FEMA Public Assistance (PA) FAQs

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The Vermont Emergency Management division (VEM) of the Vermont Department of Public Safety administers FEMA's Public Assistance Program as the "Recipient" for the State of Vermont. Eligible organizations for the Program, like Vermont's local governments, are considered "subrecipients". VEM is the sole authority and main point of contact for Vermont's subrecipients of Vermont's Public Assistance Program.

If your municipality's roads, bridges, culverts, facilities, etc. sustain damage during major disaster, then it is critical for local officials to do what is necessary to protect their residents' safety. In the days, weeks, and months following such an event, emergency response efforts will shift to recovery work that may be eligible for FEMA's Public Assistance Program (PA) funding. To ensure eligibility and to optimize your reimbursement, it is important for you to understand the process and follow the rules — and there are many! Here VLCT's answers to common questions about this unique federal funding opportunity. The answers below are from trusted sources, like FEMA and Vermont Emergency Management, and cited whenever possible.

VLCT's Municipal Assistance Center (MAC) has developed a separate FAQs page — Flood State of Emergency Legal FAQs — to help municipalities understand the scope of their legal authority to manage a disaster relative to Vermont laws.

Both FEMA PA FAQs below and MAC's FAQs will be updated on an ongoing basis.

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Public Assistance Program | Application for PA | ERAF | PA Procurement | General Questions

Page Navigation Tip:

The information contained on VLCT's flood recovery pages is dense. If you are having a hard time locating something on any of our pages, then try searching by keyword. You can do this by hitting the "Ctrl" and "F" keys simultaneously. A little box will appear in the upper right side of your screen in which you can enter your keyword.

Questions Related to 2023 and 2024 flood disasters.

How do I know what is eligible for FEMA funding?

- FEMA will only fund work that is your organization's legal responsibility, required because of the disaster, and located in Vermont. You must be able to demonstrate that you had legal authority for work performed as a result of the flooding.
- Additionally, all costs must be reasonable, adequately documented, and consistent with your policies, regulations, and procedures.
- Please refer to the applicant briefings for details on specific types of costs eligible for FEMA funding. You may also contact the State of Vermont's FEMA Public Assistance Recovery team at ADM.2023floods@vermont.gov (2023) or ADM.2024FLOODS@Vermont.gov (2024) with specific questions. Additionally, your assigned FEMA representative and the State of Vermont's FEMA Recovery Team will work with you 1:1 to determine eligible costs after your RPA is approved.

Does FEMA Public Assistance cover damages to all municipal roads?

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No. FEMA Public Assistance does not cover all municipal roads.

FEMA Public Assistance does not cover federal-aid highways. The Federal Highway Administration's (FHWA) Emergency Relief (ER) program covers federal-aid highways. Federal-aid highways are public roads that are classified as arterial, urban collectors, and major rural collectors. You can identify Federal-aid highways in your municipality using VTrans' Vermont Functional Class and Federal Aid Highways webmap. FHWA's ER program has different rules and requirements than FEMA's PA program. Learn more at https://www.vlct.org/resource/fhwa-emergency-relief-er-program-federal-aid-highways.

FEMA Public Assistance only covers roads that the municipality owns or has legal responsibility for maintaining, Eligible roads must be open to the general public and provide a service to the general public, Damages to the surface of a Class IV road or bridges and culverts on Class IV roads may not be covered by FEMA. FEMA may request the municipality share road maintenance policies and records to determine eligibility of damages on Class IV road surfaces and structures.

FEMA Public Assistance may not cover roads that are scheduled for repair or replacement. Scheduled repairs or replacement projects that include federal funds may be eligible if the claimed damage did not exist prior to the disaster incident. FEMA may review procurement and contract documents to validate eligibility. If damage existed prior to the incident, only the repair of damage caused by the incident is eligible. A facility scheduled for replacement within 12 months of the start of the incident period using Federal funds is ineligible. In such a case, the Applicant should coordinate with the agency funding the project to expedite replacement, if possible.

When in doubt about eligibility of a road for FEMA Public Assistance, a municipality should include the road damages in its FEMA PA worksheet and discuss the damages with FEMA representatives.

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How do I know if I am an eligible applicant?

