

File No. 250023

Committee Item No. _____

Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: January 14, 2025

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
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- Award Letter
- Application
- Public Correspondence

OTHER

- PRT Exec. Summary 200424
- PRT Comm. Reso No. 24043 100824
- PRT Grant Checklist
- _____
- _____
- _____

Prepared by: Arthur Khoo

Date: January 9, 2025

Prepared by: _____

Date: _____

1 [Accept and Expend Grant - Federal Emergency Management Agency - California Office of
2 Emergency Services - Engineering with Nature Working Group - \$159,900]

3 **Resolution authorizing the Port of San Francisco to accept and expend a grant award**
4 **in the amount of \$159,900 from the United States Federal Emergency Management**
5 **Agency Building Resilient Infrastructure and Communities Program through the**
6 **California Office of Emergency Services to establish an Engineering with Nature**
7 **Working Group for the period of January 31, 2025, through March 12, 2027.**

8

9 WHEREAS, The Port manages the San Francisco waterfront within its jurisdictional
10 boundaries as the gateway to a world class city, and advances environmentally and financially
11 sustainable maritime, recreational and economic opportunities to serve the City, Bay Area,
12 California, and nation; and

13 WHEREAS, The Port of San Francisco is an economic engine welcoming millions of
14 people to its jurisdiction each year while supporting operations that provide sustainable jobs
15 for people in the community; and

16 WHEREAS, On December 1, 2021, the Port applied for the grant as a sub-applicant
17 through the California Governor's Office of Emergency Services (CalOES) to undertake the
18 development of an Engineering with Nature Working Group to inform the implementation of
19 green infrastructure and quantification of its economic and social benefits within the Port's
20 jurisdiction (the proposed Project); and

21 WHEREAS, The Federal Emergency Management Agency (FEMA) has offered the
22 Port funding for an Engineering with Nature Working Group through their Building Resilient
23 Infrastructure and Communities (BRIC) competitive grant program in the amount of \$159,900;
24 and

25

1 WHEREAS, The Port will provide \$80,000 in matching funds as required by FEMA for
2 its BRIC grant program; and

3 WHEREAS, On October 8, 2024, the San Francisco Port Commission through
4 Resolution No. 24-43 authorized the Port Executive Director or her designee to seek Board of
5 Supervisors authorization to accept and expend these funds; and

6 WHEREAS, This grant does not create any new positions and will not require an
7 amendment to the Annual Salary Ordinance; and

8 WHEREAS, Administrative Code, Section 2.6-3, requires the Budget Analyst to review
9 legislation and report on matters that are deemed to have fiscal impact; and

10 WHEREAS, The Port of San Francisco proposes to maximize the use of grant funds on
11 the program expenditures by not including indirect costs in the grant budget; now, therefore,
12 be it

13 RESOLVED, Due to the lack of a fiscal impact determination, as required by
14 Administrative Code, Section 2.6-3, and possible fiscal impact report, the funds accepted for
15 this grant shall be placed into the Board of Supervisors' reserve until released; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Port of
17 San Francisco to accept \$159,900 from the United State Environmental Protection Agency
18 Clean Ports Program, to fund the Engineering with Nature Working Group; and, be it

19 FURTHER RESOLVED, That the Port, subject to the Board of Supervisors' approval,
20 authorizes the Executive Director or her designee to execute for and on behalf of the City and
21 County, any documents necessary to enter into the grant agreement with the Federal
22 Emergency Management Agency Building Resilient Infrastructure and Communities Program
23 through the California Office of Emergency Services including any extensions, augmentations,
24 or amendments, thereof; and, be it

25

File Number: _____
(Provided by Clerk of Board of Supervisors)

Grant Resolution Information Form

(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: Accept and Expend Grant – Federal Emergency Management Agency Building Resilient Infrastructure and Communities Grant -\$159,900

2. Department: Port of San Francisco

3. Contact Person: **Helen Balawejder** Telephone: **415.274.0400**

4. Grant Approval Status (check one):

Approved by funding agency Not yet approved

5. Amount of Grant Funding Approved or Applied for: **\$159,900**

6. a. Matching Funds Required: **\$80,000**

b. Source(s) of matching funds (if applicable): **Port Harbor Fund**

7. a. Grant Source Agency: **Federal Emergency Management Agency**

b. Grant Pass-Through Agency (if applicable): **California Governor’s Office of Emergency**

Services

8. Proposed Grant Project Summary: **The project will fund an Engineering with Nature Working Group to build the Waterfront Resilience Program’s (WRP) scoping capacity of nature-based solutions for future hazard mitigation projects. This group will be comprised of experts who will workshop and provide recommendations for ways the WRP can incorporate nature-based solutions in our coastal flood defenses waterfront-wide.**

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: **January 31, 2025** End-Date: **March 12, 2027**

10. a. Amount budgeted for contractual services: **\$239,900**

b. Will contractual services be put out to bid? **Yes**

c. If so, will contract services help to further the goals of the Department’s Local Business Enterprise (LBE) requirements? **Yes**

d. Is this likely to be a one-time or ongoing request for contracting out? **One-time.**

11. a. Does the budget include indirect costs?

Yes No

b. 1. If yes, how much?

b. 2. How was the amount calculated?

c. 1. If no, why are indirect costs not included? **N/A**

Not allowed by granting agency To maximize use of grant funds on direct services

Other (please explain):

c. 2. If no indirect costs are included, what would have been the indirect costs? **N/A**

12. Any other significant grant requirements or comments:

****Disability Access Checklist** (Department must forward a copy of all completed Grant Information Forms to the Mayor's Office of Disability)**

13. This Grant is intended for activities at (check all that apply):

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Existing Site(s) | <input type="checkbox"/> Existing Structure(s) | <input type="checkbox"/> Existing Program(s) or Service(s) |
| <input type="checkbox"/> Rehabilitated Site(s) | <input type="checkbox"/> Rehabilitated Structure(s) | <input type="checkbox"/> New Program(s) or Service(s) |
| <input type="checkbox"/> New Site(s) | <input type="checkbox"/> New Structure(s) | |

14. The Departmental ADA Coordinator or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local disability rights laws and regulations and will allow the full inclusion of persons with disabilities. These requirements include, but are not limited to:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor's Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Melanie Kung
(Name)

Disability Access Coordinator
(Title)

Date Reviewed: 1/7/2025

DocuSigned by:
Melanie Kung
(Signature Required)

Department Head or Designee Approval of Grant Information Form:

Elaine Forbes
(Name)

Executive Director
(Title)

Date Reviewed: 1/7/2025

DocuSigned by:
Elaine Forbes
(Signature Required)

Award Summary

Program: Fiscal Year 2021 Building Resilient Infrastructure and Communities

Recipient: OFFICE OF EMERGENCY SERVICES

UEI-EFT: UTM3S7LKYQZ4-

DUNS number: 947436176

Award number: EMF-2021-BR-089

Summary description of award

The purpose of the Building Resilient Infrastructure and Communities (BRIC) grant program is to provide grants to States and Indian Tribal government or territory that, in turn, provide Subawards to local governments for cost-effective mitigation activities. Funds will be used to implement a sustained pre-disaster natural hazard mitigation program to reduce overall risk to the population and structures, while also reducing reliance on funding from actual disaster declarations.

Except as otherwise approved as noted in this award, the information you provided in your application for Fiscal Year 2021 Building Resilient Infrastructure and Communities (BRIC) funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$239,900.00

Object Class	Total
Indirect charges	\$0.00
Federal	\$159,900.00
Non-federal	\$80,000.00
Total	\$239,900.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, as appropriate, per 2 C.F.R. § 200.308 and the FY 2021 BRIC NOFO.

The terms of the approved application materials submitted by the recipient for the following subawards and activities are incorporated into the terms of this Federal award, subject to the additional descriptions and limitations stated in this award package, and subject to the limitations stated in subsequent approvals by FEMA of changes to the prime award, subawards, or activities. Post-award documents uploaded into the FEMA GO system for this award are also incorporated into the terms and conditions of this Federal award, subject to any limitations stated in subsequent approvals by FEMA of changes to the prime award, subawards, or activities. Subawards or activities not listed in this award package are not approved for funding under this award.

Approved request details:

FEMA's Subgrant ID: EMF-2021-BR-089-0012

Subrecipient: CITY & COUNTY OF SAN FRANCISCO

Subaward-Specific Terms and Conditions: See Agreement Article(s) Article 48, Article 49, and Article 50 for additional requirements or restrictions specific to this subrecipient, this subaward, or this activity.

Cost estimate

Item : Other (Explain)

Task A3 - Review, Selection Sites for Scope Dev.

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
80	Hour	\$250.00	\$20,000.00	No	Other

Item : Other (Explain)

Task B4 - Peer Review of Selected Models

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
60	Hour	\$185.00	\$11,100.00	No	Contractual

Item : Other (Explain)

Task B6 - Peer Review, Applied Results

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
60	Hour	\$185.00	\$11,100.00	No	Contractual

Item : Other (Explain)

Task A5 - Design Charettes, Mitigation Selection

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
120	Hour	\$250.00	\$30,000.00	No	Other

Item : Other (Explain)

Task A7 - Final Report

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
40	Hour	\$250.00	\$10,000.00	No	Other

Item : Other (Explain)

Task B7 - Final Report on Benefits Calculation

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
60	Hour	\$185.00	\$11,100.00	No	Contractual

Item : Other (Explain)

Task B3 - Integration of Methods and Models

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
60	Hour	\$185.00	\$11,100.00	No	Contractual

Item : Other (Explain)

Task B1 - Research Ecosystem Methods and Models

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
50	Hour	\$185.00	\$9,250.00	No	Contractual

Item : Other (Explain)

Task A1 - Review of Existing Planning Documents

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
40	Hour	\$250.00	\$10,000.00	No	Other

Item : Other (Explain)

Task A2 - Review of Geography, Bathymetry, Ecology

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
100	Hour	\$250.00	\$25,000.00	No	Other

Item : Other (Explain)

Task A6 - Project Scoping

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
140	Hour	\$250.00	\$35,000.00	No	Other

Item : Other (Explain)

Task B5 - Application and Sensitivity Testing

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
180	Hour	\$185.00	\$33,300.00	No	Contractual

Item : Other (Explain)					
Task B2 - Research Markets for Eco Investment					
QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
70	Hour	\$185.00	\$12,950.00	No	Contractual

Item : Other (Explain)					
Task A4 - Review of Global Adaptation Strategies					
QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
40	Hour	\$250.00	\$10,000.00	No	Other

Of the total federal funds, \$140000.00 has been placed on hold. See the following terms in the Agreement Articles for more details:

