



California Wildfires and Straight-line Winds

FEMA-4856-DR-CA



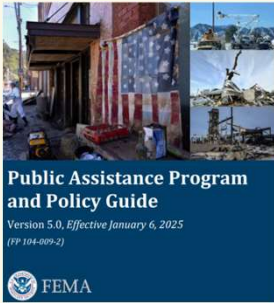
FEMA **Public Assistance** Grant Program
Applicant Briefing **for State Agencies**



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Cal OES recommends applicants reference the FEMA **Public Assistance Program and Policy Guide (PAPPG)** for Public Assistance policy and procedural requirements:

[FEMA Public Assistance Program and Policy Guide V5](#)



2



Cal OES recommends review of the FEMA Grants Portal Video Series:

[FEMA's Grants Portal Video How To Series](#)
[FEMA's Grants Portal Login Page](#)



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Authorities

Statutes

Robert T. Stafford Disaster Relief and Emergency Assistance Act, as Amended (Stafford Act), Title 42 of the United States Code (U.S.C.) § 5121 et seq.

- Title I - Findings, Declarations and Definitions
- Title III - Major Disaster and Emergency Assistance Administration
- Title IV - Major Disaster Assistance Programs
- Title V - Emergency Assistance
- Title VII - Miscellaneous

Regulations

Title 44 of the Code of Federal Regulations (C.F.R.), Emergency Management and Assistance

- Part 206 Subpart G, Public Assistance Project Administration
- Part 206 Subpart H, Public Assistance Eligibility
- Part 206 Subpart I, Public Assistance Insurance Requirements

2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Other applicable Statutes and Federal Regulations are listed in the PAPPg5, Introduction, Section V, Authorities



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Governor's Proclamation of a State Of Emergency (SOE)

Date SOE Proclaimed	County(ies) listed on SOE	Link to SOE on www.Gov.ca.gov
January 7, 2025	Los Angeles, Ventura	01.07.25 Palisades Fire SOE

Search Proclamations and Executive Orders on the Governor's Office website

- <https://www.gov.ca.gov/category/proclamations/>
- <https://www.gov.ca.gov/category/executive-orders/>



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State Of Emergency (SOE) Termination



- **Applicants Must:**
 - Review the provisions and orders on the related SOEs
 - Determine **which provisions** are being used by their jurisdiction and **how long** they will need them for
 - Notify Cal OES what they determined
- Termination of SOEs will not jeopardize funding for approved Public Assistance projects



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Disaster Financial Recovery and Reconciliation (DFRR)

DFRR is the central coordination hub between state agencies and the Department of Finance on state disaster anticipated response costs and estimated federal reimbursements.

- Collects all response costs from responding state agencies for all disasters.
 - Including debris removal expenditures.
- Coordinates with state agencies on potential funding needs related to disaster response efforts and provides information to the Department of Finance for final decision regarding absorbability and supplemental funding allocations.
- Reconciles supplemental funding transfers to state agencies with federal reimbursements received.
- Collaborates with Recovery Directorate on various aspects related to disaster costs.



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Supplemental Funding for DR-4856

On January 23, 2025, the Governor signed two bills that added Control Sections 90.00 and 90.01 to the Budget Act of 2024.

These included a total of \$2.5 billion to support state agencies with responding to and expediting recovery from the State of Emergency proclaimed by the Governor in January 2025. This includes DR-4856 CA Wildfires and Straight-line Winds.

[Bill Text - ABX1-4 Budget Act of 2024](#)

[Bill Text - ABX1-5 Budget Act of 2024](#)



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DFRR Incident Cost Tracking and Funding Analysis

- Using the Incident Cost Tracking and Reconciliation process, DFRR consolidates information from all state agencies and flags potential funding needs for the Department of Finance.
- To measure the financial impact of disasters to the State, all response costs, regardless of funding needs, must be reported.
 - This information may help support a request for federal declaration.
- Through this formal process, the Department of Finance will receive comprehensive information to determine whether additional funding will be provided.
- Incident Cost Tracking and Reconciliation Process training is available to state agencies.
- If an agency anticipates an immediate funding concern for a mission task not related to a proclaimed State of Emergency, reach out to your assigned DFRR analyst on costs and funding needs.



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DFRR – Disaster Response Funding

- The Department of Finance can allocate supplemental funding to state agencies for costs that are "immediate and necessary to deal with an ongoing or emerging crisis."
 - Different sources of supplemental funding have different requirements. DFRR can help identify the correct supplemental funding available.
- When reporting all incurred response costs, state agencies must flag unabsorbable costs.
 - If the state agency is aware of the eligible supplemental funding source based on the activity, timing, and location, they should identify that when reporting costs.
 - If the state agency is not aware of the eligible supplemental funding source based on the activity, timing, and location, they should flag for follow up with DFRR. If needed, DFRR will consult with the Department of Finance.
- Supplemental funding **does not** replace FEMA reimbursements.
 - State agencies shall submit claims for FEMA reimbursement for all FEMA-eligible costs.
 - DFRR, in coordination with Recovery, can assist state agencies through this process.



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DFRR – Resources

- DFRR has reoccurring meetings with State agencies to support them with their disaster cost tracking and reconciliation process.
- Cost Recovery Task Force monthly meetings, these are collaborative forums, to ensure awareness of status for various items, and allow for follow up on any questions.
- Additional resources are available on the DFRR's webpage:
 - <https://www.caloes.ca.gov/office-of-the-director/policy-administration/disaster-financial-recovery-and-reconciliation/>



For questions, please contact DFRR at: DisasterCostRecovery@caloes.ca.gov



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Declaration Process Overview

- Preliminary Damage Assessment (PDA)**
When an incident may exceed SLTT capabilities to respond, the State requests a joint PDA with FEMA.
- Declaration Request**
The Governor may request a declaration from the President through FEMA, no later than 30 days after the incident occurs.
- Declaration Evaluation**
FEMA uses PDA information to evaluate the need for assistance under the PA Program.
- Presidential Declaration**
For FEMA to provide assistance, the President must declare that an emergency or major disaster exists. The declaration establishes the type of incident, incident period, designated areas, types of assistance, Federal cost share, and Federal Coordinating Officer (FCO).



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Terminology: Recipients, Subrecipients, and Applicants

FEMA uses the terms Recipient and Applicant in Quick Guides and other tools. In Grants Portal, Recipients are identified as Grantees and Applicants are identified as Subrecipients.

Recipients/Grantees/Pass-through entities - are states, tribes, or territories that receive and administer Public Assistance Federal awards.

Cal OES is the Recipient

Applicants/Subrecipients/Subgrantees - are state, local, Tribal Nation, or territorial governments or Private nonprofit (PNP) entities that submit requests for assistance under a Recipient's Federal award.

You



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The Recipient/Cal OES's Role

Cal OES has the responsibility to...

- Serve as the official contact between Subrecipients/Applicants and FEMA
- Educate Subrecipients/Applicants on the Public Assistance Program and other available assistance
- Provide technical support and assistance to Subrecipients/Applicants
- Collect data and prepare the damage description
- Collect cost data to prepare cost estimates (with FEMA)
- Disburse grant funds to Subrecipients/Applicants and initiate Subrecipients collection actions when necessary
- Administer Subrecipients/Applicant subawards through project monitoring, inspection, review, and audits for compliance with federal regulations
- Conduct application closeouts
- Facilitate Quarterly Reporting to FEMA



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The Subrecipient/Applicant's Role

- Provide Initial Damage Estimate (IDE)
- Assist with Preliminary Damage Assessment (PDA)
- Request assistance
- Log in, monitor, and maintain Grants Portal account
- Thoroughly identify damaged sites and costs
- Provide documentation to FEMA and Cal OES for all projects
- Expend grant funds in accordance with grant requirements
- Be accountable to the State for Federal funds
- Maintain clear and organized documentation
- Provide Information for Quarterly Reports and for project closeout within 90 days of project completion.
- Provide information to Cal OES regarding SOE provisions being used





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Request for FEMA Public Assistance

RPA Deadlines
 Submit all RPAs via Grants Portal
No Later Than
March 9, 2025


All Other Correspondence:
 Mr. Robert Larsen, State Public Assistance Officer
 Cal OES, Public Assistance Division
 3650 Schriever Avenue
 Mather, CA 95655
 ATTN: FEMA-4856-DR-CA
 OR Email:
DisasterRecovery@caloes.ca.gov

Questions?
 Email: DisasterRecovery@caloes.ca.gov

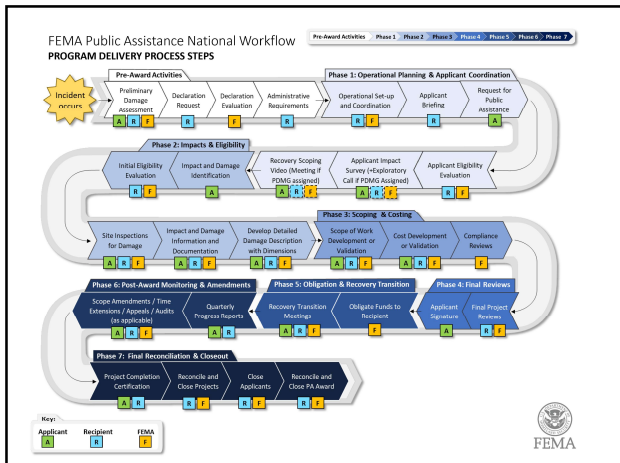



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FEMA Public Assistance Program