- FEMA determines applicant eligibility at the RPA stage before evaluating a reimbursement claim. It is important to identify your applicant type because it determines what you will need to do prior to utilizing FEMA funding.
- State and Local Governments are eligible FEMA applicants. You must apply for insurance coverage (if applicable) before utilizing FEMA funding.
- Some Private Non-Profits (PNPs) are eligible FEMA applicants:
    - **Critical PNP's** include education, utility, emergency, or medical organizations. (Please also see FAQ: What types of PNPs are eligible for PA?). You must apply for insurance coverage before utilizing FEMA funding.
    - **Non-critical but essential PNP's** may include a number of organizations such as libraries, houses of worship, and community organizations. A full list is available in the PAPPG V4 Page 45. You must apply for insurance coverage and submit an SBA loan application prior to requesting FEMA funding.

What is a "pay policy?"

A pre-disaster "personnel policy," "employee handbook," "labor policy," or "pay policy" can be all be synonymous titles for the policy that establishes an employee's straight time, overtime, and premium pay structure. A pre-disaster labor policy may also include specific pay structures related to work performed in response and recovery.

Are costs eligible for reimbursement if I had already incurred them prior to submitting an RPA?

Yes. If you have already performed eligible emergency protective measure work or permanent work to repair damaged facilities, then your costs may be included in a FEMA claim after submitting a RPA.

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Please note, the minimum threshold to submit a small project for this disaster is $3,800.

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I have submitted a RPA in the FEMA Grants Portal. What do I need to do next?

- Your assigned FEMA representative will set up an introductory call in 3-4 weeks following your RPA submission.
- If you are currently engaged in response or recovery work related to the flood, please continue to do so while documenting the work that is being performed. Costs incurred can be included in a FEMA claim once you have met with your FEMA representative.

Does my municipality need an insurance coverage denial before starting the FEMA reimbursement process?

No, applicants can submit a RPA (Request for Public Assistance) and begin the FEMA PA process while awaiting any insurance coverage determination. Projects will be adjusted for insurance coverage during the FEMA reimbursement process.

What is the deadline to submit a Request for Public Assistance (RPA) in FEMA Grants Portal?

2024 Floods

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- For DR4810, Hurricane Beryl July 9-11, 2024, the deadline was November 25, 2024. (Addison, Caledonia, Chittenden, Essex, Lamoille, Orange, Orleans, Washington Co.)
- For DR4816, Flood of August 22 to 24, 2024, the deadline was October 11, 2024. (Lamoille Co.)
- For DR4826, Flood of July 29-31, 2024, the deadline was November 25, 2024. (Caledonia, Essex, Orleans Co.)

2023 Floods

- For DR-4720-VT, Flood of July 7 to 21, 2023, the deadline was October 12, 2023. (Statewide. Category B only for Franklin and Grand Isle Co.)
- For DR-4744-VT, Flood of August 3 to 5, 2023, the deadline was November 5, 2023. (Addison Co.)

An overview of questions that will be requested during the RPA process is in FEMA's how-to video for first time users of the grant portal (from minute 4:00 onward).

Please note, the minimum threshold to submit a project for these disasters is $3,800.

What are Vermont's Disaster Response (DR) numbers for 2023 and 2024 flood events?

Information about Vermont's federal disaster declarations for 2023 and 2024 flood events can be found on FEMA's Disaster Declarations webpage for Vermont.

Incident Period	DR Number	Event Name	Disaster Declaration Date	FEMA Webpage
July 7 to 21, 2023	DR-4720	Severe Storms, Flooding, Landslides, and Mudslides	July 14, 2023	4720 | FEMA.gov

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August 3 to 5, 2023	DR-4744	Severe Storms and Flooding	October 5, 2023	4744 | FEMA.gov
December 18 to 19, 2023	DR-4762	Severe Storms and Flooding	March 2, 2024	4762 | FEMA.gov
July 9 to 11, 2024	DR-4810	Severe Storms, Flooding, Landslides, and Mudslides	August 20, 2024	4810 | FEMA.gov
July 29 to 31, 2024	DR-4826	Severe Storms, Flooding, Landslides, and Mudslides	September 26, 2024	4826 | FEMA.gov
August 22 to 24, 2024	DR-4816	Severe Storms and Flooding	September 11, 2024	4816 | FEMA.gov

FEMA Public Assistance Program (aka Public Assistance or PA)

What is the Public Assistance Program?

The mission of the Federal Emergency Management Agency's (FEMA's) **Public Assistance (PA)** Program is to provide assistance to State, local, Territorial, or Tribal, and local (SLTT) governments, and certain types of private nonprofit (PNP) organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President. Through the PA Program, FEMA provides supplemental Federal grant assistance for debris removal, emergency protective measures, and the restoration of disaster-damaged, publicly owned facilities and specific facilities of certain PNP organizations.

