



Rebuild Florida Infrastructure Repair Program

PROGRAM GUIDELINES

This document provides the guidelines for implementation of the Rebuild Florida Hurricane Sally Infrastructure Repair Program administered by the Florida Department of Economic Opportunity. This program is funded by the U.S. Department of Housing and Urban Development Community Development Block Grant – Disaster Recovery allocation described in the *Supplemental Appropriations for Disaster Relief Act, 2022* (Public Law 117-43).

VERSION 1.1

April 5, 2023

VERSION HISTORY

| Version Number | Change Date | Summary of Changes |
|----------------|-------------|---|
| 1.0 | 01/18/2023 | Original version published |
| 1.1 | 04/05/2023 | Revised Application Procedures to update the application submission cycle close date from April 4 to April 14 |
| | | |
| | | |
| | | |
| | | |

VERSION POLICY

Version history is tracked in the Version History Table with notes regarding version changes. Dates of each publication are also tracked in this table.

Substantive changes in this document that reflect a policy change will result in the issuance of a new version of the document. For example, a substantive policy change after the issuance of Version 1.0 would result in the issuance of Version 2.0, an increase in the primary version number. Non-substantive changes such as minor wording and editing or clarification of existing policy that do not affect interpretation or applicability of the policy will be included in minor version updates denoted by a sequential number increase behind the primary version number (i.e., Version 2.1, Version 2.2, etc.).

POLICY CHANGE CONTROL

Policy review and changes for the State of Florida Hurricane Sally Community Development Block Grant - Disaster Recovery Program are considered through a change-control process. Policy clarifications, additions, or deletions are needed during the course of the program to more precisely define the rules by which the Program will operate. Program staff will document policy-change requests that will be tracked in the program files. Requests are compiled and brought before supervisory staff in a policy meeting. Subject matter experts working in a particular policy area or task area that will be affected by the policy decision may be invited to assist in policy evaluation, if necessary. Policy meetings will be held as frequently as is necessary to consider policy decisions critical to moving the Program forward in a timely manner. Policy decisions will be documented and will result in the revision of the document in question.

Table of Contents

| | |
|---|----|
| 1.0 Definitions and Acronyms | 1 |
| 2.0 Introduction..... | 6 |
| 3.0 Background..... | 7 |
| 4.0 General Information | 8 |
| 5.0 HUD CDBG-DR Program and Project Funding Directives | 9 |
| 5.1 Pre-Award and Pre-Construction Costs | 9 |
| 5.2 Threshold and Scoring Criteria | 9 |
| 5.2.1 CDBG-DR Threshold Compliance Criteria | 9 |
| 6.0 Scoring Criteria | 11 |
| 7.0 Eligibility | 13 |
| 7.1 Eligible Counties | 13 |
| 7.2 Eligible Applicants..... | 13 |
| 8.0 Subrecipient Awards..... | 14 |
| 9.0 Eligible Activities..... | 15 |
| 9.1 Infrastructure Activities | 15 |
| 9.1.1 Infrastructure Activities Incorporating Mitigation Measures | 15 |
| 9.2 Ineligible Activities..... | 16 |
| 9.3 Environmental Clearance | 16 |
| 10.0 CDBG-DR Compliance | 17 |
| 10.1 National Objectives..... | 17 |
| 10.2 Cross-Cutting Federal Regulations..... | 17 |
| 10.3 Citizen Participation Requirements | 18 |
| 10.4 Use of CDBG-DR as Match | 18 |
| 10.5 System of Record and Compliance Verifications..... | 19 |
| 10.6 Cost Reasonable | 19 |
| 11.0 Anti-Fraud, Waste, and Abuse..... | 20 |
| 12.0 CDBG-DR Costs Guidance | 21 |
| 13.0 Application Procedures | 22 |
| 13.1 Technical Assistance for the Application Process..... | 22 |

1.0 Definitions and Acronyms

Action Plan – The Community Development Block Grant-Disaster Recovery Action Plan for Disaster Recovery provides the high-level strategy to carry out strategic and high-impact activities to minimize or eliminate risks and reduce losses from future disasters. The Action Plan also describes the opportunity to improve state and local planning protocols and procedures. The Action Plan was approved by the United States Department of Housing and Urban Development on August 5, 2022.

Acquisition – The acquiring of real property, in whole or in part, by the recipient, or other public or private nonprofit entity through purchase, long-term lease, donation, or otherwise for any public purpose, subject to the limitation of 24 CFR 570.207. Real property includes air rights, water rights, rights-of-way, easements, and other interests therein (24 CFR 570.201).

Allocable Costs – Costs assigned to a Community Development Block Grant-Disaster Recovery eligible activity with a methodology for clear determination of where to attribute costs.

Allocation Announcement Notice (AAN) – Publication announcing the Community Development Block Grant-Disaster Recovery allocations for specific disasters and including waivers and alternative requirements specific to the Appropriations Act that allocated the funding.

Applicant – Any entity that submits a response to the request for applications for potential funding through the Community Development Block Grant-Disaster Recovery program.

Area Median Income (AMI) – The median household income for an area adjusted for household size as published and annually updated by the U.S Department of Housing and Urban Development. Once household income is determined, it is compared to the U.S Department of Housing and Urban Development's income limit for that household size.

Business Concern – A business entity formed in accordance with state law, and which is licensed under state, county, or municipal law to engage in the type of business activity for which it was formed. A business concern that provides economic opportunities for low- and very low-income persons.

Community Development Block Grant (CDBG) – Supports community development activities to build stronger and more resilient communities. To support community development, activities are identified through an ongoing process. Activities may address needs such as infrastructure, economic development projects, public facilities installation, community centers, housing rehabilitation, public services, clearance/acquisition, microenterprise assistance, code enforcement, homeowner assistance, etc.