Article number	Title	Payment hold
Article 51	Funding Hold	\$140000.00

Agreement Articles

Program: Fiscal Year 2021 Building Resilient Infrastructure and Communities

Recipient: OFFICE OF EMERGENCY SERVICES

UEI-EFT: UTM3S7LKYQZ4-

DUNS number: 947436176

Award number: EMF-2021-BR-089

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Article 1 Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article 2

General Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3

Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article 4

Activities Conducted Abroad

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

<p>Article 5</p>	<p>Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.</p>
<p>Article 6</p>	<p>Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.</p>
<p>Article 7</p>	<p>Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.</p>
<p>Article 8</p>	<p>Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.</p>
<p>Article 9</p>	<p>Civil Rights Act of 1968 Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)</p>

<p>Article 10</p>	<p>Copyright Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.</p>
<p>Article 11</p>	<p>Debarment and Suspension Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.</p>
<p>Article 12</p>	<p>Drug-Free Workplace Regulations Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).</p>
<p>Article 13</p>	<p>Duplication of Benefits Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.</p>
<p>Article 14</p>	<p>Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.</p>

<p>Article 15</p>	<p>E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.</p>
<p>Article 16</p>	<p>Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.</p>
<p>Article 17</p>	<p>False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)</p>
<p>Article 18</p>	<p>Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)</p>
<p>Article 19</p>	<p>Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.</p>
<p>Article 20</p>	<p>Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.</p>

<p>Article 21</p>	<p>Hotel and Motel Fire Safety Act of 1990 Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a</p>
<p>Article 22</p>	<p>John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons</p>
<p>Article 23</p>	<p>Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov.</p>
<p>Article 24</p>	<p>Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.</p>
<p>Article 25</p>	<p>National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans</p>

Article 26	Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statues, regulations, and guidance governing the participations of faith- based organizations in individual DHS programs.
Article 27	Non-Supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
Article 28	Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.
Article 29	Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.
Article 30	Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
Article 31	Rehabilitation Act of 1973 Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 32 Reporting of Matters Related to Recipient Integrity and Performance
General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 33 Reporting Subawards and Executive Compensation
Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 34 Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the “Build America, Buy America” provisions. Recipients should

refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

Article 35 SAFECOM
 Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 36 Terrorist Financing
 Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article 37 Trafficking Victims Protection Act of 2000 (TVPA)
 Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

Article 38 Universal Identifier and System of Award Management
 Requirements for System for Award Management and Unique Entity Identifier
 Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article 39 USA PATRIOT Act of 2001
 Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

Article 40 Use of DHS Seal, Logo and Flags
 Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article 41 Whistleblower Protection Act
 Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

Article 42

Environmental Planning and Historic Preservation (EHP) Review

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at:

<https://www.fema.gov/grants/guidance-tools/environmental-historic>. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article 43

Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article 44

Acceptance of Post Award Changes

In the event FEMA determines that an error in the award package has been made, or if an administrative change must be made to the award package, recipients will be notified of the change in writing. Once the notification has been made, any subsequent requests for funds will indicate recipient acceptance of the changes to the award. Please call FEMA Grant Management Operations at (866) 927-5646 or via e-mail to: ASK-GMD@fema.dhs.gov if you have any questions.

Article 45 Disposition of Equipment Acquired Under the Federal Award
 For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.

Article 46 Prior Approval for Modification of Approved Budget
 Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 47 Indirect Cost Rate
 2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article 48 Standard Condition #1
 Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

Article 49 Standard Condition #2
 This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

Article 50 Standard Condition #3

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

Article 51 Funding Hold

A funding hold is placed on project EMF-2021-BR-089-0012, and the recipient is prohibited from obligating, expending, or drawing down \$140,000.00 until the recipient submits an updated budget which appropriately categorizes expenses included in FEMA GO Task A1-A7. FEMA is available to provide technical assistance to the recipient to provide guidance on the required budget updates to release the funding hold

GAVIN NEWSOM
GOVERNOR



NANCY WARD
DIRECTOR

August 9, 2024

Brad Benson
Port Waterfront Resilience Director
San Francisco, City and County
Port of San Francisco, Pier 1
San Francisco, CA 94563

Subject: Notification of Subapplication Approval

FY21 Building Resilient Infrastructure and Communities Program
Grant #**BRIC21**, Project #**AP01544**, FIPS #**075-00000**

Dear Mr. Benson:

The California Governor's Office of Emergency Services (Cal OES) received notification that the Federal Emergency Management Agency (FEMA) has approved your organization's subaward application in the amount of **\$159,900.00**, of which \$140,000.00 is currently under a FEMA funding hold. A copy of the FEMA award package is enclosed for your records. In order to receive payment as a grant subrecipient, your organization must have the following on file with the Recovery Financial Processing Unit:

- A valid, current (approved within the last 3 years) Governing Body Resolution
- A Project Assurances for Federal Assistance agreement
- A Grant Subaward Face Sheet (GSAFS). Please ensure that the individual who signs the GSAFS is designated by the Governing Body Resolution as an Authorized Agent for your organization.
- A current Federal Funding Accountability and Transparency Act (FFATA) Financial Disclosure form. This form must be submitted each calendar year.
- An active registration with the federal System for Award Management (SAM) website. The registration must remain active for the duration of this grant subaward.

For your convenience, this subapplication approval package includes the required post-obligation documents as well as guides to completing and renewing a SAM registration. Please complete the documents and mail copies to the address listed at the end of this letter, keeping the originals with your records. Alternatively, you may scan and email the completed documents to the Recovery Financial Processing Unit at HMgrantsPayments@CalOES.ca.gov. Electronic copies of the post-obligation documents can also be requested at the



3650 SCHRIEVER AVENUE • MATHER, CA 95655
RECOVERY FINANCIAL PROCESSING UNIT
(916) 845-8110

same address.

Payments will be made on a reimbursement basis using the enclosed Hazard Mitigation Reimbursement Request Form. A ten percent (10%) retention will be withheld from all reimbursement payments and will be released as part of the subaward closeout process.

Reimbursements can be made only for items listed on the approved subaward application. Expenditures for any other work should be separately maintained and are the sole responsibility of the subrecipient. Any funds received in excess of current needs or approved amounts, or those found owed as a result of a final inspection or audit, must be refunded to the State within 30 days of receipt of an invoice from Cal OES.

When mailing documents to the Recovery Financial Processing Unit, please use the following address:

California Governor's Office of Emergency Services
Attention: Recovery Financial Processing Unit
3650 Schriever Avenue
Mather, CA 95655

For further assistance regarding post-obligation documents or the reimbursement request process, please contact the Recovery Financial Processing Unit at (916) 845-8110 or at HMGrantsPayments@caloes.ca.gov. For program-related questions, please contact the Hazard Mitigation Assistance Branch at (916) 328-7450.

Recovery Financial Processing Unit

Enclosures

c: Subrecipient's Project File

*With FEMA's hold of \$140,000.00 in federal project funding, Cal OES can encumber only \$19,900.00 for this project at this time. Cal OES will encumber the remaining federal funds when FEMA releases its funding hold.

**The Recovery Financial Processing Unit has universal Resolution No. 76-23, passed on 2/28/23, on file. A copy of the resolution is included in this package for your review. With the written permission of an Authorized Agent, the resolution can be applied to this project.



MAR 26 2024

BRIC21-AP01544
San Francisco, City and County
075-00000

FINANCIAL PROCESSING UNIT

Subaward accepted

EMF-2021-BR-089-0012

Suborganization name	CITY & COUNTY OF SAN FRANCISCO	
Subrecipient organization name	OFFICE OF EMERGENCY SERVICES	
Subgrant ID	EMF-2021-BR-089-0012	
Subgrant type	Project scoping	
Document control no.		
Application	EMF-2021-BR-089	
Region	IX	
Federal resources awarded	\$159,900.00	\$140,000.00 of this amount is subject to a FEMA funding hold (AB)
Required non-federal resources	\$80,000.00	
Federal resources disbursed to recipient	\$0.00	
Pending disbursements to recipient	\$0.00	
Balance of federal resources available	\$159,900.00	

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, as appropriate, per 2 C.F.R. § 200.308 and the FY 2021 BRIC NOFO.

The terms of the approved application materials submitted by the recipient for the following subawards and activities are incorporated into the terms of this Federal award, subject to the additional descriptions and limitations stated in this amendment package, and subject to the limitations stated in subsequent approvals by FEMA of changes to the prime award, subawards, or activities. Post-award documents uploaded into the FEMA GO system for this award are also incorporated into the terms and conditions of this Federal award, subject to any limitations stated in subsequent approvals by FEMA of changes to the prime award, subawards, or activities. Subawards or activities not listed in this amendment package are not approved for funding under this award.

[REDACTED]

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[REDACTED] [REDACTED]

Information pertaining to an unrelated project has been redacted (AB)

Information pertaining to an unrelated project has been redacted (AB)

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[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

FEMA's Subgrant ID: EMF-2021-BR-089-0012
Subrecipient: CITY & COUNTY OF SAN FRANCISCO

Cost estimate

Item : Other (Explain)

Task A3 - Review, Selection Sites for Scope Dev.

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
80	Hour	\$250.00	\$20,000.00	No	Other

Item : Other (Explain)

Task B4 - Peer Review of Selected Models

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
60	Hour	\$185.00	\$11,100.00	No	Contractual

Item : Other (Explain)

Task B6 - Peer Review, Applied Results

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
60	Hour	\$185.00	\$11,100.00	No	Contractual

Item : Other (Explain)

Task A5 - Design Charettes, Mitigation Selection

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
120	Hour	\$250.00	\$30,000.00	No	Other

Item : Other (Explain)

Task A7 - Final Report

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
40	Hour	\$250.00	\$10,000.00	No	Other

Item : Other (Explain)

Task B7 - Final Report on Benefits Calculation

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
60	Hour	\$185.00	\$11,100.00	No	Contractual

Item : Other (Explain)

Task B3 - Integration of Methods and Models

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
60	Hour	\$185.00	\$11,100.00	No	Contractual

Item : Other (Explain)

Task B1 - Research Ecosystem Methods and Models

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
50	Hour	\$185.00	\$9,250.00	No	Contractual

Item : Other (Explain)

Task A1 - Review of Existing Planning Documents

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
40	Hour	\$250.00	\$10,000.00	No	Other

Item : Other (Explain)

Task A2 - Review of Geography, Bathymetry, Ecology

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
100	Hour	\$250.00	\$25,000.00	No	Other

Item : Other (Explain)

Task A6 - Project Scoping

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
140	Hour	\$250.00	\$35,000.00	No	Other

Item : Other (Explain)

Task B5 - Application and Sensitivity Testing

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
180	Hour	\$185.00	\$33,300.00	No	Contractual

Item : Other (Explain)

Task B2 - Research Markets for Eco Investment

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
70	Hour	\$185.00	\$12,950.00	No	Contractual