The State of Vermont is the "recipient" of Vermont's PA funding for a presidential declared emergency or disaster. **Vermont Emergency Management (VEM)**, a

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division of the Department of Public Safety, **is the State entity responsible for administering PA funds in partnership with FEMA.** Eligible Applicants for the Program that received PA funds are considered "subrecipients." The Program reimburses subrecipients for at least 75 percent of eligible costs that were a result of the disaster.

(Source: FEMA: Public Assistance Program)

Must my municipality have an active registration with SAM.gov to be eligible for funding?

Yes. Your municipality's registration with **SAM.gov** must be active to be eligible for FEMA's Public Assistance Program funding.

To sign into SAM.gov, you will need a Login.gov account. (**Follow instructions on Login.gov's website** if you don't already have an account.)

What does "Cost Share" mean?

Generally: The assistance FEMA provides through its PA Program is subject to a cost share (aka "match," "local match," "local share," "non-federal share"). The cost share ensures local interest and involvement through financial participation. The Federal share is not less than 75 percent of the eligible costs. FEMA may recommend an increase up to 90 percent if actual Federal obligations, excluding administrative costs, meet or exceed a qualifying threshold.

(Source: Public Assistance Program and Policy Guide Version 4, Chapter 1 Pre-Award Activities, Section IV Presidential Declaration, Item E. Federal Cost Share, page 25.)

When will FEMA contact my municipality?

FEMA will make contact with your municipality only after your municipality/agency is an Applicant in the Grants Portal and your municipality/agency has attended an Applicant Briefing.

What types of private non-profits (PNPs) are eligible for PA?

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Only certain PNPs are eligible Applicants. To be an eligible PNP Applicant, the PNP must show that it has:

- A ruling letter from the U.S. Internal Revenue Service that was in effect as of the declaration date and granted tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code; or
- Documentation from the State substantiating it is a non-revenue producing, nonprofit entity organized or doing business under State law.

If the organization is not required to obtain 501(c)(3) status or tax-exempt status under applicable State law, the organization must provide articles of association, bylaws, or other documents indicating that it is an organized entity, and a certification that it is compliant with Internal Revenue Code section 501(c)(3) and State law requirements.

Additionally, prior to determining whether the PNP is eligible, FEMA must first determine whether the PNP owns or operates an eligible facility. For PNPs, an eligible facility is one that provides one of the services listed below (the declared incident must have damaged the facility):

- A facility that provides a critical service, which is defined as education, utility, emergency, or medical or
- A facility that provides a noncritical, but essential social service AND provides those services to the general public. PNP facilities generally meet the requirement of serving the general public if ALL of the following conditions are met.
    - Facility use is not limited to any of the following:
        - A certain number of individuals;
        - A defined group of individuals who have a financial interest in the facility, such as a condominium association;
        - Certain classes of individuals; or

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        - An unreasonably restrictive geographical area, such as a neighborhood within a community;
    - Facility access is not limited to a specific population (such as those with gates or other security systems intended to restrict public access); and
    - Any membership fees meet all of the following criteria:
        - Are nominal;
        - Are waived when an individual can show inability to pay the fee;
        - Are not of such magnitude to preclude use by a significant portion of the community; and
        - Do not exceed what is appropriate based on other facilities used for similar services.
- Certain types of facilities, such as senior centers, that restrict access in a manner clearly related to the nature of the facility, are still considered to provide essential social services to the general public.

In cases where the facility provides multiple services, such as a community center, FEMA reviews additional items to determine the primary service that facility provides. Facilities established or primarily used for political, athletic, recreational, vocational, or academic training, conferences, or similar activities are ineligible.

Source: FEMA PAPPG V4, pages 43 & 44

References

Table 1. PNP Eligible Critical Services, page 45

Table 2. PNP Eligible Noncritical, Essential Social Services, page 46

Table 3. PNP Ineligible Services, page 47

When are FEMA PA funds considered "expended" relative to triggering a single audit?

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Each year municipalities that have received a federal funds (grants, loans, etc.) are required to submit the Subrecipient Annual Report (SAR) to the State of Vermont within forty-five (45) days after their fiscal year end. A municipality is required to have a single audit if it ***expends*** $1 million or more in federal funds during ***its*** fiscal year. This federal funding may come directly from the federal government, through the State of Vermont, or through another organization. The municipality's business manager, controller, treasurer or other financial official should compile federal expenditures from all sources and determine if the municipality exceeded the $750,000 threshold. It is for this reason that the Subrecipient Annual Report should be completed by the financial official in your municipality who has access to grant information for the entire organization.

