



STATE OF MARYLAND

PUBLIC ASSISTANCE PROGRAM
ADMINISTRATIVE PLAN
CALENDAR YEAR 2024



Table of Contents

Contents

I. Purpose	5
II. Authority	5
A. Federal	5
B. State	5
III. Declaration Process and Overview	5
A. Emergency Declarations	7
B. Major Disaster Declarations	8
IV. Organization and Responsibilities	8
A. Organization of Responsibility	8
B. Recipient (Grantee) and Subrecipient (Subgrantee) Assignment of Responsibilities	9
C. Command and Control Staffing Requirements	9
V. Public Assistance Administrative and Support Staff (44 CFR 206 and 2 CFR 200.302)	11
A. Administrative Support Staff	11
B. Staff Funding	13
VI. Direction, Control and Administration	14
A. Pre-Declaration Activities	14
B. Response	14
C. Recovery - Post Declaration Activities	15
D. Project Preparation	19
E. Disputes and Conflict Resolution	20
F. Grantee Decisions/Determinations	21
G. Appeals Process	21
VII. Project Variations	22
A. Small Projects	22
B. Large Projects	23
C. Improved Projects	23
D. Alternate Projects (44 CFR § 206.203 (d) (2))	24
E. 428 Alternate Procedures (42 U.S.C. 5121, Sect 428)	24
F. Immediate (Expedited) Needs Funding	25
G. Scope of Work Changes	25

H.	Identification of Damage	25
VIII.	Time Limitations and Extensions	26
A.	Work Completion	26
B.	Time Extensions	26
IX.	Contracts and Procurement	27
X.	Insurance Requirements	27
XI.	Section 406 Hazard Mitigation	28
XII.	Fiscal Administration	29
A.	Grant Approval	29
B.	Subgrant/Subaward Approval	29
C.	Project Funding	29
D.	Federal Funding Accountability and Transparency Act (FFATA) of 2006 (Public Law 109-282)	30
E.	Management Costs	30
F.	Subrecipient/Subgrantee and Fund Tracking	31
G.	Recovery of Funds	32
H.	Donated Resource Credit Disbursement	32
I.	DHS Standard Terms and Conditions	33
XIII.	Noncompliance and Enforcement (2 CFR 200.338)	33
XIV.	Project/Subaward and Grant Records, Reports and Closeout Procedures	33
A.	Quarterly Progress Reports	33
B.	Project Documentation and Closeout	33
C.	Cost Overruns	35
D.	Subrecipients	36
E.	Program Grants/Awards	37
XV.	Audit and Record Retention Requirements	37
A.	Audits (2 CFR 200.302)	37
B.	Record Retention (2 CFR 200.333)	37
XVI.	Supporting DEI in MD Recovery	38
XVII.	Development and Maintenance (44 CFR § 206.207 (3))	38
	Appendix A: Definitions	39
	Appendix B: Staffing Chart	46

Appendix C: Applicants' Briefing Outline	47
Appendix D: Fire Management Assistance Grant Program (FMAGP)	48
1. Fire Management Assistance Declarations	48
2. Procedures	48
3. Grant Management	50
4. Financial Reporting	50
5. Organization and Assignment of Responsibilities	50
6. Funding	51
7. Definitions	51
8. Assurances and Certifications	51

I. Purpose

The purpose of this plan is to identify roles and responsibilities for the State of Maryland, hereinafter referred to as the State, and to establish policies, procedures, and organizational structure for State management and administration of the Public Assistance program in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 USC 5121, et seq., as amended by Public Law 100-707, 106-390, and The Disaster Recovery Reform Act of 2018.

The State assures the Federal Emergency Management Agency (FEMA), that it shall comply with all applicable Federal statutes and regulations in effect during the periods for which it receives grant funding, including those listed under Section II below. The State acknowledges that funding under the FEMA Public Assistance program is conditional upon the State's compliance with all the terms and conditions of this plan.

II. Authority

A. Federal

1. 42 U.S.C. 5121-5206, Robert T. Stafford Act
2. Federal Regulation, 44 CFR
3. Federal Regulation, 2 CFR
4. Executive Order 12612, Federalism
5. Executive Order 12699 Seismic Design
6. Executive Order 12898, Environmental Justice
7. 16 U.S.C. 3501, Coastal Barrier Resources Act,
8. 16 U.S.C. 470, National Historic Preservation Act
9. 16 U.S.C. 1531, Endangered Species Act References
10. E.O. 14008: Tackling the Climate Crisis at Home and Abroad
11. E.O. 13985: Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government

B. State

1. Maryland Code Public Safety Title 14
2. Executive Order 01.01.2013.06 of the Governor of the State of Maryland – Maryland Emergency Preparedness Program
3. Maryland State Consequence Management Operations Plan (CMOP)
4. FEMA/State Agreement (specific by disaster)

III. Declaration Process and Overview

The Stafford Act provides the authority for the delivery of Federal Assistance following the declaration of a major disaster by the President of the United States. A major disaster is defined as, "any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or

drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby” (Stafford Act, 42 U.S.C. 5122).

In the event that Maryland experiences a disaster in which Federal Assistance may be required, the following actions will be taken to ensure that assistance is warranted and that the State receives the required help without undue delay:

1. The State Emergency Operations Center (SEOC) will be activated, and the State Consequence Management Operations Plan (CMOP) or other state emergency operations plan will be placed in effect. The Governor may also declare a State of Emergency in response to the event. During and immediately following a disaster, damage assessments will be conducted. On scene personnel will convey pertinent information to the local or County Emergency Operations Center or Command Post for forwarding to the State Emergency Operations Center. Accurate information will assist in determining the areas most affected and will assist in getting help to those in need. If it is determined, from on scene reports, that the situation is beyond the resources of both the county and State; an Initial Damage Assessment (IDA) will be performed.
2. Applicable state, county, and local officials will perform the IDA based on current guidance and will be compiled at both the State Emergency Operations Center and Local/County Emergency Operations Centers. The IDA team will document their initial findings, to include photographs where appropriate, showing relevant damage. The Maryland Department of Emergency Management may send personnel if the local jurisdiction requests assistance for this phase of damage assessment. Virtual assistance will also be provided. If it is determined through the assessment that there is sufficient damage to warrant a potential disaster declaration, then MDEM will request a joint Preliminary Damage Assessment (PDA) with FEMA.

The PDA is conducted to validate and determine the type of disaster relief (Public Assistance and/or Individual Assistance) that may be available to the State. The information collected during the PDA can then be utilized as supporting documentation for the Governor’s Request to the President for Federal Assistance if it is determined that a request for assistance is necessary.

The PDA teams will consist of Local, County, State, and Federal officials. The local officials should consist of engineers and Public Works officials, when possible, from the municipalities and counties affected by the disaster. These officials should be familiar with the affected areas and infrastructure and be capable of answering the questions of State or Federal officials. The assessment teams will be provided with a pre-planned route as well as maps, detailing areas to be visited and cost estimates for eligible damages. In the event that in-person PDAs cannot be completed, virtual PDAs can be done using damage collector tools.

The compiled information will be reviewed to determine if a Disaster Declaration is warranted. If it is warranted, the Governor's Letter of Request is prepared and sent to the President through the FEMA Region III Administrator. The Region will include their recommendations prior to forwarding the request to FEMA Headquarters. FEMA Headquarters will review and include their recommendations prior to sending the request to the President for approval. In the event the declaration request is denied, the Governor may submit a one-time appeal within 30 days of receiving the denial. The PDA will be resubmitted with additional supporting data, and all information will be resubmitted to FEMA Region III with an appeal letter and supporting documentation.

There are two types of Stafford Act Disaster Declarations: (A) Emergency Declarations and (B) Major Disaster Declarations. Both declaration types authorize the President to provide supplemental Federal Disaster Assistance. However, the events related to the two different types of declarations and scope and amount of assistance, differ.

A. Emergency Declarations

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

1. Pre-Disaster Emergency Declarations

The Governor may request an Emergency Declaration in advance or anticipation of the imminent impact of an incident that threatens such destruction as could result in a major disaster. Such requests must meet all of the statutory and regulatory requirements for an emergency declaration request. Requests must demonstrate that the existence of critical emergency protective measure needs prior to impact, are beyond the capability of the State and affected local governments or Indian tribal government, and identify specific unmet emergency needs that can be met through Direct Federal Assistance (DFA). Such DFA may include, but is not limited to, personnel, equipment, supplies, and evacuation assistance. Pre-positioning of assets generally does not require a declaration. Assistance made available under a Pre-disaster Emergency Declaration will typically be Category B (Emergency Protective Measures), limited to DFA. FEMA may require damage assessments and/or verified cost estimates if additional types of assistance are requested.

2. Emergency Declarations with Federal Primary Responsibility

When an emergency exists for which the primary responsibility rests with the Federal government, the President may declare an emergency without a request from the Governor of the affected State. Also, an Emergency Declaration does not prevent the Governor from subsequently requesting a Major Disaster Declaration for other unmet needs caused by the event.

B. Major Disaster Declarations

The President may declare a Major Disaster for any event that the President determines has caused damage of such severity that it is beyond the combined capabilities of state and local governments to respond. A Major Disaster Declaration provides a wide range of Federal Assistance programs for individuals and public infrastructure, including funds for both Emergency and Permanent work. PDAs will need to be completed in most situations to apply and receive a Major Disaster Declaration.

IV. Organization and Responsibilities

A. Organization of Responsibility

In accordance with Maryland Code Public Safety Title 14, the Governor has designated the Maryland Department of Emergency Management as the State office responsible for management and administration of the Public Assistance Program. A Governor's Authorized Representative (at MDEM, this is the Secretary or designee) will be designated by the Governor as the official responsible for maintenance and administration of the Public Assistance Program on behalf of the State and local governments and other grant recipients. The Governor's Authorized Representative will in turn assign a State Coordinating Officer (at MDEM this is the Public Assistance Officer or designee) to work with FEMA in order to assist in administering the Public Assistance program. As the designated agency of the State, the responsibilities of MDEM include, but are not limited to:

1. Submission of the Application for Federal Assistance (SF-424)
2. Compliance with Federal and State program and grant administrative requirements
3. Notification of potential applicants of the availability of assistance
4. Facilitate Applicant Briefings
5. Request Immediate Needs Funding on behalf of applicants, as applicable
6. Attend necessary meetings between FEMA and applicants
7. Assist FEMA in determining work and applicant eligibility by reviewing documentation pre submission and collecting additional information as necessary.
8. Process requests for appeals, review cost overruns, approve time extensions, improved projects, advances and reimbursements
9. Make recommendations to FEMA on appeals and alternate project requests

10. Secure insurance information from applicants when required
11. Participate with FEMA in establishing hazard mitigation and insurance requirements
12. Monitor subawards by conducting quarterly reviews, site inspections and audits as required, ensuring program compliance with all applicable State and Federal laws
13. Review and certify project completion information
14. Determine budget and staffing requirements necessary for proper program management