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Program Delivery Timeline

Phase	Description	Allowable Days (Non-PNPs) / with RPA extension	Allowable Days (PNPs) / with RPA extension
Phase 1 & 2	Operational Planning, Applicant Coordination, and Impacts & Eligibility	195 days / 225 days*	230 days / 260 days*
Phase 3	Scoping and Costing	60 days	60 days
Phase 4	Final Reviews	60 days	60 days
Phase 5	Obligations	30 days	30 days
Total		345 days / 375 days*	380 days / 410 days*

***30 DAY EXTENSION TO RPA DEADLINE INCREASES TIME IN PHASE 1 & 2**

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Program Delivery Phases

Phase 1 & 2

- Applicants Submit RPA within 30 days from the declaration date
- FEMA conducts Recovery Scoping Meeting (RSM) within 30 days of RPA Approval
- Applicants Submit Damage Inventory/List of Impacts (DI) within 60 days of the RSM
- FEMA completes site inspections within 30 days of receipt of the DI
- FEMA completes the Damage, Description, and Dimensions (DDD) within 30 days of site inspection
- Applicant signs the DDD within 5 days of receipt

Phase 3

- The Consolidated Resource Center (CRC) develops project Scope of Work and costs (SOW), including special considerations, within 60 days of completion of Phase 2

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Program Delivery Timeline Phases

Phase 4



- Environmental and Historic Preservation (EHP) completes review of project for compliance with applicable environmental regulations. FEMA, Recipient, and Applicant conduct final project reviews within 60 days of completion of Phase 3.

Phase 5

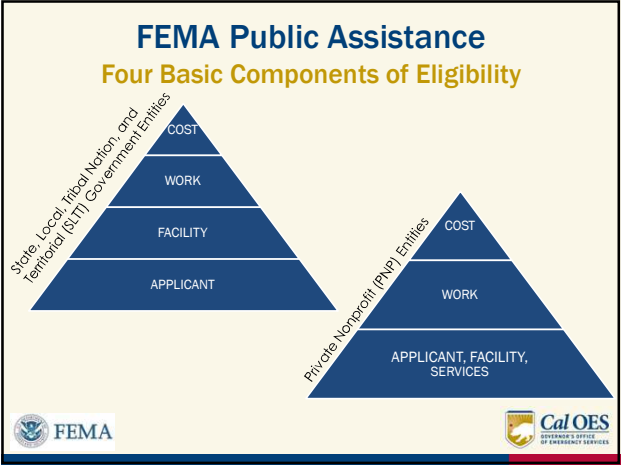
- FEMA obligates funds to applicant within 30 days of completion of Phase 4.
 - Project costs less than \$1 Million obligated by regional staff
 - Project costs greater than \$1 Million obligated through the Large Project Notification process

Request for Information (RFI) and Determination Memo (DM)

- May be issued during any phase
- RFIs must be responded to within 30 days from receipt

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Request for Public Assistance (RPA)

- The RPA is an application for the PA Program, used to determine applicant eligibility.
- RPAs must be submitted to FEMA via Grants Portal within 30 days* after the respective area is designated in a Presidential Major Disaster Declaration.
- Once an RPA is approved, the government entity or PNP becomes an applicant and is eligible to submit projects to request funding.

* The Regional Administrator may extend the deadline under extenuating circumstances when the Recipient makes a justified request.

FEMA logo and Cal OES logo are at the bottom.

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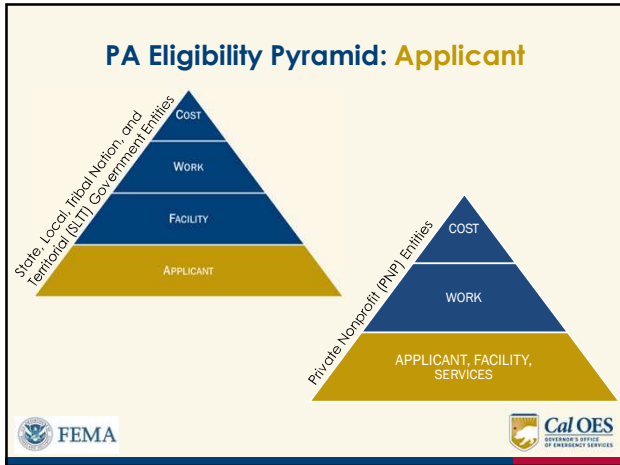
Request for Public Assistance (RPA)

RPA Submissions:
For Eligible Applicant types: [Grants Portal Log In Page](https://grantee.fema.org) (<https://grantee.fema.org>)

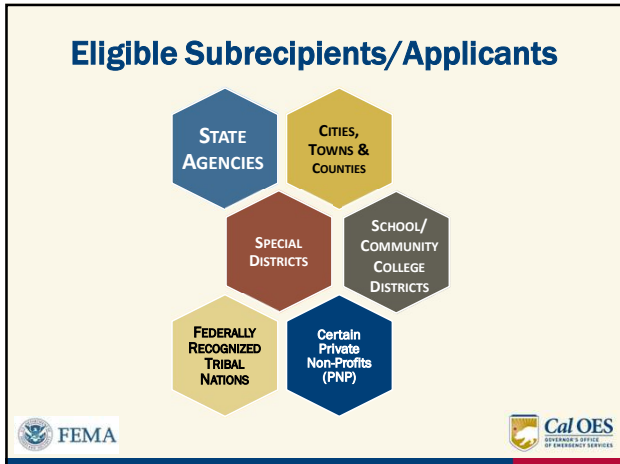
California Wildfires and Straight-line Winds (FEMA-4856-DR-CA)	
RPA Deadline	
COUNTY	DATE
Los Angeles	EXTENDED TO March 9, 2025

FEMA logo and Cal OES logo are at the bottom.

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Exploratory Call

- FEMA now requests the completion of an **Applicant Impact Survey** which will be emailed after your RPA submission.
- Shortly after your RPA is approved, you will be contacted by a Program Delivery Manager (PDMG) who will be your Point of Contact and assist you in navigating the Public Assistance Process. The objective of the call is to prepare for the Recovery Scoping Meeting as follows:
 - Understand the Applicant's incident impacts by gathering information about the type and level of damage and priority needs for assistance
 - Ensure Applicant understands general requirements
 - Provide key information on documents, procurement, and EHP requirements
 - Schedule the Recovery Scoping Meeting and define appropriate attendees

FEMA
Cal OES
CALIFORNIA OFFICE OF EMERGENCY SERVICES

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Recovery Scoping Meeting

- Provides Eligibility Information
- Starts a **60-day clock** to identify and report damages (Damage Inventory)
- Opportunity for the Applicant to discuss special needs
- Subrecipient/Applicant's key staff should attend
- Applicants should submit damage inventory indicating:
 - Damage Description(s)
 - Location
 - Estimated Costs
- Be prepared to discuss scope and nature of work and insurance documentation
- Be prepared to discuss with State representative which SOE provisions are being used and how long they are needed



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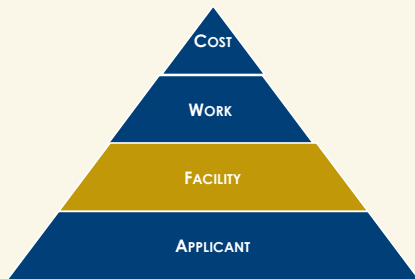
Site Inspections

- FEMA gathers project-specific information by conducting site inspections and obtaining documentation.
- FEMA conducts inspections at sites with work to be completed.
- The purpose of the inspection is to validate, quantify, and document the cause, location, and details of the reported damage and debris impacts. This is not an eligibility review.
- FEMA may also identify EHP issues, project-related conservation opportunities, and PA mitigation opportunities during the site inspection.



