File No	 059	8

Committee Item No.	.5	
Board Item No.	U	

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee C	ITY OPERATIONS AND	Date	5/23/11
<u> </u>	EIGHBORHOOD SERVICES		· · · · · · · · · · · · · · · · · · ·
	pervisors Meeting	Date	69711
Cmte Boar	rd		
	Motion Resolution Ordinance Legislative Digest Budget Analyst Report Legislative Analyst Report Introduction Form (for hearings) Department/Agency Cover Letter ar MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Award Letter	nd/or Repo	rt
	Application Public Correspondence		
Completed b	(Use back side if additional space is		5/20/11
Completed b	y: 49 Date	•	6/411
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An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

FILE NO. 110598

RESOLUTION NO.

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Resolution authorizing the Department of Public Health and San Francisco General Hospital to retroactively accept and expend a federal pass-through state grant in the amount of \$999,999 from the California Emergency Management Agency (CalEMA), to support San Francisco General Hospital's non-structural retrofit activities for the period February 15, 2011, through February 14, 2014, and waiving indirect costs.

[Accept and Expend Grant - Non-Structural Seismic Retrofit - \$999,999]

WHEREAS, CalEMA was approved by the Federal Emergency Management Agency (FEMA) for funding through the Legislative Pre-Disaster Mitigation nationwide grant, and because SFGH/DPH was included as a partner in this grant, SFGH was notified of an award in the amount of \$999,999.00 through CalEMA; and.

WHEREAS. The funding is to be used by SFGH to provide for the bracing of essential mechanical equipment and piping, which will be included in the rebuild project for the new hospital; and,

WHEREAS, The full project period of the grant starts on February 15, 2011 and ends on February 14, 2014; and,

WHEREAS. The majority of this funding, \$992,166.00, will be used to fund contractual services, including construction and consultant projects, selected through the City's bidding process; and,

WHEREAS. The grant requires matching funds in the amount of \$333,334.00 from the San Francisco Department of Public Health General Fund; and,

WHEREAS, An ASO amendment is not required as the agreement funds no positions through DPH; and,

WHEREAS, SFGH received the award letter from CalEMA on March 7, 2011, with a project start date of February 15, 2011, requiring SFGH/DPH to request retroactive approval; and.

WHEREAS, CalEMA does not allow for indirect costs in order to maximize the use of grant funds on direct services, however, \$53,652 will be paid out of matching funds; now, therefore, be it

RESOLVED, That DPH is hereby authorized to accept and expend a grant retroactively in the amount of \$999,999.00 from CalEMA; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of indirect costs; and, be it

FURTHER RESOLVED, That DPH is hereby authorized to accept and expend the grant funds pursuant to San Francisco Administrative Code section 10.170-1.

RECOMMENDED:

Barbara A. Garcia Director of Health APPROVED:

Office of the Mayo

Office of the Controller

City and County of San Francisco

partment of Public Health



Edwin M. Lee Mayor Barbara A. Garcia, MPA Director of Health

TO:	Angela Calvillo, Cle	erk of the Board of Supervisors
FROM:	Barbara A Garcia Director of Health	
DATE:	May 3, 2011	
SUBJECT:	Grant Accept and	Expend
GRANT TITLE:	SFGH Non-Struc	tural Seismic Retrofit - \$999,999.00
Attached please fir	nd the original and [∠]	copies of each of the following:
	ant resolution, origin	al signed by Department
	ation form, including	g disability checklist -
⊠ Budget and E	Budget Justification	
☐ Grant application in the project ☐ Agreement /		e. No application submitted. Asked to participate
Other (Explai	in):	
Special Timeline Re	equirements:	
Departmental rep	resentative to rece	ive a copy of the adopted resolution:
Name: Richelle-Ly	nn Mojica	Phone: 255-3555
	lress: Dept. of Publi ms, 1380 Howard S	c Health, Office of Quality Management for t.
Certified copy requ	ired Yes 🗌	No 🖂

File Number:		
(Provided by 0	Clerk of Board of Supervisors)	

Grant Information Form

(Effective March 2005)

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: San Francisco General Hospital Non-Structural Seismic Retrofit

