

## Massachusetts Emergency Management Agency (MEMA)

### Notice of Funding Opportunity (NOFO) Hazard Mitigation Grant Program (HMGP) FEMA-4651-DR-MA-HMGP

(Issued: 08/28/2023)

Revised: 8/30/2023

The Hazard Mitigation Grant Program (HMGP) 4651 funding opportunity is limited to the projects identified in the table starting on page 15 of this NOFO entitled “Appendix A - HMGP 4651 eligible subapplications.” This funding opportunity is not open for other activities, projects, or entities.

1. **Program Overview:** The Hazard Mitigation Grant Program (HMGP) provides funding to state, local, tribal and territorial governments so they can rebuild in a way that reduces, or mitigates, future disaster losses in their communities. This grant funding is available after a presidentially declared disaster.

2. **Funding Availability**

Through this Notice of Funding Opportunity (NOFO), the Massachusetts Emergency Management Agency (MEMA) will be accepting applications for the following federal grants:

Hazard Mitigation Grant Program (HMGP) Federal

Award ID Number: FEMA-4651-DR-MA

Catalogue of Federal Domestic Assistance (CFDA) Number: 97.039

Amount of funding available: \$3,584,016.16 available statewide

3. **Authorities and References**

- Section 203 of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act), as amended (Pub. L. No. 93-288) (42 U.S.C. 5133) as implemented by Hazard Mitigation Assistance: Building Resilient Infrastructure and Communities (FP:104-008-05)
- Section 1234 of the *Disaster Recovery Reform Act of 2018* (DRRA), under the *Federal Aviation Administration (FAA) Reauthorization Act of 2018*, (Pub. L. No. 115-254)
- Section 1366 of *The National Flood Insurance Act of 1968*, as amended (Pub. L. No. 90-448) (42 U.S.C. 4104c)
- Consolidated Appropriations Act, 2019 (Pub. L. No. 116-6)
- Hazard Mitigation Assistance Guidance and Addendum (2015)
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR part 200
- H.R. 2471, “Consolidated Appropriations Act, 2022” March 15, 2022

4. **Priorities**

The State priorities for the HMGP grants align with those of the FY2022 FEMA priorities. Those include: to incentivize natural hazard risk reduction activities that mitigate risk to public infrastructure and disadvantaged communities as referenced in EO 14008; mitigate risk to one or more community lifelines; incorporate nature-based solutions; enhance climate resilience and adaptation; increase funding to applicants that facilitate the adoption and enforcement of the latest published editions of

building codes; to implement projects that reduce flood risks posed to repetitively flooded properties insured under the National Flood Insurance Program (NFIP); and to help address effects of climate change and other unmet mitigation needs, including using funds to promote equitable outcomes in underserved communities. Additional State priorities include: projects that are clearly permissible and have been vetted through permitting and advisory agencies (including DEP, CZM, DER, etc.); projects with strong local commitment; projects with a well-developed/well-defined benefit-cost analysis (not applicable to non-construction sub-applications); projects that are advanced further along in design & clear scope; projects that are consistent with the 2018 State Hazard Mitigation and Climate Adaptation Plan (SHMCAP) and local hazard mitigation plan; projects benefitting [Environmental Justice \(EJ\)](#) populations; projects that promote utilization of nature-based approaches and provides environmental benefits; leveraging partnerships; and community/public engagement.

## 5. **Sub-Applicant Eligibility**

Eligible sub-applicants: State agencies, federally recognized Tribal organizations and local governments (including cities, townships, counties, and special district governments). For projects that benefit individual home or business owners, the local government must be the sub-applicant on behalf of the individuals and businesses.

To be eligible for project grants, sub-applicants (except state agencies which are covered under the Standard State Plan) must have a locally adopted and FEMA-approved Local Hazard Mitigation Plan (in accordance with 44 Code of Federal Regulations, Part 201) by the application deadline and at the time of obligation of grant funds for project (award).

