

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
NOVEMBER 09, 2021 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Best. Pledge of Allegiance.
2. Roll Call.
3. Request and Petition of Citizens.

Consent Agenda

4. Consider Approving a Proclamation for Community Relations Day.
5. Consider Adopting a Resolution to Close Specific Streets for the Craven County Jaycees 2021 Christmas Parade.
6. Approve Minutes.

7. Presentation by Religious Community Services.
8. Conduct a Public Hearing on the Rezoning of 4416 US Highway 17 South; and
 - a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and
 - b) Consider Adopting an Ordinance to Rezone 4416 US Highway 17 South from R-10 Residential District to C-3 Commercial District.
9. Consider Adopting a Resolution Authorizing the Addition of Streetlights on Colony Drive.
10. Consider Adopting a Resolution Approving the NBAMPO 5303 Grant Contract with the NC Department of Transportation.
11. Consider Adopting a Resolution Approving a License Agreement with Woods Hole Group for NOAA Monitoring Equipment at the Broad Street Terminus.
12. Consider Adopting a Resolution Authorizing the Submission of a Grant Application to the Building Resilient Infrastructure and Communities Program for the Duffyfield Canal Restoration Project Scoping, Capability and Capacity-Building Activity.

13. Consider Adopting a Resolution Authorizing the Submission of a Grant Application to the Building Resilient Infrastructure and Communities Program for the Resilient Utilities Infrastructure – Electric Substation Project/Mitigation Project.
14. Consider Adopting a Resolution Authorizing the Submission of a Grant Application to the Building Resilient Infrastructure and Communities Program for the Duffyfield Community Stormwater Enhancement Mitigation Project.
15. Consider Adopting a Resolution to Approve Amendment No. 4 to the Owner-Engineer Agreement with Rivers and Associates, Inc. for the Township No. 7 Sewer Improvements Phase III Project.
16. Consider Adopting an Ordinance Amending the Township 7 Sewer Improvements Project Fund.
17. Consider Adopting a Budget Ordinance Amendment for FY2021-2022.
18. Consider Adopting an Ordinance to Amend Chapter 74 “Utilities” to Establish Article VI – Cross-Connection Control.
19. Consider Adopting an Ordinance to Amend Chapter 70 “Traffic and Vehicles” of the Code of Ordinances.
20. Appointment(s).
21. Attorney’s Report.
22. City Manager’s Report.
23. New Business.
24. Closed Session.
25. Adjourn.

INDIVIDUALS WITH DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL
639-7501 NO LATER THAN 3 P.M. THE DATE OF THE MEETING

Aldermen

Sabrina Bengel
Jameesha Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129
New Bern, NC 28563-1129
(252) 636-4000

Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

Memo to: Mayor and Board of Aldermen
From: Foster Hughes, City Manager
Date: November 5, 2021
Re: November 9, 2021 Agenda Explanations

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Best. Pledge of Allegiance.**
- 2. Roll Call.**
- 3. Request and Petition of Citizens.**

This section of the agenda is titled Requests and Petitions of Citizens. This is an opportunity for public comment, and we thank you for coming to the Board of Aldermen meeting tonight to share your views. We value all citizen input.

Speaker comments are limited to a maximum of 4 minutes during the public comment period. At the conclusion of 4 minutes, each speaker shall leave the podium. Comments will be directed to the full board, not to an individual board member or staff member. Although the board is interested in hearing your comments, speakers should not expect any comments, action, or deliberation from the board on any issue raised during the public comment period.

In the board's discretion, it may refer issues to the appropriate city officials or staff for further investigation. If an organized group is present to speak on a common issue, please designate one person to present the group's comment, which shall be limited to a maximum of 4 minutes.

Consent Agenda

4. Consider Approving a Proclamation for Community Relations Day.

Maria Cho, on behalf of the Redevelopment Commission's Health and Wellness working group, has requested a proclamation to establish a Community Relations Day. The observance of this day will be held annually on the third Saturday of November. Its purpose is to honor leaders from within the community and express appreciation to those who work hard to make a difference in the Greater Duffyfield area.