Community Development Block Grant-Disaster Recovery (CDBG-DR) – the Community Development Block Grant Disaster Recovery Program, administered by the U.S. Department of Housing and Urban Development, as authorized under Title I of the Housing and Community Development Act of 1974, as amended. These funds are provided as a last resort to help cities, counties, and states to recover from Presidentially declared disasters.

Consolidated Notice – The U.S. Department of Housing and Urban Development's Community Development Block Grant-Disaster Recovery Consolidated Notice, Appendix B of Federal Register Vol. 87, No. 23. The Consolidated Notice governs all Office of Long-Term Resiliency Community Development Block Grant-Disaster Recovery grants beginning with 2020 disasters (Hurricane Sally) and includes amended requirements from previous Federal Register Notices and Community Planning and Development Notices that have regulated Community Development Block Grant-Disaster Recovery funds in the past. The Consolidated Notice includes waivers and alternative requirements, relevant regulatory requirements, the grant award process, criteria for action plan approval, and eligible disaster recovery activities.

Contractor – An entity competitively selected to provide clearly-specified goods or services meeting the procurement requirements at 24 CFR 85.36, 2 CFR 200, Section 287.055, Florida Statutes, and Rule 73-23.0051(3), Florida Administrative Code.

Davis-Bacon and Related Acts (DBRA) – Federal law requiring contractors and subcontractors performing on federally funded or assisted contracts for the construction, alteration, or repair of public buildings or public works to pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

Disaster Recovery Grant Reporting (DRGR) System – The U.S Department of Housing and Urban Development’s web-based reporting and grants management system.

Duplication of Benefits (DOB) – When a person, household, business, government, or other entity receives financial assistance from multiple sources for the same purpose within the same time period, and the total assistance received for that purpose is more than the total need for assistance.

FDEM – Florida Division of Emergency Management.

Federal Register (FR) – The official journal of the Federal Government of the United States that contains government agency rules, proposed rules, and public notices issued by federal administrative agencies.

FEMA – Federal Emergency Management Agency.

Florida Department of Economic Opportunity (DEO) – Administrator of the Community Development Block Grant-Disaster Recovery and Community Development Block Grant-Mitigation programs funded by the U.S. Department of Housing and Urban Development. DEO is the governor-designated state authority responsible for administering all long-term disaster recovery funds awarded to Florida from the U.S. Department of Housing and Urban Development. As used in this document, “the Department” refers to the Florida Department of Economic Opportunity.

Grantee – As used in this document, the grantee is the State of Florida Department of Economic Opportunity’s Office of Long-Term Resiliency as recipient of Community Development Block Grant-Disaster Recovery funds from the U.S. Department of Housing and Urban Development.

HCDA – Housing and Community Development Act of 1974, as amended.

Household – All persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

HUD – The United States Department of Housing and Urban Development.

HMGP – Hazard Mitigation Grant Program.

IRP – Infrastructure Repair Program.

Low-to-Moderate Income (LMI) Household – A household whose annual income does not exceed 80 percent of the median income for the area as most recently determined by HUD.

- LMI 30 refers to those individuals/families making less than 30 percent of the Area Median Income.
- LMI 50 refers to those individuals/families making less than 50 percent of the Area Median Income.
- LMI 80 refers to those individuals/families making less than 80 percent of the Area Median Income.
- Above LMI 80 refers to those individuals/families making more than 80 percent of the Area Median Income.

Low-to-Moderate-Income (LMI) National Objective – Activities that benefit households whose total annual gross income does not exceed 80 percent of Area Median Income, adjusted for family size. Pursuant to federal statute, the grantee is required to expend 70 percent of Community Development Block Grant-Disaster Recovery funds to meet the Low-to-Moderate-Income national objective.

Low-to-Moderate Income (LMI) Resident/Person/Individual – A person whose annual income does not exceed 80 percent of the median income for the area as most recently determined by the U.S. Department of Housing and Urban Development.

Mitigation Activities – Activities funded by the mitigation set-aside that increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters.

Mitigation Measures – Measures that--per the U.S. Department of Housing and Urban Development’s Community Development Block Grant-Disaster Recovery Consolidated Notice, Appendix B of Federal Register Vol. 87, No. 23--must be incorporated into Community Development Block Grant-Disaster Recovery activities carried out by the grantee and its subrecipients as a construction standard to create communities that are more resilient, and to reduce the impacts of recurring natural disasters and the long-term impacts of climate change. When determining which mitigation measures to incorporate, the grantee should design and construct structures to withstand existing and future climate impacts expected to occur over the service life of the project.

Most Impacted and Distressed (MID) Areas – Areas of most impact as determined by the U.S. Department of Housing and Urban Development or the state using the best available data sources to calculate the amount of disaster damage.

Office of the General Counsel (OGC) – The Florida Department of Economic Opportunity’s office designated to overseeing the Department of Economic Opportunity’s response to all public records requests, drafting and reviewing agency contracts, handling all litigation involving the Department of Economic Opportunity, and serving as the Department of Economic Opportunity’s chief ethics officer.

Office of Long-Term Resiliency (OLTR) – The Florida Department of Economic Opportunity’s office dedicated to the administration of Community Development Block Grant-Disaster Recovery and Community Development Block Grant-Mitigation funded programs and activities.

Project Cost – Direct costs of undertaking a Community Development Block Grant-Disaster Recovery project and which can be tied to a final cost objective and eligible activity. The project costs can count towards meeting the overall Low-to-Moderate Income benefit requirements.

Project/Program/Activity – The housing, infrastructure, economic development, or planning endeavor undertaken by the Department, the subgrantee and/or subrecipient using Community Development Block Grant-Disaster Recovery funds.