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PA Eligibility Pyramid: Facility



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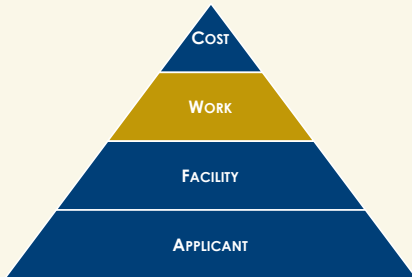
Eligible Facilities

- Buildings, systems, or equipment, built or manufactured; or improved and maintained natural features
- Legal responsibility of an eligible Subrecipient/Applicant
- Located in a designated disaster area
- Not under the authority of another federal agency
- In active use at the time of disaster



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PA Eligibility Pyramid: Work



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Eligible/Ineligible Work Examples

Eligible:

- Direct result of a disaster
- Located in a designated disaster area
- Legal responsibility of an eligible Applicant/Subrecipient

Ineligible:



- Applicant/Subrecipient negligence
- Deferred maintenance
- Pre-existing damage
- Duplication of Benefits. Revenue collected by the Applicant (including fees and fines) for the performance of eligible work funded under this policy is considered program income. The project worksheet will be reduced accordingly during closeout
- Non-compliance with local, state, and federal environmental laws and regulations



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Documentation and Information to Support Work Eligibility


Criteria	Small Projects	Large Projects
Result of Declared Incident	Certification of the following: Debris was generated by declared incident within incident period and removal addresses an immediate threat; the immediate threat resulted from the declared incident; damage was caused by declared incident and did not result from lack of maintenance	Pre-incident photographs and/or video of the impacted site or facility; and/or documentation supporting pre-disaster condition of the facility (e.g., facility maintenance records or inspection/safety reports).
Within Declared Area	Facility address/GPS coordinates Certification that the facility/work is located within designated areas	
Legal Responsibility	Certification that the facility and work are the applicant's legal responsibility	Deed, title, bill of sale, land contract, mortgage booklet, property tax bill/receipt, real property structured insurance policy, lease agreement (required for leased facilities), contract (required for facilities under construction at the time of the incident)






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Categories of Work




















A
DEBRIS
REMOVAL

B
EMERGENCY
PROTECTIVE
MEASURES

C
ROADS &
BRIDGES



D
WATER
CONTROL
FACILITIES

E
BUILDINGS
&
EQUIPMENT

F
UTILITIES

G
PARKS,
RECREATION,
& OTHER



I
BUILDING
CODE &
FLOOD-
PLAIN
MANAGE-
MENT
ADMIN. &
ENFORCE-
MENT

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Emergency Work: Categories A & B

A— Debris Removal	B— Emergency Protective Measures
<ul style="list-style-type: none"> Eliminates immediate threats to lives, public health, and safety Eliminates immediate threats of significant damage to improved public or private property Ensures economic recovery of the community and provides a benefit to the community at large Debris removal on private property is generally the responsibility of the property owner and may be covered by insurance 	<ul style="list-style-type: none"> Actions taken by a community before, during and after a disaster to save lives, protect public health and safety or eliminate immediate threat of significant damage to improved public and private property through cost effective measures


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Damage Caused During Performance of Emergency Work


Road Damage

Typical recommendations for road damage:

- **Pre-Disaster:**
 - Maintenance Records or Plans
 - Photos or other documentation of road condition
- **Post Disaster:**
 - **Prior** to recovery work (like debris removal):
 - Photos or video of proposed haul routes or heavily traversed routes
 - Other documents to establish condition of roads (remaining useful life of the roadway, or the like)
 - **After** Recovery work has been completed:
 - Photos or video showing specific damage or road degradation sites
 - Other documents to establish the current condition of the road
 - Estimated costs and methods of repair





*If approved, the road damage caused during the performance of emergency work will be considered emergency work.



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Non-Congregate Sheltering (NCS)



- FEMA may reimburse costs related to emergency sheltering provided in non-congregate environments under limited and exigent circumstances.
- Non-congregate sheltering does not require pre-approval when conducted in traditionally operated facilities limited to hotels, motels, dormitories, and retreat camps.
- NCS activity in any other facility (e.g., recreation vehicles, including travel trailers; condominiums; short-term rentals, including Airbnb; ships) requires FEMA pre-approval by the Assistant Administrator for the Recovery Directorate at FEMA Headquarters.
- Applicants are required to notify FEMA Headquarters and the appropriate Regional Administrator, through the Recipient, within five (5) days of initiating NCS operations for a declared incident (if sheltering is conducted prior to a federal declaration, then the notification requirement applies as 5-days post declaration).

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Non-Congregate Sheltering (NCS)

- For NCS conducted for more than 30 days, the Applicant must submit a time extension request, through the Recipient, to the FEMA Regional Administrator.
 - Time extensions are granted in 30-day increments.
 - Time extension requests should be submitted at least seven (7) days before end of the last approved time extension.
 - Regional Administrators may provide time extensions up to six (6) months from the declaration date.
 - Time extensions beyond six (6) months must be approved by FEMA's Assistant Administrator for Recovery.
- Refer to PAPPv5 Chapter 7, XIII, O. ii. for more information on NCS.

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Other Emergency Work Eligibility

Federal Highway Administration (FHWA) Debris Removal

- Removal of debris from improved public property and public rights-of-way, including Federal-aid roads, is eligible.


Mutual Aid: Law Enforcement

- The Law Enforcement Master Mutual Aid Plan does not provide for reimbursement costs between the requesting agency and responding agency.

Law Mutual Aid Agreement

Reimbursement for mutual aid may be provided if:

- A pre-event agreement exists between the requestor and responder specifying reimbursement.
- A post event agreement is executed between the requestor and responder, within 30 days of the Applicants' Briefing, specifying reimbursement.
- Agreements must not be contingent upon Federal or State disaster funding.





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Categories C-G

Eligible Permanent Work

- Must repair, restore, or replace disaster-damaged facilities in accordance with regulations
- Must restore to pre-disaster design, capacity, and function in accordance with applicable codes and standards
- Must be required as a result of the disaster
- May include cost-effective hazard mitigation measures






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NEW Category I

Building Code and Floodplain Management Administration and Enforcement

- Period of 180 days after the date of the major disaster declaration or amendment authorizing Permanent Work
 - FEMA will not extend beyond 180 days
- Must be conducted in the designated area
- Must be within the applicant's jurisdiction
- Related to the repair, replacement, retrofit, or relocation of disaster damaged facilities. This may include public, private, and residential structures.
- Cannot be used for an alternate project
- Cannot have associated hazard mitigation proposal






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NEW Category I

Eligible Work – Building Code Administration


- Review and process applications for building permits, certificates of occupancy, certificates of compliance, and plans/specifications/construction documents for compliance with applicable federal, state, and municipal codes and standards.
- Process requests for building code variances
- Collect fees
- Hire/train/supervise/certify/license staff required to conduct eligible activities
- Contract for services (e.g. contract planning, initiation, solicitation, evaluation, and award)
- Provide training and information to staff, contractors, and the public on the unique considerations for disaster damaged historic buildings

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Category I - Ineligible Work

- Activities associated with non-disaster damaged structures on non-disaster-related development
- Activities to update a community's laws, rules, procedures, or requirements.
- Examples include:
 - Adopting new or updating current building codes or floodplain management ordinances.
 - Adopting or updating zoning laws and requirements.
 - Developing new land use plans or requirements.
- **Only overtime costs are eligible for budgeted labor. Straight-time and overtime costs are eligible for unbudgeted labor.**



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Ineligible Work

- Activities associated with non-disaster damaged structures on non-disaster-related development
- Activities to update a community's laws, rules, procedures, or requirements.
- Examples include:
 - Adopting new or updating current building codes or floodplain management ordinances.
 - Adopting or updating zoning laws and requirements.
 - Developing new land use plans or requirements.



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Other Permanent Work

Codes and Standards Upgrades

- Apply to the type of repair work required (damaged elements only)
- Be appropriate to pre-disaster use
- Be reasonable and formally adopted and implemented prior to the disaster declaration date
- Be applied uniformly to all similar facilities (public and private)
- Be enforced during the time it was in effect
- [FEMA Consensus-Based Codes FP 104-009-11 V2.1](#)



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Event Highlight: 406 Mitigation

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Eligibility Criteria for Section 406

- Reduce potential of **any** future damage to the facility*
- Technically feasible
- Cost Effective
- Compliant with all laws and executive orders
- Only for Category C-G permanent work project
- Work beyond codes and standards



*Recent change in PAPPV V5.0





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406 Mitigation Cost Effectiveness

406 Mitigation measures must be cost-effective

- Cost effectiveness is determined by one of the following methods:
 - The cost for the mitigation measure does not exceed 15 percent of the total eligible repair cost (prior to any insurance reductions) of the facility or facilities for which the mitigation measure applies
 - The mitigation measure is specifically listed in Appendix J: Cost-Effective Public Assistance Hazard Mitigation Measures and the cost of the mitigation measure does not exceed 100 percent of the eligible repair cost (prior to any insurance reductions) of the facility or facilities for which the mitigation measure applies
 - The recipient or applicant demonstrates through an acceptable benefit-cost analysis (BCA) methodology that the measure is cost-effective, including FEMA's list of mitigation measures pre-determined to be cost-effective, using the FEMA BCA Toolkit



FEMA may provide technical support to complete a BCA upon request!

