



FEMA Public Assistance Recovery Program

Agenda

- FEMA Public Assistance (PA) Program
- Eligibility and Project Documentation
- Simplified Procedures
- Contracting and Procurement
- Time extensions on projects, Improved and Alternate Projects
- Closeouts and Project Completion Certification Reports
- Subgrant agreements and payment requests

DR4810 – Hurricane Beryl – July 9-11, 2024 Flooding



Disaster Fact Sheet

Disaster number: FEMA – DR4810-VT

Declaration date: Declared August 20, 2024

Type of disaster: Severe Storm, Flooding, Landslides, and Mudslides

Disaster funding: Public Assistance and Hazard Mitigation Assistance

Incident period: July 9 through July 11, 2024

Designated counties: Addison, Caledonia, Chittenden, Essex, Lamoille, Orleans, Orange, Orleans and Washington Counties.



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FEMA Public Assistance Program

- The FEMA Public Assistance (PA) Program is a **reimbursement** program that provides grant funding to eligible sub-recipients (applicants) for eligible restoration of community infrastructure with specific eligibility requirements.
- Need a minimum of **\$1,138,246** in statewide damages to qualify. Each county within the State also has a threshold to meet based on capita. County threshold at \$4.60/Capita.
- Towns are required to report major road damages to VTrans to determine whether to request federal funding assistance.
- The FEMA cost share (typically 75%) of total eligible costs will be awarded to the State for disbursement to the Applicants.

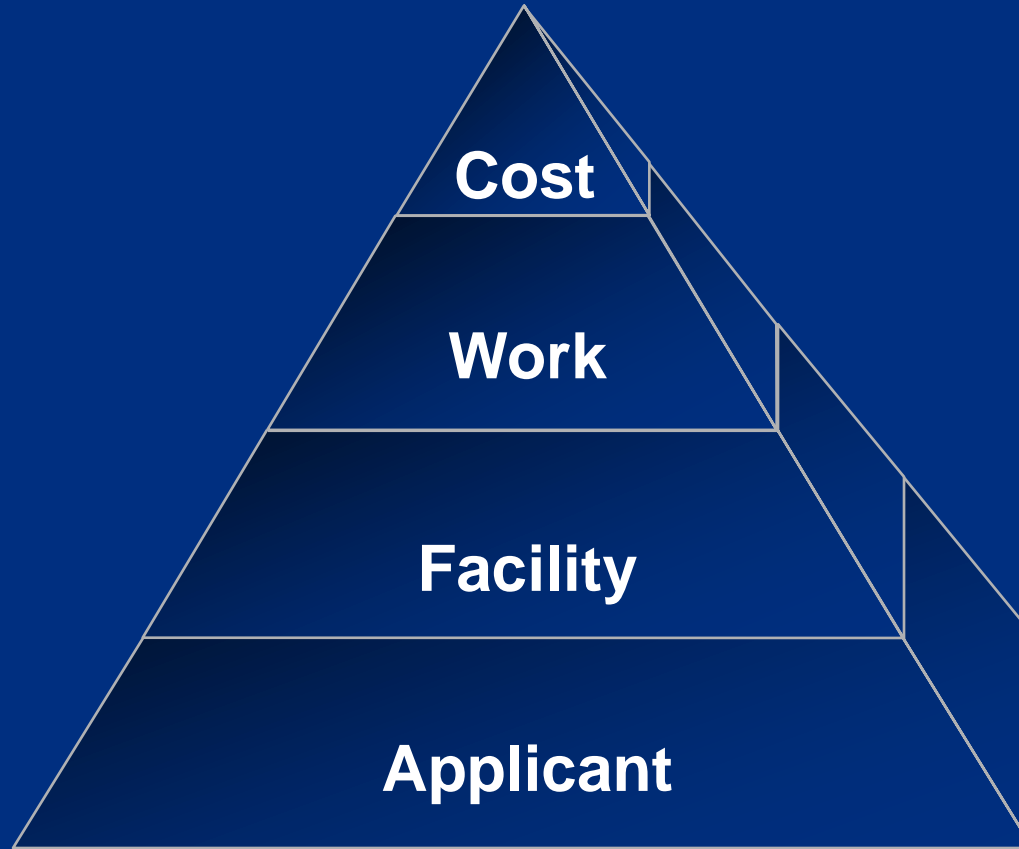


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FEMA Public Assistance Eligibility



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COST

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Eligible Applicants



To be an applicant, you must be in declared county and one of the following:

- State government agency (VTrans, Vtrans Rail, VEM, ..)
- Local government (city, village, township, etc.)
- Critical Private Non-Profit (PNP)

Includes: Medical Care, Hospitals and Emergency Care facilities, Fire/Rescue Emergency Services and Education facilities.