Real Property – Land, including all the natural resources and permanent buildings on it. Real property includes air rights, water rights, rights-of-way, easements, and other interests therein. (24 CFR 570.201)

Rebuild Florida – A disaster recovery program created by the Florida Department of Economic Opportunity to help Florida’s long-term recovery efforts from disasters that have impacted the citizens of Florida.

Request for Applications (RFA) – The Department of Economic Opportunity notice requesting applications for funding as a subrecipient for the Community Development Block Grant-Disaster Recovery program.

Request for Funds (RFF) – A subgrantee and/or subrecipient’s request for funds from the Department of Economic Opportunity.

Response – Any application received for CDBG-DR funding.

Section 3 Business or Business Concern – As related to Section 3 of the of the Housing and Urban Development Act of 1968, as amended:

- Is at least 51 percent owned and controlled by low or very low-income persons;
- Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 Workers; or

- A business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

Section 3 Covered Contracts – A contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with a Section 3 covered project.

Section 3 Covered Non-Construction Project – A project associated with a Section 3 Covered Project such as maintenance contracts, re-painting, routine maintenance, HVAC servicing, and professional services (architectural, engineering, legal, accounting, marketing, etc.).

Section 3 Covered Project – The construction, reconstruction, conversion, or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction such as roads, sewers and community centers, and buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

Section 3 Workers – A worker whose income for the previous or annualized calendar year is below 80 percent of the area median income for the area in which the worker resides, is employed by a Section 3 business concern, or the worker is a YouthBuild participant.

Service Area – The total geographic area to be directly or indirectly served by a subgrant project that addresses the Low-to-Moderate Income National Objective, in which at least 51 percent of the residents are low-to-moderate income persons. A service area must include all, and only those, beneficiaries who are reasonably served or would be reasonably served by the activity.

Subrecipient – A competitively-selected recipient, usually a local government, that is provided CDBG-DR funds from the Department to agreed-upon eligible disaster recovery activities documented in a Subrecipient Agreement.

Subrecipient Agreement – An agreement between the Department of Economic Opportunity and the subrecipient for the subrecipient to undertake activities using Community Development Block Grant-Disaster Recovery funds.

Subrogation – A legal doctrine that allows one entity to take on the rights of another. In the context of Disaster Recovery grants, a subrecipient must enter into a subrogation agreement in which the funding agency (the Department of Economic Opportunity) obtains the right to collect any additional disaster recovery payments the entity obtains for the same purpose after the entity has received disaster recovery benefits.

Targeted Section 3 Worker – A Section 3 Worker who is:

- A worker employed by a Section 3 Business concern; or
- A worker who currently fits or when hired fit at least one of the following categories, as documented within the past five years:
 - A resident of public housing or Section 8-assisted housing;
 - A resident of other public housing projects or Section 8-assisted housing managed by the Public Housing Authority that is providing the assistance; or
 - A YouthBuild participant.

UGLG – Unit of General Local Government.

Urgent Need – A recent need that poses a serious and immediate threat to the health or welfare of the community.

Vendor – An entity competitively selected to provide clearly-specified goods or services meeting the procurement requirements at 24 CFR 85.36, 2 CFR 200, Section 287.055, Florida Statutes, and Rule 73-23.0051(3), Florida Administrative Code. In accordance with 24 CFR 85.36(c), such procurement actions must be conducted in a manner that provides for free and open competition.

Waiver – A revision to the standard Community Development Block Grant-Disaster Recovery regulations, requirements, and activities, granted by the U.S. Department of Housing and Urban Development.

YouthBuild – A national organization administered by the U.S. Department of Labor with a community-based pre-apprenticeship program that provides job training and educational opportunities for at-risk youth ages 16 to 24 who have previously dropped out of high school.

2.0 Introduction

The Florida Department of Economic Opportunity (the “Department”) has been allocated a total of \$187,383,000 in Community Development Block Grant–Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) to address unmet disaster recovery needs related to damage from Hurricane Sally. The Department has allocated \$67,000,000 in funding to the Rebuild Florida Infrastructure Repair Program (IRP). These IRP guidelines describe applicant and project eligibility, program guidelines, and application procedures for the award and administration of the allocated \$67,000,000 in funding.

These funds represent a unique and significant opportunity for the state to carry out strategic and high-impact activities in the Hurricane Sally Most Impacted and Distressed (MID) areas. These activities will serve to rebuild and harden infrastructure to prevent or reduce losses in future disasters.

Eligible applicants in the following counties may apply for funding based on the terms and conditions in this application:

| Eligible Counties that Experienced Storm Damage | |
|---|-------------|
| Bay | Santa Rosa* |
| Escambia* | Walton |
| Okaloosa | |

* HUD MID Counties

State agencies, as defined in section 120.52 F.S., and counties and municipalities, as defined in section 180.01 F.S., located in the HUD and state designated Hurricane Sally MID areas that experienced storm damage are eligible to apply for funding based on the terms and conditions in these program guidelines and in the program application. When applying for funding through the Rebuild Florida Hurricane Sally IRP, applicants must provide a detailed description of damage caused by Hurricane Sally, include plans to mitigate against future damage, and show how the proposed project will assist the community in rebuilding after Hurricane Sally. Projects requesting funds for damage caused by deferred maintenance will not be considered.

The Department encourages all prospective applicants to read the State Action Plan for Hurricane Sally long-term recovery located at: <https://FloridaJobs.org/CDBG-DR/Hurricane-Sally>.

3.0 Background

Following a major disaster, Congress can appropriate funds through the CDBG-DR program to satisfy a portion of unmet need that remains after other federal assistance such as the Federal Emergency Management Agency (FEMA), Small Business Administration (SBA), or private insurance, have been allocated. The Department is the lead agency and responsible entity for administering the CDBG-DR funds allocated to the State of Florida.