## 6. **Grant Deadlines**

**\*Please note that state deadlines differ from published FEMA deadlines to allow the State time for working with sub-applicants on revisions, and time for review and ranking of the sub-applications.**

**APPLICATIONS MUST BE RECEIVED BY THE STATE-ESTABLISHED DEADLINES IN ORDER TO BE CONSIDERED FOR FUNDING.**

### **Important Dates:**

HMGP grant availability announcement date: 04/18/2022

State Notice of Funding Opportunity (NOFO) posting date: 08/28/2023

**Subapplication final State deadline for HMGP: 10/02/2023**

Anticipated FEMA Funding Selection Date (HMGP): Rolling

Anticipated FEMA Award Date: Rolling

## 7. **Cost Share**

HMGP cost share is 75% federal / 25% nonfederal. PLEASE NOTE: This is a change from the previous cost share percentages under FEMA-4496-DR-MA.

Non-federal share may include: Cash, including local, state, private cash payments (e.g., general funds, MassWorks or MVP grants, etc.), Force account labor (e.g. DPW staff salary and fringe), equipment, materials, volunteer or donated labor (or any combination thereof). In general, the non-federal cost-share requirement may not be met with funds from other federal agencies or federal grant programs. The Mitigation Unit can provide clarification on exemptions.

## 8. Overview of Program

### Statement of Interest (SOI)

Statements of Interest are not being solicited for the HMGP 4496 funding opportunity.

### Application Development and Application Submission

Sub-applicants who have projects included in “**Appendix A - HMGP 4651 eligible subapplications**” will be contacted by MEMA staff to further refine their subapplications prior to the State deadline. MEMA will provide direct technical assistance and application development guidance for the recommended sub-applications.

### Review & Ranking

The State Interagency Review Panel, comprised of representatives and subject matter experts from state and federal agencies, has already convened to review and then rank the sub-applications based upon HMGP Project Evaluation Criteria.

### Grant Award

Following the State review, ranking and submission of HMA sub-applications, FEMA will review sub-applications submitted by each applicant to ensure compliance with the HMA Guidance, including eligibility of the applicant and sub-applicant, eligibility of proposed activities and costs, completeness of the sub-application, cost-effectiveness, engineering feasibility (mitigation projects), and eligibility and availability of the non-federal cost share. Sub-applications submitted under HMGP are reviewed in full directly by the FEMA Region 1 office. Upon receipt of an award for a specific grant, MEMA will notify the sub-applicant and hold a kickoff meeting. All sub-applicants are required to submit quarterly reports on both the performance and financial aspects of the grant to MEMA.

## 9. Eligible Project Types

**Mitigation Projects** are cost-effective projects designed to increase resilience and public safety; reduce injuries and loss of life; and reduce damage and destruction to property, critical services, facilities, and infrastructure. Projects are eligible if they result in a reduction to future natural hazard damage. FEMA’s Hazard Mitigation Assistance Programs are not intended as a source of funding for repair, replacement or deferred maintenance activities, but are designed to assist sub-applicants in implementing long-term, cost-effective improvements that will reduce, minimize or eliminate risk to people and property from the effects of natural hazards. Projects that address operation, deferred or future maintenance, repairs or replacement (without a change in the level of protection provided) of existing structures, facilities, or infrastructure (e.g., dredging, debris removal, replacement of obsolete utility systems, bridges and facility repair) are not eligible mitigation grant activities.

- Activities can include but are not limited to: stormwater drainage and culvert improvements; floodplain and stream restoration; flood control, diversion, and storage; property acquisition; slope stabilization; infrastructure protection; aquifer storage; seismic and wind retrofits; structure elevations; resilient infrastructure projects; and emergency generators for critical facilities. A complete list and details on eligible projects can be found below and in the 2015 FEMA Hazard Mitigation Assistance Guidance and Addendum.
- All mitigation project applications must include a FEMA Benefit-Cost Analysis (BCA), using

FEMA BCA v6.0 software to document the project’s cost-effectiveness. BCA’s must include the appropriate acceptable back-up documentation, including damage history (or professional expected damage analyses), rainfall calculations, detour routes, etc. Applicants are required to submit a FEMA Benefit Cost Analysis in v6.0 to MEMA by 09/01/2023 to ensure the project meets this fundamental eligibility requirement. MEMA will review and provide feedback on BCAs on a first come-first served basis. If BCA assistance will be requested, please submit the BCA as early as possible.