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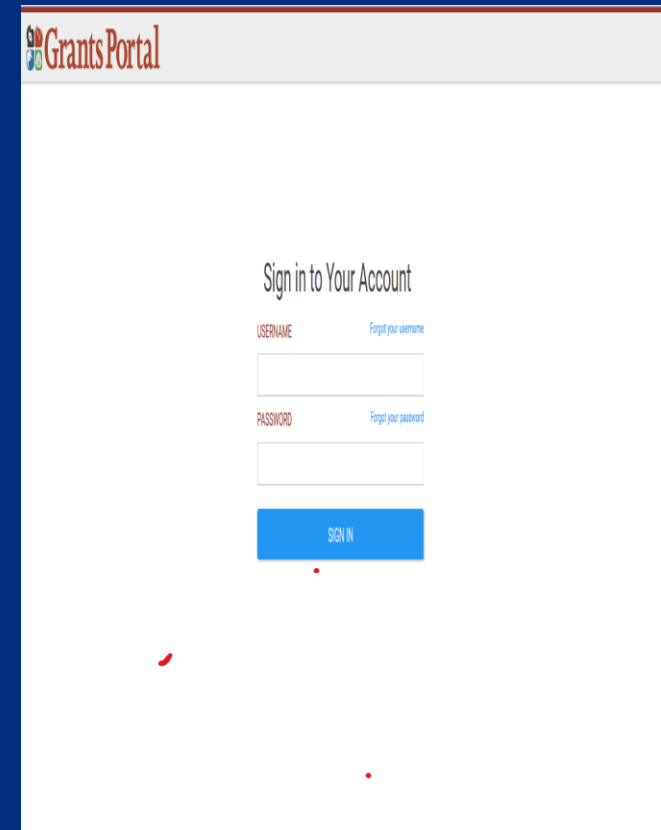


Apply in Grants Portal

FEMA Help Desk
866-337-8448

Grants Portal – where you apply for PA.

- 2 registered accounts per applicant required and must update them when someone leaves. No exceptions.
- Web-based tool through which all FEMA project documentation and determinations will flow
- Track and review projects and information through portal - live site, 24/7
- Maintain current documentation even without disaster declaration, such as:
 - Pay policy, Insurance policy, Procurement policy, Equipment inventory list



The screenshot shows the FEMA Grants Portal login interface. At the top left is the FEMA logo and the text 'Grants Portal'. The main heading is 'Sign in to Your Account'. Below this are two input fields: 'USERNAME' with a 'Forgot your username' link, and 'PASSWORD' with a 'Forgot your password' link. A blue 'SIGN IN' button is positioned below the password field. There are small red dots below the input fields, likely indicating a validation error.



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Request for Public Assistance (RPA)

- RPA is form to become an applicant in the FEMA PA program
- RPA's must be completed and submitted electronically in Grants Portal within **30 days of declaration**, or you will not be eligible for federal funding. September 20th is deadline!

The screenshot shows the FEMA Grants Portal interface. The main heading is "Request Public Assistance". The navigation tabs include Start, General Info, Contacts, Addresses, Other Info, and Submit. The "Contacts" tab is active. The form contains instructions: "Please indicate your primary and alternate contacts. These individuals will receive regular notifications and will be able to use this system to track the progress of your request as well as collaborate with your designated FEMA partners. Following submission, you will have the option of specifying additional team members. If you do not see appropriate personnel in the dropdown lists below, or if their email or phone contact information is incorrect, please [click here](#) to manage the Contacts currently assigned to your Organization Profile."

Primary Contact

Name:

Title:

Email:

Phone:

Alternate Contact

Name:

Title:



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What else determines Eligibility?



- Eligible Facility : Must be facility (power poles, road, culvert, bridge, building, or equipment) that was damaged during the declared incident period.
- An applicant must have a minimum of **\$3,900** of eligible costs (FY 2024) per damaged site.
- Damaged facility must be the legal responsibility of Applicant to maintain. Must show proof of maintenance.
- The facility must be in use at time of disaster.
- Costs to repair can not be covered by another Federal program and must be reasonable.