HUD uses the best available data to identify and calculate unmet needs for disaster relief, long-term recovery, restoration of infrastructure, housing, and economic revitalization. Based on this assessment, HUD announced that the State of Florida would receive an allocation of \$187,383,000 in disaster recovery funds to assist in the long-term recovery from Hurricane Sally.

To ensure the funds assist the most impacted areas as outlined in the Federal Register, 80 percent of funding awarded to the state will go to the HUD-identified MID counties; these areas include Escambia and Santa Rosa Counties. The remaining 20 percent of funding may be awarded to state-designated MID areas; these areas include Bay, Okaloosa, and Walton Counties.

| Allocation Breakdown | | | | |
|----------------------------|------------|---------------------------|-------------------------------|--------------|
| | County | Infrastructure Activities | Mitigation Activities Minimum | Total |
| HUD-Identified MID Areas | Escambia | \$45,560,000 | \$8,040,000 | \$53,600,000 |
| | Santa Rosa | | | |
| State-Identified MID Areas | Bay | \$11,390,000 | \$2,010,000 | \$13,400,000 |
| | Okaloosa | | | |
| | Walton | | | |

*Note: No more than a combined \$13,400,000 may be allocated to projects in State MID Areas (Bay, Okaloosa, and Walton Counties).

During the implementation process, program funding will be provided to the awarded subrecipients. Subrecipients must develop and implement policies, procedures, and processes to deliver and maintain projects and services. Projects and services may be provided by the subrecipient directly or in partnership with governmental, private sector, or non-profit partners. At the conclusion of the term specified in the Subrecipient Agreement, the agreement will be closed. The Department, with the support provided by its designated partners, will monitor subrecipients throughout the life of the project.

4.0 General Information

The total CDBG-DR funds allocated to the Department for Hurricane Sally recovery were announced in two publications. On October 29, 2021, HUD announced that \$113,191,000 in CDBG-DR funds would be allocated to Florida following Hurricane Sally (2020). The availability of the funding was formally announced by publication in the Federal Register, Volume 87, Number 23 (February 3, 2022). HUD then announced, in Federal Register Vol. 87, No. 100 (May 24, 2022), that Florida had been awarded an additional \$74,192,000 in CDBG-DR funds. These funds amount to a total of \$187,383,000. [Federal Register Vol. 87, No. 23](#) governs the use of these funds and requires that funds be used only for disaster relief, long-term recovery restoration of infrastructure and housing, economic revitalization, and mitigation of risk associated with activities carried out for these purposes in communities affected by the specified disaster (Hurricane Sally). Requirements provide that funds be directed to areas with the greatest need. All CDBG-DR-funded eligible recovery activities must tie to storm damage as specified in and not prior to the Presidential Disaster Declaration [4564](#) for Hurricane Sally on September 16, 2020. Recovery activities must be directly related to damage caused by Hurricane Sally and recovery activities must provide evidence that documents the damage was caused by Hurricane Sally. CDBG-DR funds cannot be used to replace or reimburse any available funding, such as FEMA Individual and Public Assistance (IA/PA). However, in certain situations, CDBG-DR funds can serve as the local match portion for eligible projects.

As outlined in the Allocation Announcement Notice (AAN) for Hurricane Sally, Federal Register, Vol. 87, No. 23, the Department received a 15 percent mitigation set-aside for Hurricane Sally recovery efforts. Unlike recovery activities where the Department must demonstrate the activities “tie-back” to Hurricane Sally and address a specific unmet need for which the CDBG-DR funds were appropriated, activities funded by the CDBG-DR mitigation set-aside do not require such a “tie-back” to an impact of Hurricane Sally.

5.0 HUD CDBG-DR Program and Project Funding Directives

In response to HUD directives, the Action Plan directs the Department to fund projects and programs that provide the maximum feasible priority to activities that will benefit low- and moderate-income (LMI) families.

The aggregate use of the CDBG-DR funds made available for Hurricane Sally recovery shall benefit LMI families in a manner that ensures at least 70 percent of the grant amount is expended for activities that benefit such persons.

To be eligible for consideration of funding, Units of General Local Government (UGLGs) must propose programs or projects that align with CDBG-DR and Departmental requirements and priorities as outlined in the Action Plan and the Consolidated Notice, including but not limited to those set forth below:

- Projects must demonstrate tie-back to Hurricane Sally (with the exception of mitigation activities funded by the CDBG-DR mitigation set-aside);
- Projects must not duplicate benefits;
- Projects must support LMI housing needs;
- Projects must primarily serve LMI populations; or
- Project must demonstrate an urgent need in the community.

5.1 Pre-Award and Pre-Construction Costs

HUD eligible pre-award and pre-construction costs may be eligible for reimbursement by the Department, provided that all HUD and applicable Florida procurement rules and regulations have been followed and the applicant can demonstrate proper procedure was followed.

5.2 Threshold and Scoring Criteria

The Department will apply a two-phased process to review applications. First, proposals must pass HUD CDBG-DR Threshold Compliance Criteria. Next, the Department will review and score each proposal based on Scoring Criteria. If a proposal does not meet any of the Threshold Criteria, the Department cannot proceed to score it for funding consideration. The maximum score for Scoring Criteria is 125 points.

5.2.1 CDBG-DR Threshold Compliance Criteria

Every project application must meet the following threshold criteria to be considered eligible:

- Projects must be considered as CDBG-DR Eligible Activities under Title I of the Housing and Community Development Act (HCDA) of 1974, as amended;
- Located within an eligible HUD or state designated MID area;
- Benefits an LMI area or addresses an urgent need;
- Is an eligible activity under HUD guidelines;
- Is an eligible activity under the State of Florida Hurricane Sally Action Plan; and
- Addresses an unmet need tied to damage caused by Hurricane Sally (unless considered an eligible mitigation activity funded by the CDBG-DR mitigation set-aside).