- Sub-recipient management costs can be included in your project sub-application. This is financial assistance to reimburse the sub-recipient for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation measure or project up to 5 percent of the total amount of the grant award.
- Pre-award costs directly related to developing the application that are incurred are allowed subject to FEMA’s written approval. Refer to Section 12 of this document for details on pre- award cost timelines. Pre-award costs, if included, must be listed separately in the budget as a clearly defined line item, and also included in the BCA project cost. Applicants who are not awarded grants will not receive reimbursement for the corresponding pre-award costs.
- Projects which reduce or eliminate the risk of repetitive flood damage to buildings and structures insured under the National Flood Insurance Program (NFIP) may be asked to submit an application under the FY 2023 Flood Mitigation Assistance Program.

A full list of mitigation activities allowed under HMGP is listed below:

<b>Mitigation Projects</b>		<b>HMGP</b>
	Property Acquisition	X
	Structure Elevation	X
	Mitigation Reconstruction	X
	Flood Risk Reduction Measures	X
	Stabilization	X
	Dry Floodproofing (Non-Residential Buildings)	X
	Tsunami Vertical Evacuation	X
	Safe Rooms	X
	Wildfire Mitigation	X
	Retrofitting	X
	Generators	X
	Earthquake Early Warning Systems	X
	Innovative Mitigation Projects	X
<b>Capability and Capacity Building Projects</b>		<b>HMGP</b>
	New Hazard Mitigation Plans	X
	Hazard Mitigation Plan Updates	X
	Planning Related Activities	X
	Project Scoping / Advance Assistance	X

**Hazard Mitigation Planning Applications (HMGP Only)** is as follows:

Communities participate in the ‘Commonwealth Local Hazard Mitigation Planning Grant’. This is a State application, filed on behalf of eligible cities and towns by MEMA, for funds to update an existing plan or create a new hazard mitigation plan by procuring a consulting firm, regional planning agency, or contract

employee. This sub-grant will have a scope of work and budget determined by MEMA. To be considered for this Local Planning Grant, your community must submit a **Planning Statement of Interest**. A supporting **Letter of Intent** (signed by the Chief Local Official) and detailed budget will also be required. Letters of Intent submissions for hazard mitigation planning funds must be submitted to MEMA via email by the final State HMGP deadline.

Eligible sub-applicants can apply as a sub-applicant for a local hazard mitigation planning grant separate from the 'Commonwealth's Local Hazard Mitigation Planning Grant'. This grant application would be for regional groups or communities who wish to develop their own expanded scope of work, who have a unique risk or vulnerability profile, or wish to request a large federal cost share. To be considered for this full planning application, your community must submit a **Planning Statement of Interest**.

Communities can utilize future funding through the Municipal Vulnerability Program (MVP) towards local share for a Hazard Mitigation Plan, if the MVP funding is used after a state contract between the community and MEMA has been fully executed.

**Advance Assistance Projects (HMGP Only)** is as follows:

Advance Assistance allows advancing up to 25 percent of the HMGP ceiling or \$10 million to Applicants and sub-applicants, whichever is less. Under DR-4651-MA, the amount will be up to \$913,021.50. The purpose of Advance Assistance is to provide States (as well as local governments) and federally-recognized tribes with resources to develop mitigation strategies and obtain data to prioritize, select, and develop complete HMGP applications in a timely manner. Applicants and sub-applicants that receive Advance Assistance must submit complete HMGP project applications by the final State HMGP application deadline (October 2<sup>nd</sup>, 2023).