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Damage Inventory (DI)

- SUPER IMPORTANT!!
- The Damage Inventory (DI) is an excel spreadsheet that you must provide to document all your damages in the Grants Portal
- It must be signed off on in the Grants Portal!
- **It must be submitted within 60 days of RSM.** Anything outside of 60 days can and will not be added into the disaster for reimbursement.

1															
2	Disaster Number:					Program Delivery Manager (PDM) Name:									
3	Applicant Name:					Program Delivery Manager (PDM) Phone:									
4	Applicant FIPS:					Program Delivery Manager (PDM) Email:									
5	Applicant Point of Contact Name:														
6	Applicant Point of Contact Phone:														
7	Applicant Point of Contact Email:														
Category	Name of damage/facility	Address 1	Address 2	City	State	Zip	Latitude	Longitude	Describe Damage	Primary Cause of Damage	Approx. Cost	% Work Complete	Labor Type	Has received P/A grant(s) on this facility in a past?	Applicant priority
8															
9															
10															
11															
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13															
14															
15															
16															
17															
18															
19															
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Types of Work

Emergency Work

- A. Debris Removal
- B. Emergency Protective Measures- sandbagging

Permanent Work

- C. Roads and Bridge Systems
- D. Water Control Facilities
- E. Public Buildings / Equipment
- F. Public Utilities
- G. Other (Parks, Recreation, etc.)

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Eligible Work Categories:

Emergency Work- quick work to get road open/safe –It becomes permanent when you do not pick it back up.

Category A and Category B

A- Debris removal. ONLY Eligible when **in the public right of way** and necessary to: eliminate an immediate threat to life, public health and safety; or eliminate an immediate threat of significant damage to improved property; or ensure the economic recovery of the affected community.

Not eligible from private property unless homeowner has brought it out to ROW for town removal.

B- Temporary and Emergency Work -- temporary opening of roadways to restore emergency access.

Permanent Work – work to restore fully back to pre-disaster

Categories C-G

Cost reasonable repairs with proper permits using properly procured contracts and/or force account labor on roads, culverts and bridges, water control facilities, buildings and equipment repairs after insurance deductions, utilities, and parks, recreation and public cemeteries.



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Facilities -- Damaged culverts

- FEMA will reimburse for damaged facilities. If a culvert overtops but is not damaged or displaced, it is not eligible. The roadway washed out as a result is eligible. A culvert upgrade can be eligible under HM406 hazard mitigation if damage to the road is repetitive and/or substantial in cost.

- FEMA will reimburse to bring culverts up to State General Stream Alteration Permit standards, which is required for all culverts on perennial streams. Consult with ANR River Engineer if replacing a culvert on a perennial stream.

Stream Alteration General Permit (SAGP)

https://dec.vermont.gov/sites/dec/files/wsm/rivers/docs/StreamAlterationGeneralPermit_2022-04-19.pdf

Municipal Roads General Permit (MRGP)

<https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/MRGP%202023%20Final.pdf>

- When the culvert meets State requirements already, FEMA may reimburse a portion of a further culvert upgrade in size using 406 Hazard Mitigation if has had repetitive damage.



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Cost eligibility

To be eligible for reimbursement, costs must:

- Be reasonable and necessary to accomplish eligible work
- Comply with federal, state, and local laws and regulations
- Include deductions of insurance proceeds, salvage value, and purchase discounts.

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Labor

Force Account Labor plus Fringe Benefits- documents include; list of personnel to include their job title and hourly wage. Must include; timecards, daily logs, pay policy and fringe benefits calculation worksheet.

- Emergency Work: Only OT eligible for employees, however for temporary employees OT and regular time is eligible.

- Permanent Work: All labor eligible

- Volunteer/donated labor- credit towards your Cat A / B project only. A list must be provided with name, duties performed, date and hour started and ended and age of volunteer. Work must be emergency related. Labor will be valued at the same hourly labor rate as someone in the applicant's organization performing similar work. \$28.14/hour is value for FEMA project.