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PAPPGv5.0 APPENDIX J: Cost-Effective Public Assistance Hazard Mitigation Measures

- I. Drainage Structures
- II. Transportation Facilities
- III. Mechanical, Electrical, Plumbing (MEP) Components
- IV. Pipes
- V. Waste/Wastewater
- VI. Electric Power Systems
- VII. Storage Tanks
- VIII. Buildings and Structures
- IX. Signage

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Cost Share Incentive Program



FEMA Policy FP-104-24-002

Project Activity	New Total Project Cost Share
Applicant completes an eligible Hazard Mitigation Proposal on a PA Permanent Work project for which the total cost of the Hazard Mitigation Proposal is equal to or greater than 20% of the total eligible repair/restoration cost of the project .	80% Federal Share
Applicant completes an eligible Hazard Mitigation Proposal on a Permanent Work project for which the total cost of the Hazard Mitigation Proposal is equal to or greater than 20% of the total eligible repair/restoration cost of the project at the time of obligation; AND Applicant has adopted the current 2024 edition or the previous 2021 edition of the IBC and the IECC for commercial buildings or equivalent code or standard, such as ASHRAE Standard 90.1.*	85% Federal Share

Notes:

- The incentive measure is at the project level when FEMA cost effectiveness is at the facility level.
- The mitigation incentive program is nullified if the permanent work cost share of the disaster is adjusted to 90% federal share.

*Cal OES working with FEMA to confirm California Green Codes meets this requirement







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406 Mitigation Examples

Example 1

- Harden and expand culvert damaged by the disaster event into a larger structure.
*May require a Hydraulic and Hydrology (H&H) Study



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406 Mitigation Examples

Example 2

- Install joint restraints, flexible joints, or line pipes to reduce future damage








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406 Mitigation Examples

Example 3

- Replace and upgrade construction materials with non-combustible alternatives for facilities with wildfire risk.



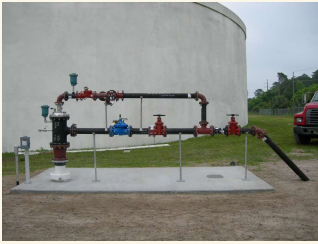





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406 Mitigation Examples

Example 4

- Elevate vulnerable equipment above base flood elevation



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Special Considerations



INSURANCE



HAZARD MITIGATION



HISTORIC PRESERVATION



ENVIRONMENTAL COMPLIANCE



FLOODPLAIN MANAGEMENT




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Accessibility for Individuals with Disabilities

- In some circumstances, FEMA provides PA funding for accessibility compliance requirements.
- FEMA provides PA funding regardless of whether the facility was in compliance prior to the incident, provided the Applicant was not cited for a violation.
- If the primary function area sustained eligible disaster damage, FEMA may provide PA funding for reasonable changes required by an eligible code or standard to increase accessibility to undamaged elements that serve the primary function area and the path of travel to the primary function area such as an accessible entrance, accessible routes to the primary function area, restroom access, accessible drinking fountains, and other elements.

FEMA PAPPG v5 (pages 176-177)

Terminology

Primary function area is the area where a major activity occurs for which the facility is intended. Examples include the dining area of a cafeteria, meeting rooms of a conference center, and public offices providing governmental services to the public.

Path of travel includes a continuous, unobstructed way of pedestrian passage to the primary function area. This includes interior and exterior approaches, such as hallways, doorways, sidewalks, streets, parking areas, and public transit drop points. See [Figure 17, Path of Travel](#).

Service facilities to the primary function area include restrooms, telephones, and drinking fountains.

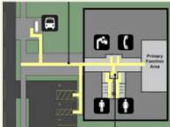




Figure 17. Path of Travel

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Accessibility Considerations



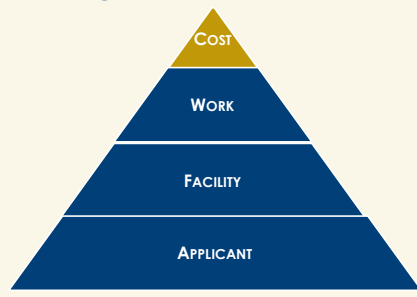


Making facilities and paths of travel more accessible allows individuals with disabilities to maintain their independence.

Compliance with accessibility laws applies to all State/FEMA funded projects.




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PA Eligibility Pyramid: Cost







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Eligible Costs

- Reasonable and necessary
- Adequately documented, substantiated, or certified
- Comply with applicable procurement standards
- [Title 2, Code of Federal Regulations, Part 200](#)
- Reduced by applicable credits (i.e. funding from other Federal agencies, insurance coverage, salvage value).
- Not contingent upon state and/or federal funding

Labor (Force Account)
Contracts and Procurement
Material
Equipment (Force Account & Rental)

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Labor

Force Account
 Work performed by employees of the Subrecipient/Applicant:

- For emergency work (Category A and B)
 - Category A – straight-time and overtime are eligible
 - Category B - typically only overtime is eligible
- For permanent work (Categories C through G)
 - straight-time and overtime are eligible
- For new Permanent Work Category I
 - overtime is eligible; straight-time is limited to extra hires

Extended Periods of Overtime
 For permanent or reassigned employees performing eligible activities.



PAPPGv5 Chapter 6, Section III B, pages 80-84: The Applicant may be required to pay firefighter costs from portal-to-portal, which may result in paying for 24-hour shifts with periods of rest. FEMA will reimburse costs based on such requirements; however, FEMA limits its reimbursement to that which is reasonable and necessary, not to exceed 14 calendar days from the start of the incident period.

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Material



- Cost of supplies
- Purchased
- Taken from stock
- Used during the performance of eligible work

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Equipment

Force Account	Rental
Costs of Applicant owned equipment: <ul style="list-style-type: none"> <input type="checkbox"/> Both regular time and overtime <input type="checkbox"/> Rate types used (FEMA, state and local) <input type="checkbox"/> When local rate is developed, reimbursement based on local rate or FEMA's rate*, whichever is lower <input type="checkbox"/> Standby time <u>not</u> eligible Rates include: <ul style="list-style-type: none"> <input type="checkbox"/> Cost of operation (Operator costs covered under FA labor) <input type="checkbox"/> Insurance and depreciation <input type="checkbox"/> Maintenance and fuel 	Subrecipients/Applicants must identify: <ul style="list-style-type: none"> <input type="checkbox"/> What was done <input type="checkbox"/> When <input type="checkbox"/> Where <input type="checkbox"/> How long <input type="checkbox"/> What kind of equipment was used <input type="checkbox"/> Charges per project

*<https://www.fema.gov/assistance/public/tools-resources/schedule-equipment-rates>

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Engineering/Design Services

- Necessary to complete eligible work
- Use local typical percentage of costs or work with your PDMG



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Donated Resources

Donated Resources – Category A and B

- Provided as a single credit towards all A and B Project Worksheets' non-federal share

Donated Resources – Category C through G

- Credited against individual projects on a project-by-project basis for the non-federal share

Donated Resources of a Specific Project Worksheet

- Donated labor
 - Donated equipment
 - Donated materials
- Subrecipient/Applicant must document:
- Names, Dates, Hours worked
 - Equipment/materials utilized
 - Specific tasks completed and location of tasks



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Public Assistance Requirements for
Contracts and Procurement
for **State Entities**



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Contracts and Procurement

for State Entities

State entities **must** follow federal procurement regulations and:

- ★ Follow state procurement policies and procedures.
- ★ Comply with prohibitions on expending FEMA award funds for covered telecommunications equipment or services.
- ★ Include all federally required contract provisions.
- ★ Confirm that the contractor is not suspended or debarred in www.SAM.gov and save the search document in the project file.
- ★ Do not make payment contingent upon FEMA funding approval.



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Contracts and Procurement

for State Entities

Federal Procurement Requirements for State Entities:

- ★ Follow the same policies and procedures it uses for procurements from its non-federal funds set forth in 2 CFR section 200.317 (procurement by states)
- ★ Consider the affirmative steps found in 2 C.F.R. § 200.321 (contracting with small and minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms) to assure that small and minority businesses, women's owned enterprises, and Labor Surplus Area (LSA) firms are used when possible
- ★ If using prepositioned contracts for FEMA eligible work, make sure all federal contract requirements were followed at the time of solicitation/procurement and does not require a cardinal change to the scope of work

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Sole-Source Procurement Under E&E


Situations that demand immediate aid or action

Emergency

Need immediate action to alleviate a threat to life, public health or safety, or improved property

Exigency



Need to avoid, prevent or alleviate serious harm or injury, financial or otherwise



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


- Justify with documentation
- Use only during the period of actual exigent or emergency circumstances
- Transition to a competitive method as soon as period ends

★ FEMA Procurement under Emergency and Exigent Conditions Fact Sheet

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Use of Pre-Awarded/Pre-Existing Contracts during E&E



If the pre-awarded/pre-existing contract is not in compliance with the federal procurement requirements, it may still be possible to use the contract for the duration of the E&E.

FEMA recommends:

- Review the requirements applicable during E&E and **take actions to modify pre-awarded or pre-existing** contracts where applicable.
- Amend pre-awarded contracts to include the required **FEMA provisions**.