Applicants and sub-applicants may use Advance Assistance for activities such as:

- Evaluate facilities or areas to determine appropriate mitigation actions
- Collect data for BCAs, EHP compliance, and other program requirements
- Scope and prioritize hazard mitigation projects (including State coordination of local projects) to incorporate sustainability, resilience, and renewable building concepts
- Develop hazard mitigation projects, including engineering design and feasibility actions
- Conduct engineering design and feasibility studies for larger or complex community drainage projects or critical facility retrofits
- Conduct hydrologic and hydraulic studies for unmapped flood zones or Approximate Flood Zone A areas where communities propose to submit hazard mitigation projects
- Perform professional cost estimation services to aid consistency in project budgeting across sub-applications

See Part VIII, Section A.12 of the FEMA 2015 HMA Guidance for a complete list of eligible activities and for additional programmatic information.

Advance Assistance is not automatic. Advance Assistance may be requested by submitting an HMGP Advance Assistance application form, through MEMA, to the Regional Mitigation Division Director. The Advance Assistance application must identify the proposed use of the funds, including costs in sufficient detail for each proposed activity and milestones for submitting completed HMGP applications to FEMA. The Advance Assistance application is available for download at:

[https://www.fema.gov/sites/default/files/2020-09/fema\\_hazard\\_mitigation\\_grant\\_program\\_advance\\_assistance\\_pilot\\_optional\\_application\\_02-19-15.pdf](https://www.fema.gov/sites/default/files/2020-09/fema_hazard_mitigation_grant_program_advance_assistance_pilot_optional_application_02-19-15.pdf)

Requirements and deliverables associated with Advance Assistance and resulting HMGP applications may include: Documentation of Advance Assistance accomplishments; Submission of project applications by the final State HMGP application deadline (October 2<sup>nd</sup>, 2023); Accounting for use of Advance Assistance funds; and Documentation of EHP Considerations.

Advance Assistance is subject to the HMGP cost-share requirements.

## **10. Application Elements**

- Applicant information
- Local Hazard Mitigation Plan information
- Scope of Work
- Project Schedule (including Go/No-Go Milestones for projects under the BRIC National Competition category) – Project must identify a series of milestones throughout the work schedule that FEMA will review and approve. Maximum of 36 months is allowed. The applicant may submit a request for a longer POP in the application for FEMA to review and approve. A longer POP must be requested, documented, reasonable, and justified.
- Detailed Budget
- Source of local cost share
- Benefit-cost analysis (BCA) - Generated in v6.0 (projects only)
- Environmental & Historic Preservation Considerations – Detailed information must be provided describing the potential impacts to environmental resources or historic properties and any consultations or permitting that has already occurred.
- FEMA Assurances
- Additional documentation may be required depending on the specific project type. Please refer to the FEMA NOFO for more information.

## **11. Sub-Grant Submission**

### **HMGP**

Applications for mitigation projects are required to be submitted electronically (Adobe .pdf files) via email or file sharing website. See Part IV of the FEMA 2015 HMA Guidance for application and submission information. Email address for email submission is [mitigation@mass.gov](mailto:mitigation@mass.gov) or file sharing website. Please do not submit paper/hardcopies. Blank HMGP applications can be found on the MEMA Website.

## **12. Pre-Award Costs**

Pre-award costs directly related to developing the sub-application may be funded through HMA as funds are available. Such costs may have been incurred, for example, to develop a BCA, to gather EHP data, for preparing design specifications, or for workshops or meetings related to development and submission of HMA applications and sub-applications. Costs associated with implementation of the activity but incurred prior to Federal award or final approval are not eligible (projects initiated or completed prior to Federal award or full approval of the project). Pre-award costs must be identified as separate line items in the cost estimate of the sub-application. All pre-award costs must also be included in the BCA calculation.

Applicants and sub-applicants who are not awarded grants or sub-awards will not receive reimbursement for the corresponding pre-award costs.

**HMGP**

Pre-award costs directly related to developing the HMGP grant application or sub-application are allowed after the application period has opened (April 18, 2022) subject to FEMA’s written approval and must be identified as pre-award on the application budget.