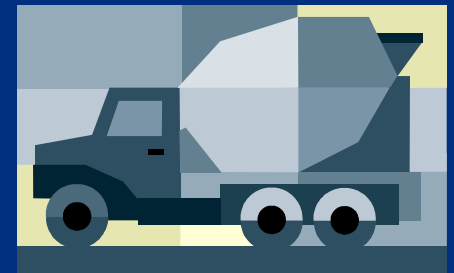


Mutual Aid Agreements- If you are going to use mutual aid, ask for guidance for requirements of the program. Mutual Aid can be used for Category A (Debris Removal) and Category B (Emergency Protective Measures) only.

Equipment

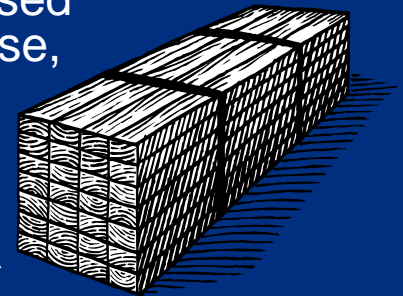


- Must have been used to perform eligible work
- FEMA cost codes used for cost determination (found online)
- Documentation needed includes; list of applicant's equipment which includes make/model, size of vehicle, (1 ton or 12 cy dump) name of driver, location used, work performed and day utilized.
- Donated equipment credit is determined the same as force account equipment rates are.



Materials

- May be purchased or come from stock
- Must be used for eligible work and need to list location used and how much taken to each location. What was the Base, surface of the road and amount, what GPS?
- Documentation includes: invoices, historical data or area vendor quotes for costs
- Donated materials are determined using the cost of purchased like materials. Items donated by another federal agency cannot be applied for volunteer credit.



Public Assistance Simplified Process

In August 2022, FEMA published a final rule to increase the established threshold for Small Project maximum for the agency's Public Assistance (PA) program to \$1 million (Small Project).

Congress enacted **Section 422** of the Stafford Act with the intent of increasing the administrative efficiency of the PA program. This is called simplified procedures which allows FEMA to award funding for projects under the large project threshold **based on estimates** on Cost Summary sheets.

The policy allows the applicant to certify that:

- The damage and work to be performed are a direct cause of the declared disaster.
- The work is delivered in an equitable manner.
- The work complies with current codes and standards.
- The work adheres to procurement and contracting requirements.
- All costs are reasonable.
- There is no duplication of benefits.
- All documents are retained according to regulations.



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Simplified Procedures

Applicant-provided estimates: FEMA will accept the Applicant providing certified cost estimates for labor, equipment, and materials. FEMA may use the Cost Estimating Format (CEF) on Small Projects (under \$1 million). Upon request, FEMA can assist in cost estimating for complex project work not yet completed.

Must comply with procurement and contracting laws and regulations: FEMA will review all projects for reasonable cost and procurement and contracting compliance. Applicants must continue to retain all source documentation, including project eligibility records and financial records, for 3 years after the date the Recipient submits to FEMA PCCR of the last project.

To streamline the application process for Small Projects: For projects of less than \$1 million (“small projects”), FEMA does not adjust estimated costs once the project is awarded. Once the estimated amount is obligated, FEMA considers it reasonable and eligible and does not re-evaluate the cost.

The best thing you can do is to go ahead and get your projects out to bid ASAP so you will know actual costs ASAP.



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Simplified Procedures Projects requirements



- Simplified projects cover all Categories of work (A-G) but allowed for only **SMALL** projects. Large projects (\$1million+) will still go through normal process- and require full closeout.
- Process Simplifies Reimbursement Approval and Payments as Applicant attests to estimates in project and will maintain documentation in case of audit. (applicant to sign **Simplified Procedures Attestation form**.)
- A description of the damage dimensions and repair activities including when, where, and who conducted the work repairs. Must have GPS location and photos.
- A summary of how much the repairs cost. Labor, equipment, materials, contracts. All procurement documentation.
- Supporting documentation (permits) or certification of compliance with applicable federal, State, tribal, territorial, and local laws and regulations pertaining to insurance, contracts, and environmental and historic preservation.



