and local plan, and meet the guidelines and priorities established for that particular disaster. To comply with the minimum eligibility criteria the project must:

- Solve a problem independently or contribute to a solution where there is assurance the project as a whole will be completed
- Meet all applicable codes and standards
- Demonstrate cost-effectiveness
- Comply with federal requirements and regulations

### ➤ **Flood Mitigation Assistance (FMA) Program**

**Purpose:** FMA provides funding for measures to reduce or eliminate the long-term risk of flood damage to repetitive loss buildings, manufactured homes, and other structures insurable under the FEMA National Flood Insurance Program (NFIP). The funds are granted annually to the state from FEMA. The OES Hazard Mitigation Section has administered the FMA program in California since 1997.

**Funding Uses:** Three types of grants are available under FMA: planning, project, and technical assistance.

- FMA planning grants are available to states and communities to prepare flood mitigation plans. FEMA encourages states and communities to develop plans using the criteria specified in the regulations for Section 322 of the Stafford Act. NFIP-participating communities in California with approved mitigation plans can apply to OES for FMA Project Grants.
- FMA Project Grants are available to NFIP-participating communities to implement measures to reduce flood losses.
- Ten percent of the Project Grant is made available to the state as a Technical Assistance Grant. These funds have been used by the OES to administer the FMA program.

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## Hazard Mitigation Programs, Continued

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(continued)

**Program Emphasis:** A few examples of eligible FMA projects include the elevation, acquisition, or relocation of repetitive loss NFIP-insured structures. FMA funding to OES during any 5-year period may not exceed \$10,000,000, and to any community may not exceed \$3,300,000. During the first five years that the program has operated in California \$8,879,985 has been awarded for project and planning grants to communities.

➤ **Pre Disaster Mitigation Grant Program (PDM)**

**Purpose:** The overall goal of the PDM is to provide technical and financial assistance to States and local governments to assist in the implementation of pre-disaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

**Funding Uses:** There are two types of PDM grants, planning grants and project grants.

- Planning grants will be awarded to assist the State and its communities in developing a multi-hazard mitigation plan in accordance with Section 322 of the Stafford Act. Regulations governing Hazard Mitigation Planning can be found in 44 CFR 201 Interim Final Rule.
- Planning grants may be used for technical assistance (e.g., risk assessments, project development) and may include community outreach and education.
- The aggregate amount allocated to community outreach and education cannot exceed 10% of the State's allocation.
- Project grants can be used for acquisition or relocation of vulnerable properties; hazard retrofits; minor structural hazard control or protection projects. Local governments must have a FEMA approved Local Mitigation Plan in accordance with 44 CFR 201.6, to be eligible for a project grant. Project grants will be awarded in accordance with the priorities cited in the State Hazard Mitigation Plan.

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## Hazard Mitigation Programs, Continued

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One focus of the PDM program is to support the development of hazard mitigation planning process at the state and local level, and to fund the projects that have the highest priority from the plans developed in those processes. Another focus is to provide a continuous flow of funding to states for hazard mitigation whether the state has experienced a recent disaster or not.

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### **Hazard Identification & Analysis Unit**

**Mission:** To determine the vulnerability and risk associated with the natural, technological and human caused hazards with the state.

Within the concept of integrated emergency management, an obvious common thread, that being the hazard, ties the four phases of an emergency, mitigation, preparedness, response, and recovery, together. FEMA, in their training program *Introduction to Emergency Management*, has identified nine natural hazards (10 including volcanoes) and six technological hazards. This helps define the functions of the Hazard Identification and Analysis (HIA) Unit:

1. A *hazard* is a dangerous event or circumstance that has potential to lead to an emergency or disaster.
2. *Hazard probability* is the estimated likelihood that a hazard will occur in a particular area.
3. *Vulnerability* is the susceptibility of life, property, or the environment to damage if a hazard occurs.
4. A *risk* is the probability of suffering those damages.