A helpful SAR Frequently Asked Questions page can be found on the Vermont Department of Finance Management website. Q15 answers the question: when are FEMA Public Assistance funds are considered "expended" relative to triggering a single audit?

According to the August 6, 2013 memo from the US Department of Homeland Security titled, "Audit of Eligible Stafford Act Claimed Costs," the recording of expenditures related to Stafford Act funds should be based on when the funds are approved (i.e., approval of the Award Worksheet) since that is when FEMA actually obligates funds to such recipient.

This means that FEMA PA funds are considered to be "expended" when FEMA has ***obligated*** funds to a subrecipient based on an ***approved Project Worksheet***, not when the subrecipient incurs the cost.

What types of entities are considered "Local Governments"?

The following types of local governments are eligible Applicants:

- Counties;
- Municipalities, cities, towns, ;

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- Local public authorities;
- School districts;
- Intrastate districts;
- Councils of governments (regardless of whether incorporated as nonprofit corporations under State law);
- Regional and interstate government entities;
- Agencies or instrumentalities of local governments;
- State recognized Tribes; and
- Special districts established under State law.

Community Development Districts are special districts that finance, plan, establish, acquire, construct or reconstruct, operate, and maintain systems, facilities, and basic infrastructure within their respective jurisdictions. To be eligible, a Community Development District must own and be legally responsible for maintenance, and operation of an eligible facility that is open to and serves the general public.

The State or a political subdivision of the State may submit applications on behalf of rural communities, unincorporated towns or villages, and other public entities not listed above.

Source: FEMA PAPPG V4, pages 42

What are FEMA's current equipment rates?

FEMA equipment rates were updated on July 26, 2023. **You should use the Equipment Rates that were in effect at the time of the disaster declaration.**

- For the July 2023 flood (DR-4720), FEMA's 2021 Schedule of Equipment Rates apply
- For flood events of August 2023 or after, FEMA's 2023 Schedule of Equipment Rates apply.

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(Source: FEMA: Schedule of Equipment Rates)

What is a “small project” under FEMA's Public Assistance Program?

In August 2022, FEMA published a final rule to increase the established threshold for Small Project maximum for the agency's Public Assistance (PA) program to $1,000,000 (Small Project). The increased threshold reduces the administrative burden on state, local, tribal, or territorial (SLTT) governments and private non-profit (PNP) organizations receiving FEMA financial grants following a disaster.*

The Vermont Department of Public Safety (DPS) is Vermont's "Recipient" of all FEMA Public Assistance dollars - State and municipal. For municipalities' portion, they "subgrant" these funds. Although FEMA has set the Small Project maximum at $1,000,000, VT DPS has adopted a lesser threshold per their internal procedures to mitigate risk. **

Sources:

*FEMA Policy: Public Assistance Simplified Procedures FEMA Policy FP-104-23-001

**Public Assistance Grant Program Briefing (pages 25 and 39)

What should we do if we want to change how a FEMA PA project is completed?

If your municipality wants to complete a FEMA Public Assistance project differently than what is written in the project worksheet, **you should contact VEM right away.** FEMA must approve any modification to the scope of work written in the project worksheet. This includes changes to materials, methods, or hazard mitigation components. Scope changes must be approved in writing through a revised project worksheet. Completing work differently than approved - if the project still functions as intended - can put the project funding at risk.

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During the final inspection, if the completed work does not match FEMA's approved scope, the Department of Public Safety may:

- **Request a FEMA scope chang**e - FEMA may update the project worksheet to match the work actually done and require the municipality to repay part of the funding..
- **Find the project ineligible** - The State and FEMA may determine the project is not eligible for Public Assistance funding and require the municipality to repay all the funds.
- **Investigate for misconduct** - If a municipality used federal funds improperly, the State may investigate and apply penalties.

Misconduct is treated seriously under federal law. Improper use of FEMA funds can lead to repayment, State or Federal debarment, civil penalties, or criminal charges. Early communication with the State is the best way to avoid these outcomes. Best practice is to put your scope change question in writing and wait until you receive an approval response in writing too.

If our Small Project costs less than expected, can we keep the extra money?

A municipality can only keep extra FEMA Small Project funds if the project is finished exactly as described in the FEMA project worksheet and all costs are documented. VTrans will inspect highway projects for the State. If the project is completed correctly, the Department of Public Safety will close it out. After that, the municipality may keep any remaining funds, but they could still be at risk.

It's best practice for the municipality to wait until it receives a final closeout letter for the entire disaster grant before treating any money as excess.