Item : Other (Explain)

Task A4 - Review of Global Adaptation Strategies

QUANTITY	UNIT OF MEASURE	UNIT PRICE	TOTAL	PRE-AWARD	BUDGET CLASS
40	Hour	\$250.00	\$10,000.00	No	Other

Of the total federal funds, \$140000.00 has been placed on hold. See the following terms in the Agreement Articles for more details:

Article number	Title	Payment hold
Article 51	Funding Hold	\$140000.00

Agreement Articles

Program: Fiscal Year 2021 Building Resilient Infrastructure and Communities

Recipient: OFFICE OF EMERGENCY SERVICES

UEI-EFT: UTM3S7LKYQZ4-

DUNS number: 947436176

Award number: EMF-2021-BR-089

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Article 1 Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article 2 General Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3 Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

<p>Article 4</p>	<p>Activities Conducted Abroad Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.</p>
<p>Article 5</p>	<p>Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.</p>
<p>Article 6</p>	<p>Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.</p>
<p>Article 7</p>	<p>Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.</p>
<p>Article 8</p>	<p>Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.</p>
<p>Article 9</p>	<p>Civil Rights Act of 1968 Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)</p>
<p>Article 10</p>	<p>Copyright Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.</p>

Article 11	Debarment and Suspension
<p>Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.</p>	
Article 12	Drug-Free Workplace Regulations
<p>Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).</p>	
Article 13	Duplication of Benefits
<p>Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.</p>	
Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
<p>Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.</p>	
Article 15	E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety
<p>Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.</p>	
Article 16	Energy Policy and Conservation Act
<p>Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.</p>	

<p>Article 17</p>	<p>False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729-3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)</p>
<p>Article 18</p>	<p>Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)</p>
<p>Article 19</p>	<p>Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.</p>
<p>Article 20</p>	<p>Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.</p>
<p>Article 21</p>	<p>Hotel and Motel Fire Safety Act of 1990 Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a</p>
<p>Article 22</p>	<p>John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons</p>
<p>Article 23</p>	<p>Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov.</p>

<p>Article 24</p>	<p>Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.</p>
<p>Article 25</p>	<p>National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans</p>
<p>Article 26</p>	<p>Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith- based organizations in individual DHS programs.</p>
<p>Article 27</p>	<p>Non-Supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.</p>
<p>Article 28</p>	<p>Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.</p>
<p>Article 29</p>	<p>Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.</p>

Article 30 Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article 31 Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 32 Reporting of Matters Related to Recipient Integrity and Performance

General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 33 Reporting Subawards and Executive Compensation

Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 34 Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the “Build America, Buy America” provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

Article 35 SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 36	Terrorist Financing Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Article 37	Trafficking Victims Protection Act of 2000 (TVPA) Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.
Article 38	Universal Identifier and System of Award Management Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.
Article 39	USA PATRIOT Act of 2001 Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
Article 40	Use of DHS Seal, Logo and Flags Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
Article 41	Whistleblower Protection Act Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

Article 42

Environmental Planning and Historic Preservation (EHP) Review

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at: <https://www.fema.gov/grants/guidance-tools/environmental-historic>. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article 43

Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article 44

Acceptance of Post Award Changes

In the event FEMA determines that an error in the award package has been made, or if an administrative change must be made to the award package, recipients will be notified of the change in writing. Once the notification has been made, any subsequent requests for funds will indicate recipient acceptance of the changes to the award. Please call FEMA Grant Management Operations at (866) 927-5646 or via e-mail to: ASK-GMD@fema.dhs.gov if you have any questions.

Article 45

Disposition of Equipment Acquired Under the Federal Award

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.

Article 46	Prior Approval for Modification of Approved Budget
	<p>Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.</p>
Article 47	Indirect Cost Rate
	<p>2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.</p>
Article 48	Standard Condition #1
	<p>Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.</p>
Article 49	Standard Condition #2
	<p>This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.</p>
Article 50	Standard Condition #3
	<p>If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.</p>
Article 51	Funding Hold
	<p>A funding hold is placed on project EMF-2021-BR-089-0012, and the recipient is prohibited from obligating, expending, or drawing down \$140,000.00 until the recipient submits an updated budget which appropriately categorizes expenses included in FEMA GO Task A1-A7. FEMA is available to provide technical assistance to the recipient to provide guidance on the required budget updates to release the funding hold</p>

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES GRANT SUBAWARD FACE SHEET

The California Governor's Office of Emergency Services (Cal OES) hereby makes a Grant Subaward of funds to the following:

- 1. **Subrecipient:** San Francisco, City and County **1a. SAM UEI#:** G2ACFK8T2MJ6
- 2. **Implementing Agency:** Port of San Francisco **2a. SAM UEI#:** G2ACFK8T2MJ6
- 3. **Implementing Agency Address:** Pier 1 The Embarcadero San Francisco 94111-2027
(Street) (City) (Zip+4)
- 4. **Location of Project:** San Francisco San Francisco 94111-2027
(City) (County) (Zip+4)
- 5. **Disaster/Program Title:** BRIC21 - Building Resilient Infrastructure and Communities **6. Performance/Budget Period:** 3/13/24 to 3/12/27
(Start Date) (End Date)
- 7. **Indirect Cost Rate (please select 1 of 3 options):** N/A 10% de minimis **Federally Approved ICR (if applicable):** %

Item Number	Grant Year	Fund Source	A. State	B. Federal	C. Total	D. Cash Match	E. In-Kind Match	F. Total Match	G. Total Cost
8.	2021	BRIC	\$0	\$19,900.00		\$80,000.00	\$0	\$80,000.00	\$99,900.00
9.									
10.									
11.									
12.									
Total	Project	Cost	\$0	\$19,900.00	\$19,900.00	\$80,000.00	\$0	\$80,000.00	\$99,900.00

13. Certification - This Grant Subaward consists of this title page, the application for the grant, which is attached and made a part hereof, the Assurances/Certifications, and any attached Special Conditions. I hereby certify I am vested with the authority to enter into this Grant Subaward, and have the approval of the City/County Financial Officer, City Manager, County Administrator, Governing Board Chair, or other Approving Body. The Subrecipient certifies that all funds received pursuant to this agreement will be spent exclusively on the purposes specified in the Grant Subaward. The Subrecipient accepts this Grant Subaward and agrees to administer the grant project in accordance with the Grant Subaward as well as all applicable state and federal laws, audit requirements, federal program guidelines, and Cal OES policy and program guidance. The Subrecipient further agrees that the allocation of funds may be contingent on the enactment of the State Budget.

14. CA Public Records Act - Grant applications are subject to the California Public Records Act, Government Code section 7920 et seq. Do not put any personally identifiable information or private information on this application. If you believe that any of the information you are putting on this application is exempt from the Public Records Act, please attach a statement that indicates what portions of the application and the basis for the exemption. Your statement that the information is not subject to the Public Records Act will not guarantee that the information will not be disclosed.

15. Official Authorized to Sign for Subrecipient:

Name: _____ Title: _____
 Payment Mailing Address: Pier 1 The Embarcadero City: San Francisco Zip Code+4: 94111-2027
 Signature: _____ Date: _____

16. Federal Employer ID Number: 94-6000417

(FOR Cal OES USE ONLY)

I hereby certify upon my personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.

(Cal OES Fiscal Officer) (Date)

(Cal OES Director or Designee) (Date)

Grant Subaward Face Sheet Instructions

 Cal OES Section: The top portion of the form contains blocks for four (4) important numbers. Please do not fill in these blocks. These numbers will be entered by Cal OES. Please print the Grant Subaward Face Sheet in portrait format.

- 1. Subrecipient The Subrecipient is the unit of government or community based organization (CBO) that will have legal responsibility for these grant funds (e.g. County of Alameda, City of Fresno or Women's Place of Merced). Enter the legal name of the Subrecipient that is registered with the Internal Revenue Service (IRS). PLEASE NOTE: that all CBOs must be registered, active, and current with the IRS, Department of Justice (DOJ), and Secretary of State (SOS) websites. Failure to be current will result in funds being withheld from Cal OES.

- 1a. Federal SAM ID Number Enter the subrecipient's twelve digit Unique Entity ID number provided by the federal System of (Subrecipient) Award Management (SAM) database. This requirement applies to federally funded grants only. This registration must be current and active in SAM for the duration of your Award.

- 2. Implementing Agency Enter the complete name of the agency responsible for the day-to-day operation of the grant (e.g. Sheriff, Police Department, or Department of Public Works). If the Implementing Agency is the same as the Subrecipient, enter the same title again.

- 2a. Federal SAM ID Number Enter the Implementing Agency's twelve digit Unique Entity ID number provided by the federal System (Implementing Agency) of Award Management (SAM) database. This applies to federally funded grants only. This registration must be current and active in SAM for the duration of your Award.

- 3. Implementing Agency Enter the address of the Implementing Agency. Provide the complete nine digit zip code (Zip+4).
 Address

- 4. Location of Project Enter the City and County/Operational Area where the project is located. Provide the complete nine digit zip code (Zip+4).

- 5. Disaster/Program Title Enter the name of the Disaster or Program providing the funds for this Grant Subaward. A disaster may be referred by the federal declaration number. Program titles should be complete without the use of acronyms.

- 6. Performance/
 Budget Period Enter beginning and ending dates of the performance and expenditure period for the Grant Subaward. (mm/dd/yyyy)

- 7. Indirect Cost Rate Indicate whether you are using the 10% de Minimis rate based on Modified Total Direct Costs (MTDC) or your current cognizant agency approved indirect cost rate agreement. A copy of the approved ICR Negotiating Agreement must be enclosed with your application. Indicate N/A if you will not be claiming indirect costs under the award.
 Indirect costs may or may not be allowable under all Federal fund sources .

- 8A. - 12G. Fund Allocations For each fund source used in the program, select the correct grant year and acronym from the drop and Total Project Cost down lists, the amount of state or federal funds requested, the amount of cash and/or in-kind match contributed and the resulting totals. Please do not enter both state and federal on the same line. The Total project cost row should correspond to the total project cost specified in the budget.

- 13. Certification Paragraph Please review the Certification Paragraph.
- 14. CA Public Records Act Please review, and if applicable, provide the necessary documentation.
- 15. Official Authorized to sign Provide the name and title of the person who is the Official Authorized to enter into the Grant for the Subrecipient Subaward for the Subrecipient, listed on #1 of the Grant Subaward Face Sheet (Cal OES 2-101). Enter the Payment Mailing Address where grant reimbursements will be mailed and provide the complete nine digit zip code (Zip+4).

- 16. Federal Employer ID Enter the nine digit Federal Employer Identification Number (no hyphen) for the Implementing Number Agency.