These four definitions taken together provide the basis of the functions of the Hazard Identification & Analysis Unit. The hazards within California have been fairly well defined in that the most common hazards are flood and fire with earthquakes being the most significant hazard in amount of destruction, property and monetary loss. The scientific community and other State or Federal agencies have defined the probability of these events occurring. The Unit strives to determine the vulnerability and the risk associated with those hazards and as a result of September 11, 2001, the burgeoning threat of terrorism.

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## Hazard Mitigation Programs, Continued

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**Hazard Identification & Analysis Unit**  
(continued)

This function, in turn, becomes a link between the different divisions and branches of OES. All activities of the unit are coordinated and/or competed in collaboration with the other programs of OES as appropriate.

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**Mitigation Education And Marketing (MEAM) Program**

The objectives of the MEAM Program are to:

- 1) Implement outreach campaigns to increase awareness of hazard mitigation, available funding, and hazard mitigation planning;
- 2) Incorporate the fundamental concepts of a “disaster resistant communities.”.
- 3) Promote and implement a “community based” focus for hazard mitigation.
- 4) Develop audio, visual and printed materials that provide incentives to implement hazard mitigation measures.
- 5) Establish key private/public sector partnerships to implement ongoing mitigation activities
- 6) Develop a library of success stories that demonstrate the benefits of hazard mitigation.

Presentations are available statewide utilizing floor displays with touch-screen DVD programs for conventions and large venues and tabletop displays for smaller events. The MEAM Program provides hazard mitigation program definitions, success stories, GIS generated maps of local area projects, and program literature devoted to the hazard mitigation message of avoiding or lessening future loss due to disasters.

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**Disaster Resistant California (DRC) Conference**

OES hosts an annual Disaster Resistant California Conference that promotes public/private partnerships in an effort to reduce the vulnerability of individual communities to natural and man-made disasters.

- The DRC Conference brings together emergency management professionals, local and state government representatives, planners, and private business partners to share ideas, technology and resources for the purpose of mitigating disasters.
  - Offering a variety of training and networking opportunities, the Conference includes compelling cases from local, state, and federal authorities and nationally know experts presenting innovative solutions for today’s emergency management environment.
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## Hazard Mitigation Section, Continued

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**Disaster Resistant California (DRC) Conference**  
(continued)

- Presenters are high-level officials and nationally known experts from major companies, and local, state, and federal government. Attendees represent a broad spectrum of elected officials, managers, practitioners, researchers, and others responsible for, or interested in, reducing the risk from natural and man-made disasters
  - The Conference's presentations, displays, and demonstrations emphasize successful systems, technologies, and strategies to implement hazard mitigation measures and programs
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**Other Services Provided by The OES Hazard Mitigation Section**

- **Technical Assistance**
    - OES provides training and assistance for the development of local mitigation plans and hazard mitigation programs
  - **Web Site**
    - The OES Internet web site contains applications for mitigation grants
    - Links related to local hazard mitigation plans
    - Documents regarding State Hazard Mitigation Planning process
  - **Online Assistance**
    - The OES web page has an e-mail link directly to Hazard Mitigation staff to answer questions regarding the application process
    - The address is <mailto:HMGP@oes.co.gov>
- 

**HMGP Section Contacts Information**

- State Hazard Mitigation Officer – John Rowden – (916) 845-8150
  - HMGP Programs Manager – Marcia Renschler – (916) 845-8170
  - Hazard Mitigation Identification and Analysis – Program Manager Chris Adams
- 

**Mailing Address**

Mr. John Rowden  
State Mitigation Officer  
P.O. Box 419023  
Rancho Cordova, CA 95741-9023

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**Reference**

- Stafford Act §404
  - Hazard Mitigation Grant Program Desk Reference (FEMA345)
  - Public Assistance Guide (FEMA 322)
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## Attachments