What does "force account labor" mean?

Force Account labor is labor performed by non-contracted forces (such as City, County, or State employees).

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Does FEMA have a "glossary" of terms?

Yes, FEMA does have a glossary of terms.

Will there be assistance for towns to repair public infrastructure?

Yes, after Vermont receives a Presidential Major Disaster Declaration. Local governments in impacted counties will be eligible for 75% reimbursement for repairs to roads, bridges, and other infrastructure; local cost share will be 25%. The State of Vermont may contribute towards the local cost share of 25% using the Emergency Relief Assistance Fund (ERAF). State contribution amounts are based on a municipality taking specific steps to reduce flood damage.

What does Public Assistance cover?

Emergency work and the repair or replacement of disaster-damaged facilities, which **MAY*** include the following Categories:

A - Debris removal

B - Emergency protective measures

C – Roads and bridges

D – Water control facilities

E – Public Buildings and equipment

F – Public Utilities

G – Parks, recreational and other facilities

Z - Administrative cost

Categories A (debris removal) and B (emergency protective measures – must be completed within 6 months) may be authorized under an emergency declaration. Categories C-G (permanent work – must be completed within 18 months) are

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authorized under a major disaster declaration.

(Source: FEMA – How a Disaster Gets Declared, scroll to the section: "ASSISTANCE AVAILABLE UNDER MAJOR DISASTER DECLARATIONS")

Currently authorized categories for reimbursement and the associated Designated Areas can be found on FEMA's **Vermont Severe Storms and Flooding - DR-4720-VT webpage. Be sure to click on the "**PDF of Map**" button rather than rely on the graphic visible on the site. The visible graphic does not portray the full extent of the declaration. Please be advised the authorized categories may change as FEMA continues to conduct preliminary damage assessments.*

What are the current FEMA PA thresholds for per capita indicators and project size?

For disasters declared beginning October 1, 2024, FEMA Public Assistance threshold requirements are:

- The State per capita indicator is $1.89. The County per capita indicator is $4.72.
- The Small Project threshold is $4,000 minimum. The Large Project threshold is $1,062,900.

You can find the history of thresholds at Per Capita Impact Indicator and Project Thresholds | FEMA.gov.

A brief explanation of these thresholds in VLCT's FEMA PA Threshold Update resource.

FEMA PA - Request for Public Assistance (RPA) - Application Process

How will my municipality submit a Request for Public Assistance (RPA)?

If an eligible entity wishes to seek PA funding, it must first submit a Request for Public Assistance (RPAs) to FEMA through the Recipient (VEM). FEMA accepts RPAs through PA Grants Portal. Prior to submitting RPAs to FEMA, the Recipient (VEM) must review

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and approve each RPA and provide its assessment of the Applicant's risk of noncompliance as required by 2 C.F.R. § 200.331(b).

Source: PAPPG, V4, page 36

More information on submitting an RPA can be found on our "FEMA PA - How to Apply" webpage.

How will my municipality apply for PA funding?

An application to the FEMA Public Assistance program funds is called a Request for Public Assistance (RPA). Application = RPA.

Source: PAPPG, V4, page 36

What is an "Applicant Briefing"?

As soon as possible following the President's declaration, the Recipient (VEM) conducts briefings for all potential Applicants (local government entities and certain private non-profits [PNPs]). The Recipient (VEM) is responsible for notifying potential Applicants of the date, time, and location of the Applicant Briefing. FEMA attends the Applicant Briefing to support the Recipient (VEM). During these briefings, the Recipient (VEM) provides high-level information regarding the PA Program, such as:

- Overview of the PA Program delivery process (e.g., PA Grants Portal, application procedures);
- Program deadlines;
- General eligibility criteria;
- Project funding;
- Hazard mitigation;
- Alternative Procedures;
- Compliance requirements (procurement, EHP, and insurance); and
- Administrative requirements, including documentation and recordkeeping.

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To obtain maximum benefit from the information presented at the briefing, a potential Applicant should send representatives from its management, emergency response, public works, and finance department and **designate a primary point of contact to interact with the Recipient and FEMA.**

Source: PAPPG, V4, page 36

What is a "Subrecipient" of PA funding?

Applicants who have received a subaward from the Recipient (VEM) and are then bound by the conditions of the award and subaward.

What is a "Applicant" of PA funding?

An Applicant is a state, local, tribal or territorial government or private non-profit entity that may request and receive a sub-award under a Recipient's award.

What is a "Recipient" of PA funding?