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Request for Information (RFI)

- RFI's drafted by CRC if missing information/documentation
- Sent with time limit to obtain information

Determination Memo (DM)

- Determination Memo – A detailed explanation of ineligible costs/activities
- DM's include:
 - Overview of eligibility concern
 - Explanation of law, policy, regulation
 - Application of law, policy, regulation to specific eligibility concern(s)
 - Decision



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Site Inspections (SI)

- PDMG will schedule site inspections for all work **incomplete** at time of your Recovery Scoping Meeting (RSM).
- A site inspector will meet with the state and applicant to view incomplete work
 - SI records detailed information
 - Latitude/Longitude
 - Photos
 - Dimensions of damage
- Report of all damage will be created and must be reviewed and approved in Grants Portal by PDMG and applicant. **Ask for a copy of your site inspection report!!**



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Procurement of Contractual Services

- State, local and federal procurement rules. Federal rules are found at 2 CFR 215.
- If the work is **over \$250K**, it **MUST** be competitively bid. Engineering must also be put out to bid.
- No sole source contracts. Procurement transactions must allow for *full and open competition* (with some minor exceptions allowed in emergency circumstances). This includes 2 C.F.R. requirements regarding small businesses, woman- and minority-owned businesses.
- Contracts must be **reasonable and necessary**. (**OMB Circular A-87 and CFR Part 13**)
- For projects less than \$250,000, price quotes must be obtained from a minimum of **3 (three) qualified** sources. Documentation required.
- ACCD's Procurement Technical Assistance Program (PTAC) can disseminate Request for proposals and bid advertisements for towns.
- Vermont's **Procurement Technical Assistance Center (ptac.vermont.gov)** is a good way to demonstrate effort to comply with 2 C.F.R. procurement requirements getting it out for FULL and open competition. Here is a link where we encourage towns to sign up for the Vermont Business Assistance Network: <http://www.vermontbidsystem.com/> which can assist in the process.



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Procurement

A town must have written procedures for procurement (a procurement policy), which must ensure the solicitations provide for at least the following (2 C.F.R. §200.319(c)):

- Awards to Responsible Contractors: Check with SAM.GOV for debarred or suspended contractors
- A town must maintain records of the procurement, rationale for the method of procurement; selection of contract type; contractor selection; and the basis for the contract price (2 C.F.R. §200.318(i))
- Applicants' request for proposals/bids should provide a clear and definitive scope of work and monitoring requirements, Applicant should obtain from bidders their proof of insurance and bonding and copies of licenses, references and financial records.
- If you have existing contracts in place when an event occurs, FEMA may accept work performed by that contractor during the defined emergency period. However, for any work over \$250k you must stop to put it out through competitive bidding!
- A town must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (2 C.F.R. §200.321)



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Types of Contracts

- Lump Sum: Contract for work within a prescribed boundary with a clearly defined scope of work and a total price.
- Unit Price: Contract for work done on an item-by-item basis with cost determined per unit (preferred method).
- Cost Plus Fixed Fee: Either a lump sum or unit price contract with fixed contractor fee added into the price.

AVOID THESE CONTRACTS!!

- Time and Material Contract: **These should be avoided!** They may only be allowed for work that is necessary immediately after the disaster has occurred when a clear scope of work cannot be developed and the work will not exceed 70 hours.
- This type of contract must be monitored to ensure the cost ceiling or “not to exceed” provision in the contract is honored by the contractor.

Administrative Costs- Cat Z projects

- Reasonable Costs related to managing your projects and documentation. If you hire a consultant, ensure they are properly procured following your town process and federal requirements. Even if procured properly if not cost reasonable, it may not be eligible.
- **Actual costs** only and must be fully documented with labor time-cards, pay rate and description of work performed.
 - These projects are capped at 5% of the total of all your projects but funded at 100% of actual documented costs. They may be written as an estimate but will only be paid for actual documented costs when all your other projects are completed and closed. You will need to submit a project closeout package for actual administrative costs.



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What is allowed under Cat Z admin costs?

Eligible costs may include:

- Site visits- showing FEMA/State the damaged sites
- Gathering cost documentation
- Project scope development- time working developing projects
- Project reporting- quarterly reporting
- Attending this applicant briefing and other FEMA meetings



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TIME LIMITS (Period of performance POP dates)
Begin on the disaster declaration date



Emergency work must be completed within – **6 months**

Permanent work must be completed within – **18 months**

For extenuating circumstances or project delays beyond your control, the State has authority to extend the emergency work deadline an additional 6 months and the permanent work deadline up to an additional 30 months on a project-by-project basis.

Applicants must submit a Time Extension request to the State before the Period of Performance expires.