### List of Acronyms and Terms

AC	Area Coordinator
ADR	Alternate Dispute Resolution
CBRS	Coastal Barriers Resource System
CEF	Cost Estimating Format
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CMF	Case Management File
CPI	Consumer Price Index
DFO	Disaster Field Office
ER	Emergency Relief
EIR	Environmental Impact Review
EOC	Emergency Operation Center
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FIPS NUMBER	Same as Project Application Number
FONSI	Finding of No Significant Impact
GAR	Governor's Authorized Representative
Grantee	The entity, usually the state, responsible for administering FEMA PA grants
HMGP	Hazard Mitigation Grant Program
HMP	Hazard Mitigation Proposal
IDE	Initial Damage Estimate
IA	Individual Assistance
INF	Immediate Needs Funding
Legal Delta	Sacramento/San Joaquin Delta
MOA	Memorandum of Agreement
NDAA	Natural Disaster Assistance Act
NEMIS	National Emergency Management Information System
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NRCS	Natural Resources Conservation Service
Obligate	FEMA approval of a PW
OES	Office of Emergency Services (State of California)
OMB	Office of Management and Budget (Federal)
PA	Public Assistance
PA#	Project Application Number
PAC	Public Assistance Coordinator
PAO	Public Assistance Officer
PDA	Preliminary Damage Assessment

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## List of Acronyms and Terms, Continued

PNP	Private Nonprofit Organization
PO	Project Officer
PW	Project Worksheet
RD	Reclamation District
RIMS	Response Information Management System
SCO	State Coordinating Officer
SEMS	Standardized Emergency Management System
SFHA	Special Flood Hazard Area
SFIP	Standard Flood Insurance Policy
SHPO	State Historic Preservation Officer
SOP	Standard Operating Procedure
Stafford Act	The law which establishes FEMA disaster assistance
Subgrantee	An eligible applicant in federally declared disasters or emergencies
Specialist	Validates small projects
TAC	Technical Assistance Contractor
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service

## Common Oversights by Applicants

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Failure to Contact the Operational Area	At the onset of an incident, applicants must contact their Operational Area (OA) first. Failure to do so can delay their application process and eventually delay receiving assistance.
Not participating in PDA	If applicants do not participate in the Preliminary Damage Assessment (PDA), they miss their opportunity to receive Immediate Needs Funding (INF), if made available, and/or expedited PWs.
Absence from OES Briefings and Workshops	Ensure that someone directly involved in the Public Assistance recovery process attends the briefings and workshops conducted by OES. These events aid you in the recovery process and keep you up-to-date on the latest policies governing the Public Assistance program
Failure to Contact Other Federal Agencies that are responsible for repairing disaster damages	Applicants fail to contact other federal agencies (FHWA, USACOE, NRCS, SBA, etc.) in a timely manner for damages that fall under these agencies' jurisdiction, eventually causing loss of funding for eligible work. FEMA will not cover costs where another federal agency has jurisdiction.
Failure to identify Hazard Mitigation opportunities	Applicants fail to identify Hazard Mitigation opportunities during the inspection and PW process that could be eligible for funding.
Use of Administrative Allowance for Project Management costs	Applicants use the administrative allowance to cover costs of project management. The administrative allowance from FEMA/OES is not intended for construction or project management costs.
Late Submittal for Request for State Assistance	At the onset of an incident, where the local government determines that it is beyond their control, the applicant should submit a request for State Assistance through their Operational Area within 10 days from the incident.
inadequate information or supporting documentation	When the applicant requests supplemental funding, time extensions, alternate project, or appeals, they fail to provide supporting documentation or the appropriate information. This delays the processing of their requests and, subsequently, their funding.

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## COMMON OVERSIGHTS BY APPLICANTS, Continued

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Failure to Submit Request for Small Projects Overruns (NSPO)

Applicants fail to request a NSPO within 60 days of completing their last small project, thus missing their opportunity for additional funding. In addition, applicants fail to provide all necessary documentation to support their NSPO.

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Lack of Auditable Documentation

You should ensure that your agency consistently maintains auditable documentation for each project and that the information is filed by project. Your documentation must show the loss resulting from the disaster, who performed the emergency measures or permanent repairs, why the work was required, when and where the work was performed, and how the work was performed. Finally, keep the timesheets and/or invoices associated with the work. If this documentation is ambiguous or incomplete, your agency risks losing funding as a result of the final inspection and/or the potential audit of the project. Finally, take before and after pictures of emergency work completed prior to the kickoff meeting.