2. Department: Facilities

3. Contact Person: Micha Hoy

Telephone: 415.206.6853

4. Grant Approval Status (check one):

[X] Approved by funding agency

[] Not yet approved

5. Amount of Grant Funding Approved or Applied for: \$ 999,999.00

6a. Matching Funds Required: \$ 333,334.00

b. Source(s) of matching funds (if applicable): General Funds

7a. Grant Source Agency: Federal Emergency Management Act

- b. Grant Pass-Through Agency (if applicable): California Emergency Management Act
- 8. Proposed Grant Project Summary: The City of San Francisco has begun the construction phase of a new San Francisco General Hospital. The existing Service Building (power plant) will continue to serve the remainder of the campus following completion of the new hospital. Currently, the existing essential equipment and related distribution piping at San Francisco General Hospital (SFGH), the only trauma center (level one) in a broad geographical area, which encompasses the City and County of San Francisco and northern San Mateo County, is subject to catastrophic failure in a major seismic event. This non-structural seismic retrofit to provide for the bracing of essential mechanical equipment and piping is part of this larger project for this critical facility.
- 9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: February 15, 2011 End-Date: February 14, 2014

Note: The Resolution requested will be retroactive. This Start date above was shown in CalEMA Notification of Application Approval letter dated March 7, 2011 and received by email in this office on March, 14, 2011.

10a. Amount budgeted for contractual services: \$ 992,166 (Construction & Consultants on line item budget)

b. Will contractual services be put out to bid? YES per Chapter 6 of Administrative. Code

c. If so, will contract services help to further the goals of the department's MBE/WBE requirements? YES
d. Is this likely to be a one-time or ongoing request for contracting out? one-time
11a. Does the budget include indirect costs? [] Yes [X] No
b1. If yes, how much?
b2. How was the amount calculated?
c. If no, why are indirect costs not included? [] Not allowed by granting agency [] Other (please explain): \$ 53,652 of indirect costs included in DPW overhead costs for Project and Construction Management services will be recovered through the matching funds.
12. Any other significant grant requirements or comments:
We respectfully request for approval to accept and expend these funds retroactive to February 15 2011. This Start date above was shown in CalEMA Notification of Application Approval letter date March 7, 2011 and received by email in this office on March, 14, 2011.
Grant: HGLPDM; Grant Detail: 0908; Title: FEMA Grant #LPDM-PJ-09-Ca-2008-003
13. This Grant is intended for activities at (check all that apply):
[X] Existing Site(s)[X] Existing Structure(s)[X] Existing Program(s) or Service(s)[] Rehabilitated Site(s)[] Rehabilitated Structure(s)[] New Program(s) or Service(s)[] New Site(s)[] New Structure(s)
14. The Departmental ADA Coordinator and/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 other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:
Comments:
Departmental or Mayor's Office of Disability Reviewer: Jason Hashimoto
Date Reviewed: 5/4///
Department Approval:
Barbara A. Garcia, MPA Director of Public Health (Signature)

(2) Line Item Budget

April 7, 2011

San Francisco General Hospital Non-Structural Seismic Retrofit.

Funding Sources

	CalEMA Grant			999,999
	CCSF Local Match		:	333,334
Total				1,333,333

Budget

	Project cost	Soft costs	Const'n cost	,	Total
Total budget cost	1,333,333				
Construction @65% Soft cost @35%	866,666 466,667				
Construction Construction HM abatement Off-hour work Contingency			600,000 130,000 56,666 80,000		
Project Management 2.5% of \$7	I.3M	33,333	866,666		
Design Design by Consultant (des + CA)		65,000			