B. Recipient (Grantee) and Subrecipient (Subgrantee) Assignment of Responsibilities

1. Recipient (Grantee):
 - Accountable for the use of the funds provided by FEMA
 - Conduct Applicant Briefings and assist in the submission of Requests for Public Assistance (RPA)
 - Notify the Subrecipient (Subgrantee/Applicant) that funds are available and ready for disbursement to the Subrecipient
 - The Recipient must use methods and procedures for payment that minimize the time between transfer of funds and disbursement by the State in accordance with Federal cash management requirements
 - Provide technical advice and assistance to eligible Applicants
 - Ensure that all potential Applicants are aware of the available assistance
 - Provide support for damage assessment operations and submission of all necessary paperwork for grant awards
2. Subrecipient (Subgrantee/Applicant):
 - Attend the Applicant Briefing to learn the process to apply for Federal Assistance and documentation required for the Public Assistance Program process
 - Submit an (RPA) at the Applicants' Briefing or no later than 30 days after the designation of the disaster
 - Identify all damages to the State and FEMA
 - Provide documentation and personnel to work with FEMA and the State for all steps of the Public Assistance process
 - Follow all applicable State and local laws and statutes that govern purchasing and contract development and award when participating in the Public Assistance Program as per required by 2 *CFR* 200.317-326

C. Command and Control Staffing Requirements

1. Governor's Authorized Representative:
 - Ensure compliance with the FEMA-State Agreement

- Provide State support for implementation of the Public Assistance Program for Applicant/Subrecipient meetings, development of projects, project validation and eligibility, and inspections
 - Oversee the disbursement of funds through the State Treasurer and Finance Office
 - Oversee and assign staff for the accountability of State and Federal disaster assistance funds
 - Approve time extensions as appropriate and request additional time extensions from FEMA if required
 - Submit appeals to the Regional Administrator (RA) as required
 - Comply with administrative requirements of 44 CFR, Part 206, and the audit requirements of 44 CFR, Part 14 and 2 CFR, Part 200.
 - Ensure progress reports are submitted to the RA in compliance with program requirements
 - Ensure completion of all FEMA/Public Assistance Program completion data and closeout requirements
 - Ensure technical advice and assistance is available to eligible Applicants/Subrecipients
 - Assign a Damage Assessment Coordinator to oversee the damage assessment process, including both Initial Damage Assessments (IDA) and joint Preliminary Damage Assessments (PDA)
2. Alternate Governor's Authorized Representative:
- Same duties as defined for the Governor's Authorized Representative in his/her absence. The Alternate Governor's Authorized Representative must be kept informed of all decisions affecting the Public Assistance Program.
3. State Coordinating Officer (SCO):
- Monitor the implementation of the Public Assistance Program including public information activities
 - Ensure the Public Assistance Program is administered in accordance with the State Public Assistance Administration Plan and all Federal Public Assistance Rules and Regulations
 - Compile damage assessment information for review and evaluation by the Governor and/or Governor's Authorized Representative
 - Ensure that necessary support and staffing is available for damage assessment and Public Assistance Program activities to include the Joint Field Office (JFO), Disaster Recovery Center (DRC), etc
 - Coordinate State and local disaster recovery efforts in cooperation with the Federal Coordinating Officer (FCO)
 - Coordinate program activities with other State agencies

- Coordinate State activities with local and Federal officials

4. Deputy State Coordinating Officer:

- Same duties as defined for the SCO in his/her absence. The Deputy SCO must be kept up to date on all activities

V. Public Assistance Administrative and Support Staff (44 CFR 206 and 2 CFR 200.302)

A. Administrative Support Staff

The following positions/staff are responsible for the administrative functions of Public Assistance Program grants. Upon receipt of a disaster declaration and authorization of a Public Assistance Grant, the Governor's Authorized Representative, State Coordinating Officer (SCO) and the State Public Assistance Officer will discuss and determine the staffing needs in order to efficiently and effectively manage the Public Assistance Program grant. The State Public Assistance Officer, Deputy State Public Assistance Officer, and Financial staff are all full-time permanent employees of the Maryland Department of Emergency Management. If additional staff are required, depending upon the tasks to be performed, the Public Assistance Officer will coordinate additional staff resources either through other State employees or through contractual temporary staff. These determinations will also take into consideration budget allowances and/or constraints for the life cycle of the grant.

1. State Public Assistance Officer

The person responsible for administering the Public Assistance Program at the State level. The Public Assistance Officer is a member of the Maryland Department of Emergency Management staff and will:

- Manage all aspects of the Public Assistance Program under the direction of the Governor's Authorized Representative
- Coordinate Joint Preliminary Damage Assessments with local and Federal partners
- Provide training to staff personnel
- Coordinate/provide training, technical assistance and guidance to Applicants/Subrecipients as required
- Notify potential Applicants of eligibility
- Conduct Applicant Briefings
- Assist FEMA in the determination of the eligibility of Applicants and makes recommendations for eligibility
- Assist FEMA in determining work eligibility
- Review all Projects for completeness and accuracy

- Assist in the identification of potential 406 Hazard Mitigation work and provide necessary data to MDEM Hazard Mitigation Officer for other potential Hazard Mitigation projects not eligible under the PA Program
 - Review requests for advance of funds
 - Respond to all Public Assistance inquiries
 - Review cost and time overruns
 - Make recommendations for supplemental funds and time extensions
 - Process requests for time extensions, improved projects, advances and reimbursements
 - Monitor all work and inspections on all large projects
 - Make recommendations to FEMA on appeals and alternate project requests
 - Secure insurance information from Applicants when required
 - Review and certify project completion information
 - Conduct quarterly reviews, site inspections and audits, as required to ensure program compliance
 - Determine budget and staffing requirements necessary for proper program management
 - Review and oversee the disbursement of funds in coordination with the MDEM CFO
 - Submit quarterly program project reports
 - Perform State EMMIE/Grants Portal duties
 - Provide reports to MDEM Senior Leadership as necessary
 - Provide FEMA with the State self-insurance plan, if required
2. Deputy Public Assistance Officer
- Same as the Public Assistance Officer in his/her absence. Must keep up to date on all activities and Public Assistance regulations
 - Assist the Public Assistance Officer in administering the Public Assistance Program and initiatives. May assume any or all of the Public Assistance Officer's responsibilities
3. Fiscal Administrator
- Maintain all financial records on grants, administrative costs and management costs
 - Ensure compliance with grant requirements and assurances.
 - Coordinate all disbursement of funds with the Public Assistance Officer
 - Issue financial reports as needed to include draw downs and quarterly financial reporting
 - Answer questions on fiscal matters relating to Federal Disaster Grants

4. Closeout Specialist
 - Perform MDEM Final Inspections for open disasters
 - Communicate with applicants as needed to complete project review
 - Submit projects/applicants to FEMA for final inspection and closeout
 - Send and receive PSRs quarterly from subrecipients and update database/records accordingly.
 - Complete FEMA quarterly report
 - Assist in creation of letters/memos as needed

5. Public Assistance Associate
 - Update database with new project information
 - Create letters and memos and send letter to applicants as assigned

6. Temporary Employees
 - Temporary employees may be utilized dependent on workload and other agency personnel considerations
 - Temporary employees will perform tasks as assigned. They will function under the laws, rules and regulations of the State of Maryland and will be under the direct supervision of a full time MDEM employee

7. Applicant Agents
 - Provided by the Applicant(s) to assist in Project development.
 - Agents are usually engineers, building inspectors, public works employees, or disaster recovery consultants who have detailed knowledge of the affected areas.

B. Staff Funding

Public Assistance Management Costs (Interim Policy)

The initial cost for additional administrative support personnel will be incurred by the State. The State Public Assistance Officer will initiate coordination and tracking of expenditures for emergency management staff overtime and compensatory time incurred as a result of the emergency or disaster. The Public Assistance Office will maintain this information, in an organized manner, to provide sufficient documentation for reimbursement.

These Section 1215 Management Costs provide for costs incurred in the administration of Public Assistance grants. This reimbursement may include the necessary costs of requesting, obtaining and administering Federal assistance. Examples of these management and administrative activities include, but are not limited to:

1. Preliminary Damage Assessments
2. Meetings regarding the PA Program or overall PA damage claim

3. Organizing PA damage sites into logical groups
4. Preparing correspondence
5. Site inspections
6. Travel expenses
7. Developing the detailed site-specific damage description
8. Evaluating Section 406 hazard mitigation measures
9. Preparing Small and Large Projects
10. Reviewing Projects
11. Collecting, copying, filing, or submitting documents to support a claim
12. Requesting disbursement of PA funds
13. Training
14. Equipment necessary to manage PA functions

C. Staff Organizational Chart

See Staffing Chart (Appendix B).

VI. Direction, Control and Administration

A. Pre-Declaration Activities

Prior to a Disaster or Emergency Declaration, the Maryland Department of Emergency Management (MDEM) will complete the following actions:

1. Pre-identify Applicants for the Public Assistance program
2. Educate and train potential Applicants on preparedness, response, recovery and hazard mitigation as they pertain to the Public Assistance program
3. Prepare and train local governments to conduct Initial Damage Assessments (IDAs) and participate in Preliminary Damage Assessments (PDAs)
4. Request a Joint FEMA/State PDA
5. Establish a PDA inspection team schedule with local governments
6. Provide State support for PDA teams
7. Write the Governor's Request for a Major Disaster or Emergency Declaration through the FEMA Region III Administrator to the President
9. Update the Public Assistance Administrative Annual Plan no later than January 31 of every year and forward the plan and any revisions to FEMA Region III
10. Update disaster specific Administrative Plans prior to receiving disaster funds

B. Response

The State of Maryland must be prepared to respond quickly and effectively on a 24-hour basis to any developing events. When an event or potential event is first identified, the State Emergency Operations Center (SEOC) is activated to a level appropriate to the magnitude of the threat.

As the threat increases, the importance of the counties and State Agencies providing timely situation reports becomes critical. These situation reports will be used by the Recovery Coordinator and Recovery branches to document the impact and magnitude of the event on public property. In order to determine if the recovery effort may be beyond State and local capabilities, the Public Assistance Officer will initiate the following actions:

1. Serve as the principal State representative overseeing Public Assistance damage assessment, verification, and validation of the statewide local/initial damage assessments
2. Collect and evaluate initial/local damage assessments/information from the county emergency management offices, local governments and State agencies
3. Provide appropriate guidance to local jurisdictions on their roles and responsibilities for performing initial/local damage assessments and a possible Joint PDAs
4. Coordinate, if required, personnel from applicable State agencies, to assist with damage assessments

The Public Assistance Officer will evaluate and validate the local/initial damage assessment information and compile a consolidated summary/report in order for the State Director to make a determination of whether a Joint PDA will be requested from FEMA. If a Joint PDA is determined to be warranted, the Public Assistance Officer will:

1. Serve as the principal State representative during the Joint PDA
2. Coordinate PDA teams based on personnel and areas of damage to be surveyed
3. Schedule the PDA teams to meet with the county Emergency Management offices and State agencies.
4. Provide appropriate support as requests for Federal assistance are drafted

Following the PDA, MDEM and FEMA will evaluate the infrastructure damage that has been reported and further assess the economic impact on the affected counties. The data from the PDA and this assessment will be consolidated and will be used to determine if a Governor's request for Federal assistance is warranted.