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Do not Retain Records in Accordance with Regulations

Applicants fail to understand that OES's final inspection is not an audit. Audits can happen independently from OES and records should be kept for 3 years from final payment for the entire disaster application.

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Historic and Environmental Impacts Not Considered

You risk losing funding if you do not allow OES/FEMA to review the impact of repairs on historic properties and/or the environment. Proposed repairs must be reviewed and approved by OES/FEMA prior to starting construction. Failure to comply may jeopardize your funding and could have legal consequences.

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Inaccurate Scope of Damage and Repairs

For your small PWs, make sure you provide detailed itemizations of the scope of damage and repairs to avoid the deobligation of funding during the final inspection of the projects. It is important that you assign a knowledgeable person to assist the FEMA/OES Project Officers identify damages. Ensure that the large PWs accurately reflect the scope of damage and repairs because this will establish your final funding. Once you receive the PW approval notification from OES, review the approved project scope and costs. If you disagree with the final approved PW, you have the right to appeal the determination within 60 days of OES' notification letter.

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**COMMON OVERSIGHTS BY APPLICANTS, Continued**

Missed Deadlines      You do not want to lose federal funding simply because you did not meet a regulatory deadline. Therefore, once a disaster has been declared, you should be aware of all the deadlines that impact your project application.

<b>Issue</b>	<b>Deadline</b>
Request for State Disaster Assistance	10 days from day of incident
Request for Public Assistance	30 days from federal declaration date
List of Projects (OES 95)	30 days from federal declaration date
Amended List of Projects (OES 95)	60 days after the kickoff meeting
Small Project Formulation	Goal of 30 days after kickoff meeting
Emergency Work Project Completion	Six (6) months from federal declaration date
Permanent Work Project Completion	18 months from federal declaration date
Appeal	60 days from receiving PW approval notification or FEMA action being disputed
Net Small Project Overruns (Appeal)	60 days from completing last small project
Final Inspection	60 days from completing last project for disaster
Disaster-specific policy deadlines	Deadline indicated through written notification to applicants

Incomplete or Inaccurate Completion of Forms      Follow all instructions for completing forms (e.g., List of Projects (OES 95), Request for Public Assistance form, payment forms, Project Worksheets, etc.). Contact OES if the form is unclear and the instructions are not available. Failure to complete the form correctly will delay and negatively impact your funding.

Verbal Agreements      Ensure that all verbal agreements are confirmed in writing from FEMA, through an OES official.

Change of Address Notification      Ensure that whenever there is a change of address that the State is notified immediately.

## Time Extension Request Letter Sample

[Date]

State Public Assistance Officer  
Governor's Office of Emergency Services  
Public Assistance Section

SUBJECT: TIME EXTENSION REQUEST, PW [PW XXXXX]  
Disaster Number: FEMA-[DR #XXXX]-DR,  
Application Number: P.A. [PA # XXX-XXXX]

Dear Mr./Ms. [Last Name]:

I would like to request a time extension for Project Worksheet (PW) [Enter PW #] until [Enter Month/Day/Year]. This PW was written in the amount of [Enter \$ Amount] to repair the two lane bridge on County Road 121 over Always Dry Creek, one mile west of Wheresit which was damaged in the [Enter Disaster # and Type (i.e., floods, fires)].

<u>PW</u>	<u>Category</u>	<u>Last Approved Extension</u>	<u>Projected Completion Date</u>
[Enter PW #]	[Enter Letter A-G.]	[Date]	[Date]

We are unable to complete the work within the authorized time because [Enter detailed explanation of extenuating reason(s)].

If you need additional information, you may contact me at [Enter telephone number], or you may call my assistant, [Enter name of person], at [Enter telephone number]. (If you have an e-mail address, please include those also.)