5,000 70,000

25,000

Construction support services (see Sheet 2 tab) BOA-CA

BOA review and Spec Division 1

	2011 011		ورون المراجعة		
	BCM-CM		(6)21 (8)21	(1)	
	BCM-scheduling		5.700C	, ,	
	BCM/SAR (HM mgmnt)		ម៉ែត ប៉ុន្តែពី	100	
- 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	BCM/SAR - CSOs		16-316		
	BCM-payroll record review		7/200		
			136,550		
Consultar	nts				
	HM monitoring	•	27,500		
	HM survey		8,000	•	
•	IOR		55,000		
	GPR		. 0		
	Testing/Insp		35,000		
			125,500		
Misc. (Ad	vertise,Survey, permit)		e e		
	Adveritsing		3,500		
	Adveritsing-reproduction		3,000		•
	Printing		3,500		
	Contract prep	, -	10,000		
	HM survey		15,000		* *
	GPR		0		
	Site Exploration		20,000		
	OSHPD permit		14,213		
	Project Reserve		32,070		
			101,283		

(1) Based on 40% time of 1 Res. Engr. for a period of 6 months

Total

866,666

1,333,333

466,667

				31.32%	34.51%	101.22%	
Design	• .		salary	qjm	oto	overhead	total
BOA review and Spec Division 1	5,000		1.872	586	646	1,895	5 000
Construction support services	Southed with a little for the definite debate.				:		
BOA-CA	25,000		9,362	2,932	3,231	9,476	25.000
BCM-CM	(0)38 (0)		25,969	8,133	8,962	26,286	69,350
BCM-scheduling	(0)000		1,872	586	646	1,895	2,000
BCM/SAR (HM mgmnt)	15,000		5,617	1,759	1,938	5,685	15,000
BCM/SAR - CSOs	1000.91	٠	5,617	1,759	1,938	5,685	15,000
BCM-payroll record review	77.200		2,696	844	930	2,729	7,200
				•			
	141,550		53,005	16,601	18,292	53,652	141,550

Minimum fringe benefits as required (healthcare, retirement) paid time off (an adjustment to billing rates to fund vacation, holiday and sick leave)
Department and Bureau Administration, Rent, Equipment, Leases, Transportation, Supplies, etc. Acronyms mfb: pto: overhead:

San Francisco General Hospital Non-Structural Seismic Retrofit.

FEMA Sub Grant Application Number: LPDM-PJ-09-CA-2008-003

Narrative

These Consultant Services replace the category "Consultant" in Section 205.4. The total remains \$125,500 as previously submitted.

Consultants

Conduct survey of materials to determine whether Haz. Mats. are present. Provide 8,000 mittigation procedures in bid documents. Rhough in the following during dur	Consultant: Hazardous Materials Monitoring 27,500 abatement, confirm 'clearance' at completion, and submit final report.	Provide daily monitoring of the Work, perform standard inspections, liason with Consultant: Inspector of Record 55,000 OSHPD Area Compliance Officer & Fire Life Safety Officer.	On-site test of concrete, epoxy, review of steel rebar tags, conduct special Consultant: Testing/Special Inspection 35,000 inspections including pull tests, etc.
--	--	--	---

125,500

TOTAL

(3) Budget Justification

San Francisco General Hospital Non-Structural Seismic Retrofit. April 7, 2011 Project cost Soft costs Const'n cost Total Total budget cost 1,333,333 Construction @65% 866,666 Soft cost @35% 466,667 Construction Construction 600,000 Haz. Mat'l. Abatement 130,000 Off-hour work 56,666 9 % Construction Contingency 80,000 866,666 Project Management 2.5% of \$1.3M 33,333 Design Design by Arch/Engr Consultant (design + Construction Administration) 65,000 Bureau of Architecture review and prepare Division 1 Specification 5,000 70,000 Construction support services Bureau of Architecture - Construction Administration 25,000 Bureau of Construction Management - Construction Management 69,350 (1) Bureau of Construction Management - scheduling 5,000 Bureau of Construction Management - Site Assessment Remediation (Haz. Mat'l. mgmt.) 15,000 Bureau of Construction Management / Site Assessment Remediation -15,000 Contract Service Order Bureau of Construction Management - payroll record review 7,200 136,550 Consultants Haz. Mat'l. monitoring 27,500 Haz. Mat'l survey 8,000 Inspector of Record 55,000 Ground Penetrating Radar (x-ray slab to locate steel) 0 Testing/Inspection for welding, etc. 35,000 125,500 Misc. (Advertise, Survey, permit) Advertising 3.500 Advertising-reproduction 3,000 Printing 3,500 Contract prep 10,000 Haz. Mat'l. survey 15,000 Ground Penetrating Radar Site Exploration 20,000 OSHPD permit 14,213 Project Reserve 32,070 101,283

Budget Justification

Total

This itemized list includes all the phases and services from design through construction closeout that are typical and that involve selection of design professionals, preparation of bid documents, OSHPD approval of bid documents, bidding and contract award, construction with OSHPD approvals for each phase of the Work and contract close-out.