**13. Period of Performance**

The Period of Performance (POP) is the period of time during which recipients of grant funds may incur costs related to the approved scope of work. The Period of Performance starts with the acceptance of the award and ends no later than 36 months; sub-applicants may submit a request for a longer POP in the application for FEMA to review and approve. Requests for extensions to an award POP will be evaluated but will not be automatically approved. All extension requests must be submitted at least 60 days prior to the expiration of the award POP and justifications must be submitted in writing.

**14. Briefings**

To assist potential sub-applicants who are considering applying for HMA funding, MEMA has posted grant program briefings and webinars online. Topics covered include the 2015 HMA Program Guidance, Statement of Interest and FEMA GO application process, 2 CFR Part 200 procurement requirements, potential Environmental Assessment (EA) requirements, BCA requirements, and much more. [Please visit the MEMA Mitigation Website for more information.](#) Interested sub-applicants are strongly encouraged to attend one of these briefings as requirements regarding the grant programs will be described and discussed in detail.

**15. Project Evaluation Criteria**

A state interagency review panel will evaluate all eligible and complete proposals on a competitive basis. The review panel reserves the right to request additional, clarifying information from the sub-applicant during the evaluation period, and to reject any or all proposals that do not meet the goals and terms of this NOFO.

The proposals for Projects will be evaluated and prioritized by the following criteria:

<b>Mitigation Project Review Criteria</b>	<b>Max Points</b>
<b><i>Project Scope, Budget, and Timeline.</i></b> The project adequately mitigates current hazards by providing a well-defined scope of work and level of protection above what currently exists. The project budget/cost estimate is detailed. The application demonstrates through a clear and realistic work schedule the capability of the applicant to implement and complete the project in a timely manner.	(Up to 20 points)

<p><b>Project Feasibility, Support and Consistency with Planning.</b> The application includes a description of the project team’s technical, financial, and management capacity. Letters of support are included from landowners, public and or community partners. Letters of support from diverse groups (e.g., community-based organizations, local businesses, nonprofits, neighborhood groups, etc.) are viewed most favorably. The applicant is covered by a FEMA-approved Hazard Mitigation Plan and clearly ties the proposed project to the plan.</p>	(Up to 8 points)
<p><b>Critical Infrastructure.</b> If the project is not implemented there will likely be a detrimental impact, loss of essential services, damage to critical facilities, infrastructure, and/or economic hardship. To receive the point allotment for this criterion, the subapplication must explain how the project mitigates natural hazard risk to critical physical structures, facilities, and systems that provide support to a community, its population, and its economy. This includes natural systems.</p>	(Up to 8 points)
<p><b>Risk Reduction / Resilience Effectiveness.</b> The project SOW answers the following questions: How will the proposed project reduce risk and to what level? How will the proposed project improve resilience?</p>	(Up to 8 points)
<p><b>Climate Change / Future Conditions.</b> The project application describes how the project will enhance climate adaptation and resilience, details how the project is being responsive to the effects of climate change (such as sea level rise) and/or other future conditions (population/demographic/land use, etc.), and cites data sources, assumptions, and models. Project includes the use of the Climate Resilience Design Standards Tool. Evaluation: What anticipated future conditions are relevant for the project? How is the project responsive to any identified anticipated changes? Does the project integrate the consideration of future conditions into design, planning, and operations workflows? How was the project informed by, or connected to, plans and planning efforts and their assessment of future conditions? What data sources and assumptions are used to guide the project?</p>	(Up to 10 points)
<p><b>Nature-Based Solutions and Environmental Co-Benefits.</b> Up to 10 points for the degree to which nature-based solutions (i.e., solutions that protect, restore, or manage ecological systems) and environmental co-benefits are incorporated into the overall vision of this project and how the selected strategy/ies will help the community adapt to existing and projected impacts of climate change. If the project is not nature-based, describe a clear assessment of design alternatives and discussion of why a nature-based solution was not chosen. Projects may still receive a maximum of <b>5 points</b> for a response that demonstrates why an alternative approach was deemed necessary over nature-based approaches and illustrates how environmental conditions will improve with grey infrastructure implementation).</p>	(Up to 10 points)
<p><b>Regulatory Components.</b> The project application includes a detailed plan for obtaining all required state and local permits. Coordination with applicable regulatory agencies is underway, or plan to engage with those agencies is documented. Confident the applicant has a clear understanding of the applicable regulatory requirements and that they will be able to meet the requirements.</p>	(Up to 6 points)