The State, Territorial, or Tribal government that receives and manages the federal award under the disaster declaration and disburses funding to eligible subrecipients. The "Recipient" for all Vermont's PA funding (state, local governments and certain types of private non-profits) is Vermont Emergency Management (VEM).

What is the timeframe in which my municipality must submit its RPA?

- Within thirty (30) days from the date of the Presidential disaster declaration.
- An overview of questions that will be requested during the RPA process is in this how-to video from FEMA (from minute 4:00 onward).
- Please note, the minimum threshold to submit a project for this disaster is $3,800.

Can I request a time extension for a PA project?

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Yes - A sample Time Extension Request Letter is available on the VLCT Public Assistance webpage.

Tips for Success

- Time extensions can only be requested when your municipality has a valid grant (i.e., The project has been obligated by FEMA).
- The time extension should be requested 1-4 weeks prior to the Period of Performance (POP) end date. This allows adequate time to process the request. If the POP ends before the project obligates, that is okay. You can submit a time extension after obligation.
- Time extensions should be for a reasonable amount of time, VEM advises that municipalities not request extensions of 1 or 2 years.
- Time extensions should include: the DR # and Project number, applicant name, project name, extenuating circumstances of why the project is not yet completed, a date by which project work is expected to be completed, and a timeline/summary on how you will reach that date of work completed.

What do I need to do to receive my funding after FEMA obligates a Public Assistance (PA) project?

VEM developed this 1-page publication to answer your question. To accelerate receiving your payment, there are steps you can take ***BEFORE*** the State sends you a subgrant agreement to verify your town is current on required reporting and registrations and gather documents the State will need to issue a subgrant agreement.

Where can we find our grant agreement?

The Department of Public Safety emails a FEMA PA subgrant agreement to the Town's main Point of Contact in the FEMA grants portal.

What should I do after we receive a Public Assistance subgrant agreement from the State?

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1. Have the authorized party sign all forms sent by the Department of Public Safety. Be sure to ***sign and initial*** all assurances on page 4 of the subgrant agreement.
2. Wait for DPS to send you a fully executed (signed by your town and DPS) copy of the subgrant agreement.
3. Complete the Reimbursement Request Form that arrived with your subgrant agreement and submit it to the State.
4. If you have a large project (>$1 million), complete the closeout process, including submission of all cost documentation.

This 1-page publication from VEM provides details.

Vermont's Emergency Relief and Assistance Fund (ERAF)

What specific steps has YOUR community taken to reduce flood damage?
Get a report on what actions your community has taken to qualify for higher levels of post-disaster financial support through ERAF.

(Source: Flood Ready Vermont: Emergency Relief and Assistance Fund)

What are the specific steps a community can take to reduce flood damage to be eligible for a higher contribution of ERAF?

12.5% - eligible communities have adopted four mitigation measures:

1. **National Flood Insurance Program** (participate or have applied);
2. **Town Road and Bridge Standards** (adopt standards that meet or exceed the 2013 template in the current: VTrans Orange Book: Handbook for Local Officials (opens in a new tab));
3. **Local Emergency Management Plan** (adopt annually after town meeting and before May 1);

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4. **Local Hazard Mitigation Plan** - Adopt a FEMA- approved local plan (valid for five years). Or, a draft plan has been submitted to FEMA Region 1 for review.

17.5% - eligible communities also:

Protect River Corridors from new encroachment; or, protect their flood hazard areas from new encroachments and participate in the FEMA Community Rating System. ERAF 17.5% Criteria(opens in a new tab)

After a declared disaster the damage to public infrastructure including roads and culverts may approach a million dollars. Here is how the cost of damage will be carried by federal, state, and municipal taxpayers:

	7.5% ERAF Rate	**12.5% ERAF Rate**	**17.5% ERAF Rate**
Federal Share	$750,000	$750,000	$750,000
State Share	$75,000	$125,000	$175,000
Municipal Share	**$175,000**	**$125,000**	**$75,000**
Total	$1,000,000	$1,000,000	$1,000,000

(Source: Flood Ready Vermont: Emergency Relief and Assistance Fund)

What is the Emergency Relief Assistance Fund (ERAF)?

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The Emergency Relief and Assistance Fund (ERAF) provides State funding to match FEMA Public Assistance after federally-declared disasters(opens in a new tab) . Eligible public costs are reimbursed by ***federal*** taxpayers at 75%. For disasters after October 23, 2014, the State of Vermont will contribute an additional 7.5% toward the costs. For communities that take specific steps to reduce flood damage the State will contribute 12.5% or 17.5% of the total cost.