Projects must meet a CDBG-DR National Objective such as:

- Benefit LMI individuals; or
- Address an urgent need.

For more information see <https://files.hudexchange.info/resources/documents/Basically-CDBG-Chapter-21-CDBG-DR.pdf>.

See below for more detail on the range of subset eligible activities within the above noted category. For more information: <https://www.hudexchange.info/resources/documents/CDBG-Disaster-RecoveryOverview.pdf>.

6.0 Scoring Criteria

Once a proposal is determined to satisfy the CDBG-DR Threshold Compliance Criteria, the Department will apply scoring based on the following Scoring Criteria. The maximum Scoring Criteria score is 125. Scoring will focus on the following eight categories:

- Overall LMI Benefit (Percent LMI benefit of the activity)
- Stormwater Infrastructure (To include all storm water, potable water, drainage, and wastewater projects)
- Project Impact
- Homeless Shelters and Facilities Serving as Shelters During Disasters
- Management Capacity
- Special Designation
- Leverage of Funds
- Project Readiness

The following chart further defines each category and lists the maximum point allocation for each scoring category. In the event of a scoring tie, projects that have a higher LMI benefit or are located within HUD designated MID Areas will be considered first.

| | | Max Points |
|----|---|------------|
| 1. | Overall LMI Benefit (Percent LMI benefit of the activity): The LMI score will be determined on the service area the project serves, in order to calculate the LMI score. The applicant should provide their LMI data for the project service area in a percentage form. For example, if the service area LMI is 65%, the Department will multiply by 30 (the maximum amount of points) to receive the final LMI score of 19.5 points. | 30 |
| 2. | Stormwater Infrastructure: <ul style="list-style-type: none"> - All storm water, potable water, drainage, and wastewater projects: 20 points - Communication towers and/or communications equipment (emergency response and evacuation purposes): 10 points - Evacuation routes: 5 points | 20 |
| 3. | Project Impact: The impact of the project on the community should be significant with an emphasis on health and safety, including but not limited to: economic impact (businesses involved in design, engineering, and construction; creation of jobs; savings of economic losses attributable to service interruptions, e.g. industries dependent on clean water and waterways), community resiliency, etc. On a scale of 0 to 20, 0 points should be awarded to projects with little to no impact and up to 20 points can be awarded to projects that have a significant economic or health/safety community impact. | 20 |
| 4. | Homeless Shelters and Facilities Serving as Shelters During Disasters: An applicant can score a maximum of 15 points if the project either improves or repairs an existing homeless shelter or facility that also functions as a disaster shelter for the community. | 15 |
| 5. | Management Capacity: The local entity has the capacity to complete the project and the ability to perform required maintenance. | 10 |

Hurricane Sally Infrastructure Repair Program Guidelines

| | | |
|-----------------------------|--|------------|
| 6. | <p>Special Designation: An applicant can score a maximum of 10 points if the project:</p> <ul style="list-style-type: none"> - Is located in a Rural Economic Development Initiative (REDI) eligible county or community (see section 288.0656, F.S.): 5 points - Is located in an Area of State Critical Concern (see 380.05 F.S.): 5 points | 10 |
| 7. | <p>Leverage of Funds:</p> <ul style="list-style-type: none"> - CDBG-DR funds used as federal program local match: 5 points - CDBG-DR funds used along with leveraged funds from the applicant: 5 points | 10 |
| 8. | <p>Project readiness:</p> <ul style="list-style-type: none"> - Planning is complete and the project is ready to break ground after the completion of a required HUD compliant environmental review or assessment and funds are available: 10 points - Initial planning has been completed and the procurement process is ready to begin: 5 points | 10 |
| Total Maximum Score: | | 125 |

7.0 Eligibility

7.1 Eligible Counties

The following counties are eligible for CDBG-DR assistance under this application:

| Eligible Counties that Experienced Storm Damage | |
|---|-------------|
| Bay | Santa Rosa* |
| Escambia* | Walton |
| Okaloosa | |

* HUD-designated MID Counties

7.2 Eligible Applicants

Counties and municipalities, as defined in section 180.01, F.S., and state agencies, as defined in section 120.52, F.S., are potentially eligible applicants. Eligible applicants can partner with other applicants for regional projects. Eligible co-applicants, such as school districts, nonprofit and not for profit organizations, and non-governmental organizations may partner with a state agency, county, or municipality. However, the Department will maintain one Subrecipient Agreement and relationship with the eligible applicant. Applicants may only submit one project per application. Proposals for funding may only serve eligible counties and zip codes. The Department encourages eligible applicants to assemble teams that provide the necessary capacity to successfully administer the proposed CDBG-DR projects and programs. Some team options to consider are:

1. Leveraging the capacity of nonprofit and not for profit organizations who will serve as contractors to the subrecipient.
2. Sharing resources whereby a group of applicants apply as a region. For example: to achieve greater impact and efficiency, a group of applicants may apply as a region to manage a project with a regional impact. For regional applications, the Department requires that there be one lead designated applicant who will contractually serve as the subrecipient and be responsible for the management of the grant. The subrecipient acting as the lead cannot sub-grant funds to other local governments.
3. Eligible applicants can submit up to three project applications for a minimum of \$750,000 per project in the first round of available funding.

If allocated funds by the Department, applicants that are working as a group or in partnership with school districts, non-profits, not for profits, nongovernmental organizations, or other eligible applicant, an Interlocal Agreement or Memorandum of Understanding must be signed between the partnering entities prior to execution of the subrecipient agreement with the Department.

8.0 Subrecipient Awards

There is a minimum award of \$750,000 and a maximum award of \$67,000,000.

The contract length between the Department and eligible subrecipients will be 24 months with a possible 12-month extension.