The Governor's request is addressed to the President, but submitted through the FEMA Region III Administrator.

C. Recovery - Post Declaration Activities

Upon notification of a Presidential Declaration, MDEM will initiate activities necessary to ensure a successful recovery effort. The State will designate a Joint Field Office (JFO) and/or a Virtual JFO as the primary location for the coordination of Federal and State recovery efforts.

In managing the recovery effort, MDEM will coordinate and ensure that the following recovery items and required actions are met:

1. FEMA/State Strategy Meeting – Once the JFO is established, a meeting will be held as soon as possible to establish how the Public Assistance program will be implemented and managed. This strategy plan will be flexible and allow for changes as the particular event warrants. Key items that may be on the agenda include:
 - Roles and responsibilities of the State field personnel
 - Staffing Plan
 - Roles and responsibilities of the FEMA Personnel Staffing Plan
 - Possible use of technical assistance contractors
 - Disaster specific special consideration personnel and issues
 - Disaster specific requirements
 - Public Assistance 406 Hazard Mitigation opportunities
 - Review of laws, regulations and policies to ensure compliance
 - Schedule priority of work effort
 - Outline Applicant and project processing flows
 - Establishing and approving the use of FEMA, State or local equipment rates
 - FEMA and State training of personnel
 - Review of Post Disaster activities

2. Notifying Potential Applicants of Federal Assistance – Various methods will be used to notify potential applicants of the types of Federal Assistance available. Notifications will include instructions and deadlines for submitting applications for assistance.
 - MDEM will notify Local Emergency Managers, who will forward notification within their jurisdictions to county and municipal governments and entities that provide public services, including emergency, medical, educational, and utility services
 - News releases will be produced to describe the disaster or emergency declaration, including what assistance programs are available, which local jurisdictions are included, what types of governmental and private-nonprofit organizations are eligible to apply, and the schedule of Applicant Briefings to be held
 - News releases will be distributed to the media statewide via email and social media platforms. State agencies will be notified through State PIOs and representatives, who will forward notification to their subsidiary facilities and agencies

- MDEM website will be updated with disaster relevant information to include links to pertinent policies, job aids and other information
3. Applicant Briefings – With consideration of the designated areas approved for Public Assistance, members of the Public Assistance staff will conduct Applicant Briefings. The number of potential Applicants and the area involved in the disaster will determine the number and style (in person, virtual, hybrid) of briefings held. The schedule of briefings will be publicized through the media and distributed to each jurisdiction’s emergency management office. Appendix C to this plan outlines the information that will be covered during this briefing. The first steps of the process to gain eligibility should be completed during or as soon as possible after the briefing as follows:
- Request for Public Assistance (RPA) – Potential Applicants will be required to file a Request for Public Assistance in Grants Portal within 30 days from the date their county/jurisdiction was designated for Public Assistance. PA staff will provide the ability for applicants to apply in Grants Portal at the Applicant Briefing. Each application will be reviewed by the State and FEMA to determine if the Applicant is eligible for Public Assistance.
 - RPAs submitted after this 30-day period will be reviewed by MDEM on a case-by-case basis and, if justified and warranted, will be forwarded to FEMA for consideration. MDEM reserves the right to deny any application submitted after the 30-day deadline has passed. If necessary, MDEM may request that the deadline for filing RPAs be extended.
 - Applicant’s Agent – The Applicant’s governing body will be required to designate an agent who will be the Applicants point of contact for all matters pertaining to their application for Federal assistance. This point of contact must have the authority of the Applicant to sign and make decisions on behalf of the Applicant.
4. Applicant Eligibility – The Public Assistance Officer will categorize Applicants as either eligible or non-eligible based on the following FEMA established criteria (44 CFR 206.207(b)(iii)(C)):
- State Government Agencies
 - Local Governments
 - Tribal Governments (There are currently no Federally recognized tribes in Maryland. There are three State recognized tribes that may apply as subrecipients)
 - Private Non-Profit (PNP) organizations (with tax exemption status under section 501(c), (d), or (e) of the Internal Revenue Code) There are two categories of eligible private non-profit organizations, based on the type of service it provides:

- ❖ Private Non-Profit Critical Service Facility – A facility that provides a critical service. Eligible critical services include:
 - Power Facilities
 - Water Facilities
 - Sewer and Wastewater Plants
 - Educational Facilities
 - Communication Facilities
 - Emergency Medical Care
 - Fire Protection / Emergency
 - Critical Support Facilities

- ❖ Private Non-Profit Non-Critical Service Facility – A facility that provides a noncritical, but essential social service to the general public. Eligible essential social services include:
 - Alcohol and drug treatment and other rehabilitation services
 - Animal Control Facilities
 - Assisted Living Centers/Facilities
 - Child care
 - Community Arts Centers
 - Community centers
 - Custodial Care Facilities
 - Day care for individuals with disabilities or access and functional needs
 - Daycare Centers for Children and those with Special Needs
 - Facilities for Battered Spouses
 - Food assistance programs
 - Food Programs for the Needy
 - Health and safety services, including animal control services
 - Homeless shelters
 - Houses of worship
 - Libraries
 - Low-income housing
 - Museums
 - Other as determined by FEMA
 - Performing arts centers
 - Rehabilitation Facilities
 - Residential and other services for battered spouses
 - Residential services for individuals with disabilities
 - Senior citizen centers

- Shelter workshops that create products using the skills of individuals with disabilities
- Zoos
- Other as determined by FEMA
- Other as defined by Federal, State, or Local laws or regulations.

Both critical and non-critical PNP service facilities are eligible for emergency work under the Public Assistance program. PNP Non-Critical Service facilities, however, must first apply to the Small Business Administration (SBA) for a low interest loan. If they are underfunded or denied a loan, then the PNP Non-Critical Service facility can apply through FEMA for permanent restoration under the PA Program. PNP Critical Services are eligible for both emergency and permanent work under the PA Program without going through the SBA.

5. Exploratory Call – A Program Delivery Manager (PDMG) will be assigned to each applicant and will schedule a call with the Applicant within seven (7) days of the RPA Approval to discuss the process of identifying damages, documentation requirements and formulation of projects.
6. Recovery Scoping Meeting (RSM) – The Recovery Scoping Meeting will be scheduled within 21 days of the Exploratory Call with the PDMG. It is intended to discuss the applicant’s damages, assess their needs and to provide specific information in order to meet the particular requirements of the Public Assistance program.

It is during this meeting that the Applicant is advised of what documentation must be available for review, what damages and facilities are eligible for Federal assistance, what cost-estimating procedures can be used, any special considerations issues identified, and how project formulation and project validation can expedite project approval and funding. A State representative is recommended to accompany the PDMG.

The Applicant will be responsible for providing a listing of damages within 60 days of the RSM. The PDMG will work with the Applicant to write projects based on documentation provided. In addition, the Applicant will be required to address pertinent environmental and historic preservation requirements, insurance coverage, floodplain management issues and hazard mitigation opportunities.

D. Project Preparation

1. A PDMG, either FEMA or State PDMG, is typically assigned to each Applicant. Selection of these individuals is based on prior disaster field experience, qualifications, and areas of expertise.

2. At the Applicant Briefing, each Applicant will be provided with specific information to meet the requirements of the Public Assistance program. Items to be discussed include program eligibility, key deadlines, project preparation, record keeping, cost estimating procedures, and special considerations.
3. Each Applicant will be responsible for reporting project cost estimates and for addressing pertinent special considerations for which they should reasonably be aware. These special considerations include, but are not limited to, environmental and historical preservation, insurance coverage and hazard mitigation opportunities.
4. All Applicants are expected to make personnel available to assist FEMA with the development of their projects. MDEM will provide Grants Portal accounts to authorized representatives of the applicants' organizations to ensure access to project records and documentation.
5. To ensure completeness and mutual understanding of all proposed/approved projects, FEMA and MDEM Public Assistance staff will conduct Recovery Transition Meetings with all eligible applicants prior to the closing of the JFO.
6. During the Damage Assessment phase and project development process, damaged facilities will be reviewed for potential cost effective opportunities to mitigate a repeat of future damage. Public Assistance 406 Mitigation funds must be applied to improve and enhance only the damaged portions of an eligible facility. Undamaged portions are not eligible for this funding. The damaged portions of the facility will be restored beyond its pre-disaster design in an attempt to avert the same type of hazard from causing similar future damage to the facility.

E. Disputes and Conflict Resolution

In order to expedite funding and minimize applicant appeals, the following conflict resolution processes should be followed:

1. Applicants should be advised during the Recovery Scoping Meeting that unresolved issues should be addressed with the assigned PDMG.
2. If the issue remains unresolved, the PDMG should notify the MDEM Public Assistance Officer for resolution.
3. If the issue continues to remain unresolved, the FEMA Public Assistance Team Lead should notify the Federal Coordinating Officer (FCO) and the MDEM Public Assistance Officer should notify the Governor's Authorized Representative, for resolution.

F. Grantee Decisions/Determinations

The State/Grantee may make eligibility determinations for matters such as Requests for Public Assistance (RPA) filed outside of the 30 day period, improved project requests, and time extension requests for project completion.

The Applicant/Subrecipient may dispute/appeal the State/Grantee's decision/determination. The request for dispute/appeal must be made in writing to the Governor's Authorized Representative through the Public Assistance Officer within 30 days of receipt of the written determination. The Governor's Authorized Representative, in consultation with the Public Assistance Officer will discuss the specific factors associated with the State/Grantee's determination and provide a written response to the Applicant/Subrecipient within 30 days of receipt of the request for consideration.

The State/Grantee's decision, signed by the Governor's Authorized Representative, will be final.

G. Appeals Process

The appeals process is a mechanism for Applicants to request reconsideration of decisions handed down by FEMA. There are two levels to the appeals process, the first to the Regional Administrator and the second to the Assistant Administrator, Response and Recovery Directorate, at FEMA Headquarters.

During project formulation, the Applicant, the State, and FEMA work to determine work and cost eligibility. Before an Eligibility Determination Memo is sent to the Applicant, all attempts are made to reconcile ineligible work and costs with their PDMG. Once an Eligibility Determination Memo is sent to an Applicant, the only option to request reconsideration of the determination is a first appeal.

For disasters declared before January 1, 2022 once an Eligibility Determination Memo is received, the Applicant will have 60 days from the date of receipt to file a first appeal through the Grantee/State to the Regional Administrator (RA). The Public Assistance Staff will consult with the Applicant before an appeal is filed. The Applicant will need to outline in writing to the Grantee/State in detail what they are disputing; their justification to include all applicable laws, regulations and policy; and all relevant documents to support their request. The Applicant must also outline the amount of adjustment being requested if the appeal is monetary. The State will review the appeal request for completeness and will prepare a written recommendation to FEMA within 60 days of receipt of the Eligibility Determination Memo.