466,667

866,666

1,333,333

⁽¹⁾ Based on 40% time of 1 Res. Engr. for a period of 6 months



March 7, 2011

Micha M. Hoy Executive Project Manager San Francisco, City & County 1002 Potrero Street San Francisco, CA 94110

Subject:

Notification of Application Approval

FY08 Legislative Pre-Disaster Mitigation Program

Grant #2008-0001, Project #PJ03, FIPS #075-00000, Supplement #0

Dear Ms. Hoy:

The California Emergency Management Agency (Cal EMA) received notification that the Federal Emergency Management Agency (FEMA) has fully approved your organization's subgrant application in the amount of \$999,999.00. A copy of the FEMA award package is enclosed for your records.

In order to receive payment, all subgrantees must have a current, valid Governing Body Resolution and updated Grant Assurances form on file with our office. Payments will be made on a reimbursement basis using the Hazard Mitigation Reimbursement Form (enclosed). A ten percent (10%) retention will be withheld from all reimbursement payments and will be released as part of the subgrant closeout process.

Reimbursements can be made for only items listed on the approved subgrant application; expenditures for any other work should be separately maintained and are the sole responsibility of the subgrantee. 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 EMA.

Please read all enclosed documents prior to initiating the approved project. For further assistance please contact the Hazard Mitigation Section at (916) 845-8150.

Hazard Mitigation Section

Enclosures

c: Applicant's File

3650 SCHRIEVER AVENUE • MATHER, CA 95655 HAZARD MITIGATION GRANTS (916) 845-8150 • (916) 845-8386

FEMA Signed Award Package

2008.0001

The award package you selected is provided below. Subgrant applications included in the package are also provided below. To view the award package, click the View Award Package link below.

Grant Application Year:

2008

Award Amount:

Grant Application Title:

LPDM08 California

02-15-2011

Date

Grant Application

Date Awarded:

Obligated:

02-16-

Grant Application Number:

<u>LPDM-09-CA-2008</u> Subgrant applications awarded:

2011

Print Award Package

View Award Package (Part 1 of 3)

View Award Package (Part 2 of 3) View Award Package (Part 3 of 3)

Displaying 1-1 of 1

Show 5

Go

PJOS

Application Number

Non-Federal Share

Federal Share

LPDM-PJ-09-CA-2008-003

Subgrant Applicant City and County of San Francisco

\$ 333,334.00

\$ 999,999.00

075-00000

se Frey.

Go Back

View More FEMA Signed Packages

Award Letter

U.S. Department of Homeland Security FEMA Region IX 1111 Broadway Suite 1200 Oakland, CA 94607



Christina Curry
Deputy Director, Governors Office of Emergency Services
3650 Schriever Avenue

Mather, CA 95655-0000

Dear Christina Curry:

Enclosed is an executed copy of FEMA Form 76-10A reflecting the award to your FY 2008 LPDM Grant (LPDM-09-CA-2008). Your SMARTLINK Grant Payment Account will be adjusted accordingly.

By accepting this award you assume certain administrative and financial responsibilities including the timely submission of all financial and programmatic reports, resolution of all interim audit findings and the maintenance of a minimum level of cash on hand. Should you not adhere to these responsibilities, you will be in violation of the terms of this award.

If you have any questions regarding this matter, please call Joan Flack at 510-627-7023.