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Contracts and Procurement

for State Entities

FEMA's Procurement Policy for Domestic Preference:

- ★ Domestic Preferences for Procurement (to meet 2 CFR Section 200.322)
 - For iron and steel products, all manufacturing processes from the initial melting stage through the application of coatings, occurred in the United States.
 - "Manufactured Products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.




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Contracts and Procurement

for State Entities

Encouraging Socioeconomic Contracting (2 CFR section 200.321):

- ★ Target firms are small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms.
- ★ When possible, consider the Six Socioeconomic Affirmative Steps (no longer required, but encouraged, as of October 2024):
 - Include target firms on Solicitation/Pre-Qualification Lists.
 - Solicit target firms whenever they are potential sources.
 - Divide total requirements, when economically feasible, to permit maximum participation by target firms.
 - Establish delivery schedules, where the requirement permits, which encourage participation by target firms.
 - Use the services and assistance of organizations like SBA, Minority Business Development Agency, and Department of Commerce.
 - Require a contractor under a Federal Award to apply the five previous steps to subcontracts.




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Contracts and Procurement

for State Entities

Considerations for procurement by state entities

- ★ Even if a state complies with its own policies & procedures, FEMA will still evaluate the procurement to determine whether the costs conform to the Cost Principles at 2 C.F.R. Part 200, Subpart E.24.
 - ★ For example, while state entities are not prohibited by the federal rules to award a CPPC contract, FEMA may still question the contract costs as unreasonable, since this type of contract incentivizes the contractor to drive up costs to increase profit.
- ★ All non-federal entities, including state agencies, must maintain written conflict of interest policies for procurement professionals and report any potential conflicts to FEMA in writing.



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Contracts and Procurement

for State Entities

Considerations for procurement by state entities (cont.)

- ★ Document a cost or price analysis for all purchases
 - ★ While not required for State Entities, it should be a best practice for emergency and permanent work as to why a vendor or contractor was selected, including why the lowest price was not selected (if applicable).
 - ★ This can include price or work quotes in writing, memos documenting verbal quotes given for emergency work purchases, or standard procurement documentation like bids or proposals.
- ★ Document the need
 - ★ Drafting a "memo to file" detailing why the action was taken, why a vendor was selected, why the matter was urgent, etc. can be valuable months or years later when questioned on purchases made or work performed during or immediately following an emergency.



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Contracts and Procurement

for State Entities

Following FEMA's Procurement Policy is Important:

- ★ Procurement standards set forth in 2 CFR section 200.317 to 200.327, and Appendix II to Part 200 apply to all FEMA awards issued on or after November 12, 2020.
- ★ Office of the Inspector General (OIG) serves as independent office of the Department of Homeland Security (DHS) that oversees audit and investigative functions.
- ★ Every year, OIG audit reports reveal significant issues representing millions of dollars of Federal funds.





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Contracts and Procurement

General Requirements and Best Practices

- ★ Document everything.
- ★ Retain documents related to procurement.
- ★ If using a Time and Materials contract, include a ceiling price or Not to Exceed clause and maintain oversight of contractor work/costs.
- ★ Include FEMA's required clauses and provisions in contracts.
- ★ Avoid piggybacking projects off existing contracts.
- ★ Document a Cost/Price analysis justifying reasonability of contract's price for work to be performed, and selection of the contractor.

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Contracts and Procurement

Additional Resources:

[FEMA Procurement Disaster Assistance Team \(PDAT\) Guidance and Tools](https://www.fema.gov/grants/procurement)
<https://www.fema.gov/grants/procurement>

[Resource Library: Purchasing Under a FEMA Award](https://www.fema.gov/grants/procurement/resource-library)
<https://www.fema.gov/grants/procurement/resource-library>

[FEMA Procurement Checklist](https://www.fema.gov/sites/default/files/2020-07/fema_pdat_procurement-checklist.pdf)
https://www.fema.gov/sites/default/files/2020-07/fema_pdat_procurement-checklist.pdf

[PDAT Field Manual](https://www.fema.gov/sites/default/files/documents/fema_PDAT-field-manual_102021.pdf)
https://www.fema.gov/sites/default/files/documents/fema_PDAT-field-manual_102021.pdf

[FY24 Contract Provisions Guide](https://www.fema.gov/sites/default/files/documents/fema_contract-provisions-guide_fy24.pdf)
https://www.fema.gov/sites/default/files/documents/fema_contract-provisions-guide_fy24.pdf

[Procurement Under Grants Training Schedule](https://www.fema.gov/grants/procurement/training)
<https://www.fema.gov/grants/procurement/training>




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Environmental and Historic Preservation (EHP) Overview – Public Assistance Applicant Briefing

WARNING: This presentation has a LOT of information. Please know you can refer to it later and reach out to us for help at any time.

February 5, 2025
www.CalOES.org



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Agenda:

- What is EHP and why does it matter?
- EHP Regulatory Requirements & Compliance
- Where to confirm required EHP monitoring conditions?
- Demonstrating compliance with EHP project monitoring conditions
- Key Takeaways
- Question & Answer

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What is EHP and why does it matter?

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What is EHP and why does it matter?

What is the purpose of FEMA's EHP review process?

- The FEMA EHP review process was established to ensure FEMA-funded disaster response and recovery projects comply with environmental and historic preservation laws and regulations.

In FEMA's words: [Environmental Planning and Historic Preservation | FEMA.gov](#)

"The integrity of our natural and historic landscape is important to us all, and steps taken to strengthen or rebuild communities can have long-term environmental and cultural impacts. To ensure proper stewardship of historic properties and the environment, there are more than 30 federal regulations, directives, and legal mandates — in addition to a number of state laws and codes — in place to protect these resources."

Why does it matter?

Well...compliance is necessary for:

- Protecting and preserving potentially impacted environmental, historical, and culturally significant sites and resources and minimizing adverse effects
- Receiving the fully awarded project amount
- Preventing legal action
- Avoiding negative publicity

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What is EHP and why does it matter?

Who is responsible?


All parties are responsible for EHP compliance.

FEMA
For a Recipient or applicant to receive federal funds, FEMA must confirm compliance with EHP-related federal regulations. FEMA reviews each FEMA PA project to determine which EHP conditions are applicable, and that compliance has been demonstrated by the SR through project closeout.

Cal OES (Applicant)
The State is the applicant and provides sub-applicants/sub-recipients training, technical assistance, and project oversight to sub-recipients to support federal, state, and local compliance. Cal OES staff review documentation to support recommendations to FEMA with goal of maximizing federal funding opportunities.

Sub-Applicant
Sub-applicants coordinate with Cal OES and FEMA through site visits, briefings, and regular meetings to collaboratively formulate PA projects. Sub-applicants are ultimately responsible for providing necessary permits and project documentation at Closeout to demonstrate compliance.

Note: Sub-applicants / sub-recipients are responsible for all EHP compliance requirements.



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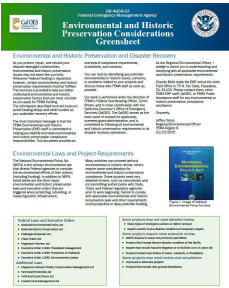

What is EHP and why does it matter?

EHP Related Considerations

Source: California Incident DR-4683 Federal Emergency Management Agency Environmental Considerations Greensheet

- There are numerous EHP conditions that may be applicable / required relating to:
 - Waterways, Including Culverts and Bridges
 - Floodplains and Wetlands
 - Threatened and Endangered Species
 - Historic Preservation and Tribal Relations
 - Debris Disposal and Hazardous Materials

Always reach out to your Cal OES EHP Point of Contact (POC) for consultation!
RecoveryEHP@caloes.ca.gov







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What is EHP and why does it matter?

Common EHP Compliance Regulations

<p>Waterways, including Culverts and Bridges</p> <p>Federal Clean Water Act, U.S. Rivers and Harbors Act</p> <p>CWA Sections 401 and 404</p> <ul style="list-style-type: none"> US Army Corps of Engineers (USACE) Navigable waters Water control facilities Water conveyance maintenance Regional General Permit (RGP) 	<p>Floodplains and Wetlands</p> <p>Watershed and Flood Prevention Act, EO - 11988</p> <p>Executive Orders</p> <ul style="list-style-type: none"> Floodplain maps Wetland definitions Vegetation & animals <p><i>*2025 brings significant updates to FEMA Floodplains and wetlands requirements.</i></p> 	<p>Threatened and Endangered Species</p> <p>Endangered Species Act</p> <p>ESA Section 7</p> <ul style="list-style-type: none"> Multiple agency impact review USFWS CDFW Regional/local 
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EHP Regulatory Requirements & Compliance

"Umbrella" Environmental Laws

- California Environmental Quality Act (CEQA)
 - <https://ceqasubmit.opr.ca.gov/>
 - As of Jan 1, 2024 - Senate Bill (SB) 69 (Cortese, 2023) must file with County Clerk and Governor's Office of Planning and Research
- National Environmental Policy Act (NEPA)
 - <https://ceq.doe.gov/>

CEQA System

Log On


Name

Please do not enter the company name.