For disasters declared after January 1, 2022 once an Eligibility Determination Memo is received, the Applicant will have 60 days from the date of receipt to file a first appeal through the Grants Portal. The Public Assistance Staff will consult with the Applicant

before an appeal is filed. The Applicant will need to outline in writing to the Grantee/State in detail what they are disputing; their justification to include all applicable laws, regulations and policy; and all relevant documents to support their request. The Applicant must also outline the amount of adjustment being requested if the appeal is monetary. The State will review the appeal request for completeness and will prepare a written recommendation to FEMA, through the Grants Portal, within 120 days of receipt of the Eligibility Determination Memo. FEMA will not accept hard copy submissions for appeals related to disasters declared after January 1, 2022.

FEMA will either render a decision or request additional information from the Applicant within 90 days of the submission of the appeal. If additional information is requested, the Applicant and State will be notified simultaneously by FEMA and will need to provide the requested information within the timeframe outlined in the request for information. If the initial appeal is denied, the Applicant and State/Grantee will be notified simultaneously, at which time the Applicant will have the choice of accepting the decision or requesting a second appeal or arbitration for amounts exceeding \$500,000 (or \$100 thousand if the applicant is in a “rural area”). If a second appeal or arbitration is requested, the request again must be made in writing to the State/Grantee with additional supporting justification and documentation. The State/Grantee must submit the second appeal, or request for arbitration, within 60 days from receipt of the determination of the first appeal, through the Regional Administrator to FEMA Headquarters.

When FEMA issues a first level appeal denial or partial grant for a dispute arising from a declaration since January 1, 2016, the State Public Assistance Officer will provide specific information on how applicants may further request either a second level appeal or arbitration under section 1219 of the Disaster Recovery Reform Act of 2018. Applicants must file a request for a second appeal *or* a request for arbitration within 60 days after receipt of the first appeal decision.

The second appeal determination, or a determination made through arbitration, is final.

VII. Project Variations

A. Small Projects

Approved projects estimated to be less than \$1,037,000 (in FFY2024) are considered small projects. Costs must be above \$3,900 to qualify for assistance. This amount is adjusted annually to reflect changes in the Consumer Price Index published by the Department of Labor. Funding for small projects will be based on the Federal share of the approved project estimate. The Governor’s Authorized Representative will authorize payment of the Federal share as soon as practical following approval by FEMA. The Subrecipient must have also satisfied all application requirements including properly executed application forms and documentation supporting the claimed costs of all eligible work. If the Subrecipient’s final project cost for completing the entire scope of work on a small project is less than the approved amount, FEMA will not seek

reimbursement of the surplus funds, in accordance with 44 CFR 206.205. In the event that a project comes in over budget, a review of all small projects for that particular Subrecipient will be conducted to determine if there is an overall cost overrun or underrun. FEMA reserves the right to make adjustments to the bottom line dollar figure after this review is completed, but isn't obligated to do so. Refer to Section XIII, B. (Cost Overruns).

B. Large Projects

Approved projects estimated to be equal to or greater than \$1,037,000 (in FFY2024) are considered large projects. Funding for large projects will be based on the Federal share of the approved project. For approved complete and fully documented large projects, the Federal share of the funding may be released upon obligation of the project upon the return of a signed Request for Reimbursement (RFR) form. For incomplete large projects, no Federal funding will be paid upon obligation. As work is completed and costs are incurred, funds up to 50% of the Federal share of the approved Project will be released to the Subrecipient upon submission of a Project Status Report form, with the marked box indicating a request for funding and signature. Upon completion of the approved work, the Subrecipient must submit a *Schedule of Expenditures and Documentation* showing a summary of expenditures and any deviations from the cost estimates included in the project. After a final inspection is performed, the balance of the remaining funds will be disbursed to the Sub-Recipient. This final inspection may be performed by FEMA, MDEM, or a joint FEMA/MDEM team.

The Subrecipient must submit a written request for an interim payment of funds and provide supporting documentation of eligible project costs incurred (44 CFR 31.21 & 206.205). The Grantee will authorize payment of no more than 50% of the approved Federal share of eligible costs incurred by the Subrecipient. The final Federal share payment will be released after the Subrecipient has satisfied all application and project requirements. MDEM/FEMA will conduct a final inspection and review of the accuracy and completeness of the documentation supporting the claimed costs of all eligible work. A project site inspection may be conducted by MDEM and/or FEMA, if resources and time permits, to ensure the project has been completed for a specified project.

In the event that a large project is significantly over budget, the Subrecipient must notify MDEM immediately. All significant cost overruns should be submitted to the Public Assistance Officer at MDEM in writing, along with the reason for the cost overruns. The data will be reviewed by MDEM, and if appropriate, forwarded to FEMA, along with a recommendation either for or against the budgeted allocation for the project.

C. Improved Projects

If an Applicant desires to make improvements, but still restores the pre-disaster function of a damaged facility, a Request for Improved Project must be submitted. Any improved

project that results in a significant change from the pre-disaster design (such as different location, footprint, function, or size) is an improved project. The Public Assistance Officer is authorized to make a determination on an Applicant's request for an improved project. However, construction cannot begin until the request has been coordinated with FEMA to insure compliance with the National Environmental Policy (NEPA). The request from the Applicant must contain:

1. The reason for requesting an improved project
2. A description of the improved proposed work
3. A schedule of work
4. A cost estimate
5. Information adequate to establish compliance with special consideration requirements, such as, but not limited to, floodplain management, environmental assessment, hazard mitigation, protection of wetlands, endangered species, historical or archeological significance, and insurance.

Improved project requests must be submitted by MDEM to FEMA, prior to the Subrecipient starting the improved portion of the proposed work. If approved, funding will be limited to the Federal share of the approved project amount. If disapproved, MDEM will be notified in writing why the request was denied and the Subrecipient will be advised of their right to appeal the determination.

D. Alternate Projects (44 CFR § 206.203 (d) (2))

If an Applicant determines that the public welfare would not be best served by restoring a damaged public facility, or the function of that facility, the State can submit a request to FEMA for an alternate project. Requests for alternate projects shall be submitted to FEMA prior to starting the proposed work. The State will review the request for eligibility and will ensure that the request contains the following information before forwarding it to FEMA with the appropriate recommendation:

1. The reason for requesting an alternate project
2. A description of the proposed work
3. A schedule of work
4. A cost estimate
5. Necessary assurances to document compliance with special requirements, including, but not limited to, floodplain management, environmental assessment, historic preservation, hazard mitigation, protection of wetlands, endangered species and insurance.

E. 428 Alternate Procedures (42 U.S.C. 5121, Sect 428)

Alternate Procedures under the 428 program allows for making awards for permanent work projects on the basis of fixed estimates and consolidation of projects for the timely or cost-effective completion of work if the state, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible for actual costs that

exceed the estimate. Estimates are agreed upon by the applicants, State, and FEMA and cannot be changed based on actual costs.

F. Immediate (Expedited) Needs Funding

Immediate Needs Funding (INF) is a program designed to get an Applicant/Subrecipient expedited funds for emergency work following a disaster declaration for emergency projects needing completion and payment within the first sixty days. Eligible work typically includes debris removal, emergency protective measures, and removal of hazards that pose a risk to health and safety. Immediate needs funds may be used to cover expenses resulting from eligible work, to include temporary labor costs, overtime payroll, equipment, and material fees, but will be capped at 50% of the PDA estimate for the emergency work. The remaining balance of projects paid out under INF will not be paid until after the FEMA final inspection, regardless of reconciliation-based versioning. Each request will be reviewed and approved on a case-by-case basis.

G. Scope of Work Changes

Small projects will not be individually adjusted unless there is an event-related requirement to significantly change the scope of work or the scope of work contains an obvious error or omission. Large projects will be reviewed by MDEM and FEMA in order to make a determination on a scope of work change.

Any change to a project's scope of work must have prior approval from MDEM and FEMA.

H. Identification of Damage

1. All disaster related damages should be brought to the attention of the PDMG at the Applicant's Recovery Scoping Meeting. The Applicant has 60 days after the Recovery Scoping Meeting to advise the PDMG of all disaster related damage. After the 60-day period any additional damages identified by the Applicant must be reported in writing to the Public Assistance Officer. The notification must include:

- The specific location of damage;
- A detailed description of damage (supported by photographs if possible);
- The reason(s) for overlooking the site during the initial project preparation;
- A cost estimate of the damage (if available)

2. The Public Assistance Officer will then notify FEMA in writing. The notification will include the information supplied by the Subrecipient and the Public Assistance Officer recommended course of action. Where appropriate, the Governor's Authorized Representative will request that FEMA and MDEM conduct a joint team inspection visit to the newly identified damage sites.

3. If a Subrecipient finds additional damage to a facility or location during reconstruction or rebuilding, MDEM must be notified immediately. It is imperative that the Subrecipient document where the newly discovered damage was found along with any evidence to prove that the damage was incurred during the disaster. MDEM will review the request and if valid, submit the data to FEMA for a possible change in scope of work and a potential increase in funding for the large project. MDEM and FEMA may request to see the newly found damage before rendering an opinion or decision.

VIII. Time Limitations and Extensions

A. Work Completion

The time frame for completing eligible work is measured from the date of the disaster declaration.

1. Emergency Work – must be completed within 6 months
 - Category A (Debris Removal)
 - Category B (Emergency Protective Measures)
2. Permanent Work – must be completed within 18 months
 - Category C (Roads and Bridges)
 - Category D (Water Control Facilities)
 - Category E (Buildings and Equipment)
 - Category F (Utilities)
 - Category G (Parks, Recreational Facilities, and Other Facilities)

B. Time Extensions

The time frames for work completion are set by Federal regulation; however, if there are extenuating circumstances that develop requiring additional time to complete a project, extensions may be requested. The State has the authority to grant time extensions for emergency work for an additional 6 months. The State may also grant extensions for permanent work up to 30 months. The request for a time extension must be submitted by the Subrecipient to the State explaining the reason for the request and an estimated completion date. The State will notify FEMA of any time extensions granted to the Subrecipient in a timely manner.

All time extension requests to the state should be submitted via the Grants Portal. Letters explaining the reasoning for the extension request should be uploaded to the Grants Portal under the documents section of the project for which the extension is being requested or emailed to the State Public Assistance Officer.

If the Subrecipient is unable to accomplish the work within the maximum allowable state extension, the State must request any additional extensions through FEMA. The Subrecipient will provide to the State in writing the reason for the extenuating

circumstances, what is being done to correct any issues, and an estimated completion date. The State will review the Subrecipient's submission, and will forward, along with a recommendation, the extension request to FEMA via the Grants Portal.

IX. Contracts and Procurement

Contracts utilized within the Public Assistance Program must be of reasonable cost, must be competitively bid, and must comply with all applicable local, State, and Federal contracting and procurement regulations in order for a Subrecipient to be eligible for Federal reimbursement. Subrecipients should consult their municipalities for any local restrictions for contracting and purchasing. State guidance is available in the Code of Maryland Regulations, Title 21, State Procurement Regulations, and Federal guidance on contracting can be found in 2 CFR Part 200.