Provide the signature of the authorized official. The use of white out or tape is prohibited and will invalidate the signature on the Grant Subaward Face Sheet.

Subapplicant information

Name of federal agency **FEMA**
 Type of submission **Application**

PORT OF SAN FRANCISCO

1 PIER STE O
 SAN FRANCISCO, CA 94111 United States

State	DUNS #	EIN #
CA	001360213	941705778

Subapplicant type **Local Government**
 Is the subapplicant subject to review by Executive Order 12372 Process? **Yes-This Pre-application/application was made available to the Executive Order 12372 Process for review on.**
 Enter date **2021-12-01**
 Is the subapplicant delinquent on any federal debt? **No**

Contact information

Subrecipient Authorized Representative (SAR)

Daley Dunham	Primary phone	Mailing address
daley.dunham@sfport.com		

Point(s) of contact

Daley Dunham	Primary phone	Additional phones	Mailing address
Manager II	4152154935 Mobile	4152740454	Port of San Francisco Pier 1

Work San
 Francisco CA 94563

daleydunham@sfpport.com

Fax

Community

Please provide the following information. If the Congressional district number for your community does not display correctly, please contact your State NFIP coordinator.

Add Communities

Please find the community(ies) that will benefit from this mitigation activity by clicking on the Find communities button. If needed, modify the Congressional District number for each community by entering the updated number under the U.S. Congressional District column for that community. When finished, click the Continue button. NOTE: You should also notify your State NFIP coordinator so that the updated U.S. Congressional District number can be updated in the Community Information System (CIS) database.

Community name	County code	CID number	CRS community	CRS rating	U.S. Congressional District
SAN FRANCISCO, CITY AND COUNTY OF	075	060298	N		12

Please provide any additional comments below (optional).

The San Francisco waterfront is a mix of dense urban commercial, industrial, residential and recreational uses. From downtown are along the vertical seawall and piers to restored marshes, the WRP offers multiple environments and communities that could benefit from engineering with nature. Because the bayside waterfront will be the city’s line of defense against sea level rise, all San Francisco residents will benefit from this project scoping for coastal flood and sea level rise mitigation that includes innovative nature-based solutions. However, the populations who would be most impacted by projected damages without adaptations include business and property owners in the flood risk zone, residents in the flood risk zone, those who rely on transportation networks in the flood risk zone, and the historically disadvantaged communities adjacent to the southern bayside waterfront. Coastal flood risk to the Embarcadero roadway and promenade as well as streets in the Financial District will present a significant disruption to pedestrian, bicycle, and

personal vehicle transit routes during and immediately after flood events in the short term, and complete disruption in the long term. The Waterfront Resilience Program area provides several transportation modes, with approximately 200,000 pedestrian trips, 93,750 vehicle trips, 170,000 light rail transit trips, 290,000 Bay Area Rapid Transit trips, and 15,400 regional ferry trips per day. Additionally, the coastal hazard area is home to 25 miles of MUNI and historic cable car track, 40 miles of roadway, 2,600 residential and commercial buildings, 11,000 jobs, and 13,500 residents (1.5% of San Francisco's population) where 58% are people of color. Disruptions to transit networks in the flood risk zone will likely extend far beyond the program area and could impact over 1.1 million trips per day in the San Francisco Bay Area. These adaptations will also increase resilience for historically disadvantaged neighborhoods that are on or adjacent to the waterfront. Several communities along San Francisco's southern bayside waterfront are historically disadvantaged and, according to the CDC's Social Vulnerability Index (SVI), have high social vulnerability. Social vulnerability refers to a community's susceptibility to adverse impacts of external stresses like natural disasters. SVI scores range from 0 (lowest vulnerability) to 1 (highest vulnerability). Census tracts around the southeastern waterfront have SVI scores ranging from 0.8103 to 0.9197. FEMA's National Risk Index also identifies these census tracts as having "relatively high" social vulnerability compared to the California and national averages. Waterfront adaptations will significantly improve these communities' resilience to climate change, reducing the potential for human and economic loss. Furthermore, mitigation solutions that address coastal flooding and sea level rise will increase access to and improve public waterfront spaces adjacent to historically disadvantaged communities. Much like other historically disadvantaged communities, the southeastern waterfront is disproportionately impacted by pollution, a likely manifestation of environmental racism. The California Communities Environmental Health Screening Tool, CalEnviroScreen, scores pollution in an area on a scale from 1 to 100. All the census tracts around the southeastern waterfront have scores between 80 and 100. Innovative nature-based solutions should be explored and, if possible, implemented to create community-wide

environmental benefits by improving and protecting shoreline ecology.

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
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Mitigation plan

Please provide your plan information below.

Is the entity that will benefit from the proposed activity covered by the current FEMA approved multi-hazard mitigation plan in compliance with 44 CFR Part 201? **Yes**

Please provide plan detail

Plan name	Plan type	Plan approval date
City and County of San Francisco Hazards and Climate Resiliency Plan	Local Multi-Hazard Mitigation Plan	07/21/2020

Proposed activity description

Please provide any additional comments below (optional).

Approved strategies in the Climate and Hazards Mitigation Plan involving the Port and which are relevant to nature-based waterfront adaptations and climate resilience: IN-1.08, IN-2.01, IN-2.09 and IN-5.02.

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
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Scope of work

The project Scope of Work (SOW) identifies the eligible activity, describes what will be accomplished and explains how the mitigation activity will be implemented. The mitigation activity must be described in sufficient detail to verify the cost estimate. All activities for which funding is requested must be identified in the SOW prior to the close of the application period. FEMA has different requirements for project, planning and management cost SOWs.

Subapplication title (include type of activity and location) **BRIC 2021 Port of SF Project Scoping Innovative Nature-Based Mitigations for Seawall Multi-Hazards**

Activities

Primary activity type **Develop or conduct engineering, environmental, feasibility and/or benefit cost analyses**

Secondary activity type (Optional) **Evaluate facilities to identify mitigation actions**

Tertiary activity type (Optional) **Activities supporting development of applications**

Geographic areas description **This project impacts the Port's 7.5-mile jurisdiction along San Francisco's busy waterfront, and secondarily impacts all of San Francisco and the greater Bay Area, as the businesses, municipal and regional transit lines are located on or intersect with Port property.**

Community lifelines

Primary community lifeline **Transportation**

Primary sub-community lifeline **Mass transit**

Secondary community lifeline (optional) **Transportation**

Secondary sub-community lifeline **Highway/roadway/motor vehicle**

Tertiary community lifeline (optional) **Transportation**

Tertiary sub-community lifeline **Maritime**

Hazard sources

Primary hazard source **Flooding**

Secondary hazard source (optional) **Earthquake**

Tertiary hazard source (optional)

Infrastructure failure

How will the mitigation activity be implemented?

With oversight and direction from one of the Port’s project managers, Kelley Capone, the Working Group will perform a review of existing materials, a review of adaptation strategies that will be developed, participate in 2-3 workshops, identify innovative nature-based measures and measures others are installing, identify pilot studies, provide input, and develop a method to quantify environmental impacts and benefits. Resumes for prospective members of this panel that have expressed interest in participating are attached to this application. Scoping activities that will be undertaken are detailed under the scope of work, but will include scoping and developing hazard mitigation projects and alternatives, conducting meetings, outreach, identifying potential future mitigation projects, evaluation of potential project sites, and collecting and compiling models for quantifying environmental benefits for cost-benefit analyses.

What is the scope of work of the proposal? Will it result in a complete project application for future funding opportunities?

Goal: Maximize opportunities to implement nature-based coastal flood protection measures and “engineering with nature” concepts in the Port of San Francisco’s planning and Waterfront Resilience Program. The scoping activity will identify individual mitigation projects, evaluate and explore methodologies to quantify environmental benefits of this work, and develop necessary components for use in future FEMA HMA project subapplications. The Port of San Francisco (Port), through the Waterfront Resilience Program (WRP), is developing adaptation pathways and a long-term program to protect the City of San Francisco, residents and businesses, transportation systems and utilities, historic resources and public lands, and all visitors from flooding due to coastal flooding and sea level rise. The Port will develop near-term mitigation projects to address flood hazards and will develop mid- to long-term projects to address flooding due to sea level rise. The Port would like to maximize integration of natural and nature-based measures in all program alternatives by leveraging the expertise of an Engineering with Nature Working Group, comprised of regional, national, and international experts on nature-based climate resilience solutions, to benefit shoreline ecology and provide additional community benefits for all. This work will consist of two working groups—a group of experts in nature-

based planning, with experts identified for scoping activities, and a contract for consultants to conduct economic and quantitative analysis of the scoped solutions for follow-on FEMA subapplications for construction. Activities conducted, by task, for planning and scoping activities are as follows: Task A1: Review of Existing Port and Regional Planning Work The work would begin with the Port presenting working group members with work completed to date under the Port's Waterfront Resilience Program, including summaries and access to all reports, planning documents, public engagement, permitting documents and relevant work of local, state and federal regulatory agencies. Task A2: Review of Waterfront Geography, Bathymetry, Hydrological and Ecological Conditions This task includes review of geological, hydrology and hydrological surveys, hazardous materials inventories, and environmental studies to better understand existing conditions. This includes native species and localized opportunities for ecological improvement with respect to those species. Task A3: Review and Selection of Specific Reaches for Scope Development The Working Group will review sections of the San Francisco waterfront for scoping, considering site-specific hardscape, soil and hydrological conditions, existing and potential public use of the space, intensity and fungibility of maritime use that may conflict with waterside improvements, results of the Port's robust public engagement and potential environmental impacts of ultimate construction in that section of the waterfront. Task A4: Review of Global Adaptation Strategies and Best Practices Expert Working Group members will draw from their own expertise as well as that of others in their region to ensure the latest innovations are being considered for inclusion in development of candidate nature-based solutions. The goal of the work under Task A4 is to be as inclusive as possible with the best expertise, ensuring that potential innovations can be realized as part of project scoping. Task A5: Multiple Iterations of Design Charettes With the benefit of work conducted under Tasks A1-4, Working Group members will conduct 2-3 design charettes, bringing a deep understanding of existing conditions and challenges, and with the latest work in nature-based engineering available to iterate around. This task will end with selection of one or more solutions to be scoped for areas selected for scoping. Task A6: Project Scoping for Selected Sites Working Group members will work

together with Port project staff to generate preliminary design, and identify the section(s) of the Port's waterfront that would be most competitive in a subsequent subapplication for funding for construction or design and construction projects.