<p><b>Population Impacted.</b> The project sub application demonstrates community-wide benefits and identifies the proportion of the population that will be impacted. The sub application also describes how the project was selected and designed to maximize positive impacts and minimize negative impacts to any disadvantaged populations. SOW: What does “community-wide” mean in the context of the proposed project? What quantity (e.g., percent) of the population will directly benefit from the project? Who are the disadvantaged groups that will benefit from the project? Does the applicant provide clear examples of how the project will increase resiliency for disadvantaged populations? Does the project include representation of the disadvantaged group on project team and/or project implementation? What community co-benefits will the project provide (e.g., social, economic, public health, recreational, public access, equity, etc.)? Please focus on non-environmental co-benefits as environmental co-benefits are included in NBS Section.</p> <p>While Massachusetts prioritizes EJ populations as highly vulnerable groups, benefits to and involvement of “other priority populations” can be considered for this criterion. Other priority populations are people or communities who may be disproportionately impacted by climate change due to life circumstances that systematically increase their exposure to climate hazards or make it harder to respond. EJ and other priority population data sets can be found at  <a href="#">Environmental Justice Populations in Massachusetts   Mass.gov</a>  <a href="#">CDC Social Vulnerability Index (MA) (arcgis.com)</a>  <a href="#">Explore the map - Climate &amp; Economic Justice Screening Tool (geoplatform.gov)</a></p>	<p>(Up to 12 points)</p>
<p><b>Community Engagement.</b> The sub application describes outreach strategy and supporting activities appropriate to the project and the community that advance mitigation. The sub application also outlines the types of community planning processes leveraged and describes how input from a diverse range of stakeholders, including overburdened and underserved communities, was gathered and incorporated into project conception and design. Furthermore, the sub application outlines how such community planning and stakeholder input will continue to be used to help direct project execution.</p>	<p>(Up to 10 points)</p>
<p><b>Leveraging Partners.</b> The project sub application incorporates partnerships (e.g., state, tribal, private, local community, etc.) that will ensure the project meets community needs, including those of overburdened or underserved populations, and show the outcome of those partnerships (e.g., leveraging resources such as financial, material, and educational resources, coordinating multi-jurisdictional projects, heightened focus on equity related issues, etc.) Evaluation: What partners will contribute to the implementation of the project? To what extent were non-governmental organizations, universities, private organizations, or other government entities consulted for advice or assistance? To what extent have partners provided funding that increases the non-federal cost share? How have partnerships been used to increase community resiliency?</p>	<p>(Up to 8 points)</p>