FEMA will provide reimbursement under the Public Assistance Program for three types of contracts (listed below), assuming the appropriate laws and regulations for procuring the contract were followed. The following types of contracts are listed as follows:

1. **Lump Sum Contracts:** A clearly defined scope of work with prescribed boundaries and a fixed total cost.
2. **Unit Price Contracts:** Work is completed with a set cost predetermined for each unit utilized.
3. **Cost plus Fixed Fees:** These contracts are a combination of either Lump Sum or Unit Price, along with additional contractual fees associated with the contract.

Subrecipients will not utilize time and materials contracts unless in an emergency and time does not permit the proper bidding of one of the three acceptable types listed above. All time and materials contracts utilized will be thoroughly reviewed by FEMA before any funds are released for reimbursement. Time and material contracts will generally not be reimbursed beyond 70 hours of emergency work. FEMA does not reimburse costs incurred under a cost plus a percentage of cost contract or a contract with a percentage of construction cost method. Contracts that were in existence before the declared disaster or contracts from other agencies, such as a State Agency, are not necessarily ineligible, but subrecipients must ensure that all federal, state, local and agency procurement regulations are followed in order to be eligible for reimbursement.

X. Insurance Requirements

In accordance with 44 CFR, Part 206.250-253 (established guidelines for insurance), prior to FEMA approving the final repair costs for a project, the eligible facility must undergo an insurance review. In addition, MDEM requires that if the Applicant/Subrecipient has insurance, a copy must be provided to the State Public Assistance Officer for review and inclusion in the

Applicant/Subrecipient's file before any funds are released to the Subrecipient. Below are listed the following guidelines for insurance requirements:

1. All eligible project costs shall be deducted by the amount of insurance proceeds that a Subrecipient receives to cover damage associated with the disaster [44 CFR, Part 206.250 (c)].
2. If eligible damages to a facility are greater than \$5,000.00, the Subrecipient must obtain and maintain insurance to cover the facility for whatever hazard caused the damage. If coverage is not maintained, FEMA has the right to refuse payment for any future damages that may occur to the facility, regardless of cause [44 CFR, Part 206.252 (d)].
3. FEMA maintains the right to require a Subrecipient to obtain flood insurance on a facility, as a condition of receiving funds, even if the Subrecipient's facility is not located in a flood hazard area, as long as the amount required is considered reasonable by the State Insurance Commissioner [44 CFR, Part 206.252 (d)].
4. If an eligible facility is damaged in a special flood hazard area and it was not covered by flood insurance, then the amount of insurance that would have been available to the facility shall be deducted from the total damages eligible for reimbursement from FEMA, before any funds are released.

The State Public Assistance Office will assure that the Applicant/Subrecipient receives a complete copy of the project approval, to include any insurance requirements.

Applicants/Subrecipients submit copies of current insurance certificates to the State Public Assistance Officer.

XI. Section 406 Hazard Mitigation

Section 406 Hazard Mitigation provides an opportunity for Subrecipients to protect against similar damage occurring in the future but this damage to a structure has to be a direct cause of the incident. FEMA will review all requests for 406 Mitigation and will determine what, if any portion of the request, can be funded. The Subrecipient must have an approved project, with the hazard mitigation included in the scope of work, before beginning any construction or rebuilding. The Public Assistance Program and Policy Guide (PAPPG) provides a thorough overview of the 406 Mitigation Program and lists the requirements and guidelines for the program.

The Public Assistance Officer will work with FEMA staff to assess and evaluate projects for potential mitigation measures.

XII. Fiscal Administration

A. Grant Approval

As the Recipient (Grantee), MDEM will submit an Application for Federal Assistance (SF-424) to FEMA to receive Federal funding. Approved projects in Grants Portal will be the basis for issuing subgrants to eligible Subrecipients in accordance with the cost sharing provisions established in the FEMA-State Agreement.

B. Subgrant/Subaward Approval

After the projects are approved by FEMA, Subrecipients will receive, from MDEM, an approval packet via electronic mail (email) that will include; copies of their project(s), the signed Subrecipient Certification and Assurances and Award Acceptance Agreement. All supplemental approvals will also be electronically sent to the Subrecipient.

C. Project Funding

FEMA will reimburse, at a minimum, 75% of the approved project, based on the Federal share percentage of the declared disaster and policies in place at the time of the Disaster declaration. The remaining 25% is left to the Applicant/Subrecipient to cover. There are no State matching funds. Once a project has been prepared and reviewed by FEMA and the Public Assistance Officer, funds are obligated for each project by FEMA to the Recipient/Grantee.

The project and supporting documentation is then given to MDEM for the Public Assistance Officer to review and approve for payment (and should be loaded into the FEMA Grants Portal). The steps in this process are as follows:

1. MDEM Public Assistance personnel prepare the Subrecipient specific invoices and submits them to MDEM Finance personnel for payment processing. Memos to request disbursement of funds (payments) to the subrecipients are sent to the Maryland Department of Emergency Management Finance branch for processing.
2. MDEM Finance Personnel prepare drawdown requests as follows:
 - MDEM Finance Personnel prepare voucher transmittal requests and submit to the State General Accounting Division (GAD) for disbursement. The State General Accounting Division provides payment for the approved projects to the Subrecipients. MDEM Finance prepares Voucher Transmittal totals and submits to the US Treasury Department for reimbursement.
 - MDEM Finance provides annual audit confirmation reports to Subrecipients that contain amounts and sources of funds (Federal) disbursed to them to aid in Subrecipient compliance with the Single Audit Act Amendments of 1996 as promulgated by OMB Circular A-133 and 2 CFR, Part 200.

- MDEM Finance Personnel will prepare and submit a Federal Financial Report (SF-425) to FEMA quarterly or as otherwise required.

3. Timing of Payment:

- Large Projects – Large Projects written complete and fully documented (with all documentation available in the Grants Portal) will be paid to the applicant upon the return of a Request for Reimbursement (RFR) form, which is sent to the applicant with the Project Approval Letter. For projects incomplete when written, please refer to the “Advance Payments” section.
- Small Projects – Small projects that are complete when written will be paid upon obligation. Small projects incomplete when written will be paid upon a PSRs reporting their completion. Small projects above \$250,000 may require a documentation review by the State Public Assistance team prior to release of funds.

4. Advance Payment:

An advance payment is a payment that a Federal awarding agency or pass-through entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the non-Federal entity disburses the funds for program purposes. For projects written when the project work is still in progress, payment is usually deferred until after the work is 100% complete. However, when submitting the Project Status Report (PSR), the applicant may request payment of up to 50% of the Federal Share of the current total costs incurred for the project. Projects will be reviewed/approved on a case-by-case basis, with factors including but not limited to review of available documentation, site visit, history of inaccurate reporting or need for repayment of funds, and any current (if available) audit finding for the applicant. All large payments are subject to a Final Inspection, and any funds that are deobligated for any reason at closeout are subject to repayment.

D. Federal Funding Accountability and Transparency Act (FFATA) of 2006 (Public Law 109-282)

The Federal Emergency Management Agency (FEMA) will be responsible for reporting the Prime award/Grant. The Maryland Department of Emergency Management (MDEM) will be responsible for reporting the subaward/subgrant.

All subawards equal to \$30,000 or greater will be submitted by the end of the month following the month in which the Recipient issued the subaward.

E. Management Costs

1. FEMA will provide up to seven percent of the total disaster award for the Recipient to manage the disaster. There is not an additional management cost allowance for its own projects. An initial Category Z obligation can be requested

up to the amount of the State threshold. Additional funds can be requested through versions of the Category Z project on a quarterly basis, as necessary.

2. Subrecipients are eligible for up to five percent of their total project cost. Once a subrecipient has projects obligated, a Category Z project can be written to obligate five percent of the awards. Additional versions of the Category Z project can be written to request additional funds on a quarterly basis, as needed. Documentation for Management Costs will be based on actual costs incurred and documentation will need to be provided.
3. Eligible Management Cost activities include, but are not limited to the following:
 - Preliminary Damage Assessments
 - Meetings regarding the PA program
 - Organizing PA damage sites into logical groups
 - Preparing correspondence
 - Site inspections
 - Travel expenses
 - Developing the detailed site-specific damage description
 - Evaluating Section 406 Hazard Mitigation measures
 - Preparing small and large projects
 - Reviewing projects
 - Collecting, coping, filing, or submitting documents to support a claim
 - Requesting disbursement of PA funds
 - Training for State Public Assistance personnel as well as potential applicants

F. Subrecipient/Subgrantee and Fund Tracking

All potential Applicants are entered into Grants Portal. Once eligibility is determined, Applicants/Subrecipients will be entered, based upon disaster identifier, into a database maintained by the Public Assistance personnel at MDEM. The database tracks the Applicant/Subrecipient, project and associated funding through the PA process enabling MDEM, at any given time, to inquire about the status of a project or Subrecipient.

The State requires a quarterly report for all large projects to be submitted to MDEM. Subrecipients are requested to complete the Project Status Report (PSR) for all projects that are less than 100% complete. Any pertinent data affecting the project, received in these reports, will be entered into the database and will be used as justification for any required time extension requests.

In addition to the database, the MDEM Finance Department utilizes the Financial Management Information Systems (FMIS) to coordinate and process all payments to eligible Subrecipients. The Finance Department will perform periodic reconciliations in conjunction with the Public Assistance staff, to determine total grant award and what has

been disbursed to the Subrecipients. All Federal and State required reporting statements, including the Federal Cash Transaction report (SF 272) and the State Financial Report (FEMA Form 20-10) will be generated and submitted through the MDEM Finance Department to the appropriate Federal agency in the allocated time frame. If, during the generation of these reports, it is discovered that they are unused or they have excess funds, they will be immediately returned to FEMA.

The Public Assistance Office is responsible for preparing, on a quarterly basis, a programmatic progress report for FEMA. The reporting period will begin with the first full quarter following the closure of the JFO and will provide a summary of those projects that have not been closed by FEMA, along with a summary outline of any problems, excessive cost overruns or circumstances expected to result in noncompliance with the approved grant conditions.

G. Recovery of Funds

If an overpayment of Federal funds occurs, the overpaid funds may be transferred to offset all or part of the balance of any unpaid Federal funds owed on other projects of the same Subrecipient. If the sum of unpaid Federal funds is insufficient to offset the overpaid funds, any necessary portion of the overpaid funds will be applied to the unpaid amount. The State shall recoup any remaining balance of overpaid funds from the Subrecipient.

To recoup funds from a Subrecipient, the Governor's Authorized Representative, or designee, prepares and sends a reimbursement request letter to the Subrecipient, identifying the source and amount of the overpayment and detailing procedures for the repayment of funds. All recouped funds will be returned to Smartlink.

Per 2 CFR 200.305(b)(9), any interest above \$500.00 per year earned on Public Assistance funds by the Recipient or Subrecipient must be returned to FEMA. If the interest is \$500.00 or less, the Recipient or Subrecipient may keep the funds as an administrative expense.

Unless there is evidence of civil or criminal fraud, FEMA can initiate the process for recoupment of funds no later than three years from the date of a project's final expenditure report submitted by the sub grantee to the grantee. In the state of Maryland, the Summary of Expenditures and Documentation Report (SED) serves as this document.