Sincerely,

Pat Pending  
Director  
County Public Works Department

Note: The following are examples of common delays to complete the project:

- The project has been in review for special considerations and has been only recently approved;
- Environmental permitting delays do not allow time for construction during the construction season; - short construction season.
- Inclement weather has not allowed construction at the site;
- Contractors have not been available for the work; or
- Other special project requirements/extenuating circumstances beyond the subgrantee's control.
- Difficult site conditions
- Project suspended for "site stabilization"

## Supplement Funding Request Letter Sample

[Date]

State Public Assistance Officer  
Governor's Office of Emergency Services  
Public Assistance Section

SUBJECT: SUPPLEMENT REQUEST, PW [PW XXXXX]  
Disaster Number: FEMA-[DR #XXXX]-DR,  
Application Number: P.A. [PA # XXX-XXXX]

Dear Mr./Ms. [Last Name]:

I would like to request supplemental funding for Project Worksheet (PW). This PW was written in the amount of [Enter \$ Amount] to repair the two lane bridge on County Road 121 over Always Dry Creek, one mile west of Wheresit which was damaged in the [Enter Disaster # and Type (i.e., floods, fires)].

A supplemental cost adjustment is necessary for large project [Enter PW #], Category [Enter Letter C-G.] in the amount of \$[Enter \$ Amount].

[Enter detailed description of proposed change in scope of work and construction schedule]

I have enclosed supporting documentation (state type of documentation) and (drawings, or sketch of proposed repair, cost estimate, engineering/gio-teck reports, etc.).

If you need additional information, you may contact me at [Enter telephone number], or you may call my assistant, [Enter name of person], at [Enter telephone number]. (If you have an e-mail address, please include those also.)

Sincerely,

Pat Pending  
Director  
County Public Works Department

*Note:* The following are examples of common reasons to request supplemental funding:

- The low bid for contract repairs exceeded the original anticipated cost;
- A more cost-effective repair has been determined;
- Additional damage has been discovered (what type of damage and where);
- Codes and Standards require additional work;
- Environmental permitting or clearance require additional or altered work; or
- Necessary work was omitted when the PW was written.

## Improved Project Request Letter Sample

[Date]

State Public Assistance Officer  
Governor's Office of Emergency Services  
Public Assistance Section

SUBJECT: IMPROVED PROJECT, PW [PW XXXXX]  
Disaster Number: FEMA-[DR #XXXX]-DR,  
Application Number: P.A. [PA # XXX-XXXX]

Dear Mr./Ms. [Last Name]:

I would like to request improved project status for Project Worksheet (PW). This PW was written in the amount of [Enter \$ Amount] to repair the two lane bridge on County Road 121 over Always Dry Creek, one mile west of Wheresit which was damaged in the [Enter Disaster # and Type (i.e., floods, fires)]. Since the new Wheresit Walmart is being located near the bridge site, the County has decided to improve the bridge and road to four lanes.

I have enclosed schematic drawings and a description of the proposed scope of work. The enclosed construction schedule anticipates that the project can be completed by [Enter Date] after receiving approval. We estimate that the additional expense for the improved project will be \$[Enter \$ Amount.]. This improvement is not required by codes or standards and is not a hazard mitigation measure or a relocation of the damaged facility.

[Enter detailed description of proposed change in scope of work and construction schedule]

I have enclosed supporting documentation (state type of documentation) and (drawings or sketch of changes in scope of work, engineering/geo-teck reports, etc.).

If you need additional information, you may contact me at [Enter telephone number], or you may call my assistant, [Enter name of person], at [Enter telephone number]. (If you have an e-mail address, please include those also.)

Sincerely,

Pat Pending  
Director  
County Public Works Department

## Alternate Project Request Letter Sample

[Date]

State Public Assistance Officer  
Governor's Office of Emergency Services  
Public Assistance Section

SUBJECT: ALTERNATE PROJECT REQUEST, [PW XXXXX]  
Disaster Number: FEMA-[DR #XXXX]-DR,  
Application Number: P.A. [PA # XXX-XXXX]

Dear Mr./Ms. [Last Name]:

I would like to request an Alternate Project status for Project Worksheet (PW) [Enter PW #]. This PW was written in the amount of [Enter \$ Amount] to repair the two lane bridge on county road 121 over Always Dry Creek, one mile west of Wheresit which was damaged in the [Enter Disaster # and Type (i.e., floods, fires)]. Since the single farmstead that was served by this road has been abandoned, the County has decided to abandon this segment of the road and would like to apply these funds to an Alternate Project. The Alternate Project the County has selected is the replacement of the roof at the County Public Safety Building that houses our Emergency Operations Center.