## 16. Requirements and Conditions for Federal Award

- All FEMA HMA grant project applications require a local FEMA-approved ‘Multi-Hazard Mitigation Plan’ at the time of the application and at the time of obligation of grant funds for project (award).
- A Statement of Interest (SOI) is required to allow the State to review and prioritize projects and provide application development technical assistance.
- Projects must be able to be permitted under Federal, State & local permit procedures including, 44CFR Parts 9 & 10 (Floodplain Management & Wetland Protection).
- All non-critical structure elevation, dry floodproofing, and mitigation reconstruction projects in a Special Flood Hazard Area must apply, at a minimum, the flood elevations of the Federal Flood Risk Management Standards Freeboard Value Approach unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements. All other types of projects may choose to apply the flood elevations of the Federal Flood Risk Management Standard’s Freeboard Value Approach.
- For critical actions in the Special Flood Hazard Area, the elevation requirements from 44 CFR Section 9.11 continue to apply. For any new construction or substantial improvement of structures, the lowest floor of the structure (including the basement) must be at or above the level of the 500-year flood.
- Mitigation projects must, at a minimum, be in conformance with the latest published editions (meaning either of the two most recently published editions) of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs.
- Mitigation projects must be technically feasible and effective in increasing the level of protection.
- All spending must comply with the federal procurement standards described in [2 CFR 200.317 through 2 CFR 200.326](#). If your project is awarded, you must expend funds (even pre-award costs) under your official, documented procurement procedures, and ensure you comply with applicable federal, state, and local laws & regulations. Federal procurement standards must also be followed for [using contract support](#) for the development of HMA grant sub-applications.
- Applicants must demonstrate that mitigation projects are cost effective. This is demonstrated utilizing the FEMA approved BCA software (v6.0).
- Mitigation projects must solve a problem independently or constitute a functional portion of a long-term solution for which there is assurance that the project as a whole will be completed, or there is a reasonable plan and available funding for completion.
- **Special Flood Hazard Area** - If the mitigation project is located in a Special Flood Hazard Area, it must meet both of the following conditions:
  - The project is in a jurisdiction participating in the National Flood Insurance Program that is not on probation, suspended, or withdrawn.
  - The property owner obtains and maintains flood insurance for the life of the structure, regardless of transfer of ownership, in an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the mitigated property, whichever is less.

- **Contract Terms & Conditions** – The terms and conditions of the State Contract include, but are not limited to the following items:
  - *Grant Modifications* - The Scope of Work, Budget and Work Schedule, approved by FEMA and included in the application and/or FEMA Award, is the only work that is eligible for reimbursement. Scope of work and budget modification requests must be submitted and approved in advance of any changes; time extension requests must be requested a minimum of 90 days prior to the contract end date. Failure to comply with these requirements may result in full forfeiture of the federal funding award.
  - *Designation of Project Manager* - At the time of award, the grant recipient must name a Project Manager who will be responsible for the duties of carrying out the federal award.
  - *Quarterly Reports* - All recipients are required to submit a quarterly report on the form provided by MEMA, as evidence of project progress and any project issues that materialize. The report is due on October 1st, January 1st, April 1st and July 1st of each year. The information on these reports is expected to be accurate. Quarterly reports do not substitute a grant modification request as outlined above. Reports are submitted to FEMA. Progress towards meeting the Go/No-Go milestones must be reported in the quarterly progress reports. Failure to submit quarterly reports in a timely manner may jeopardize federal reimbursement.
  - *Requests for Funds* - Only the costs delineated in the approved budget in your state contract and defined as allowable costs in 2 CFR Part 200 are eligible for reimbursement. Only those costs incurred during the time periods specified in the State Contract are eligible for reimbursement. Funds shall be released by MEMA to the recipient on a reimbursement basis or in special instances, on a short-term advance basis as authorized by Federal law and negotiated with the Agency, consistent with Federal and State regulations. Funds shall be requested on the Request for Funds form provided by MEMA. The grant represents the federal share of the project. The federal share for HMGP 4651 is no more than 75% of the total eligible project costs. Should project costs increase, the local share must increase as the federal share is fixed once it is awarded. Final requests for funds must be submitted no later than 30 (thirty) days after the state contract end date.
  - *Documentation Required for Release of Funds* - The Sub-Recipient shall provide the following documentation to MEMA concurrent with each Request for Funds form:
    - Documentation which demonstrates that the work for which funding is requested is completed to all applicable Federal, State, and local codes and standards. This includes permits, inspection reports, photos, description of the work performed in sufficient detail, etc.
    - Documentation which demonstrates that the goods and/or services for which reimbursement is requested were procured in a manner consistent with local and state policies and in accordance with Federal procurement regulations in 2 CFR Part 200. This includes bids, notifications, contracts, etc.
    - Vendor/supplier invoices that provide detail for date(s) of service, tasks completed, and detail by line item. For construction projects, Certified Payroll is required.
    - Documentation that demonstrates that payment was made by the Sub-Recipient to vendors/suppliers (“Proof of Payment”). This may include, but is not limited to, cancelled checks, signed payroll warrants, certified municipal payment records.
    - Documentation which demonstrates the expenditure of the required local cost-share. Where “in-kind” services are provided by the Sub-Recipient, timecards,

payroll reports and appropriate reports that show detail of the work completed will be required.