H. Donated Resource Credit Disbursement

Donated Resources, which can include labor, equipment, and materials can be used to offset the State/local portion of the cost share for all categories of work performed during a disaster. The amount claimed cannot exceed the non-Federal share portion of a project. If a Subrecipient is claiming a donated resource credit, the cost share portion

will be reviewed by FEMA for adequate documentation and a dollar figure for the donated resources will be applied.

I. DHS Standard Terms and Conditions

The State agrees to comply with the terms and conditions of receiving Federal funds from the US Department of Homeland Security as outlined by the *FY 2023 DHS Standard Terms and Conditions* document and set forth by 2 C.F.R Part 200.

XIII. Noncompliance and Enforcement (2 CFR 200.338)

If the Subrecipient fails to comply with any terms of the grant award, whether it is a Federal regulation, State regulation, the State Administrative Plan, or the Public Assistance Subrecipient Certifications and Assurances, the State may:

1. Temporarily withhold cash payments until the Subrecipient is in compliance with all applicable guidelines and statutes
2. Deny funding for that portion of the project in which the Subrecipient is not in compliance
3. Wholly or partially suspend or terminate the award for the Subrecipient's project(s)
4. Withhold any further awards of the Subrecipient until compliance is achieved

If any action is to be taken against a Subrecipient for noncompliance, the Subrecipient will be notified in writing and will have the opportunity to correct or explain the reason for any deficiencies before any further action is taken by the State.

XIV. Project/Subaward and Grant Records, Reports and Closeout Procedures

A. Quarterly Progress Reports

Subrecipients will submit a *Project Status Report (PSR)* to MDEM quarterly for each large project until the project Scope of Work is complete. MDEM will submit a quarterly progress report to FEMA which will contain the status of all large projects that are currently open. This report is due to FEMA by the end of the first month of each FEMA quarter, which corresponds to January 31, April 30, July 31, and October 31.

B. Project Documentation and Closeout

1. Project/Subawards
On a quarterly basis, the Public Assistance Office will review all of the projects/subawards that have no unresolved programmatic issues and prepare a request of projects/subawards for closure to FEMA. The closure request will be in the form of a letter, identifying and certifying that all eligible claims have been made and all programmatic issues resolved for each project. The letter will be

reviewed and signed by the Public Assistance Officer or Public Assistance Grants Manager. The request will be sent to the FEMA Region III Office for processing.

- Small Project Closeout Certifications:
 - A *Project Status Report (PSR)* will be submitted to MDEM certifying that all work has been completed and that all claims have been paid in full.
 - All projects were completed in accordance with all applicable State and Federal guidance.
 - The Subrecipient's contribution to the non-Federal share, as specified in the FEMA-State Agreement, has been executed.
 - The Subrecipient does not have to specify the exact amount spent on the small project closeout certification.
- Large Project Closeout Certifications:

Upon completion of all projects and after the Subrecipient has submitted a *Summary of Expenditures and Documentation* for large projects, these projects will be reviewed by a FEMA, MDEM or joint FEMA/MDEM Final Inspection/Review team for accuracy and completeness.

The Subrecipient will submit a *Summary of Expenditures and Documentation* form for each large project to show all labor, equipment, materials and contract costs associated with making needed repairs, as well as reasons for any deviation in actual costs compared to the project estimated repair costs. Once a large project has been reported 100% complete by the Subrecipient, the Subrecipient should submit all supporting documentation to FEMA through Grants Portal within 90 days.

- All large projects will be reviewed to ensure that they are in compliance with the approved scope of work and that costs are documented as claimed. Contracts, vouchers, and canceled checks will be examined and compared against those costs being claimed by the Subrecipient.
- Force Account Labor will be compared against the original records (time sheets, payroll register, and payroll checks) to verify that individuals worked on the project and were paid as claimed. The use of overtime pay vs. regular time pay will be verified. Typically only overtime pay is eligible in Category A (Debris Removal) and Category B (Emergency Protective Measures), unless special provisions have been instituted by FEMA relative to the emergency and/or disaster declaration. Regular and overtime reimbursement is eligible in Categories C – G.

- Force Account Equipment will be compared against equipment logs to verify the size and type of equipment and that the appropriate FEMA, State, or Local equipment rate was used in the Project. Equipment hours will be compared against labor hours (except equipment operated by volunteers, pumps, or generators, etc. that may be used without a full time operator present).
- Force Account Materials and Supplies will be compared against invoices, payment vouchers, canceled checks, and documents to ensure that use and prices were as claimed.
- Contracts, contract procedures, advertisements for bids, invoices, canceled checks, and work inspection records will be reviewed to ensure compliance with applicable procurement laws and that all work claimed is within the approved scope of work in the Project.
- Insurance payments (or lack of insurance) and salvage value will be reviewed to ensure that they have been properly deducted.
- Worksites will be visited to ensure that all work has been completed as per set forth in the Project.
- MDEM will conduct a pre-final inspection prior to scheduling the MDEM/FEMA final inspection to verify that copies of relevant documents such as force account time sheets, force account equipment records, invoices, vouchers, records of payments, canceled checks, contracts, and contracting procedures are included in the closeout package and that all monetary figures are accurate and reflect the information provided in the aforementioned documents.
- All completed work must be in compliance with the FEMA-State Agreement and all payments made in accordance with 2 CFR 200.305.

Once notification has been received from FEMA that requested projects/subawards have been closed, the MDEM Public Assistance personnel will update the database to reflect the closure date.

C. Cost Overruns

1. Small Projects

- When all small projects are completed by a Subrecipient and all costs known, the Subrecipient may request a small project adjustment if the total actual cost of all of a Subrecipient's Small Projects combined exceeds the total amount obligated for all of the Small Projects, the Subrecipient may request additional funding. The request should be made in writing through the State. The request must be received at MDEM within 60 days of the final small project completion. A summary of expenditures for each

small project will be reviewed along with the eligible scope of work, and the aggregate of all small projects will be used as the basis for the determination of an eligible cost overrun. The appeal should be submitted only when the total costs for all small projects exceed the total cost approved for all small projects.

- If a Subrecipient's completed project list consists of small and large projects, the Public Assistance Officer will separate the small and large projects and perform the steps outlined above in paragraph 1 (a) for the determination of an eligible cost overrun for the aggregate of all small projects.
- The State/Grantee will forward the appeal to FEMA with a recommendation within 60 days of receipt of the Subrecipient's request.

2. Large Projects

Large projects will be evaluated on an individual project basis as costs are incurred and work completed. The Public Assistance Officer may ask Maryland Department of the Environment (MDE), Department of Transportation (MDOT), State Highway Administration (SHA), Department of Natural Resources (DNR), or Department of General Services (DGS) to perform a technical review when appropriate. The Public Assistance Officer will submit the supplemental funding request to adjust the costs to the actual eligible amount to FEMA, fully supported by the Subrecipient's documentation.

D. Subrecipients

On a quarterly basis, the Public Assistance Staff will review all Subrecipients for which confirmation has been received from FEMA that projects/subawards have been closed and for which there are no unresolved programmatic issues. The Public Assistance Office through the Public Assistance Closeout Specialist will prepare a request of Subrecipients for closure to FEMA. The closure request will be in the form of a letter, identifying and certifying that all eligible claims have been made and all programmatic issues resolved for Subrecipients identified in the letter. The letter will be reviewed and signed by the Public Assistance Officer or Public Assistance Grants Administrator and sent to the FEMA Region III office for processing. The FEMA Region III Office will confirm closure of projects/subawards in a letter to the State. Projects confirmed as closed will be reported with the quarterly Federal Financial Report submitted to the FEMA Region III Grants Division by the Financial Officer.

Once notification has been received from FEMA that the requested Subrecipients have been closed, the MDEM Public Assistance personnel will update the database to reflect the closure date.

A letter will be sent by MDEM to the Subrecipient indicating that all projects/subawards for that Subrecipient have been reimbursed in accordance with Federal and State

regulations and that the Subrecipient file is closed for a particular declaration. The letter will also include instructions to the Subrecipient for record retention of all files and documents associated with the Subaward(s) and the date of which the 3-year time frame for which FEMA is prohibited from recovering any funds unless there is evidence of civil or criminal fraud.

E. Program Grants/Awards

Within 90 days after the expiration or termination of the grant/award, the Governor's Authorized Representative, through the Public Assistance staff, will notify the Regional Administrator, in writing, that no further claims for the disaster will be made and that all program activity has been closed. The Fiscal Administrator will reconcile, prepare, and submit all financial performance, and other reports required as a condition of the grant/award, to FEMA. Within 90 days after receipt of the closeout report, FEMA will make upward or downward adjustments to the allowable costs. FEMA will make prompt payment to the State for allowable reimbursable costs. The State will immediately refund to FEMA the balance of any obligated funds that are not authorized for use in other grants.

XV. Audit and Record Retention Requirements

A. Audits (2 CFR 200.302)

All Subrecipients must comply with the audit requirements set forth in 2 CFR Part 200.302. Non-Federal entities that expend \$750,000 or more in Federal awards in a year have a single or program-specific audit conducted for that year. The Public Assistance Officer will ensure that audit requirements are reviewed at the Applicant's Briefing.

The Governor's Authorized Representative assures both FEMA and the State that all applicable Subrecipients will perform these audits in a timely manner. Requests to perform state audits may be submitted, in writing, from the Governor's Authorized Representative to the State Auditor. Those Subrecipients that require an audit must report any adverse findings and corrective actions to MDEM within 30 days of developing the corrective action plan. The Fiscal Administrator reviews audits completed for the State and Subrecipients and recommends follow up action to the Subrecipient and to the Public Assistance Officer if additional information or compliance is required.

All Subrecipients who receive Federal funds are also subject to audits from the DHS Office of the Inspector General (OIG). Any adverse findings by the OIG will be reported by the Subrecipient, to MDEM, along with a corrective action plan, within six months of the date of issuance of the OIG findings.

B. Record Retention (2 CFR 200.333)

The Recipient and Subrecipients will maintain all records pertaining to the disaster for a period of three (3) years. The Recipient will maintain their records from the date of the

final financial report of the disaster to FEMA. The Subrecipient will maintain their records for 3 years from the date they receive their closeout documents from MDEM. In the event that an audit is being conducted at the end of the three year period, the records will be maintained until the audit is concluded.

XVI. Supporting DEI in MD Recovery

The State and its organizations are, at every level, committed to administering and enforcing State and Federal equal opportunity laws and policies and promoting an environment free of any unlawful discrimination, harassment, and retaliation. Consistent with this commitment, MDEM has developed several initiatives to recruit, engage, and support a diverse staff. MDEM also strives to advance underserved populations throughout the state by creating opportunities where possible to assist underserved communities and populations in the recovery process to promote equality and economic growth, including technical assistance to underserved communities, outreach and training, and other opportunities as requested and able to ensure equitable recovery throughout Maryland.

XVII. Development and Maintenance (44 CFR § 206.207 (3))

The State will submit a Public Assistance Administrative Plan annually and amendments for each disaster in which Public Assistance is included. Revisions will be forwarded to the FEMA Regional Administrator for approval.