Task A7: Final Report The Working Group will complete a final report with recommendations for integrating nature-based solutions into ensuing waterfront adaptation projects eligible for FEMA BRIC funding. These recommendations will be informed by the members' individual expertise as well as the research, review of existing Port materials and geography, and charette workshops conducted collectively. The Port will leverage the recommendations by incorporating all viable engineering with nature opportunities into the ongoing planning process to develop waterfront adaptations. The Working Group will consist of members with expertise in potential nature-based solutions to respond to rising tides due to climate change and to plan for flood risk reduction. The following experts have, so far, agreed to participate in the Working Group. Curriculum Vitae (CV) are attached. Dr Mariana Mayer Pinto, University of New South Wales, Jeremy Lowe, Senior Environmental Scientist, San Francisco Estuary Institute (SFEI), Burton Craig Suedel, US Army Corps of Engineers, Engineer Research and Development Center, Marilyn Latta, California State Coastal Conservancy, Andrew Louis Chang, Smithsonian Environmental Research Center (SERC), and Chela Zabin, Smithsonian Environmental Research Center (SERC). Documents the Port will consider include but are not limited to the San Francisco Bay Shoreline Adaptation Atlas, San Francisco Estuary Institute & the Aquatic Science Center and the International Guidelines on Natural and Nature-Based Features for Flood Risk Management (NNBF Guidelines), US Army Corps of Engineers. While the working group will be looking for new innovations, consideration of natural and nature-based measures will include, at minimum: Nearshore reefs, submerged aquatic vegetation, mudflat augmentation, beaches, tidal marshes, polder management, ecotone levees, migration space preparation, creek-to-baylands reconnection, and green stormwater infrastructure. The work produced by the working group will include project scoping for select reaches of the waterfront, but will also have applicability Port-wide, as well as to other jurisdictions. New multi-hazard mitigations solutions, informed by expertise specific to nature-based

problem solving, will present new options for environmentally friendly yet effective mitigations which will ideally be replicable. While San Francisco's urban shoreline complicates the development of adaptation strategies, it is not entirely unique. Several other coastal cities share characteristics to San Francisco's waterfront which make incorporating nature-based solutions difficult, such as development up to the water's edge and having a vertical, intertidal shoreline. Ultimately, sea level rise poses a global threat to coastal cities. The success of a nature-based solutions advisory group in San Francisco may illuminate key, innovative adaptation strategies that could be implemented far beyond the San Francisco Bay, a key ancillary benefit. The second tranche of work will be conducted by consultants with expertise in economic and quantitative analysis. The Port has relationships with a number of partners through its waterfront resiliency program that already have great familiarity with Port facilities. Additional detail on the Scope of Work is continued in the "Additional Comments" section of this subapplication.

Who will manage and complete the mitigation activity?

One of the Port's Project Managers, Kelley Capone, will manage the working group. (See CalOES Grant Management Subapplication attached below.)

What are you doing to consider other risks in the project area?

The Waterfront Resilience program is looking ahead to future conditions and working to prepare San Francisco for climate change. Adaptations to San Francisco's bayside waterfront are necessary to mitigate the risk of severe flooding from sea level rise. Although our coastal flooding hazards are currently categorized as relatively low, sea level rise is projected to cause serious flood hazards in the future. These adaptations must also be robust to seismic events to reduce risk of damages caused by future earthquakes. By reducing flood and seismic risks to waterfront infrastructure, these adaptations will make the city more resilient to current and future climate change impacts. The Port's Multi-Hazard Risk Assessment (MHRA) identified vulnerabilities to flooding and sea level rise caused by climate change. The MHRA coastal flood hazard findings indicate flood hazards to increase moderately between 2035 and 2050, significantly between 2050 and 2080, extremely between 2065 and 2100, and overwhelmingly between 2100 and 2150, where 6.9 feet of sea level rise is projected. Furthermore, San Francisco's proximity to two active

major faults, the San Andreas and Hayward faults, introduce additional risk to shoreline infrastructure. The MHRM earthquake hazard findings indicate a very high liquefaction hazard across the entire waterfront with some areas starting to liquefy at the 43-year earthquake and nearly all areas by the 100-year earthquake. Funding from this grant would support the Port's effort to scope nature-based solutions to incorporate in future HMA projects via an advisory group of experts on nature-based solutions for climate change impacts. This advisory group will both inform and enable these waterfront adaptations. Due San Francisco's densely developed, vertical shoreline, an advisory group comprised of local, national, and international experts will be fundamental to producing the best and most environmentally friendly waterfront adaptation strategies. Successful implementation of nature-based solutions should also reduce the risk of avoidable environmental damage from of entirely "gray" infrastructure on the waterfront.

Is there an estimate for when the mitigation activity will take place?

Work would commence after receiving notice of award by FEMA and would take place over an estimated 21 months, with the goal of completing work in such time so as to utilize the product of this work for the following FEMA BRIC funding cycle.

What alternatives will be considered?

The Port's Waterfront Resilience Program (WRP) is currently in the preliminary planning stage and is set to commence scoping potential alternatives to adapt waterfront infrastructure. The Port will be scoping alternatives that will elevate San Francisco's shoreline and reinforce the bayside seawall to increase the city's resilience to sea-level rise. No specific alternatives have been scoped or developed so far. We hope that the Engineering with Nature Working Group will build scoping capacity by informing ways in which we can incorporate nature-based solutions into these alternatives.

Do activities being considered align with hazard mitigation plan?

The activities in this scoping project align with the following approved strategies in the Climate and Hazards Mitigation Plan: IN-1.08 Implement multi-hazard mitigation improvements for harbor dock infrastructure - This strategy will increase resiliency for waterfront infrastructure against high and rising water events such as King Tides and long term sea level rise. IN-2.01 Develop project to address flooding around Islais Creek - This strategy, which the Port is a partner on, will increase resilience to sea level rise for adjacent underserved communities and improve

infrastructure and biodiversity by incorporating ecosystem services. IN-2.09 Develop multi-hazard resilience design guidelines for capital planning that addresses climate action goals - The Port is to participate in a coastal flood risk study in partnership with the US Army Corps of Engineers to determine necessary adaptations to mitigate the impact of sea level rise. This study is still underway and our Multi-Hazard Risk Assessment is complete. IN-5.02 Reduce seismic and flood risk along three miles of the San Francisco Waterfront from Fisherman's Warf to Mission Creek - This strategy refers to the Port's Waterfront Resilience Program, wherein the Port is working to adapt the city's bayside waterfront by reinforcing the existing seawall and building infrastructure resilient to sea level rise and seismic hazards.

Additional comments (optional)

This is a continuation of the Scope of Work. Activities conducted, by task, for economic and quantitative analysis of environmental benefits activities are as follows: Task B1: Research Existing Models and Methods Initial work will consist of review of indexes, data and other metrics used by public agencies to account for the economic value of environmental and habitat improvements and ecosystem benefits. This will include review of other State and Federal agencies in the United States such as NOAA, the EPA, USACE, as well as state natural resource agencies and other efforts to date to quantify environmental benefits. Task B2: Research Existing Markets for Ecosystem Investments Review of public investments and marketplaces created around individual ecosystem investments to determine willingness-to-pay across different public markets. This work will establish a range of potential price points that can serve as a proxy for the public value of ecosystem improvements in future nature-based solutions benefits modeling. For example, the California Air Resources Board's Carl Moyer program has established price points, below which it will fund grant subapplications for emissions reduction (e.g. preferred funding status for projects that reduce weighted tons of emissions for less than \$10,000/ton). Task B3: Review and integration of methods and models derived under previous tasks for both general, broad applicability and for use in calculating benefits for the specific project(s) scoped in detail for this capacity building work. Task B4: Peer Review 1 - Methodologies Members of the Port and the Port's consultant team will review the

methods and models selected for application by the Working Group. Methods reviewed will be for both broad applicability and for selection for the specific project(s) scoped in detail for this capacity building work. Task B5: Application and Sensitivity Testing Methods and models selected for general application and specific projects will be applied to produce an initial benefit-cost analysis, with sensitivity analysis to determine the effect of respective variables on the outcome. Task B6: Peer Review 2 – Results Peer review of results of methods and models application among members of the consulting team and with members of the Port, reviewing results of benefit-cost analyses for both the scoped projects and generalized costs for use as pre-calculated benefits. Task B7: Final Report The Working Group will complete a final report with recommended methodologies for quantifying environmental impacts and benefits yielded from nature-based solutions, both for capital improvement projects in general and for Port specific waterfront adaptations sought through follow on subapplications to FEMA for funds to construct scoped projects. With an effective methodology to integrate the full public value of nature-based solutions into benefit-cost analysis, the Port will be able to make informed economic decisions about future waterfront adaptation strategies. As an ancillary benefit, the development of such methodologies could extend far beyond the San Francisco shoreline, as jurisdictions worldwide are looking to incorporate nature-based solutions in their climate resilience infrastructure. New methods for quantification of benefits will allow for preliminary estimates of cost-effectiveness that expand and complement FEMA’s standard values for ecosystem services. While this is a project scoping exercise and not construction, the goal of this work (apart from adding to the knowledge base for use by others) is to scope several projects, where those scopes will be the basis for follow on subapplications to FEMA for construction of that infrastructure.

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
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Filename	Date uploaded	Uploaded by	Label	Description	Action
20211130 Chang CV 4pg.pdf	12/01/2021	daley.dunham@sfport.com	Scope of Work Attachments	No description given.	
BRIC Application Gantt Chart.xlsx	12/14/2021	daley.dunham@sfport.com	Scope of Work Attachments	No description given.	
Zabin 2021 Oysters CV short.docx	12/01/2021	daley.dunham@sfport.com	Scope of Work Attachments	No description given.	
Jeremy Lowe resume.pdf	12/01/2021	daley.dunham@sfport.com	Scope of Work Attachments	No description given.	
Marilyn Latta Resume Nov21 PortSFapp.pdf	12/01/2021	daley.dunham@sfport.com	Scope of Work Attachments	No description given.	
Mayer-Pinto CV 301121.pdf	12/01/2021	daley.dunham@sfport.com	Scope of Work Attachments	No description given.	
Suedel CV EWN 29Nov21.docx	12/01/2021	daley.dunham@sfport.com	Scope of Work Attachments	No description given.	

Schedule

Specify the work schedule for the mitigation activities.

Add tasks to the schedule

Please include all tasks necessary to implement this mitigation activity; include descriptions and estimated time frames.

Task Name	Start Month	Task Duration (in Months)
Task A1: Review of Existing Port and Regional Planning Work	1	2 months
Task Description The work would begin with the Port presenting working group members with work completed to date under the Port's Waterfront Resilience Program, including summaries and access to all reports,		

planning documents, public engagement, permitting documents and relevant work of local, state and federal regulatory agencies.