All proposals must show how the project addressed unmet needs; avoids duplication of benefits; is cost reasonable; and avoids fraud, waste, and abuse. Please see: <https://www.hudexchange.info/resources/documents/CDBG-DR-Cost-Types-Summary.pdf> for HUD guidance on costs reasonableness standards.

9.0 Eligible Activities

To be eligible for consideration of funding, applicants must propose programs or projects that align with CDBG-DR and Departmental requirements and priorities as outlined in the Action Plan and the Consolidated Notice, including but not limited to those set forth below:

- Projects must demonstrate tie-back to Hurricane Sally, and may incorporate mitigation measures;
- Projects must not duplicate benefits;
- Projects must support LMI housing needs;
- Projects must primarily serve LMI populations; or
- Project must demonstrate an urgent need in the community.

9.1 Infrastructure Activities

- Restoration of infrastructure damaged by Hurricane Sally (such as water and sewer facilities, streets, removal of debris, drainage, bridges, etc.);
- Demolition and rehabilitation of publicly or privately owned commercial or industrial buildings;
- Renourishment of protective coastal dunes systems and state beaches;
- Repairs to damaged buildings that are essential to the health, safety, and welfare of a community when repairs to these buildings constitutes an urgent need (this can include police stations, fire stations, parks and recreational centers, community and senior centers, hospitals, clinics, homeless shelters, schools and educational facilities, and other public properties, including properties serving as emergency shelters); and
- Repairs to water lines and systems, sewer lines and systems, drainage, and flood mitigation systems.

**Note: If resiliency or mitigation measures as required in Federal Register Vol. 87, No. 23 are incorporated into the projects listed above, they may contribute to the 15 percent mitigation set-aside as described below.*

9.1.1 Infrastructure Activities Incorporating Mitigation Measures

Activities funded by the CDBG–DR mitigation set-aside do not require a “tie-back” to Hurricane Sally damage. Instead, grantees must demonstrate that activities funded by the CDBG–DR mitigation set-aside meet the definition of mitigation and the provisions outlined below.

To determine whether an activity qualifies as mitigation and counts toward the 15 percent mitigation set-aside, the Department will consider whether the activity fits the mitigation definition outlined in section IV.A.2 of Federal Register Vol. 87, No. 23. HUD defines mitigation as “those activities that increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters.” Infrastructure activities may meet the definition of mitigation if they will increase the resilience of Florida’s infrastructure so that it will be able to withstand the impacts of future wind and flood events and reduce the long-term risk of damage to infrastructure such as roads and bridges.

In addition, infrastructure activities incorporating mitigation measures must:

- Address the current and future risks identified in the mitigation risk assessment in the Department’s Action Plan;
- Be considered CDBG-eligible under Title I of the HCDA, or pursuant to a waiver or alternative requirement; and
- Meet a national objective.

Examples of mitigation measures that may be incorporated into Infrastructure activities to mitigate hazards may include, but are not limited to, the following:

- Development of mitigation standards, regulations, policies, and programs;
- Adherence to FEMA code+, statewide building code, and floodplain management regulations;
- Dam safety programs, seawalls, and levee systems;
- Acquisition of flood prone and environmentally-sensitive lands;
- Retrofitting/hardening/elevating structures and critical facilities;
- Relocation of structures, infrastructure, and facilities out of vulnerable areas; permanent relocation of public facilities located in in high-risk areas; appropriate relocation assistance and rebuilding in low-risk areas within the neighborhood or areas of opportunity;
- Enlarge a dam or levee beyond the original footprint of the structure that existed prior to the disaster event, after obtaining pre-approval from HUD and any federal agencies that HUD determines are necessary based on their involvement or potential involvement with the levee or dam;
- Public awareness/education campaigns; and
- Improvement of warning and evacuation systems.

9.2 Ineligible Activities

Ineligible activities identified in the Consolidated Notice include:

- The use of CDBG-DR funds for forced mortgage payoff;
- The use of CDBG-DR funds to provide compensation to beneficiaries for losses stemming from disaster-related impacts;
- Construction of a dam/levee beyond original footprint without obtaining pre-approval from HUD;
- Incentive payments to households that move to disaster-impacted floodplains;
- Assistance to privately-owned utilities;
- Failure to prioritize assistance to businesses that meet the definition of a small business; or
- Assistance for second homes and activities identified in 24 CFR 570.207.

Any activity that is not authorized under Section 105(a) of the HCDCA is ineligible to be assisted with CDBG-DR funds, unless explicitly allowed by waiver and alternative requirement in the Consolidated Notice.

9.3 Environmental Clearance

All CDBG-DR activities are to comply with the provisions of the National Environmental Policy Act of 1969 (NEPA), as well as all HUD environmental regulations provided in 24 CFR part 58. All subrecipients will be responsible for conducting the required environmental study and supplying the information to the Department for clearance. The environmental review must be completed and approved prior to any funds being disbursed for the project or construction commencing. If an identified environmental condition cannot be cleared, the project may be deemed ineligible for funding.

10.0 CDBG-DR Compliance

All applicants with proposals approved for CDBG-DR funds under this application must execute a subrecipient agreement with the Department which will specify all terms and conditions for successful program and/or project and compliance management of a grant. The subrecipient agreement will include, but is not limited to, the following topics:

10.1 National Objectives

All activities must meet one of the national objectives set out in the HCDA, with at least 70 percent of the dollars going towards projects benefiting LMI persons. In the Rebuild Florida IRP, the two National Objectives that will be addressed are:

- Benefit LMI persons; or
- Meet an urgent need.