The State will amend this plan whenever necessary to reflect current policy guidelines and any new or revised Federal statutes or regulations, or a material change in any Maryland Law, organization, policy, or agency operation that is relevant to the administration of this plan and the PA Program. The State will obtain FEMA approval of the amended plan and its effective date.

Appendix A: Definitions

Alternate Project: A Subrecipient may determine that the public welfare would not be best served by restoring a damaged facility or its function to the pre-disaster design. In this event, the Subrecipient may use the Public Assistance grant for permanent restoration on that facility for other purposes. Projects other than the damaged facility on which the Subrecipient spends eligible funds are referred to as alternate projects. Alternate projects can only be utilized in place of permanent work, not emergency work, and must be pre-approved by FEMA.

Applicant: A non-Federal entity submitting an application for assistance under the Recipient's Federal award.

Award (Federal): The financial assistance that a non-Federal entity receives either directly from a Federal awarding agency or indirectly from a pass-through entity; or the cost-reimbursement contract under the Federal Acquisition Regulation that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity.

Community: Any area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Contractor: Any individual, partnership, corporation, agency or other entity performing work by contract for the Federal Government or a State or Local agency.

Cost Estimating Format (CEF): Methodology used to estimate the total cost of a project for which the base costs of labor, materials, and equipment meets or exceeds the large project threshold.

Case Management File (CMF): A computer-based file that contains pertinent information about each applicant. The CMF promotes continuity in managing an applicant's recovery, minimizes redundant data collection and allows access to the current status of the applicant's case.

Closeout: The process by which FEMA or the pass-through entity determines that all applicable administrative actions and all required work of the Federal award have been completed and takes actions as described in 2 CFR § 200.343.

Declared Fire: An uncontrolled fire threatening such destruction as would constitute a major disaster, which the director has approved in response to a State's request for a Fire Management Assistance Declaration.

Demobilization: The process and procedures for deactivating, disassembling, and transporting back to their point of origin all resources that had been provided to respond to and support a declared disaster/fire.

Disaster Recovery Center (DRC): Field office set up to help provide disaster assistance to individuals, provide information, and provide a site for registering with FEMA.

Emergency Declaration: Any occasion or instance in which the President determines Federal assistance is needed to supplement State, Territorial, Tribal, and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

Emergency Management Mission Integrated Environment (EMMIE): System provided by FEMA to enter, track, create projects, and report disaster specific information, for applicants.

Emergency Work: Work that must be done immediately to save lives, protect improved property, protect public health and safety, or avert or lessen the threat of a major disaster. Under the Public Assistance Program, Category A (Debris Removal), and Category B (Emergency Protective Measures) are referred to as Emergency Work.

Equipment: Tangible personal property, including information technology systems, having a useful life of more than 1 year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

Exploratory Call: First contact between the subrecipient and the PDMG. This phone call is intended to discuss initial damages and what is expected at the Recovery Scoping Meeting. This call should occur within seven days of the approval of the Request for Public Assistance.

Facility: Any publicly or privately owned building, works, system or equipment – built or manufactured – or an improved and maintained natural feature. Land used for agricultural purposes is not a facility.

Federal Coordinating Officer (FCO): The person appointed by the FEMA Regional Administrator or designee to coordinate Federal assistance in an emergency or a major disaster.

Federal Emergency Management Agency (FEMA): The Federal agency responsible for coordinating disaster recovery efforts. The term used in this plan when referred to the Regional Director, or the Disaster Recovery Manager, of FEMA Region III.

Federal Share: The portion of the total project costs that are paid by Federal funds.

FEMA-State Agreement: A formal legal document between FEMA and the State, detailing the understandings, commitments, terms and binding conditions for assistance resulting from a Federal disaster or emergency declared by the President. The FEMA Regional Administrator or designee and the Governor or Governor's Authorized Representative sign the document.

Final Expenditure Report: The report the Recipient submits to FEMA for all of a Subrecipient's projects, certifying that the grant terms and conditions have been met and project costs are reconciled.

Fire Complex: Two or more individual fires located in the same general area, which are assigned to a single Incident Commander.

Force Account: An Applicant's own labor forces and equipment.

Governor: The chief executive of the State of Maryland.

Governor's Authorized Representative: The person designated by the Governor to execute, on behalf of the State, all necessary documents for disaster assistance. The Governor's Authorized Representative is responsible for State compliance with the FEMA-State Agreement. Normally, the Governor's Authorized Representative will also be designated as the State Coordinating Officer.

Grantee: Also referred to as the Recipient. The term given to a State government, in some instances, an Indian Tribal government, to which the grant is awarded. The grantee is accountable for the use of the funds provided by FEMA and is responsible for disbursing those funds to the subrecipients.

Grants Portal: The external web based platform used by applicants, recipients, and subrecipients to manage their projects, submit documentation, and communicate with FEMA and the Recipient.

Hazard Mitigation: Cost effective measures that will reduce the potential for loss of life or damage to a facility from a disaster event.

Hazard Mitigation (Section 406): Hazard mitigation measures that must be directly part of the reconstructed work on a facility, or will protect or benefit the repaired portion of the facility. They are different from mitigation measures that are considered for eligibility under the Hazard Mitigation Grant Program (HMGP) of Section 404 of the Stafford Act. In the HMGP program, measures are proposed that may involve facilities other than those damaged by the disaster, new facilities, or non-structural measures such as development of floodplain management regulations.

Immediate Needs Funding: An advance payment of grant funds by FEMA, not to exceed 50% of the Preliminary Damage Assessment estimate, to assist with the payment of emergency work within the first 60 days after a declared disaster occurs.

Improved Project: When performing restoration work on a damaged facility, a Subrecipient may decide to use the opportunity to make improvements to the facility. Projects that incorporate such improvements are called improved projects. The improved facility must have the same function and at least the equivalent capacity as that of the pre-disaster facility. Funding for such projects is limited to the Federal share of the costs that would be associated with repairing or replacing the damaged facility

to its pre-disaster design. The Subrecipient must obtain approval for an improved project from the State prior to construction.

Incident Commander: The ranking official responsible for overseeing the management of disaster/fire operations, planning, logistics and finances of the field response.

Incident Period: The time span during which the disaster-causing incident occurs.

Joint Field Office (JFO): A temporary facility established in a Presidentially declared disaster area to serve as the field headquarters for FEMA, other Federal, and State recovery personnel, and as the focal point for disaster operations, direction, coordination and information.

Large Project: A project for which the final obligated (Federal and non-Federal) amount is equal to or greater than the annually adjusted maximum cost threshold for small project grants.

Local Government: A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; an Indian Tribe or authorized tribal organization, or Alaska Native village or organization that does not meet the definition of Indian Tribal Government; or a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.

Major Disaster: Any natural catastrophe (including hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or regardless of cause, any fire, flood, or explosion, in any part of the United States, for which the President determines causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as Amended to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

Management Cost: Any indirect cost, administrative expense, and any other expense that a Recipient or Subrecipient reasonably incurs in administering and managing the Public Assistance award.

Mitigation, Management, and Control: Those activities undertaken, generally during the incident period of a declared fire, to minimize immediate adverse effects and to manage and control the fire. Eligible activities may include associated emergency work and pre-positioning resources directly related to the declared fire.

Mobilization: The process and procedures used for activating, assembling, and transporting all resources that the Recipient requested to respond to support a declared disaster/fire.

Mop-up: The act of making a fire safe after it is controlled, such as extinguishing or removing burning material along or near the control line, felling snags, trenching logs to prevent rolling, and other measures to help prevent reignition.

Eligible mop-up activities under FMAGP: Those activities necessary due to a threat to life and property (structures). These activities would be accomplished during the “response” phase of a fire.

Ineligible mop-up activities under FMAGP: Those activities accomplished where there is no threat to life or property. These activities would be done during the “recovery” phase of the fire.

Payment Management System: This is the system used for providing funds to the Recipient.

Period of Performance: The time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award.

Permanent Work: Restorative work that must be performed through repairs or replacement to restore an eligible facility on the basis of its pre-disaster design and current applicable standards. Under the Public Assistance Program, Category C (Roads and Bridges), Category D (Water Control Facilities), Category E (Buildings and Equipment), Category F (Utilities), and Category G (Parks, Recreational Facilities and Other Items) are referred to as Permanent Work.

Principle Advisor: An individual appointed by the Forest Service, United States Department of Agriculture, or Bureau of Land Management, Department of Interior, who is responsible for providing FEMA with a technical assessment of the fire or fire complex for which a State is requesting a fire management assistance declaration.

Pre-Positioning: Positioning resources before the incident occurs in anticipation of threats posed by the incoming threat (?).

Private Nonprofit (PNP) – Critical Service Facility: Any eligible PNP facility providing essential services to the general public to include; educational facilities, power utilities, water facilities that provide potable water or water intended for fire protection or electric generation, sewer and wastewater treatment facilities, telephone service facilities, organizations and their facilities that provide emergency services, and the facilities that provide direct patient care to include hospitals, custodial care facilities and clinics, and such facilities on Indian reservations.

These facilities will also have:

- a. An effective ruling letter from the U.S. Internal Revenue Service granting tax exemption under Section 501 (c), (d), or (e) of the Internal Revenue Code of 1954; or
- b. Satisfactory evidence from the State of Maryland that the organization or entity is a private non-profit one, organized or doing business under State law.

Private Nonprofit (PNP) – Non-Critical Service Facility: Any eligible PNP facility providing essential governmental type services to the general public, not listed as a Critical Facility and having a primary purpose as being; a custodial care facility, including a facility for the aged or disabled, and other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety of a governmental nature.

These facilities will also have:

- a. An effective ruling letter from the U.S. Internal Revenue Service granting tax exemption under Section 501 (c), (d), or (e) of the Internal Revenue Code of 1954; or
- b. Satisfactory evidence from the State of Maryland that the organization or entity is a private non-profit, organized or doing business under State law.

Note: On October 30, 2000, the President signed new Stafford Act amendments into law. The amendments are effective for disasters declared after October 30, 2000. One of the new provisions requires owners of certain non-profit PNP facilities to apply for a loan from the Small Business Administration (SBA). If they are declined for a loan or the loan does not cover all eligible damages, they may apply to FEMA for the remainder of the damages. This provision only applies to permanent restoration. Non-critical PNP's having both emergency work and permanent work will have to make separate applications to FEMA for emergency work and SBA for permanent work. Critical PNP's may be processed for assistance in the same manner as previously established.

Program Delivery Manager (PDMG): FEMA personnel assigned to each subrecipient to assist with document collection and project formulation. The PDMG is the primary point of contact for the subrecipient during the project formulation phase.

Project Funding: All projects under FMAGP are treated as large projects; i.e. all costs must be documented before final claims can be approved.

Public Assistance: Supplementary Federal assistance provided under the Stafford Act to State and local governments or certain private nonprofit organizations for eligible emergency measures and repair, restoration, and replacement of damaged facilities.