5. Consider Adopting a Resolution to Close Specific Streets for the Craven County Jaycees 2021 Christmas Parade.

(Ward 1) The Craven County Jaycees' annual Christmas parade is scheduled for Saturday, December 4, 2021. David Ricks, the event coordinator, has requested that the 400-800 blocks of George Street, 300-600 blocks of Broad Street, and the 200-300 blocks of Craven Street be closed to vehicular traffic from 1 p.m. until 5 p.m. on December 4, 2021. He also requested that the southside (eastbound lane) of Broad Street be closed to parking from 12 a.m. until the conclusion of the parade. A memo from Kari Warren, Interim Director of Parks and Recreation, is attached.

6. Approve Minutes.

Minutes from the October 26, 2021 special and regular meetings are provided for review and approval.

7. Presentation by Religious Community Services.

Zeb Hough, Executive Director of Religious Community Services ("RCS"), will provide a presentation to review the services offered by the organization.

8. Conduct a Public Hearing on the Rezoning of 4416 US Highway 17 South; and a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and b) Consider Adopting an Ordinance to Rezone 4416 US Highway 17 South from R-10 Residential District to C-3 Commercial District.

(ETJ) Corey Thomas requested to rezone a 0.46-acre parcel from R-10 Residential to C-3 Commercial. The parcel is in the extraterritorial jurisdiction west of the Rocky Run area and is identified as 4416 US Highway 17 South and Craven County Tax Parcel ID 8-206-028. The Planning and Zoning Board ("P&Z") unanimously approved the application at its October 5, 2021 meeting. There were no public comments offered to P&Z at that meeting. After conducting a public hearing, the Board is asked to consider adopting a statement of zoning consistency or inconsistency. If a statement of zoning consistency is approved, then the Board

will need to consider an ordinance to rezone the property. A memo from Jeff Ruggieri, Director of Development Services, is attached.

9. Consider Adopting a Resolution Authorizing the Addition of Streetlights on Colony Drive.

(Ward 4) Alderman Kinsey requested additional streetlighting on a portion of Colony Drive to Racetrack Road. Staff evaluated the request and determined the area does not meet the City's light standard and recommended the addition of two streetlights. The installation of the lights will cost \$4,028.14, and the monthly utility charge for service will be \$32.54. A memo from Charles Bauschard, Director of Public Utilities, is attached along with other supporting documentation.

10. Consider Adopting a Resolution Approving the NBAMPO 5303 Grant Contract with the NC Department of Transportation.

On behalf of the New Bern Area Metropolitan Planning Organization, the City has been identified as the direct recipient of Section 5303 Federal Transit Administration Urban Planning Funds. These funds are managed by NCDOT's Public Transportation Division. To receive the funds, the Board of Aldermen must adopt a resolution authorizing the City Manager to sign a grant agreement with NCDOT. The total allocation for FY2021-22 is \$25,000, which reflects a Federal and State share of \$22,500 and a local share of \$2,500. The local share will be provided by the jurisdictions participating in the New Bern Area MPO as follows: New Bern \$1,387.00; River Bend \$148.50; Trent Woods \$203.50; Bridgeton \$21.00; and Craven County \$740.00. A memo from Kim Maxey, MPO Administrator, is attached.

11. Consider Adopting a Resolution Approving a License Agreement with Woods Hole Group for NOAA Monitoring Equipment at the Broad Street Terminus.

(Ward 1) Woods Hole Group is seeking a license agreement to temporarily install and attach National Oceanic and Atmospheric Administration ("NOAA") equipment at the Broad Street terminus. This equipment will be utilized to monitor the water levels of the Neuse River. The license agreement will terminate at midnight on May 31, 2022.

12. Consider Adopting a Resolution Authorizing the Submission of a Grant Application to the Building Resilient Infrastructure and Communities Program for the Duffyfield Canal Restoration Project Scoping, Capability and Capacity-Building Activity.