(Source: Flood Ready Vermont: Emergency Relief and Assistance Fund)

FEMA Public Assistance Program Procurement

What provisions must my municipality include in its contracts for them to be compliant with the Public Assistance program?

FEMA's Contract Provisions Guide (June 2021) includes not only the required contract provisions but also sample language that can easily be copied and pasted into contracts to make them compliant.

Note: While FEMA"s Public Assistance program is not subject to provisions of the Build America, Buy America Act (BABAA), work funded through Public Assistance **MUST** include a contract provision ***encouraging*** (not requiring) the contractor to provide a preference for the purchase, acquisition, or use of goods, products or materials produced in the United States. This includes, but is not limited to, iron, aluminum, steel, cement, and other manufactured products. This requirement also must be included in all subawards. FEMA"s Contract Provisions Guide provides suggested language to meet this contract requirement.

Visit our FEMA Public Assistance Program Compliant Contracts page for templates you can use.

Where can my municipality find guidance on debris removal?

Information on debris removal can be found at this VLCT resource.

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You can also refer to FEMA's Debris Removal Guidelines infographic. FEMA also a Public Assistance Debris Monitoring Guide (March 2021, 58 pages).

Do additional rules apply when sole-sourcing during emergency and exigent circumstances?

Yes. Sole-sourcing may be allowed for non-state entities during emergency or exigent circumstances, but they must still follow federal procurement regulations:

1. Contracts must include the required contract clauses.
2. Contract must include the federal bonding requirements if the contract is for construction or facility improvement.
3. Contract must be awarded to a responsible contractor.
4. Non-state applicant must complete a cost or price analysis to determine that the cost or price of the contract is fair and reasonable.
5. Contract must not be a cost-plus-percentage-of-cost contract type.
6. When using a time-and-materials contract, non-state applicants must comply with the applicable rules.
7. Document any known conflicts of interest and any efforts that were made to identify possible conflicts of interest before the sole-sourced contract was awarded.

(Source: FEMA: An Exception to the Rules During Emergency or Exigent Circumstances)

Does my municipality need to have documentation in the cases of a public emergency or exigency?

Yes. If the non-state entity is not going to use a competitive process to purchase goods and services, the non-state entity needs to document the reason and for emergency and exigency circumstances, the date those circumstances started and ended.

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Steps to Take During Emergency or Exigent Circumstances:

- **Write a justification to describe the emergency or exigent circumstances**: Explain why sole-sourcing is necessary based on the specific conditions and circumstances that demonstrate why immediate or urgent action is needed. Include the specific steps taken to determine why full and open competition could not have been used. A separate justification is required for every sole-sourced contract.
- **Provide a brief description of the goods or services**: Justify the need for the specific good or service being contracted to address the emergency or exigency circumstance.
- **Estimate the expected dollar amount of the goods or services**: A cost or price analysis is required for all procurement transactions above $250,000.
- **Describe any known conflicts of interests** and efforts made to identify possible conflicts of interests. If no efforts were made, explain why.
- **Define and justify the period of emergency or exigency for the specific situation**: The period of emergency or exigent circumstances may vary per incident.
- **Transition to a competitively bid contract as soon as the emergency or exigent period ends**: Failure to plan for transition to a competitively bid contract cannot be the basis for continued use of the emergency or exigency exception.

(Source: FEMA: An Exception to the Rules During Emergency or Exigent Circumstances

What is the definition of "exigency" relative to procurement?

In the case of an exigency, there is a need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, to the applicant, and use of competitive procurements would prevent the urgent action required to address the situation. Thus, a noncompetitive procurement may be appropriate.

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(Source: FEMA: An Exception to the Rules During Emergency or Exigent Circumstances)

What is the definition of "public emergency" relative to procurement?

In the case of an emergency, there is a threat to life, public health or safety, improved property, or some other form of dangerous situation that requires immediate action to alleviate the threat. Emergency conditions are generally more short-lived than exigency circumstances.

(Source: FEMA: An Exception to the Rules During Emergency or Exigent Circumstances)

Does the "70-hour" rule still apply in FEMA Public Assistance (PA) funding?

FEMA used to have a rule allowing towns to contract for up to 70 billable hours of "temporary work" with few contract restrictions. That rule is no longer in effect.

What is the definition of "federally assisted construction contract"?