Pursuant to the Consolidated Notice, the Urgent Need national objective criteria in section 104(b)(3) of the HCDA is waived and an alternative requirement has been established for any CDBG-DR grantee using the Urgent Need national objective. This alternative Urgent Need national objective is in effect for a period of 36 months following the applicability date of the specified disaster's AAN. After 36 months, the Department will be required to follow the criteria established in section 104(b)(3) of the HCDA and its implementing regulations in 24 CFR part 570 when using the Urgent Need national objective for any new programs and/or activities added to an action plan.

Pursuant to this alternative requirement, in order to use the Urgent Need national objective, the Department must:

1. Describe in the impact and unmet needs assessment why specific needs have a particular urgency, including how the existing conditions pose a serious and immediate threat to the health or welfare of the community;
2. Identify each program or activity in the Action Plan that will use the Urgent Need national objective—either through its initial Action Plan submission or through a substantial amendment submitted by the grantee within 36 months of the applicability date of the grantee's AAN; and
3. Document how each program and/or activity funded under the Urgent Need national objective in the Action Plan responds to the urgency, type, scale, and location of the disaster-related impact as described in the grantee's impact and unmet needs assessment.

The Department will prioritize LMI as the national objective for Infrastructure projects. The Urgent Need national objective will only be used if the project does not meet LMI benefit but is needed to alleviate emergency conditions. If using Urgent Need as a national objective, the subrecipient will provide the Department written justification in the form of a written Urgent Need narrative to certify the urgency of the condition. In addition, in the case that a subrecipient is using the Urgent Need national objective, the subrecipient must document how each program and/or activity responds to the urgency, type, scale, and location of the Hurricane Sally-related impact; this documentation must tie back to an impact identified in the unmet needs portion of the Hurricane Sally Action Plan for Disaster Recovery. In order to show sufficient tie-back and describe the urgency of the need, the Department will amend the Action Plan using the justification provided by the subrecipient to include in the unmet needs assessment the project identified as having a need with a particular urgency. A project using the Urgent Need national objective will not be approved until the Action Plan has been amended and approved by HUD.

10.2 Cross-Cutting Federal Regulations

The Department requires projects or programs selected for CDBG-DR funding to meet HUD crosscutting federal regulations, such as NEPA environmental review, duplication of benefits, fair housing, Section 3 employment,

Davis-Bacon wages, and others which will be specified in the subrecipient funding agreement. For more information please see: <https://www.hudexchange.info/resources/documents/CDBG-DR-Cross-CuttingTraining-Resources.pdf>

10.3 Citizen Participation Requirements

All applicants must submit evidence of a publicly noticed meeting or public comment period to discuss the proposed project and application for the Rebuild Florida IRP. Counties eligible to receive funds must consider the needs of all municipalities (and federally recognized tribes) within the incorporated and unincorporated area of the county (and reservations contiguous to the county).

Due to the impacts of COVID-19, the Department is allowing applicants to receive public input on their IRP application by the following meeting formats:

1. Posting information about the project online: An applicant posts the information about the project and the program to its public website and allows for a 14-day public comment period. Please submit a copy of the post and any public comments to the Department as part of the application. In choosing this option for public comment, the entity will still need to follow proper public noticing guidelines such as advertising the posting in a newspaper of general circulation for five days.
2. Virtual public meetings: An applicant would need to supply the same documentation that would normally be required to demonstrate if a meeting was held, including minutes and a public meeting notice.

Evidence of public meeting with city and tribal governments must meet the following requirements:

- Notice of the public meeting must be provided at least five days prior to the meeting.
- Documentation of the meeting must include sign-in sheets and minutes.

Prior to submitting an application for CDBG-DR funding, applicants are required to post a public notice in a newspaper of general circulation and to their website that states the types of projects to be undertaken, the source and amount of funding available for the activities, the date by which comments must be made, and a contact person for a copy of the proposed application. Applicants must provide for a 10-day comment period, which must be published prior to the submission of the application.

Evidence of the public notice must meet the following requirements:

- Documentation of newspaper advertisement.
- Print-out of county webpage showing public notice.
- Documentation that the needs of non-English speaking citizens have been met where a significant number of non-English speaking citizens can be reasonably expected to participate. In this case, documentation will need to be translated into Spanish.

10.4 Use of CDBG-DR as Match

Funds may be used to meet a matching, share, or contribution requirement for another federal program when used to carry out an eligible CDBG-DR activity. This includes programs or activities administered by the Federal Emergency Management Agency (FEMA) or the U.S. Army Corps of Engineers (USACE). By law, the amount of CDBG-DR funds that may be contributed to a USACE project is \$250,000 or less. Note that the Appropriations Act prohibits supplanting the use of CDBG-DR funds for any activity reimbursable by, or for which funds are also made available, by FEMA or USACE.

The IRP will not consider applications at this time for projects seeking funding for FEMA HMGP. The Rebuild Florida team will be working with the Florida Division of Emergency Management on a subsequent program to help fund the local portion of the match for eligible CDBG-DR projects.

10.5 System of Record and Compliance Verifications

The Department will provide a CDBG-DR System of Record that will serve as the repository for all program and project compliance documentation to satisfy monitoring and audit requirements. In addition, the System of Record will enable the Department to review document files and conduct Duplication of Benefits, Verification of Benefits, and related verifications required to comply with CDBG-DR regulations. Subrecipient awardees are required to assemble and review all compliance documentation and upload them to the System of Record in an orderly manner. The Department will provide training to subrecipients on how to manage their CDBG-DR programs and projects with the new System of Record.

10.6 Cost Reasonable

The Department seeks to balance the HUD requirement that all projects meet the standard of cost reasonable with providing sufficient funding to address unmet storm recovery and resilience needs. Therefore, applicants in their submissions must provide evidence for how their programs and proposals will meet cost reasonableness.