Email (Enter official work email)

Request Key


I have a key already Create an account



QR Code to OPR CEQA form



QR Code to EPA NEPA page



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EHP Regulatory Requirements & Compliance

California Environmental Quality Act (CEQA)

What is CEQA / Notice Of Exemption?

- Statutory exemptions are created by the Legislature for certain circumstances, such as Emergency Response activities.
- Categorical Exemptions are created through the regulatory process and are found in CEQA Guidelines §§ 15300-15333 and most commonly apply to Permanent Work associated with Disaster Recovery Activities.
- Notices of Exemption must be filed with the Office of Planning and Research for Statutory or Categorical Exemptions.
- There are CEQA Exemption Exceptions and if they apply an Initial Study is generally required.
- If the Initial Study concludes that the project will not cause a significant impact to the environment, the agency can prepare a Negative Declaration (ND) or Mitigated ND.
- If the Lead CEQA agency determines that the project may have a significant impact on the environment, an Environmental Impact Report (EIR) must be prepared.



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EHP Regulatory Requirements & Compliance

What work is associated with "Work in Water"?

- Culverts
- Wetlands
- Streambanks
- Watercourses
- Bridge
- Debris
- Laydown Yards
- Staging areas

Types of watercourses:

- Perennial: Continuous flow
- Intermittent: Seasonal flows
- Ephemeral: Flows after precipitation only
- Man-made: channels, canals, reservoirs, ditches

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EHP Regulatory Requirements & Compliance

Ordinary High-Water Mark (OHWM) Field Guides

A Field Guide to the Identification of the Ordinary High-Water Mark (OHWM) in the Arid West Region of the Western United States.

Any work performed at or below the OHWM will require consultation with the appropriate regulatory agencies.

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EHP Regulatory Requirements & Compliance

Waterboards Jurisdiction

- State Water Resources Control Board (SWRCB) oversees stormwater concerns.
- SWRCB Order WQ 2020-0004-DWQ
 - General Waste Discharge requirements for disaster-related wastes
- CWA Section 401 Water Quality Certification/Waste Discharge Requirements
- CWA Section 402 NPDES Storm Water Permits



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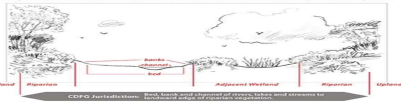
EHP Regulatory Requirements & Compliance

California Department of Fish & Wildlife (CDFW) Jurisdiction


- **Fish and Game Code Section 1600**
 - 1602 Permanent Projects
 - 1610 Emergency Notification
- **CA Endangered Species Act and CA Migratory Bird Protection Act**
 - Biological Surveys– Desktop/Field (e.g. CNDD8)
 - Contact CDFW
 - Incidental Take Permits
 - Best Management Practices and Species-Specific Measures

CDFW Lake and Streambed Alteration page



CDFW Jurisdiction: 200 ft from a project of any kind, lake and streambed



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EHP Regulatory Requirements & Compliance

National Historic Preservation Act/Cultural Resource Protections



Lithic Scatter

- Common Triggers / Examples
 - Ground disturbance
 - See definition
 - Root balls
 - Tree stumps
 - Cemeteries
 - Bridges
 - Buildings
 - Burials
 - ...and more

DO NOT START WORK UNTIL THE FEMA EHP REVIEW IS COMPLETE!



Tree Stumps / Root-Balls



Bedrock Mortars



Over 45 years



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EHP Regulatory Requirements & Compliance

How to approach FEMA PA projects from an EHP perspective?

Who should I consult? Do I need permits?
What laws apply?

- Clean Water Act?
- Porter Cologne Act?
- Fish and Game Code?
- Endangered Species?
- National Historic Preservation Act?
- Floodplains or Wetlands?
- Other laws?

Consult with Cal OES and FEMA EHP to clarify your projects to avoid project delays and potential de-obligation of funding!





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Demonstrating compliance with EHP monitoring conditions

After my project is obligated, are my EHP responsibilities complete? No!


- Once all project work is complete, SRs are required to demonstrate compliance with all applicable EHP monitoring conditions at closeout.
- Closeout is the final process step to collect all outstanding supporting documentation, validate all project costs, and confirm the work was completed in alignment with the approved SOW.
- Required EHP documentation may include, but is not limited to:
 - Necessary local, state, and federal permits, as well as CEQA documents;
 - Correspondence records with Federal / State Regulatory Agencies; and
 - Final compliance, action, and monitoring Closeout reports



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Key Takeaways


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Key Takeaways

- Sub-applicants / Sub-recipients are ultimately responsible for obtaining and providing all required EHP permits and accompanying documents.
When in doubt, consult your Cal OES / FEMA Points of Contact early;
- Project activities / construction can only begin **after** EHP Review is complete, to avoid putting the project / funding at risk;
- All applicable environmental laws must be addressed in the EHP process **even if** a Statutory / Categorical CEQA Exemptions are obtained; and
- Communicate all project changes to FEMA / Cal OES. **A change in the SOW will require an additional round of FEMA Review, including EHP.**

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Contacts

<p>Melissa Ronan EHP Lead 916-531-6554 Melissa.ronan@caloes.ca.gov</p>	<p>Cassandra Green EHP Advisor 916-279-3815 Cassandra.green@caloes.ca.gov</p>
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recoveryeHP@caloes.ca.gov

Technical Resources: Environmental Directory and Fact Sheets and this presentation can be found on our website at
<https://www.caloes.ca.gov/ehp>




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**Public Assistance Program
Project Worksheets
Information and Preparation**

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Project Worksheet Preparation

- Prepared in FEMA's Grants Portal using estimated or actual costs for repairs
- Sent to Subrecipient/Applicant for concurrence
- Entered into the federal database and obligated by FEMA
- Cal OES processes and manages
- Subrecipient/Applicant notified of PW obligation and pending payments

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Small and Large Projects

Federal Fiscal Year **2025 (10/1/2024 – 9/30/2025)**

Small project threshold is \$4,000 up to \$1,062,900



Large project threshold is \$1,062,900 and greater

Small Projects

- Any eligible work with aggregate costs below the threshold
- Funding is based on estimated costs, if actual costs are not available
- Paid automatically when obligated by FEMA
- Net Small Project Overrun (NSPO) appeal

Large Projects

- Any eligible work with aggregate costs over the threshold
- Payment(s) must be requested unless 100% complete during PW preparation
- Funding initially based on actual or estimated costs
- Final funding based on documented eligible actual costs



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Public Assistance Simplified Procedures

(FEMA Policy FP-104-23-001)

This policy streamlines application procedure for Small Project funding under the PA program:



- Applies to all PA Small Projects funded under major disasters and emergencies declared on or after date of issuance (August 3, 2022)
 - Does not apply to Management Costs funded under Stafford Act Section 324 or Donated Resources
- FEMA will accept Applicants' self-certified estimates and summary information
 - Must include information to support estimate and certify claimed costs directly correlate to eligible work in the Project Application
- FEMA does not adjust estimated costs to the actual incurred amount
- Applicants must continue to retain all source documentation, including project eligibility records and financial records, for 3 years after the date the Recipient submits to FEMA Certification of completion of the last Small Project
- If requested, Applicants must provide documentation to FEMA and/or Cal OES

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Expedited Projects for Emergency Work

- FEMA may provide expedited funding for Emergency Work Projects (Category A or B) that meet or exceed the Large Project threshold. FEMA funds Expedited Projects at 50 percent of the Federal share of the estimated project cost.
- Requests for Expedited Projects must be submitted to FEMA within 60 days of the Applicant's Recovery Scoping Meeting. To support its request, the Applicant must provide enough information for FEMA to validate that the work and costs are eligible. FEMA will work to obligate funding within 90 days of receipt of the request.
- FEMA provides the Federal cost share for the remaining 50 percent of the project cost once the Applicant provides all documentation required to support the estimated project cost for a non-Expedited Project.
- Cal OES still requires documentation of expenditures to provide funding on a reimbursement basis, even on expedited projects.






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Flexible Restoration (Capped Projects)

- ❑ Flexible options that allow Applicants to use PA funding for permanent work in ways other than restoring a facility to its pre-disaster design and function.
- ❑ FEMA "caps" the PA funding to the amount it would cost to repair or rebuild the facility as it was before the disaster.