<p>Task Name Task A2: Review of Waterfront Geography, Bathymetry, Hydrological and Ecological Conditions</p>	<p>Start Month 2</p>	<p>Task Duration (in Months) 2 months</p> <p>Task Description This task includes review of geological, hydrology and hydrological surveys, hazardous materials inventories, and environmental studies to better understand existing conditions. This includes native species and localized opportunities for ecological improvement with respect to those species.</p>
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<p>Task Name Task A3: Go/No Go Milestone #1 - Review and Selection of Specific Reaches for Scope Development</p>	<p>Start Month 4</p>	<p>Task Duration (in Months) 4 months</p> <p>Task Description The Working Group will review sections of the San Francisco waterfront for scoping, considering site-specific hardscape, soil and hydrological conditions, existing and potential public use of the space, intensity and fungibility of maritime use that may conflict with waterside improvements, results of the Port's robust public engagement and potential environmental impacts of ultimate construction in that section of the waterfront. In the extremely unlikely event that no site specific locations are deemed appropriate, the project would terminate.</p>
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<p>Task Name Task A4: Review of Global Adaptation Strategies and Best Practices</p>	<p>Start Month 8</p>	<p>Task Duration (in Months) 2 months</p> <p>Task Description Expert Working Group members will draw from their own expertise as well as that of others in their region to ensure the latest innovations are being considered for inclusion in development of candidate nature-based solutions. The goal of the work under Task A4 is to be as inclusive as possible with the best expertise, ensuring that potential innovations can be realized as part of project scoping.</p>
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<p>Task Name Task A5: Go/No Go Milestone #2 - Multiple Iterations of Design Charrettes</p>	<p>Start Month 10</p>	<p>Task Duration (in Months) 5 months</p>
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	<p>Task Description</p> <p>With the benefit of work conducted under Tasks A1-4, Working Group members will conduct 2-3 design charrettes, bringing a deep understanding of existing conditions and challenges, and with the latest work in nature-based engineering available to iterate around. This task will end with selection of one or more solutions to be scoped for areas selected for scoping. In the unlikely event that the design charrettes reveal that there are no practical mitigations that may be scoped from this exercise, the project will terminate.</p>
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<p>Task Name Task A6: Project Scoping for Selected Sites</p>	<table border="0"> <tr> <td data-bbox="493 495 756 562"> <p>Start Month 13</p> </td> <td data-bbox="756 495 1495 562"> <p>Task Duration (in Months) 3 months</p> </td> </tr> <tr> <td colspan="2" data-bbox="493 659 1495 877"> <p>Task Description</p> <p>Working Group members will work together with Port project staff to generate preliminary design, and identify the section(s) of the Port's waterfront that would be most competitive in a subsequent subapplication for funding for construction or design and construction projects.</p> </td> </tr> </table>	<p>Start Month 13</p>	<p>Task Duration (in Months) 3 months</p>	<p>Task Description</p> <p>Working Group members will work together with Port project staff to generate preliminary design, and identify the section(s) of the Port's waterfront that would be most competitive in a subsequent subapplication for funding for construction or design and construction projects.</p>	
<p>Start Month 13</p>	<p>Task Duration (in Months) 3 months</p>				
<p>Task Description</p> <p>Working Group members will work together with Port project staff to generate preliminary design, and identify the section(s) of the Port's waterfront that would be most competitive in a subsequent subapplication for funding for construction or design and construction projects.</p>					

<p>Task Name Task A7: Final Report on Recommended Nature Based Solutions</p>	<table border="0"> <tr> <td data-bbox="493 963 756 1031"> <p>Start Month 16</p> </td> <td data-bbox="756 963 1495 1031"> <p>Task Duration (in Months) 2 months</p> </td> </tr> <tr> <td colspan="2" data-bbox="493 1131 1495 1497"> <p>Task Description</p> <p>The Working Group will complete a final report with recommendations for integrating nature-based solutions into ensuing waterfront adaptation projects eligible for FEMA BRIC funding. These recommendations will be informed by the members' individual expertise as well as the research, review of existing Port materials and geography, and charette workshops conducted collectively. The Port will leverage the recommendations by incorporating all viable engineering with nature opportunities into the ongoing planning process to develop waterfront adaptations.</p> </td> </tr> </table>	<p>Start Month 16</p>	<p>Task Duration (in Months) 2 months</p>	<p>Task Description</p> <p>The Working Group will complete a final report with recommendations for integrating nature-based solutions into ensuing waterfront adaptation projects eligible for FEMA BRIC funding. These recommendations will be informed by the members' individual expertise as well as the research, review of existing Port materials and geography, and charette workshops conducted collectively. The Port will leverage the recommendations by incorporating all viable engineering with nature opportunities into the ongoing planning process to develop waterfront adaptations.</p>	
<p>Start Month 16</p>	<p>Task Duration (in Months) 2 months</p>				
<p>Task Description</p> <p>The Working Group will complete a final report with recommendations for integrating nature-based solutions into ensuing waterfront adaptation projects eligible for FEMA BRIC funding. These recommendations will be informed by the members' individual expertise as well as the research, review of existing Port materials and geography, and charette workshops conducted collectively. The Port will leverage the recommendations by incorporating all viable engineering with nature opportunities into the ongoing planning process to develop waterfront adaptations.</p>					

<p>Task Name Task B1: Research Existing Models and Methods</p>	<table border="0"> <tr> <td data-bbox="493 1581 756 1648"> <p>Start Month 1</p> </td> <td data-bbox="756 1581 1495 1648"> <p>Task Duration (in Months) 3 months</p> </td> </tr> <tr> <td colspan="2" data-bbox="493 1749 1495 1967"> <p>Task Description</p> <p>Initial work will consist of review of indexes, data and other metrics used by public agencies to account for the economic value of environmental and habitat improvements and ecosystem benefits. This will include review of other State and Federal agencies in the United States such as NOAA, the EPA, USACE, as well as state</p> </td> </tr> </table>	<p>Start Month 1</p>	<p>Task Duration (in Months) 3 months</p>	<p>Task Description</p> <p>Initial work will consist of review of indexes, data and other metrics used by public agencies to account for the economic value of environmental and habitat improvements and ecosystem benefits. This will include review of other State and Federal agencies in the United States such as NOAA, the EPA, USACE, as well as state</p>	
<p>Start Month 1</p>	<p>Task Duration (in Months) 3 months</p>				
<p>Task Description</p> <p>Initial work will consist of review of indexes, data and other metrics used by public agencies to account for the economic value of environmental and habitat improvements and ecosystem benefits. This will include review of other State and Federal agencies in the United States such as NOAA, the EPA, USACE, as well as state</p>					

natural resource agencies and other efforts to date to quantify environmental benefits.

<p>Task Name Task B2: Research Existing Markets for Ecosystem Investments</p>	<p>Start Month 2</p>	<p>Task Duration (in Months) 2 months</p> <p>Task Description Review of public investments and marketplaces created around individual ecosystem investments to determine willingness-to-pay across different public markets. This work will establish a range of potential price points that can serve as a proxy for the public value of ecosystem improvements in future nature-based solutions benefits modeling. For example, the California Air Resources Board’s Carl Moyer program has established price points, below which it will fund grant subapplications for emissions reduction (e.g. preferred funding status for projects that reduce weighted tons of emissions for less than \$10,000/ton).</p>
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<p>Task Name Task B3: Review and Integration</p>	<p>Start Month 4</p>	<p>Task Duration (in Months) 4 months</p> <p>Task Description Review and integration of methods and models derived under previous tasks for both general, broad applicability and for use in calculating benefits for the specific project(s) scoped in detail for this capacity building work.</p>
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<p>Task Name Task B4: Peer Review 1 - Methodologies</p>	<p>Start Month 8</p>	<p>Task Duration (in Months) 2 months</p> <p>Task Description Members of the Port and the Port’s consultant team will review the methods and models selected for application by the Working Group. Methods reviewed will be for both broad applicability and for selection for the specific project(s) scoped in detail for this capacity building work.</p>
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<p>Task Name Task B5: Application and Sensitivity Testing</p>	<p>Start Month 10</p>	<p>Task Duration (in Months) 3 months</p> <p>Task Description</p>
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Methods and models selected for general application and specific projects will be applied to produce an initial benefit-cost analysis, with sensitivity analysis to determine the effect of respective variables on the outcome.

<p>Task Name Task B6: Peer Review 2 – Results</p>	<p>Start Month 13</p>	<p>Task Duration (in Months) 2 months</p> <p>Task Description Peer review of results of methods and models application among members of the consulting team and with members of the Port, reviewing results of benefit-cost analyses for both the scoped projects and generalized costs for use as pre-calculated benefits.</p>
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<p>Task Name Task B7: Final Report on Benefits Quantification</p>	<p>Start Month 15</p>	<p>Task Duration (in Months) 3 months</p> <p>Task Description The Working Group will complete a final report with recommended methodologies for quantifying environmental impacts and benefits yielded from nature-based solutions, both for capital improvement projects in general and for Port specific waterfront adaptations sought through follow on subapplications to FEMA for funds to construct scoped projects. With an effective methodology to integrate the full public value of nature-based solutions into benefit-cost analysis, the Port will be able to make informed economic decisions about future waterfront adaptation strategies. As an ancillary benefit, the development of such methodologies could extend far beyond the San Francisco shoreline, as jurisdictions worldwide are looking to incorporate nature-based solutions in their climate resilience infrastructure.</p>
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<p>Task Name Grant Close Out</p>	<p>Start Month 18</p>	<p>Task Duration (in Months) 3 months</p> <p>Task Description Grant Close Out</p>
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Estimate the total duration of your proposed activities (in months). **21**

Proposed project start and end dates

Start Date **2022-10-01**

End Date

2024-07-01

Budget

Budget cost estimate and management cost (optional) should directly link to your scope of work and work schedule. You must add at least one item(s) greater than \$0 for your cost estimate. Once you have added item(s) for your cost estimate, you may then add the item(s) for management cost (optional). As necessary, please adjust your federal/non-federal cost shares and add the non-federal funding source(s) you are planning to use this project. Once you have completed this section, please click the Continue button at the bottom of this page to navigate to the next section.

Add budget cost types and item(s)

Click the Add cost type button below to add cost type cost estimate and then click the Add item(s) button to add the item(s) for the cost estimate. After adding items to your cost estimate, you may then select Add cost type button again to add management costs (optional) and applicable items.

Grand total: \$239,900.00

Budget type: Non construction

▶ Cost type: Cost estimate	\$239,900.00
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Program income (optional)

Cost share

Cost share or matching means the portion of project costs not paid by federal funds.