The Department and its subrecipients must demonstrate cost-effective practices by:

1. Addressing a problem caused by Hurricane Sally that poses a significant risk to public health or safety if left unresolved;
2. Ensuring that total project cost will not exceed the anticipated value of the of the reduction in both direct damages and subsequent negative impacts to the area if future disaster were to occur;
3. Demonstrating that the project has been determined to be the most practical effective, and environmentally-sound alternative after consideration of a range of options;
4. Demonstrating that the project contributes, to the extent practicable, to a long-term solution to the problem it is intended to address; and
5. Demonstrating that the project considers long-term changes to the areas and entities it protects and has manageable future maintenance and modifications requirements.

11.0 Anti-Fraud, Waste, and Abuse

Rebuild Florida constituents, employees, and contractors may report suspected fraud, waste, or abuse by contacting Constituent Management Services staff, submitting information via the Report Fraud, Waste, and Abuse online form (<http://FloridaJobs.org/rebuildflorida/report>);(all contact information fields are optional to allow for anonymity) or by sending an e-mail to CDBG-DR_antifraudwasteabuse@DEO.myflorida.com.

All suspected cases of fraud will be taken seriously, and complaints will be reported to OLTR's Compliance and Reporting Manager and the Department's Office of the Inspector General (OIG) at OIG@DEO.myflorida.com. If the Department's OIG determines that it is appropriate, it will coordinate its investigation with agencies such as the Florida Office of the Inspector General, the Florida Office of the Attorney General, or the Florida Department of Business and Professional Regulation.

All substantiated cases of fraud, waste, or abuse of government funds will be forwarded to the United States Department of Housing and Urban Development (HUD), Office of Inspector General (OIG) Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov) and the Department's HUD Community Planning and Development (CPD) Representative. *OLTR must provide a timely response within 15 working days of the receipt of a complaint, as stated in the Consolidated Notice.*

Office of Long-Term Resiliency's comprehensive Anti-Fraud, Waste, and Abuse Policy can be found [here](#).

12.0 CDBG-DR Costs Guidance

Applicants in their budget proposals must include all costs related to the construction and ongoing, necessary maintenance of the infrastructure project.

The Department will apply the following standards in the analysis and ongoing compliance review of allowable costs. Please see <https://files.hudexchange.info/resources/documents/CDBG-DR-Cost-Types-Summary.pdf> for HUD guidance.

As outlined in **2 CFR 200 Subpart E**, all costs must meet four criteria:

- **Necessary:** CDBG-DR funding will fill a necessary gap to address an unmet need that cannot be filled by another funding source. This is demonstrated by conducting a duplication of benefits analysis and calculation for each activity.
- **Reasonable:** Costs do not exceed what a prudent person would incur under similar circumstances as demonstrated by the market price for comparable goods and services.
- **Allowable:** Costs must be allowable under CDBG-DR rules and regulations and under 2 CFR 200 Subpart E. Some costs such as lobbying, entertainment, and alcohol are never allowed under any circumstances.
- **Allocable:** Costs must be clearly allocated, meaning the cost is assigned to a CDBG eligible activity with a methodology for determining where to attribute cost.

Activity Delivery Costs must be tied to the time staff and contractors dedicate to a specific project. Applicants must show how the proposed Activity Delivery Costs are or will be cost reasonable through procurement of professional services and/or cost of in-house staff to provide program or project related services. All Activity Delivery Costs must be included as part of the total project costs in a request for CDBG-DR funding. Please include a cost reasonable estimate for all administrative costs associated with the proposed project.

13.0 Application Procedures

NOTE: The application submission cycle will officially open on January 18, 2023, and close on April 14, 2023. The Department will take questions about the IRP throughout the application process. Please email any questions regarding the application to CDBG-DRInfrastructureApp@DEO.myflorida.com.

1. All eligible applicants are invited to visit the Hurricane Sally Rebuild Florida Infrastructure Program webpage and click on “Online Application” found at the following link: <https://FloridaJobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative/hurricane-sally/rebuild-florida-hurricane-sally-infrastructure-repair-program>
2. The applicant will then be prompted to provide contact information and an email address. Once registered, the applicant will receive an individualized application link via the provided email.
3. All eligible applicants will be expected to complete and submit all required attachments to the application which are listed below. The Department may request additional supporting documents during the application review period and site visit period.
 - A. Cover letter detailing the project and the importance to the community that the project will serve.
 - B. Project budget estimates. Please include all estimates for administration of the grant in the budget. If an applicant is attempting to leverage funds from another program or is committing additional local funds, please clearly list these funds on the budget worksheet.
 - C. Projected project work plan, including which segments of the project are expected to be carried out by contractors or applicant staff.
 - D. Organization Chart or Schedule of Team Roles, such as staff, contractor, vendor, and community partners illustrating their roles and responsibilities as it relates to the proposed project.
 - E. Public Meeting Notice, which includes meeting agenda, meeting minutes, and any received public comments pertaining to the proposed project.
4. Service area maps illustrating the following:
 - A. Total service area;
 - B. LMI service area; and
 - C. Most recent flood plain map of the service area.
5. Pictures of damage caused by Hurricane Sally and the current condition. Applicants will have the ability to upload up to 10 pictures of the damage caused to the project/project area and the current conditions of the project/project area.
6. The Department will score each proposed project separately based on information provided in the application packet. The Department reserves the option to fund none, a selection of, or all the project proposed by an applicant.
7. The Department will conduct site visits and reserves the opportunity to interview applicants and request follow-up clarification information.
8. If an applicant is planning to submit more than one project proposal, please fill out a different application packet for each of the proposed project.

13.1 Technical Assistance for the Application Process

The Department will host a live webinar to provide an overview of the application process and answer questions. The Department will also hold 20-minute one-on-one meetings with potential applicants to discuss any questions that may arise during the application process beginning after the live webinar.

Please email any questions to CDBG-DRInfrastructureApp@DEO.myflorida.com.