Sincerely,

Melissa A. Pulver Assistance Officer

www.fema.gov

L-PDM Agreement Articles

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY

Legislative Pre-Disaster Mitigation Grant Agreement Articles

CFDA# 97.047

GRANTEE: Governors Office of Emergency Services

AGREEMENT NUMBER: EMF-2008-PD-0001 AMENDMENT NUMBER: 3

DESIGNATED AGENCY: Governors Office of Emergency Services

PERFORMANCE PERIOD: 15-FEB-11 - 14-FEB-14

GENERAL INFORMATION:

The Legislative Pre-Disaster Mitigation (L-PDM) grant program provides funding for cost-effective hazard mitigation activities that complement comprehensive mitigation program, reduce injuries, loss of life, and damage and destruction of property. Projects funded through LPDM must be located physically in a participating NFIP community that is not on probation or suspended (if the community has been mapped through the NFIP).

ARTICLE I - FEMA AUTHORITY

The United States of America through the Federal Emergency Management Agency (FEMA) which is now incorporated into the Department of Homeland Security, (hereinafter referred to as "the Grantor") agrees to grant to the state/Indian tribe/territory government, through its designated agency named above (hereinafter referred to as "the Grantee") funds in the amount specified on the obligating document, to support the Pre-Disaster Mitigation Grant Program, authorized under the &203 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. & &5121-5206 (Stafford Act), and activated under this Grant Award.

The Grantee agrees to abide by the Grant Award terms and conditions as set forth in this document.

ARTICLE II - PROJECT DESCRIPTION

The Grantee shall perform the work described in the application package and made a part of these Grant Agreement Articles.

ARTICLE III - PERIOD OF PERFORMANCE

The initial performance period for the Grantee shall be equal to the longest performance period of the Subgrantee awards. The period of performance shall be through 14-FEB-14. All costs must be incurred during the period of performance unless pre-award costs are approved.

ARTICLE IV - AMOUNT AWARDED

This Grant is for the administration and completion of an approved Legislative Pre-Disaster Mitigation grant award for fiscal year 2008. Grant Agreement funds shall not be used for other purposes. If costs exceed the maximum amount of FEMA funding approved, the Grantee shall pay the costs in excess of the approved budget.

The approved budget for this award by category is:

Line Item	Federal	Non-Federal	Total
Personnel	\$0.00	\$0.00	\$0.00
Fringe Benefit	\$0.00	\$0.00	\$0.00
Travel	\$0.00	\$0.00	\$0.00

Equipment	\$0.00	\$0.00	\$0.00
Supplies	\$0.00	\$0.00	\$0.00
Contractual	\$999,999.00	\$333,334.00	\$1,333,333.00
Construction	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00
TOTAL DIRECT	\$999,999.00	\$333,334.00	\$1,333,333.00
TOTAL BUDGET	\$999,999.00	\$333,334.00	\$1,333,333.00

The Grantee shall follow Emergency Management and Assistance Regulations found in Title 44 Code of Federal Regulations (CFR) Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Office of Management and Budget Circulars A-102 and A-87, and program guidance to implement this Grant Award.

ARTICLE V - COST SHARE

The cost-share requirement for this award is 75% Federal and 25% non-Federal. Small, impoverished communities may receive a Federal cost share of up to 90% of the total cost to implement eligible L-PDM activities.

- a. The approved budget for state and/or non-small, impoverished communities: Federal funds of \$999,999.00 (75.0%) and non-Federal funds of \$333,334.00 (25.0%) for a total approved amount of \$1,333,333.00.
- b. The following small, impoverished communities have been approved for cost share less than the required 25% non-Federal:

Subgrantee Federal funds % Non-Federal funds % Total approved amount Total \$0.00 0.00% \$0.00 \$0.00 \$0.00

c. The total approved budget of Federal funds is \$999,999.00 and non-Federal funds are \$333,334.00 for a total approved amount of \$1,333,333.00, which includes the combination of a and b, above.

ARTICLE VI - FEMA OFFICIALS

FEMA officials are as follows:

The Project Officer shall be an official at the FEMA Regional Office who will be responsible for the program and technical monitoring of the work and technical performance of the activities described in the application.

The Project Officer is: Joan Flack

The Assistance Officer is the FEMA official who has full authority to negotiate, administer and execute all business matters of the Grant Award.