I have enclosed schematic drawings and a description of the proposed scope of work. The enclosed construction schedule anticipates that the project can be completed in 12 months after receiving approval. We estimate that the additional expense for the alternate project will be \$[Enter \$ Amount.].

If you need additional information, you may contact me at [Enter telephone number], or you may call my assistant, [Enter name of person], at [Enter telephone number]. (If you have an e-mail address, please include those also.)

Sincerely,

Pat Pending  
Director  
County Public Works Department

## Appeal Request Letter Sample

[Date]

State Public Assistance Officer  
Governor's Office of Emergency Services  
Public Assistance Section

SUBJECT: FIRST or SECOND APPEALS REQUEST, PW [PW XXXXX]  
Disaster Number: FEMA-[DR #XXXX]-DR,  
Application Number: P.A. [PA # XXX-XXXX]

Dear Mr./Ms. [Last Name]:

I would like to appeal the Federal Emergency Management Agency's (FEMA's) determination regarding Project Worksheet (PW) [Enter PW #]. This PW was written in the amount of [Enter \$ Amount] to repair the two lane bridge on county road 121 over Always Dry Creek, one mile west of Wheresit which was damaged in the [Enter Disaster # and Type (i.e., floods, fires)]. FEMA's determination was the denial of (eligibility; a denial of a supplement; an alternate project status; a time extension; or some other adverse determination.) The denial was in the amount of \$[Enter \$ Amount].

We do not concur with FEMA's determination because we believe it to be an eligible project **(Give a brief chronology of the project from the event to FEMA's determination and explain how and why your position is correct and is supported by FEMA regulation or policy and appropriate documentation).**

I have enclosed supporting documentation **(list type of documents)**.

If you need additional information, you may contact me at [Enter telephone number], or you may call my assistant, [Enter name of person], at [Enter telephone number]. (If you have an e-mail address, please include those also.)

Sincerely,

Pat Pending  
Director  
County Public Works Department

## Net Small Project Overrun Request Letter Sample

[Date]

State Public Assistance Officer  
Governor's Office of Emergency Services  
Public Assistance Section

SUBJECT: FIRST APPEAL FOR NET SMALL PROJECT OVERRUNS  
Disaster Number: FEMA-[DR #XXXX]-DR,  
Application Number: P.A. [PA # XXX-XXXX]

Dear Mr./Ms. [Last Name]:

I would like to like to appeal a Net Small Project Overrun in the in the amount of \$[Enter \$ Amount]. The last project for this application was completed on [Enter Month/Day/Year].

**[Enter detailed explanation for each overrun/underrun.**

I have attached supporting documentation (i.e., invoices, contracts, etc.) and a spreadsheet listing all projects underruns and overruns.

Sample Spreadsheet:

Project Worksheet #	Approved Amount	Claimed Cost	Date Project Completed	Difference (Overrun or Underrun)	Comments
23456	7,235.00	7,235.00	5/7/00	0.00	No change
54321	9,682.00	10,578.00	9/9/99	896.00	Cost of fill underestimated
56789	26,890.00	32,269.00	7/7/00	5,379.00	Increase in material cost
32679	11,289.00	11,047.00	7/799	(242.00)	Less labor than estimated
<b>Totals</b>	55,096.00	61,129.00		<b>6,275.00</b>	Amount Requested

If you need additional information, you may contact me at [Enter telephone number], or you may call my assistant, [Enter name of person], at [Enter telephone number]. (If you have an e-mail address, please include those also.)

Sincerely,

Pat Pending  
Director  
County Public Works Department