Federally Assisted Construction Contract: The regulation at 41 C.F.R. § 60-1.3 defines a federally assisted construction contract as:

"*any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any federal program involving a grant, contract, loan, insurance or guarantee, or undertaken pursuant to any federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan, insurance, or guarantee under which the applicant itself participates in the construction work.*"

(Source: FEMA Contract Provisions Guide [June 2021])

What is the definition of "construction work"?

The regulation at 41 C.F.R. § 60-1.3 defines construction work as:

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"*the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.*"

(Source: FEMA Contract Provisions Guide [June 2021])

What is the definition of "contract"?

Contract: The regulation at 41 C.F.R. § 60-1.3 defines contract as:

"*any Government contract or subcontract or any federally assisted construction contract or subcontract*."

(Source: FEMA Contract Provisions Guide [June 2021])

Where can I easily find the acronyms and definitions used in FEMA's Contract Provisions Guide?

The can be found in the Appendix of the Contract Provisions Guide (June 2021). The Appendix can be viewed separately in this pdf.

General Questions

What federal agency administers emergency and disaster assistance programs?

The Federal Emergency Management Agency (FEMA).

What is a Major Disaster Declaration?

The President can declare a major disaster for any natural event, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, fire, flood, or explosion, that the President determines has caused damage of such severity that it is beyond the combined capabilities of state and local governments to respond. A major disaster declaration provides a wide

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range of federal assistance programs for individuals and public infrastructure, including funds for both emergency and permanent work.

(Source: FEMA How a Disaster Gets Declared)

What is an Emergency Declaration?

The President can declare an emergency for any occasion or instance when the President determines federal assistance is needed. Emergency declarations supplement State and local or Indian tribal government efforts in providing emergency services, such as the protection of lives, property, public health, and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. The total amount of assistance provided for in a single emergency may not exceed $5 million. The President shall report to Congress if this amount is exceeded.

(Source: FEMA How a Disaster Gets Declared)

What is the difference between a state of emergency and a state of disaster?

Emergency: local effects managed with local resources. Examples: transport crashes, local floods, building collapses, etc.
Disaster: Local or regional effects, managed with local or regional resources. National resources may also be used, but damaging effects are not national.

When does my project need a Hydrologic and Hydraulic (H&H) Study?

Vermont Emergency Management released guidance about the contents of an H&H Study and when it is (and is not) necessary.

In brief:

- An H&H Study is required when a **town highway structure** conveys a perennial stream. While recommended, an H&H Study is not required for crossings that are not part of the transportation network. Bridge and culvert work on perennial stream crossings must conform with the Vermont statewide DEC Stream

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Alteration Standard.

- In the State of Vermont, H&H studies must be conducted by VTrans or by consultants for H&H Studies. **Studies must adhere to VTrans hydraulics standards outlined in the 2015 VTrans Hydraulics Manual**

What is the difference between FEMA 404 and 406 hazard mitigation?

Section 404 hazard mitigation and Section 406 hazard mitigation funding are distinct programs with key differences in their scope, purpose and funding.

Section 406 - Public Assistance Program (PA)

- Section 406 is part of the FEMA Public Assistance (PA) program. It provides funding for mitigation measures completed in conjunction with the repair of disaster-damaged facilities (Categories C - G).
- Only Public Assistance applicants in disaster declared counties are eligible for this funding.
- Mitigation work must be related to an eligible damaged facility. It must be applied to the parts of the facility that were damaged by the disaster, and the mitigation measure must directly reduce the potential of future, similar disaster damages to the eligible facility.
- To discuss a potential Section 406 mitigation project, contact Kim Canarecci, Vermont Public Assistance Officer, at kim.canarecci@vermont.gov or 802-585-4209.

Section 404 - Hazard Mitigation Grant Program (HMGP)

- Section 404 is a FEMA-funded grant program managed by the State of Vermont. Each time there is a presidentially declared disaster in Vermont, the State receives 20% of the total Federal share of the declared disaster damage amount for use to prevent or reduce damages caused by future disasters.

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- The entire state - not just presidentially declared counties - are eligible to apply for a grant.
- Eligible activities include planning, property buyouts, code enforcement, flood protection, structural elevations and retrofits, utility retrofits, natural resource projects, infrastructure projects, road protection and relocation, and other mitigation activities.
- If awarded a grant from this program, a municipality must have a FEMA-approved local Hazard Mitigation Plan at the time of obligation of grant funds. (Check the status of your mitigation plan on Flood Ready VT).
- To discuss a potential Section 404 mitigation project, contact Vermont Emergency Management at DPS.HazardMitigation@vermont.gov.

(Source: FEMA Hazard Mitigation Grants: 404 and 406)

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