- For elevation and retrofit (i.e. utility) projects, a Homeowner Elevation Summary Sheet must be completed for each property.
- *Cost Overrun* - Sub-Recipients will notify the Agency when/if they anticipate a cost overrun. The Sub-Recipient must cover the cost overrun with local funds.
- *Permits, Bid Specifications, Design Drawings and Plans* - The Sub-Recipient shall provide electronic copies of all permits and approvals required in support of the project prior to construction. Failure to obtain all appropriate federal, state, and local environmental permits may jeopardize federal funding. Please note that any changes made in the review, consultation or permitting process must be reviewed by MEMA and may need FEMA approval before construction proceeds. The Sub-Recipient shall provide an electronic set of final “as-built” drawings/plans. Final payment will be made after receipt of final deliverables. For Acquisition and Structure Elevation projects, refer to the 2015 Hazard Mitigation Guidance Addendum Section A and Section E for additional close-out documentation requirements such as, but not limited to, recorded deed, statement of voluntary participation, FEMA Form AW-501, Certificate of Occupancy, certification of compliance, and final elevation certificate.
- *Record Keeping and Retention, Inspection of Records* - The Sub-Recipient shall maintain records, books, files and other data as specified in a contract and in such detail as shall properly substantiate claims for payment under a contract, for a minimum retention period of seven (7) years beginning on the first day after the final payment under a contract, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit, or other inquiry involving a Contract. The Department shall have access, as well as any parties identified under Executive Order 195, during the Contractor’s regular business hours and upon reasonable prior notice, to such records, including on-site reviews and reproduction of such records at a reasonable expense.
- *Project Sign* - For physical construction projects with total costs over \$500,000 and located within a contiguous site, the Sub-Recipient shall erect a sign, at a suitable location near the project site. This sign shall be at least eight (8) feet long by four (4) feet high and meet the specifications delineated by MEMA. Please confer with the mitigation staff on this requirement.
- *Copyright* - FEMA and MEMA reserve a royalty free, non-exclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the work for government purposes. Any publication resulting from work performed under this agreement shall include an acknowledgement of Massachusetts Emergency Management Agency.

## **17. Contact Information**

For general inquiries regarding the programs, please contact MEMA at: [mitigation@mass.gov](mailto:mitigation@mass.gov)

For specific inquiries:

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For more information visit the ‘Hazard Mitigation Assistance Grant Programs’ section of the MEMA website at [www.mass.gov/hazard-mitigation-assistance-hma-grant-programs](http://www.mass.gov/hazard-mitigation-assistance-hma-grant-programs).

**Appendix A – HMGP 4651 Eligible Subapplications**

<b>Subapplicant</b>	<b>Title</b>	<b>Federal Share</b>
Auburn	Pinrock Pump Station Generator Replacement	\$115,237.50
Chelmsford WD	Stream Crossing Upgrades to Mitigate Water District Access Concerns	\$1,154,415.00
Cohasset	Fire HQ/Police HQ Generator	\$58,272.75
DCR	DCR Quabbin Generators	\$185,250.00
MEMA	Local Hazard Mitigation Planning	NTE \$240,000.00
Pittsfield	Fire Station Generator	\$101,542.50
Scituate	Scituate Gates MS Shelter Generator Upgrade	\$118,597.50
Sturbridge (Tantasqua)	Tantasqua RHS Generator	\$52,615.50
Swansea	Fire Station 1 Generator Upgrade	\$35,921.25
Wayland	Snake Brook Dam	\$1,425,187.50
Westwood	Conant Road/Country Lane Culvert Replacements	\$1,382,204.25