- Improved Projects
- Alternate Projects
- Alternative Procedures Projects (Sec.428)

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Improved Projects (Flexible Restoration)



- ❑ Projects with improvements to the disaster-related scope of work
- ❑ May be requested for both small and large projects
- ❑ Permanent work projects only
- ❑ Must be approved by Cal OES and reviewed by FEMA **PRIOR** to construction
- ❑ Federal funding is capped at federal share of estimated costs of the original PW, or actual costs of the improved project, whichever is less

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Alternate Projects (Flexible Restoration)

- ❑ Occurs when Subrecipient/Applicant determines public welfare would not be best served by restoring the damaged facility
- ❑ May be requested for both small and large permanent projects
- ❑ Insurance must be obtained/maintained on:
 - Contents in an amount equal to the alternate project funding
 - Vehicles
 - Buildings

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Alternative Procedures (Section 428)

(Flexible Restoration)

- Option with maximum flexibility in how PA funds are used
- Only applicable to large projects
- Benefits of the program:
 - No requirement to rebuild communities back to what existed prior to the disaster.
 - Applicants can share funds across all Permanent Work Pilot Projects.
 - Less itemized cost tracking and increased flexibility of funding and restoration.



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Section 428 Alternative Procedures

- FEMA transmits a **fixed cost estimate** via Grants Portal based on the estimated amount to rebuild to pre-disaster design and function, based on aggregate federal share to:
 - restore the damaged facility to pre-disaster design and function; and,
 - for cost effective PA mitigation measures associated with the actual restoration SOW.
- Applicant must accept fixed-cost estimate within 18 months from the disaster declaration for the project to be considered an Alternative Procedures project
 - Recipients & Applicants have 30 days to accept fixed cost offers from the date of FEMA's transmittal.
- Applicants may share funds from the fixed cost subaward across all alternative procedures for permanent work projects for:
 - Repair, restoration, or replacement of disaster-damaged facilities and equipment;
 - Construction of new facilities to include land acquisition;
 - Purchase of equipment; or
 - Cost effective hazard mitigation measures that reduce future risk



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FEMA PA Management Costs (Category Z)

Management Costs are identified as indirect, direct, and other administrative labor costs related to developing eligible Public Assistance projects and receiving reimbursement. Activities may include, but are not limited to:



- Preliminary Damage Assessments
- Meetings regarding PA Program and overall PA damage claim
- Organizing PA damage sites into logical groups
- Preparing correspondence
- Site inspections
- Travel expenses
- Developing the detailed site-specific damage description
- Evaluating Section 406 hazard mitigation measures
- Preparing Small and Large Projects
- Collecting, copying, filing, or submitting documents to support a claim
- Reviewing Project Worksheets
- Requesting disbursement of PA funds



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FEMA PA Management Costs



- FEMA awards Management Costs up to **5%** of actual eligible Public Assistance project costs, including the non-federal share, after insurance and any other deductions.
- Management Costs are funded at **100%** federal share via **Category Z** PWs.
- A Category Z project can be developed immediately following your first project obligation. FEMA may process versions following additional obligations on a quarterly basis as needed.

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Statutory Timeline

TYPES OF WORK	TIME FROM DECLARATION
Emergency Work	6 Months
Permanent Work	18 Months






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Time Extensions for Extenuating Circumstances

Time Extension requests for obligated projects must be submitted in writing via email to DisasterRecovery@caloes.ca.gov and must contain:

- Project Worksheet Number (PW #)
- Category of Work
- Status or progress on permitting for project
- Anticipated completion date
- Percentage of work completed
- Construction schedule
- Reason for the delay (beyond control of Subrecipient/Applicant)
- Dates of previous time extension






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PW Version Requests

PW Version requests must be submitted in writing via email to DisasterRecovery@caloes.ca.gov and **must contain:**

- Detailed changes to the Scope of Work (SOW) and/or Cost
- Reason for changes
 - If more cost-effective repair: both cost estimates
 - If original SOW not feasible: supporting documentation such as technical reports
 - If hidden damage (must be found during performance of eligible work):
 - Documentation substantiating the damage is related to the declared incident;
 - Photographs documenting damage; and
 - Change orders
- Construction timeline / project schedule
- Time extension, if necessary

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Payments & VAYGo

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Required Documents for Payment

Cal OES' Financial Processing Unit (Previously Grants Processing Unit) is required to have the following forms on file for each event to process payments:

- Project Assurances for Federal Assistance (OES-FPD-089)
- Designation of Applicant's Agent Resolution (OES-FPD-130/130SA)
- Unique Entity ID number registered with SAM.gov (System for Award Management (SAM.gov | [Entity Registrations](#))). Please make sure one of the addresses you use for your SAM.gov Registration matches the address on your STD 204.

Questions? Please contact Cal OES' Financial Processing Unit (FPU) at (Previously Grants Processing Unit)

RecoveryPayments@caloes.ca.gov

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Required Documents for Large Project Reimbursement

Cal OES' Financial Processing Unit (Previously Grants Processing Unit) is required to have the following forms on file for each event to process payments on Large Projects written at less than 100% complete:

- Large Project Reimbursement Request (OES-FPD-132)
- All supporting cost documentation for this request. (Invoices, timecards, activity logs (214s), equipment logs, etc.)

Questions? Please contact Cal OES' Financial Processing Unit (FPU) at (Previously Grants Processing Unit)
RecoveryPayments@caloes.ca.gov



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Validate As You Go (VAYGo)

- The Cal OES VAYGo process is the concurrent validation of project cost-supporting documentation to ensure expenditures are accurate, appropriate, and accounted for before the recipient (Cal OES) disburses funding to the subrecipient (the state agency) thus improving payment integrity and reducing the likelihood of improper payments
- Subrecipients must submit all cost documentation and proof of payment in Grants Portal to allow the Recipient to validate the request and associated costs prior to draw down
- VAYGo validation allows correction of issues instead of waiting until the closeout process to identify and remedy errors



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Documents VAYGo Requests:



- If claiming Force Account (FA) Labor:
 - o Pay Policy/Fringe Benefit Calculations
 - o Timecards to match Cost Summary spreadsheet
- If claiming FA Equipment
 - o Equipment used
 - o Rates
 - o Timecards matching Cost Summary spreadsheet
- If claiming FA Materials
 - o Invoicing matching Cost Summary spreadsheet
 - o Proof of Payments
- If claiming Contract work/materials:
 - o Bids
 - o Contracts/Change Orders
 - o Invoicing matching Cost Summary spreadsheet
 - o Proof of Payments



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Payment Notification

- Cal OES' Financial Processing Unit sends a notification email to the Authorized Agents (AA) and Approved Contacts identified on the AA Names form (OES-FPD-012) before a State Warrant is issued
- All funding disbursements are issued on State Warrants
- State Warrants are prepared and mailed by State Controller's Office
 - Note: ACH (Automatic Clearing House) disbursements, and electronic fund transfers are not available

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Quarterly Reports, Closeout, Appeals, and Audits

Quarterly Progress Reports

A tool for FEMA and the Cal OES to track the progress of open Large Projects on a quarterly basis.

Project Reconciliation and Closeout



The purpose of closeout is for the Applicant and Cal OES to certify that all work has been completed.

Appeals

Applicants may appeal any FEMA determination related to an application for, or the provision of, assistance under the PA Program.

Audits

Recipients and Subrecipients are subject to Federal and non-Federal audits.






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Large Project Quarterly Reporting

Each quarter, subrecipients will be contacted by Cal OES to provide the following information for all open (obligated) large projects:

- Expenditures to date
- Approved Completion Date
- Is there a current Time Extension on file (if the original completion deadline has passed)?
- Projected Completion Date
- Percent of Work Complete
- Actual Completion Date (if work is 100% complete)

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Appeal and Arbitration Process

Any determination related to Federal Assistance may be appealed.

There are two opportunities for appeal (or possibly arbitrate in lieu of appeal):

- 1st Appeal to the FEMA Regional Administrator, Region IX
- 2nd Appeal to the FEMA Assistant Administrator, Disaster Assistance Directorate

The appeal must be submitted in writing via Grants Portal within 60 days from issuance of FEMA's determination (in Grants Portal) of the action being appealed.

The State has 120 days from FEMA's determination to forward Appeals to FEMA who has 90 days to render a decision.

*All correspondence for determinations and appeals will be sent through Grants Portal.



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Appeal and Arbitration Process

Appeal Letter Requirements

All appeals must:

- Contain all documented justification supporting the applicant or recipient's position;
- Specify the amount in dispute, as applicable; and
- Specify the provisions in Federal law, regulation, or policy with which the applicant or recipient believes the FEMA determination was inconsistent.



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Appeal and Arbitration Process

As amended in Section 1219 of the DRRRA, to be eligible for Section 423 arbitration, a Public Assistance Applicant's request must meet all three of the following conditions:

- [FEMA Arbitration Fact Sheet](#)
- [CBCA Arbitration Fact Sheet](#)

1. The dispute arises from a disaster declared after January 1, 2016;
2. The disputed amount exceeds \$500,000 (or \$100,000 if the Applicant is in a "rural area," defined as having a population of less than 200,000 living outside an urbanized area; and
3. The Applicant filed a first level appeal with FEMA pursuant to the time requirements in 44 CFR 206.206



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Appeal and Arbitration Process

Public Assistance Applicants who seek to challenge a FEMA first level appeal decision have two options, but also a deadline.