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Flexibility to rebuild better/stronger/more resilient...

1. Improved Projects

- Improvements are any components that increase the size, capacity, or add additional functions
- Must be approved PRIOR to construction
- Applicants must fill out a request form for an Improved project and submit with a letter from the Town to the State for FEMA's approval.

2. Alternate Projects

- Applicants must fill out a request form for an Alternate project along with all necessary documentation of the new project, and submit with a letter from the Town to the State for FEMA's approval.
- Must be approved PRIOR to construction

Special Considerations

Special considerations are issues other than program eligibility that can hold up a project and which need to be considered in project development with your FEMA PDMG:

- Insurance
- Hazard Mitigation
- Environmental Protection
- Floodplain Management
- Historic Preservation and Cultural Resources



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Special Considerations Insurance

- Actual or anticipated insurance proceeds will be deducted from the eligible project costs for facilities that are insured.
- All applicants are required to obtain and maintain insurance coverage on all insurable facilities, as a condition of Public Assistance funding. (Note: not applicable for road damages!)
- For flood damaged facilities located within a Special Flood Hazard Area that are not covered by flood insurance, Federal assistance will be reduced by the maximum flood insurance proceeds that would have been payable had the facility been insured.



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Hazard Mitigation

- Cost effective measures that reduce or eliminate the potential for damages to a facility from a future event.
- For a hazard mitigation proposal to be eligible for funding under Public Assistance, the measure must apply only to the damaged elements of the eligible facility.
- Upsizing to State Codes and Standards is NOT technically Hazard Mitigation, it is part of the basic project. Hazard Mitigation can go beyond that (for example, adding wingwalls).
- Applicant is required to submit a cost estimate and a specific plan for the hazard mitigation work associated with each project. **It is not a separate project.**



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Environmental and Historic Preservation (EHP) Compliance

- All FEMA funded projects must comply with a variety of EHP Laws, Regulations and Executive Orders
- EHP Review is done prior to funding to ensure compliance with applicable Federal laws.
- EHP review kicks in if a project involves disturbing new ground outside the existing right-of-way
- EHP will require documentation of where fill material is sourced from and where debris is disposed



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Public Assistance Key information

- Do the work to be reimbursed. Do not wait for FEMA to make your repairs to in-kind or to State codes and standards. The only time you should wait is if you want to do something completely different than what was there before and it is not a State requirement.
- Consult with your ANR River Engineer and VTrans and obtain an H&H study when required.
- PDMG's will turnover. They do not live in Vermont and have a 50-week max rule. Always keep your own set of documentation (outside of Grants Portal) and organize it. You may eventually be asked to produce the same information again!



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Small vs. Large Projects

- **Small Projects-** PWs with **\$3,900** at minimum but less than \$1 million (FY 2024) in eligible costs are considered small projects. The 75% Federal share is paid to the applicant as soon as practicable after approval by FEMA. ERAF is paid when all work on all projects are completed.
- Projects over \$250k will be required to submit actual cost documentation prior to receiving remaining federal share. Full federal share of estimated project is paid, but ERAF paid only on actuals.
- **Large Projects-** PWs with **\$1,037,000** or more in costs are considered large projects. They will need a full closeout package. The 75% Federal share is reimbursed to the applicant based on the actual documented costs submitted to State finance. Drawdowns of up to 75% of the 75% federal share are allowed with documentation and proof of payment. ERAF share is paid when closed, based on actual documented costs.



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What is a large project / cat z closeout?

- The Closeout process is to finalize the disaster cycle by determining the actual costs of completed large projects (\$1million+, Cat Z administrative projects, and State review of small projects over \$250k).
- All LARGE projects may be written by FEMA using an estimate and can only be closed based on actuals through a full closeout package. Some Cat Z's are written as estimates and must also be closed through this process.
- The closeout process is initiated by the Applicant, performed by the State, and reviewed and approved by FEMA. Large Projects are those projects totaling more than \$1,037,000.



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PCCR

(Project Completion and Certification Reports)

- To formally close out ALL small and large projects, a Project Completion and Certification Report must be sent in.
- Vtrans District Rep or State PAC must verify work was done according to the scope of work in your project for all work not 100% completed when grant was written. The Town must also sign off on these reports.
- For all work 100% completed when written, town and your State PAC will sign the report.
- Date the project was completed and the amount it was completed for must be filled in.