Recipient: A State or Indian tribal government that receives a Federal award directly from FEMA to carry out an activity under the PA Program. A pass-through entity can also be a recipient. A recipient cannot be a Subrecipient.

Recovery Scoping Meeting: Formerly called the Kick-off meeting, this is the first face-to-face meeting between the subrecipient and the PDMG. This meeting should occur within 21 days of the Exploratory Call.

Regional Administrator: The Administrator of a regional office of FEMA.

Request for Public Assistance (RPA): The form a public entity or PNP organization uses to apply for disaster assistance. Must be submitted within 30 days of the incident period.

Small Business Administration (SBA): Federal agency that provides disaster assistance to businesses, and PNP organizations through low interest loans. Eligible non-critical PNPs must apply for assistance first through SBA, before applying to FEMA.

Small Project: A project for which the final obligated (Federal and non-Federal) amount is less than the annually adjusted cost threshold for small project grants.

Special Considerations: Issues that involve insurance, floodplain management, hazard mitigation, historic preservation and environmental reviews as they relate to Public Assistance Program funding.

Standard Form (SF) 424: The SF 424 is the Application for Federal assistance. The State submits this form to apply for a grant under a disaster or fire declaration.

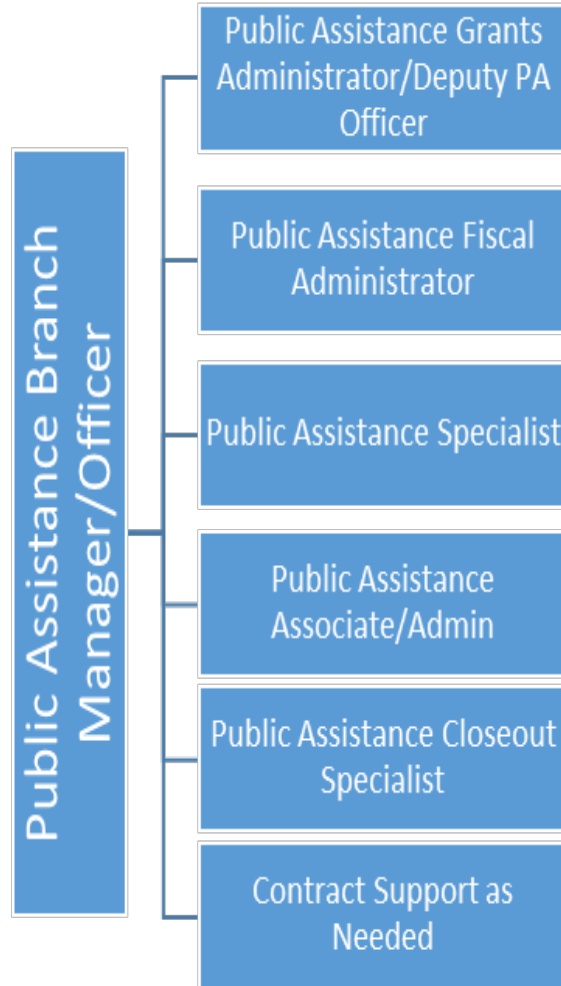
State Coordinating Officer (SCO): The person designated by the Governor to coordinate State and local disaster assistance efforts with that of the Federal government.

State Public Assistance Officer: The person responsible for administering the Public Assistance Program at the State level. The Public Assistance Officer will be a member of the Maryland Department of Emergency Management.

Subaward: An award provided by a pass-through entity to a Subrecipient, for the Subrecipient to carry out part of a Federal award received by the pass-through entity. In the PA Program, each Project carried out by a Subrecipient is a subaward.

Subrecipient: A non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program. It does not include an individual that is a beneficiary. A Subrecipient may also be a Recipient of other Federal awards directly from a Federal awarding agency.

Appendix B: Staffing Chart



Appendix C: Applicants' Briefing Outline

The Applicants' Briefing will consist of the following topics:

- I. Introduction
- II. Public Assistance Program Overview
 - a. PA Process
 - b. Specific Information Relevant to the Declaration
- III. Building Blocks of Eligibility
 - a. Applicant Eligibility
 - b. Facility Eligibility
 - c. Work Eligibility
 - d. Eligible Costs
 - e. Management Costs
- IV. Project Information
 - a. Small Projects vs. Large Projects
 - b. Scope of Work
 - c. Improved Projects
 - d. Alternate Projects
- V. Special Considerations
 - a. Hazard Mitigation
 - b. Environmental Requirements
 - c. Historic Preservation and Natural Resources
 - d. Special Flood Hazard Areas
 - e. Insurance Requirements
- VI. Documentation
 - a. Subrecipient Certifications and Assurances
 - b. Subrecipient Award Acceptance Agreement
 - c. Project Administration and Recordkeeping
 - d. Contracting and Procurement
 - e. Appeals
 - f. Audits
 - g. Record Retention
- VII. Time Limits/Deadlines
- VIII. FEMA Resources

Appendix D: Fire Management Assistance Grant Program (FMAGP)

Note: Maryland has not requested an FMAGP. This Appendix is being provided as part of the Public Assistance Program Administrative Plan to outline the general procedures that will be followed in the event that a request is required. Upon a FMAGP declaration, the State of Maryland, through Maryland Department of Emergency Management, will clearly define the process for managing the grant and provide an update to this plan/appendix.

1. Fire Management Assistance Declarations

Fire Management Assistance (FMA) Declarations made in accordance with Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Public Law 93-288, as amended, provide for unique considerations on the part of the State of Maryland. These considerations are:

- A. The State of Maryland is the Recipient and is hereby designated as the Governor's Authorized Representative for FMA Declarations. See annual FEMA-State Agreement for the Fire Management Assistance Grant Program (FMAGP).
- B. Two State agencies will share the responsibility of administering the FMAGP. They are the Maryland Department of Natural Resources (DNR) and the Maryland Department of Emergency Management (MDEM).
- C. The Governor's Authorized Representative or the Alternate Governor's Authorized Representative must submit the request for Fire Management Assistance Declaration while the fire is burning uncontrolled and threatens such destruction as would constitute a major disaster.

2. Procedures

- A. The Governor's Authorized Representative or an Alternate Governor's Authorized Representative, can request a FMAGP declaration, when it is felt a given wildfire threatens such destruction as would constitute a major disaster.
- B. If a FMAG declaration request is approved by FEMA, an amendment to the FEMA-State Agreement for FMAGP will be executed for that particular declaration.
- C. DNR and MDEM, in accordance with the FEMA-State Agreement for FMAGP, will coordinate with State Legal Counsel for all human caused fires and will provide FEMA with a legal analysis on the State's ability to recover costs and how the State is pursuing the recovery of such costs.

- D. DNR and MDEM will prepare, in coordination with FEMA and FEMA's principal advisor, projects pertaining to the declared fire.
- E. Detailed record keeping and documentation is critical due to the questions of cost eligibility and duplication of benefits when dealing with fire suppression activities involving various Federal, State, local, and volunteer agencies and organizations and the potential intermixed land ownership.
- F. The funding mechanism for payment of the Federal share of the eligible costs will be made through the Payment Management System (PMS) by the MDEM Finance Office.
- G. Normally, there is at least one payment based on actual costs (per category) processed for each Subrecipient before their final costs are documented. Reimbursements of actual costs documented on the projects, up to the amount of the approved Federal Share, may be made.
- H. Initial Package for each FMA declaration shall include:
1. FF 90-58
 2. SF-424
 3. FF-20-16 A & B
 4. Documentation (State records and/or) to confirm FMAGP threshold has been met.
 5. The following is the applicable documentation each Subrecipient will need:
 - Proof of payment and copies of all Contracts
 - Agreements
 - Invoices
 - Force Account Labor, Equipment, and Material Records
- I. Final claims package (per Subrecipient) will consist of the following items:
1. Summary of documentation
 2. Copies of all supporting documentation
 3. Certification of Work Completion in accordance with the FEMA/State Agreement
- J. DNR and MDEM will provide, upon request, technical assistance to the Subrecipient.
- K. In addition to actual fire suppression costs there are provisions for reimbursing the FMAGP management costs under 2 CFR, Part 200. These costs will be maintained and

documented by the DNR and MDEM for inclusion in their Category Z Management project

- L. Audits will be in accordance with 2 CFR, Part 200.
- M. All projects will be treated as Large Projects, regardless of total project cost.

3. Grant Management

- A. DNR and MDEM will determine the necessary organizational structure and staffing to effectively manage and administer this program and will request reimbursement of costs for the administration/management of the FMAGP under 2 CFR, Part 200.
- B. DNR and MDEM will administer the FMAGP in accordance with applicable portions of 44 CFR Part 204 Subpart A through E (Fire Management Assistance Grant Program), 44 CFR Part 206 Subpart G – (Public Assistance Project Administration), and 2 CFR Part 200.

4. Financial Reporting

- A. Federal Financial Report, Standard Form (SF) 425, will be submitted annually (2 CFR Part 200).
- B. Final Reporting procedures (Closeout)
 - 1. DNR and MDEM will conduct a final review of documentation to resolve any outstanding issues.
 - 2. MDEM will write a letter requesting closeout from FEMA.
 - 3. MDEM will construct Final SF425 with appropriate signature and submit with a closeout letter.

5. Organization and Assignment of Responsibilities

DNR and MDEM will maintain close coordination and cooperation in the management of FMAGP. Their duties are as follows:

- A. Maryland Department of Natural Resources (DNR)
 - 1. State compliance with the FEMA-State Agreement.
 - 2. When there are DNR suppression costs on a fire declaration, DNR will manage their costs as a subrecipient.
 - 3. Determining staffing requirements necessary for proper program management.
 - 4. Assisting FEMA in preparing projects, using documented costs.

B. Maryland Department of Emergency Management (MDEM)

1. State compliance with the FEMA-State Agreement.
2. Determining staffing requirements necessary for proper program management.
3. Notifying potential applicants by written communication through officials of the political subdivisions.
4. Assisting FEMA in determining work and applicant eligibility.
5. Providing technical assistance to subrecipients, including briefing for potential applicants on the application procedures, program eligibility, and deadlines.
6. Submitting and reviewing requests for FMA applications (FEMA Form 90-133) from Subrecipients.
7. Assisting in preparing projects, using documented costs.
8. Reviewing the Subrecipient's costs prior to submitting projects to FEMA.
9. Coordinating with Subrecipients in the recovery of disallowed costs and duplication of benefits.
10. Processing payments for Subrecipients through the Payment Management System.
11. Processing requests for appeals and time extensions.
12. Making recommendations to FEMA on appeals.
13. Monitoring and processing closeout and audit reconciliation of each Subrecipient.
14. Maintaining all files for the Subrecipient.
15. Grant Administration procedures will follow the same procedures as Public Assistance grants as outlined in the Administrative Plan.

6. Funding

The Fire Management Assistance Grant Program is subject to a cost share. The Federal cost share is 75% and the State/local cost share is 25% of the eligible costs.

7. Definitions

See Appendix A of the State Public Assistance Administrative Plan.

8. Assurances and Certifications

Assurances and Certifications will be submitted through Grants Portal.