Proposed federal vs. non-federal funding shares

Hazard Mitigation Assistance (HMA) funds may be used to pay up to 75% federal share of the eligible activity costs. For Building Resilient Infrastructure and communities (BRIC), small impoverished communities may be eligible for up to 90% federal share. For Flood Mitigation Assistance (FMA), and severe repetitive loss (SRL) properties may be eligible for up to 100% federal share. Repetitive loss (RL) properties may be eligible for up to 90% federal share. Flood Mitigation Assistance (FMA) and severe repetitive loss (SRL) properties may be eligible for up to 100% federal share. Repetitive loss (RL) properties may be eligible for up to 90% federal share.

	% Percentage	\$ Dollar amount
Is this a small impoverished community?	Proposed federal share	66.65 159900.00

This determines your federal/non-federal share ratio.
No

Proposed non-federal share **33.35** **80000.00**

Based on total budget cost:
\$239,900.00

Non-federal funding sources here

That portion of the total costs of the program provided by the non-federal entity in the form of in-kind donations or cash match received from third parties or contributed by the agency. In-kind contributions must be provided and cash expended during the project period along with federal funds to satisfy the matching requirements.

Funding source	Funding amount	% Non-federal share by source
▶ Funding source: Port of San Francisco Harbor Funds	\$80,000.00	100.00%

Please provide any additional comments below (optional).

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
BRIC Local Match Fund Commitment Letter FINAL.pdf	12/14/2021	daley.dunham@sfport.com	Budget Attachments	No description given.	
Budget for BRIC.xlsx	12/01/2021	daley.dunham@sfport.com	Budget Attachments	No description given.	

Cost-effectiveness

How was cost-effectiveness determined for this project?

Not applicable
Please explain why this project is not applicable.

This application is for project scoping, with part of the work being the development of metrics (currently not available) for quantifying

environmental benefits of nature-based solutions, such that this information can be used in future cost-effectiveness determinations.

Please provide any additional comments below (optional).

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
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Evaluation

Is the applicant participating in the [Community Rating System \(CRS\)](#)? **No**

Is the applicant a [Cooperating Technical Partner \(CTP\)](#)? **No**

Was this created from a previous FEMA HMA Advance assistance / Project scoping award? **No**

Has the applicant adopted building codes consistent with the [international codes](#)? **Yes**

Year of building code **2018**

Please provide the building code. **CA Building Code (CBC) 2018 IRC/IBC**

Have the applicant's building codes been assessed on the [Building Code Effectiveness Grading Schedule \(BCEGS\)](#)? **Yes**

Select rating. **3**

Describe involvement of partners to enhance the mitigation activity outcome. **Through its Waterfront Resilience Program the Port has been engaging with a broad range of partners including transportation providers such as the Waterfront Emergency Transportation Authority and BART, as well as SFMTA; utility providers such as PG&E and SFPUC; tenants along the waterfront including the Exploratorium, the Giants, the Ferry Building and many small businesses along the waterfront; community advisory groups throughout the City that are issue area or geographically based; and resource and regulatory agencies. These partners have helped the team develop goals and principles, shaped the priorities of the program and provided insights into decision-making, project**

design and implementation and how to balance between trade-offs. We will continue to work closely with all of these partners as we advance work in the Waterfront Resilience Program identify the timeframe for future adaptation to sea level rise with elements of nature-based solutions. In addition, the expert working group members assembled for this application will ring expertise from the universities, foundations and government agencies with which they are associated.

Additional comments (optional)

The City and County of San Francisco is in the process of establishing a BCEGS rating, and is likely to have one assigned prior to the date this subapplicaion is transmitted to FEMA.

Attachments

Filename	Date uploaded	Uploaded by	Label	Description	Action
FEMA BRIC Technical Criteria .docx	12/01/2021	daley.dunham@sfport.com	Evaluation Attachments	Explanation of how the project meets required Technical Criteria	
Qualitative Scoring Framework.docx	12/01/2021	daley.dunham@sfport.com	Evaluation Attachments	Alignment of information in subapplication with qualitative scoring criteria	
Master-I-Code-Adoption-Chart-AUG-2021.pdf	12/14/2021	daley.dunham@sfport.com	Evaluation Attachments	<i>No description given.</i>	

Comments & attachments

- ▶ **Community** **1 comment, 0 attachments**
- ▶ **Mitigation plan** **1 comment, 0 attachments**

▶ Scope of work	1 comment, 7 attachments
▶ Budget	0 comment, 2 attachments
▶ Cost-effectiveness	0 comment, 0 attachments
▶ Evaluation	1 comment, 3 attachments

Assurances and certifications

OMB number: 4040-0007, Expiration date: 02/28/2022 [View burden statement](#)

SF-424B: Assurances - Non-Construction Programs

OMB Number: 4040-0007

Expiration Date: 02/28/2022

Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f)

- the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
 8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
 9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
 10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
 11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
 12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
 13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
 14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
 15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
 16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

OMB number: 1660-0083, Expiration date: 10/31/2021 [View burden statement](#)

Certifications regarding lobbying; Debarment, Suspension and other responsibility matters; and Drug-free workplace requirements

Content:

OMB Control Number: 1660-0083

Expiration: 10/31/2021

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

1. LOBBYING

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperating agreement over \$ 100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any other person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Stand Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

Standard Form-LLL : 'Disclosure of Lobbying Activities' attached (This form must be attached to certification if nonappropriated funds are to be used to influence activities.)

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A.

- A. The applicant certifies that it and its principals:
- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this application been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public a public (Federal ,State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause of default; and
- B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEE OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17.615 and 17.620-

- A. The applicant certifies that it will continue to provide a drug-free workplace by;
- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an on-going drug free awareness program to inform employees about-
 1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);
 - d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
 1. Abide by the term of the statement; and
 2. Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring ion the workplace no later than five calendar days after such convictions;
 - e. Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.
 - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to anyemployee who is convicted-

1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation act of 1973, as amended; or
 2. Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- g. Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, City, County, State, Zip code)

There are workplaces on file that are not identified

Sections 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a state wide certification.



MEMORANDUM

October 4, 2024

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Gail Gilman, Vice President
Hon. Willie Adams
Hon. Stephen Engblom
Hon. Steven Lee

FROM: Elaine Forbes
Executive Director 

SUBJECT: Request approval to accept and expend a \$159,900 grant from the Federal Emergency Management Agency to fund an Engineering with Nature Working Group.

DIRECTOR'S RECOMMENDATION: Approve the Attached Resolution 24-43

EXECUTIVE SUMMARY

The Port submitted a subapplication to the Federal Emergency Management Agency (FEMA) on December 1st, 2021 for the Building Resilient Infrastructure and Communities (BRIC) competitive grant program for \$159,900 to establish an Engineering with Nature Working Group. FEMA formally awarded the grant on August 9, 2024.

This report describes the proposed scope of work under the grant and recommends approval of the attached resolution authorizing Port staff to accept and expend the grant, subject to approval by the Controller and the Board of Supervisors.

STRATEGIC OBJECTIVE

The Port's Waterfront Resilience Program and the work completed with this FEMA BRIC grant funding supports the goals of the Port's Strategic Plan as follows:

Engagement:

By leading an inclusive stakeholder process to develop a shared vision, principles, and goals for the Waterfront Resilience Program and Flood Study. Data from this study will be publicly available to benefit all future projects proposed within SF Bay.

Resiliency:

By leading the City's efforts to address threats from earthquakes and flood risk through research and infrastructure improvements to the Embarcadero Seawall and adjoining buildings and other infrastructure, and to the 7½ miles of Port shoreline property. Findings from this working group will maximize engineering with nature opportunities to be incorporated into future projects along the Port and within the Bay.

Sustainability:

The incorporation of engineering with nature principles provides opportunities to enhance the ecosystem with habitat improvements and sustainable design and construction best management practices. This working group will explore natural infrastructure alternatives (e.g. wetlands, horizontal levees, and "living shorelines") for future shoreline stabilization and improvement projects. Findings from this working group will help implement City Biodiversity Goals and best sustainable practices in all Bay improvement projects.

Evolution:

Incorporating engineering with nature and providing benefits to bay ecosystems is in line with providing publicly desired amenities requested for a new seawall and the Waterfront Resilience Program.

BACKGROUND

The Port submitted a subapplication to the Federal Emergency Management Agency (FEMA) on December 1st, 2021 for the Building Resilient Infrastructure and Communities (BRIC) competitive grant program for \$159,900. The proposal is to fund an Engineering with Nature Working Group to build the Waterfront Resilience Program's (WRP) scoping capacity of nature-based solutions for future hazard mitigation projects. This group will be comprised of experts who will workshop and provide recommendations for ways the WRP can incorporate nature-based solutions in our coastal flood defenses waterfront-wide.

The group will work with the Port for approximately nine months after funding is awarded, reviewing existing WRP materials and bayside waterfront conditions, reviewing global adaptation strategies and best practices, participating in multiple design charrettes, and finalizing a report to communicate their recommendations. Additionally, funding from this grant will fund the WRP's effort to identify a methodology for quantifying quantifiable benefits of environmentally beneficial measures incorporated in hazard mitigation projects. This type of methodology will not only better inform the cost-benefit analysis for future grant applications but could also impact national policy on hazard mitigation project funding.

On August 9, 2024, the Port of San Francisco was officially awarded FEMA BRIC funding to conduct this work.

SCOPE OF WORK

This work will rely on a group of experts in nature-based planning, with experts identified for scoping activities, and a contract for consultants to conduct economic and quantitative analysis of the scoped solutions for follow-on FEMA sub-applications for construction.

Task A1: Review of Existing Port and Regional Planning Work:

The work would begin with the Port presenting working group members with work completed to date under the Port's Waterfront Resilience Program, including summaries and access to all reports, planning documents, public engagement, permitting documents, and relevant work of local, state, and federal regulatory agencies.

Task A2: Review of Waterfront Geography, Bathymetry, Hydrological and Ecological Conditions:

This task includes a review of geological, hydrology, and hydrological surveys, hazardous materials inventories, and environmental studies to better understand existing conditions. This includes native species and localized opportunities for ecological improvement with respect to those species.

Task A3: Review and Selection of Specific Reaches for Scope Development:

The Working Group will review sections of the San Francisco waterfront for scoping, considering site-specific hardscape, soil and hydrological conditions, existing and potential public use of the space, intensity, and fungibility of maritime use that may conflict with waterside improvements, results of the Port's robust public engagement and potential environmental impacts of ultimate construction in that section of the waterfront.

Task A4: Review of Global Adaptation Strategies and Best Practices:

Expert Working Group members will draw from their own expertise as well as that of others in their region to ensure the latest innovations are being considered for inclusion in the development of candidate nature-based solutions. The goal of the work under Task A4 is to be as inclusive as possible with the best expertise, ensuring that potential innovations can be realized as part of project scoping.