The Assistance Officer is: Melissa A. Pulver

ARTICLE VII - TERMS AND CONDITIONS

The specific terms and conditions of this agreement are as follows:

Page 4 of 9

ASSURANCE COMPLIANCE:

The certifications signed by the Grantee in the application relating to maintenance of a Drug-Free workplace (44 CFR Part 17, Subpart F) and New Restrictions on Lobbying (44 CFR Part 18) apply to this grant agreement and are incorporated by reference.

BUDGET REVISIONS:

The Grantee shall follow prior approval requirements for budget revisions found in 44 CFR 13.30. Transfer of funds between total direct cost categories in the approved budget shall receive the prior approval of FEMA when such cumulative transfers among those direct cost categories exceed ten percent of the total budget.

If a Grantee estimates that it will have obligated funds remaining after the end of the performance period, the Grantee must report this to the FEMA Regional Office at the earliest possible time and ask for disposition instructions.

CLOSE OUT:

Reports Submission:

Per 44 CFR 13.50, when the appropriate grant award performance period expires, the Grantee shall submit the following documents within 90 days: (1) a final Financial Status Report (FF 20-10), (2) final program performance report, (3) an inventory of equipment purchased under each grant's funds, (4) an inventory of Federally-owned property, (5) other required documents specified by program regulation.

Report Acceptance:

FEMA shall review the Grantee reports, perform the necessary financial reconciliation, negotiate necessary adjustments between the Grantee and FEMA's records, and close out the grant in writing.

Record Retention:

Records shall be retained for 3 years (except in certain rare circumstances described in 44 CFR 13.42) from the date the final financial status report is submitted to FEMA in compliance with 44 CFR 13.42.

CONSTRUCTION PROJECT REQUIREMENTS:

- Acceptance of Federal funding requires FEMA, the Grantee and any Subgrantees to comply with all Federal, state and local laws prior to the start of any construction activity. Failure to obtain all appropriate Federal, state and local environmental permits and clearances may jeopardize Federal funding.
- Any change to the approved scope of work will require re-evaluation by FEMA for Grantee and Subgrantee compliance with the National Environmental Policy Act and other laws and Executive Orders.
- If ground disturbing activities occur during construction, the Grantee and any Subgrantees must ensure monitoring of ground disturbance and, if any potential archeological resources are discovered, the Subgrantee will immediately cease construction in that area and notify the Grantee and FEMA.

COPYRIGHT:

The Grantee is free to copyright any original work developed in the course of or under the agreement. FEMA reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish or otherwise use, and to authorize others to use the work for Government purposes. Any publication resulting from work performed under this agreement shall include an acknowledgement of FEMA financial support and a statement that the publication does not constitute an endorsement by FEMA or reflect FEMA views.

COST SHARE:

The Grantee shall follow cost-sharing requirements mandated by program guidance, statute or regulation and in compliance with 44 CFR 13.24. Cost-share funding shall be available with the approval of each grant. Performance Period extensions shall not be approved for delays caused by lack of cost-share funding.

ENFORCEMENT:

FEMA enforcement remedies shall be processed as specified in 44 CFR 13.43, Enforcement when the Terms and Conditions of this Grant Award are not met.

EQUIPMENT/SUPPLIES:

The Grantee must comply with the regulations listed in 44 CFR 13.32, Equipment, 44 CFR 13.33 Supplies, and 44 CFR 13.36 Procurement, and must be in compliance with state laws and procedures.

FUNDS TRANSFER:

No transfer of funds to agencies other than those identified in the approved grant agreement shall be made without prior approval of FEMA.

INSURANCE:

In compliance with Public Law 103-325, Title V National Flood Insurance Reform Act of 1973, section 582 requires that any person receiving Federal assistance for the repair, replacement, or restoration for damage to any personal or residential property at any time must maintain flood insurance if the property is located in a Special Flood Hazard Area.

PAYMENT:

Grantee shall be paid using the Federal Health and Human Services (HHS) Payment Management System-SMARTLINK, provided Grantee maintains and complies with procedures for minimizing the time between transfer of funds from the US Treasury and disbursement by the Grantee and subgrantees. The Grantee commits itself to: 1) initiating cash draw downs only when actually needed for its disbursement; 2) timely financial reporting per FEMA requirements, using the SF 269 or equivalent report; and 3) imposing the same standards of timing and amount upon any secondary Grantee.