- ❑ Applicants must file a second appeal in writing via Grants Portal within 60 days after viewing the first appeal decision in Grants Portal. If the Applicant takes neither action, the first level appeal becomes the final agency determination.
- ❑ Public Assistance Applicants may request arbitration by emailing the request to the Civilian Board of Contract Appeals (CBCA) at **cbca.efile@cbca.gov**; an applicant must submit its request for arbitration in writing simultaneously to the recipient, the FEMA Regional Administrator, and the arbitration administrator (the CBCA).
- ❑ If the Applicant does not receive a first level appeal decision within 180 days of submission, they may withdraw the first level appeal and request arbitration.
- ❑ The results of arbitration becomes the final determination.



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Final Claim (Closeout) Requirements

Final Inspection requirements:

- All supporting documentation must be uploaded to project documents section in Grants Portal.
- Closeout for **All Projects** must be initiated within **90 days of work completion**
 - If work is completed prior to obligation, 90-day timeline begins at obligation
- Small Projects are closed in aggregate (after work is completed on last small project)
 - **Net Small Project Overrun (NSPO) Appeal** request must be submitted within **60 days** of work completion, or obligation, if work is completed prior to obligation



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Final Claim (Closeout) Process

- Initiate the Closeout process by requesting a P.4 *Project Completion and Certification Report* from the Closeout team or your assigned State POC.
- Return the completed P.4, signed by an Authorized Agent, to the Closeout team or your assigned State POC.
- Cal OES will review supporting documentation, generate a federal Final Inspection Report (FIR), and transmit to FEMA.
- FEMA responds to FIR with final approved costs.
 - Adjustment(s) made to actual costs for large projects
- If applicant received CDAA cost share, State FIR is generated.
 - CDAA Cost-share requires full documentation
- Financial Processing Division (FPD) performs a final reconciliation after all PWs are closed
- Retention released after Cal OES Audit Waiver Letter is issued by FPD

For questions regarding the Closeout process, contact the Closeout team at DisasterCloseouts@caloes.ca.gov





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Documentation and Record Keeping

Stafford Act Section 705 - Imposes a three (3) year limit on FEMA's authority to recover payments made to State, Tribal, or local government Recipients and Subrecipients unless there is evidence of fraud.


- The Applicant must maintain all original documentation supporting project costs claimed.
- The Recipient and the Applicant must keep all financial and program documentation for 3 years after the date identified in the Recipient's Audit Waiver Letter.
- Records are subject to audit by State auditors, FEMA, the U.S. Department of Homeland Security Office of Inspector General, and the U.S. Government Accountability Office.

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OIG Audits



The Office of the Inspector General (OIG), at the Department of Homeland Security (DHS), determines whether Subrecipients can account for expended FEMA grant funding, per federal regulations and guidelines.



The OIG typically audits:

- Costs related to the FEMA-approved scope of work
- Procurement procedures: Federal, State, and local requirements
- Contract costs
- Force Account Labor, Materials, and Equipment costs
- Insurance recovery costs/duplicative costs
- Other

*Procurement Training Schedule Available:
<https://www.fema.gov/grants/procurement/training>

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Other Federal Programs

- Natural Resources Conservation Service (NRCS) (<http://www.ca.nrcs.usda.gov>)
 - Emergency Watershed Protection Program
- Federal Highway Administration (FHWA) (<https://www.fhwa.dot.gov/programadmin/erelief.cfm>)
 - Emergency Relief Program Administered by Caltrans




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Hazard Mitigation Assistance Overview




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What is Hazard Mitigation?

Any sustained action taken to reduce or eliminate long-term risk to people and property from natural hazard events and their effects.





The long-term impact of hazard mitigation actions can be distinguished from those actions that are more closely associated with immediate preparedness, response and recovery activities, as hazard mitigation is the only emergency management phase specifically dedicated to breaking the cycle of damage, reconstruction and repeated damage.

MITIGATE HAZARDS







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Hazard Mitigation Assistance (HMA) Programs

 <p>HMGP (aka 404 Mitigation) Post-disaster - available within the State after a Presidentially declared disaster, reduces risks from natural hazards (undamaged assets – see 406 Mitigation for damaged assets)</p>	 <p>FMA Pre-disaster annual program – nationally competitive funding to reduce or eliminate risk of repetitive flood damage to buildings and structures insured under NFP</p>
 <p>HMGP Post-Fire Post-disaster – prioritizes FMAG declared communities impacted by wildfire to mitigate fire and post-fire hazards</p>	 <p>BRIC Pre-disaster annual program - nationally competitive funding for high impact critical infrastructure projects that reduce risks from natural hazards</p>

Acronym Reference:
 Hazard Mitigation Grant Program (HMGP)
 Flood Mitigation Assistance (FMA)
 Building Resilient Infrastructure & Communities (BRIC)

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Who's Eligible?

- State Agencies
- Local Governments: Counties, Cities, Towns, etc.
- Special Districts
- Federally Recognized Tribes
- Private Nonprofit Organizations (PNPs) *(not eligible for BRIC/FMA)*

The entity must have a FEMA-approved and locally adopted LHMP

- PNPs in HMGP are exempt from this requirement



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HMGP Eligible Activities

- **Mitigation planning:** new plan creation or plan updates that result in a mitigation plan adopted by the jurisdiction and approved by FEMA (5-year cycle for updates)
- **Planning-related activities:** update or improvement to sections of the current hazard mitigation plan (HMP); risk and vulnerability assessment, strengthening the hazard mitigation strategy, and integrating other planning efforts – must result in a clearly defined product that informs the HMP
- **5 percent initiative:** warning systems that alert people about natural hazards such as earthquakes, tornadoes, wildfire, tsunami and flash floods, mitigation public awareness campaigns, and mitigation-related hazard identification / mapping (including flood after fire)
- **5 percent codes and standards:** evaluation of the adoption / implementation of codes, enhancements to existing adopted codes, development of professional workforce, evaluation of land use and zoning ordinances, and post-disaster code enforcement (track / enforcement of disaster damaged properties and technical assistance for disaster-damaged structures)



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HMGP Eligible Activities (con't)

- **Advance Assistance:** seed funding to bridge the gap between hazard mitigation plans and project subapplications; common deliverables include technical studies, alternative analyses, selection of a preferred alternative, design work, Environmental Historic Preservation (EHP), cost estimates, Benefit Cost Analysis (BCA), and development of a future project subapplication
- **Hazard mitigation projects (construction):** projects can be phased (Phase I is design, Phase II is construction) or shovel ready (construction only); property acquisition / demo, mitigation reconstruction, structure elevation, stabilization, flood risk reduction, tsunami vertical evacuation refuge, safe room, wildfire mitigation, retrofits (seismic, wind, wildfire, snow, extreme temp, and air quality), secondary power sources, aquifer recharge storage and recovery, and natural based-solutions
 - Wildfire eligible projects include defensible space, ignition-resistant building materials / infrastructure (homes, utility poles, water systems), fuel reduction / vegetation management, post-wildfire flooding prevention and sediment reduction measures, reforestation / soil stabilization, seeding and mulching, erosion control, and flash flood prevention measures



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Program Prioritization

Codes and Standards: PA funding for eligible facilities must be in conformity with the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant design provisions.

Step 1


Step 2 **406 PA Mitigation:** Provides funding to protect damaged public infrastructure within declared counties from future events (i.e., beyond code and standard requirements).

Step 3 **404 HMGP:** Provides protection to undamaged portions of public infrastructure within declared or undeclared counties after a Presidentially-declared disaster to protect reduce damages from future events.


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Contact HMA



HMA / 404 Inquiries


resilientca@caloes.ca.gov



Grant Information & Timelines

[HMA Opportunities & Timelines](#)

Scan to sign up for Hazard Mitigation Program Updates & Notifications


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Helpful Information



FEMA-4856-DR-CA
Incident Period: January 7, 2025 – January 31, 2025

RPA DEADLINE
March 9, 2025

Have Questions?
 Email: DisasterRecovery@caloes.ca.gov

Other Recommended Resources

- FEMA PA Grants Portal - Grants Manager YouTube Channel: [FEMA's Grants Portal Video Series](#)
- Technical and training support at FEMA's PA Grants Portal Hotline: **(866) 337-8448**
- Grants Portal inbox: FEMA-Recovery-PA-Grants@fema.dhs.gov



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Request for FEMA Public Assistance

RPA Deadlines
 Submit all RPAs via Grants Portal
 No Later Than
March 9, 2025

All Other Correspondence:
 Mr. Robert Larsen, State Public Assistance Officer
 Cal OES, Public Assistance Division
 3650 Schriever Avenue
 Mather, CA 95655
 ATTN: FEMA-4856-DR-CA
 OR Email:
DisasterRecovery@caloes.ca.gov


Questions?
 Email: DisasterRecovery@caloes.ca.gov




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Thank You

Scan to
 download
 fillable PDFs



(<https://www.caloes.ca.gov/PADocs>)

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