Task A5: Multiple Iterations of Design Charettes:

With the benefit of work conducted under Tasks A1-4, Working Group members will conduct 2-3 design charettes, bringing a deep understanding of existing conditions and challenges, and with the latest work in nature-based engineering available to iterate around. This task will end with the selection of one or more solutions to be scoped for areas selected for scoping.

Task A6: Project Scoping for Selected Sites:

Working Group members will work together with Port project staff to generate a preliminary design and identify the section(s) of the Port's waterfront that would be most competitive in a subsequent sub-application for funding construction or design and construction projects.

Task A7: Final Report:

The Working Group will complete a final report with recommendations for integrating nature-based solutions into ensuing waterfront adaptation projects eligible for FEMA BRIC funding. These recommendations will be made by the members' individual expertise as well as the research, review of existing Port materials and geography, and charette workshops conducted collectively. The Port will leverage the recommendations by incorporating all viable engineering with nature opportunities into the ongoing planning process to develop waterfront adaptations.

The Working Group will consist of members with expertise in potential nature-based solutions to respond to rising tides due to climate change and to plan for flood risk reduction.

While the working group will be looking for innovations, consideration of natural and nature-based measures will include:

- Nearshore reefs
- Submerged aquatic vegetation
- Mudflat augmentation
- Beaches
- Tidal marshes
- Polder management
- Ecotone levees
- Migration space preparation
- Creek-to-baylands reconnection
- Green stormwater infrastructure

The second tranche of work will be conducted by consultants with expertise in economic and quantitative analysis.

Activities conducted, by task, for economic and quantitative analysis of environmental benefits activities are as follows:

Task B1: Research Existing Models and Methods:

Initial work will consist of a review of indexes, data, and other metrics used by public agencies to account for the economic value of environmental and habitat improvements and ecosystem benefits. This will include a review of other State and Federal agencies in the United States such as NOAA, the EPA, and USACE, as well as state natural resource agencies and other efforts to date to quantify environmental benefits.

Task B2: Research Existing Markets for Ecosystem Investments:

Review of public investments and marketplaces created around individual ecosystem investments to determine willingness-to-pay across different public markets. This work will establish a range of potential price points that can serve as a proxy for the public value of ecosystem improvements in future nature-based solutions benefits modeling. For example, the California Air Resources Board's Carl Moyer program has established price points, below which it will fund grant subapplications for emissions reduction (e.g. preferred

funding status for projects that reduce weighted tons of emissions for less than \$10,000/ton).

Task B3: Review and integration of methods and models:

Review and integration of methods and models derived under previous tasks for both general and broad applicability and for use in calculating benefits for the specific project(s) scoped in detail for this capacity-building work.

Task B4: Peer Review 1 – Methodologies:

Members of the Port and the Port's consultant team will review the methods and models selected for application by the Working Group. Methods reviewed will be for both broad applicability and for selection for the specific project(s) scoped in detail for this capacity-building work.

Task B5: Application and Sensitivity Testing:

Methods and models selected for general application and specific projects will be applied to produce an initial benefit-cost analysis, with sensitivity analysis to determine the effect of respective variables on the outcome.

Task B6: Peer Review 2 – Results:

Peer review of results of methods and models application among members of the consulting team and with members of the Port, reviewing results of benefit-cost analyses for both the scoped projects and generalized costs for use as pre-calculated benefits.

Task B7: Final Report:

The Working Group will complete a final report with recommended methodologies for quantifying environmental impacts and benefits yielded from nature-based solutions, both for capital improvement projects in general and for Port specific waterfront adaptations sought through follow on subapplications to FEMA for funds to construct scoped projects. With an effective methodology to integrate the full public value of nature-based solutions into benefit-cost analysis, the Port will be able to make informed economic decisions about future waterfront adaptation strategies. As an ancillary benefit, the development of such methodologies could extend far beyond the San Francisco shoreline, as jurisdictions worldwide are looking to incorporate nature-based solutions in their climate resilience infrastructure.

New methods for quantification of benefits will allow for preliminary estimates of cost-effectiveness that expand and complement FEMA's standard values for ecosystem services. While this is a project scoping exercise and not construction, the goal of this work (apart from adding to the knowledge base for use by others) is to scope several projects, where those scopes will be the basis for follow on subapplications to FEMA for construction of that infrastructure.

PROJECT FUNDING

The Engineering with Nature Working Group will be funded by the following sources:

SOURCE	AMOUNT
FEMA BRIC Grant	\$159,900
Port Local Match	\$80,000
Total	\$239,900

RECOMMENDATION

Port staff recommend that the Port Commission approve the attached resolution authorizing staff to accept and expend \$159,900 from the FEMA BRIC grant program, administered through the California Office of Emergency Services (CalOES), subject to Board of Supervisors approval; approve the Grant Agreement; and upon the Board of Supervisors' approval, authorize the Executive Director to execute and implement the Grant Agreement with FEMA/CalOES.

Prepared by: Brad Benson, Director
Waterfront Resilience Program

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 24-43

WHEREAS, Charter Section B3.581 empowers the Port Commission with the authority and duty to use, conduct, operate, maintain, manage, regulate, and control the lands within Port jurisdiction; and

WHEREAS, The Federal Emergency Management Agency (FEMA) has offered the Port funding through their Building Resilient Infrastructure and Communities (BRIC) competitive grant program in the amount of \$159,900; and

WHEREAS, On December 1st, 2021, the Port applied for the grant funds as a subapplicant through the California Governor's Office of Emergency Services (CalOES) to undertake the development of an Engineering with Nature Working Group to inform the implementation of green infrastructure and quantification of its economic and social benefits within the Port's jurisdiction (the proposed Project); and

WHEREAS, The Port will provide \$80,000 in matching funds as required by FEMA for its BRIC grant program; and

WHEREAS, City Administrative Code Section 10-170.1 requires the Port obtain the Board of Supervisors's approval to accept and expend grant funds of \$100,000 or more; and

WHEREAS, The proposed Project is categorically exempt from the California Environmental Quality Act (Public Resources Code sections 21000 *et seq.*) pursuant to Section 15306 of Title 14 of the California Code of Regulations because the Project will not result in a serious or major disturbance of an environmental resource; and now, therefore be it


RESOLVED, That the Port Commission authorizes its Executive Director to seek the Board of Supervisors' approval, and urges the Board of Supervisors to approve the request, to accept and expend the FEMA BRIC grant in the amount of \$159,900 through CalOES; and be it further

RESOLVED, That, upon approval from the Board of Supervisors, the Port Commission hereby authorizes the Port to accept and expend \$159,900, to supplement the Port's budget for the development of an Engineering with Nature Working Group; and be it further

RESOLVED, That, upon approval from the Board of Supervisors, the Port Commission authorizes the Executive Director, or the Executive Director's designee, to conduct all negotiations, and execute and

submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary to obtain and expend the grant funds on behalf of Port.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of October 8, 2024.

DocuSigned by:

Secretary
2A9BEF9AAF934F9...

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Boris Delepine, Port of San Francisco
DATE: January 7, 2025
SUBJECT: Accept and Expend Resolution for Subject Grant
GRANT TITLE: FEMA BRIC – Engineering with Nature

Attached please find the original* and 1 copy of each of the following:

Proposed grant resolution; original* signed by Department, Mayor, Controller

Grant information form, including disability checklist

Grant budget

Grant application

Grant award letter from funding agency

Ethics Form 126 (if applicable)

Contracts, Leases/Agreements (if applicable)

Other (Explain):

Special Timeline Requirements:

Departmental representative to receive a copy of the adopted resolution:

Name: Boris Delepine Phone: 415-571-6626

Interoffice Mail Address: Pier 1, The Embarcadero, San Francisco, Ca 94111

Certified copy required Yes No X

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

GRANT RESOLUTION

Apply for, Accept and Expend Requirements

Grant Program: FEMA Hazard Mitigation Grant Program

- Check "Yes" if the requirement is satisfied and part of the introduction package.
- Check "No" if the requirement will be satisfied at a later date, prior to the funds being released.
- Check "N/A" if the requirement is not applicable to this introduction.

Requirements to "apply for" a grant:

Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Department Head signature on legislation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grant Application
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Funding source's grant criteria
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Anticipated funding categories established in the Request for Proposals
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comments from relevant citizen advisory bodies

Requirements to "accept and expend" grant funds:

Yes	No	N/A	
			Signatures:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Department Head
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mayor
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Controller
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Provisions for the reimbursement of indirect costs
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Indirect cost rate
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grant Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract(s) or Agreement(s)

Questions:

Yes No
 Does this Grant fund any City employee, contract, or off-budget positions?

Which positions are funded by this Grant?

How will these positions be funded after these Grant funds are expended?



TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Adam Thongsavat, Liaison to the Board of Supervisors
RE: Urgent Accept and Expend Resolutions
DATE: January 8, 2025

Attached for introduction are nine urgent accept and expend resolutions.

1. Accept and Expend Grant - United States Department of Transportation - \$20,000,000
2. Accept and Expend Grant – United States Department of Education - California Department of Rehabilitation - State Vocational Rehabilitation Services Program – \$791,433
3. Accept and Expend Grant - Retroactive - United States Department of Energy - Building Performance Standard (BPS): Adoption, Enforcement and Equitable Support, and Preparation for Regional Adoption - \$19,994,217
4. Accept and Expend Grant – Retroactive – The California Department of Health Care Services (DHCS) – CalAIM JI PATH Round 2 Funding – San Francisco – \$56,131
5. Accept and Expend Grant – Metropolitan Transportation Commission – Visitacion Avenue Pedestrian and Bicycle Safety Improvement Project – \$750,000
6. Accept and Expend Grant –Federal Emergency Management Agency – California Office of Emergency Services- Engineering with Nature Working Group - \$159,900
7. Accept and Expend Grant –Federal Emergency Management Agency – California Office of Emergency Services – Hazard Mitigation Grant Program – Pier 94/96 Seismic Improvements Project - \$2,700,000
8. Accept and Expend Grant - United States Department of Energy - Clean Cities and Communities Energy and Environmental Justice Initiative – Community Engagement Liaison Cohort 2 - \$284,800
9. Accept and Expend Grant – United States Department of Transportation – Boosting Charging by 30% for San Francisco Residents – \$14,996,876

Mayor Lurie respectfully requests that the nine resolutions be heard at a Committee of the Whole on January 14, 2025, and that the Board of Supervisors call Board File Nos. 241131, 241174, 241217, 241216, 241176, and 241199 from the Budget and Finance Committee to the Committee of the Whole for consideration on that same date. This will allow for the expeditious approval of these resolutions, ensuring the City can secure this grant funding as quickly as possible, given the urgent nature of the accept and expend resolutions.

Should you have any questions, please contact Adam Thongsavat at adam.thongsavat@sfgov.org