Subgrantees must comply with the same payment requirement as the Grantee and must comply with the requirements specified in the Grantee's subgrant award agreements.

DUPLICATION OF PROGRAMS:

FEMA will not provide assistance under the its programs for activities that it determines another Federal program has a more specific or primary authority to provide. FEMA also will not provide assistance for the applicant or subapplicant's legal obligations. FEMA may disallow or recoup amounts that duplicate other authorities.

DUPLICATION OF BENEFITS:

FEMA will not provide assistance under the program for activities that duplicate benefits received by or available to applicants, subapplicants and other project participants from insurance, other assistance programs, legal awards, or any other source to address the same purpose. Such individual or entity must notify the Grantee and FEMA of all benefits that it receives or anticipates from other sources for the same purpose, and must seek all such benefits available to them. FEMA will reduce the grant by the amounts available for the same purpose from another source. If FEMA provides assistance under this L-PDM program when other benefits are available, the Grantee will be liable to FEMA for any duplicative amounts that are received from other sources, and must reimburse FEMA for such amounts. FEMA also will not provide assistance for the applicant or subapplicant's legal obligations, such as those imposed by a legal settlement, court order or State law.

NON DISCRIMINATION:

The program must be administered in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status. The program complies with Section 308 of the Stafford Act and Title VI of the 1964 Civil Rights Act and other applicable laws. All applicants/Grantees must comply with Title VI, including State and local governments distributing Federal assistance.

Applicants/Grantees and subapplicants/subgrantees will ensure that no discrimination is practiced. Applicants must consider fairness, equity, and equal access when prioritizing and selecting project subapplications to submit with their application. Subapplicants and subgrantees must ensure fairness, equity and equal access when consulting and making offers of mitigation to property owners that benefit from mitigation activities.

CHANGES IN SCOPE OF WORK:

Requests for changes to the SOW after award are permissible as long as they do not change the nature or total project cost of the activity, properties identified in the subapplication, the feasibility and effectiveness of the project, or the benefit cost ratio. Requests must be supported by adequate justification from the applicant in order to be processed. The justification is a description of the proposed change, a written explanation of the reason or reasons for the change; an outline of remaining funds available to support the change; and a full description of the work necessary to complete the activity. All approvals will be at FEMA's discretion, and there is no guarantee that SOW changes will be approved.

PERFORMANCE PERIODS:

Program/Project/subgrant Approval and/or Awards:

All grant award activities, including <u>all</u> projects and/or activities approved under each subgrant award, shall be completed within the time period prescribed and authorized on the obligating documents. All costs must be incurred within the approved performance period or be approved pre-award costs.

EXTENSIONS:,

Requests for time extensions to the Performance Period will be considered but will not be granted automatically and must be supported by adequate justification submitted to the Regional Office in order to be processed. This justification is a written explanation of the reason or reasons for the delay; an outline of remaining funds available to support the extended Performance Period; and a description of performance measures necessary to complete the activity. Without justification, extensions requests will not be processed. Financial and progress reports must be current in order for a time extension to be considered.

RECOUPMENT OF FUNDS:

FEMA will recoup mitigation planning grant funds for grants that do not meet the deliverable criteria of an adopted, FEMA-approved mitigation plan by the end of the performance period.

RECOVERY OF FUNDS:

The Grantee will process the recovery of assistance paid to subgrantees processed through error, misrepresentation, or fraud or if funds are spent inappropriately. Recovered funds shall be submitted to FEMA as soon as the funds are collected, but no later than 90 days from the expiration date of the appropriate grant award agreement.

All fraud identifications will be reported to the FEMA Inspector General's office. The Grantee agrees to cooperate with investigation conducted by the FEMA Inspector General's office.

REFUND, REBATE, CREDITS:

The Grantee shall transfer to FEMA the appropriate share, based on the Federal support percentage, of any refund, rebate, credit or other amounts arising from the performance of this agreement, along with accrued