Project Certification and Completion Report (PCCR) sample

**Federal Emergency Management Agency
Project Completion and Certification Report (P.4)
Disaster: FEMA-4532-DR-VT**

Applicant FIPS ID: 019-xxxxxx **Applicant/Subdivision Name:** xxxx (TOWN OF)

<u>PW #</u>	<u>Amendme nt #</u>	<u>Approve d Proj. Amt.</u>	<u>Cost Share</u>	<u>Ca t</u>	<u>Bund le</u>	<u>Work Done By</u>	<u>Project ed Compl. Date</u>	<u>% Comp L at Insp.</u>	<u>Elig Amount</u>	<u>Actual Date Completed</u>	<u>Amt. Claimed by Applicant</u>	<u>Comments</u>	
PA-01-VT-4532-PW-00xx	1	\$0.00	Y	B	PA-01-VT-4532-PW-xx	_____	04-08-2024	90	\$0.00	NA	\$ NA	_____	
	0	\$3,849.12	N	B	PA-01-VT-4532-PW-xx)	_____	04-08-2024	90	\$3,849.12	4/8/22	\$ 3,849.12	_____	
Total for 2 PWs:		\$3,849.12										\$ _____	
Subgrantee Admin:		\$0.00											
Grand Total:		\$3,849.12											

I certify that, to the best of my knowledge, all work and costs claimed are eligible and accurate in accordance with the State of Vermont subgrant, and all referenced project worksheets. I further certify that I am a representative of the listed applicant, and am authorized to sign this report on their behalf.

I certify that, to the best of my knowledge, the approved work has been completed in accordance with the State of Vermont subgrant agreement, and all referenced project worksheets.

Date & Signature of Applicant's Authorized Representative

Date & Signature of Grantee Inspector



Receiving \$\$ Reimbursements

Small Projects

- Executed subgrants and the financial report form (DPS Financial Report Form) is sent out.
- FEMA obligates small projects. Subgrantees need to send their financial report form to receive their 100% of the federal share upon obligation. To receive the State ERAF share on small projects, all of a Subgrantee's projects both large and small must be closed.
- Payment will be received within a few weeks.

Large Projects

- Executed subgrants and the financial report form (Federal Financial Report Workbook) is sent out.
- Subgrantees report programmatic progress quarterly as necessary (large projects only; January 30, April 30, July 30, October 30 and final closeout) to Kim Canarecci.
- FEMA obligates large projects. Subgrantees can request payments from GMU on all Large projects using the Financial Report Forms the subgrantee completes the work and submits required documentation for up to 75% of the Federal Share.
- Timing of payments depends upon receipt of necessary approvals.



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Money and Resources

- Cash flow gaps for municipalities, VLCT put together a Q&A about finance options:

<https://www.vlct.org/resource/july-2024-flood-state-emergency-legal-faq#:~:text=cut%20it%20down%3F-,Town%20Finances,-In%20the%20short.>

- This is a member-only page, so the municipal official will need to log into their MAP account. If they don't know their login information, they can submit a request to info@vlct.org.
- If a municipality expresses finance challenges, Katie Buckley, kbuckley@vlct.org, for immediate needs coaching.
- The Bond Bank is working to put together a package like last year. Ken Linge, ken@vtbondagency.org. Ken is tracking what the overall need. The Bond Bank's program might take several months, so municipalities shouldn't wait for it if they expect to have cash flow challenges between now and 12/31.



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Grant Management

Please contact Grants Management:

Kristine Seipel

- Kristine.Seipel@vermont.gov

Sarah Prior

- Sarah.Prior@vermont.gov



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Public Assistance Program sites

FEMA Program Management and Policy Guide

<https://www.fema.gov/assistance/public/policy-guidance-fact-sheets>

<https://www.fema.gov/fact-sheet/fema-public-assistance>

VEM Public Assistance website

<https://vem.vermont.gov/funding/pa>

VLCT Website

<https://www.vlct.org/topics-all/flood-recovery>



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Questions?

Kimberly Canarecci
Public Assistance Officer
Kim.Canarecci@vermont.gov

Ben Rose
Recovery Chief
Ben.Rose@vermont.gov

Ron Pentkowski
Public Assistance Administrator
Ron.Pentkowski@vermont.gov

Flooding and PA related questions:
ADM.2024FLOODS@vermont.gov



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