(Wards 2 and 5) Staff is seeking authorization to submit a grant application to the Building Resilient Infrastructure and Communities ("BRIC") program administered by FEMA. If awarded, the grant funds would be used to perform project scoping activities relative to the development and analysis of a hydrologic and hydraulic model to collect topographic survey data and rainfall prediction information needed to develop a model of the canal and associated drainage information. The model

would then be analyzed to ascertain the feasibility and effectiveness of various flood mitigation strategies and to develop conceptual plans. This will be helpful in developing a phase construction and restoration plan for the Duffyfield Canal and surrounding areas. The total cost of the scoping project is \$200,000. Grant funds would cover \$140,000 with a \$60,000 match consisting of cash, donated, or third-party in-kind services, materials, or a combination thereof. A memo from Amanda Ohlensehlen, Community and Economic Development Manager, is attached.

13. Consider Adopting a Resolution Authorizing the Submission of a Grant Application to the Building Resilient Infrastructure and Communities Program for the Resilient Utilities Infrastructure – Electric Substation Project/Mitigation Project.

(Wards 2 and 5) Similar to the previous item, staff is seeking authorization to submit a grant application to the BRIC program administered by FEMA. If awarded, the grant funds would be used to construct a new electrical substation strategically located to ensure a reliable and resilient distribution of power and to replace an aged transformer at the Trent Road substation. The total project cost is \$6,000,000, which would be covered by \$4,200,000 in grant funds and a City match of \$1,800,000 which could be cash, donated, or third-party in-kind services, materials, or a combination thereof. A memo from Mrs. Ohlensehlen is attached.

14. Consider Adopting a Resolution Authorizing the Submission of a Grant Application to the Building Resilient Infrastructure and Communities Program for the Duffyfield Community Stormwater Enhancement Mitigation Project.

(Wards 2 and 5) Again, this is like the previous two items. Staff is seeking authorization to submit a grant application to the BRIC program to assist with phases of the Duffyfield Community Stormwater Enhancement Project. The project is intended to reduce the risk of flooding, while also improving water quality. Phases II-III of the project include a series of interconnected stormwater wetland areas constructed on existing city-owned vacant parcels, some of which were acquired through FEMA buyout programs. Phase IV will include the development of a stormwater park with a series of trails and recreational opportunities for the community. The total costs for phases II-IV are \$4,964,500. Grant funds of \$3,475,150 will be sought to complete the engineering, design, and construction of these three phases. A City match of \$1,489,350 will be required and may consist of cash, donated, or third-party in-kind services, materials, or any combination thereof. A memo from Mrs. Ohlensehlen is attached.

15. Consider Adopting a Resolution to Approve Amendment No. 4 to the Owner-Engineer Agreement with Rivers and Associates, Inc. for the Township No. 7 Sewer Improvements Phase III Project.

The Township No. 7 Sewer Improvements Phase III project will meet the needs of the City's sewer system south of the Trent River. The project will also relocate a sewer pump station that is currently on the bank of Lawson Creek. The engineering

design has been completed, and the permitting phase is concluding. The project is scheduled to be bid by the end of the year with construction beginning in early 2022. As the project moves into the bidding and construction phases, additional professional services will be required for issuance of bidding addenda, construction contract administration, coordinating with permitting agencies, and preparation of final drawings for the project. Rivers and Associates has estimated a price of \$123,000 for completion of the work that was not included in the original project scope. To have the engineering support necessary for the next phases of the project, staff recommends approving Engineering Amendment No. 4 with Rivers and Associates for these additional costs and services. A memo from Jordan Hughes, City Engineer, is attached.

16. Consider Adopting an Ordinance Amending the Township 7 Sewer Improvements Project Fund.

Relative to the previous item, this budget ordinance amendment will increase the Township 7 Sewer Project by \$172,223. Funds will be appropriated from Sewer Fund's fund balance to cover the \$123,000 in additional engineering fees, \$14,223 for current obligations that exceed the original budgeted amount, and \$35,000 to cover easement acquisitions. A memo from Kim Ostrom, Interim Director of Finance, is attached.

17. Consider Adopting a Budget Ordinance Amendment for FY2021-2022.

The Fiscal Year 2021-22 operating budget will be amended to appropriate \$98,000 from the Water Fund's fund balance to cover an 18-year-old dump truck that was scheduled for replacement next fiscal year, but needs replacement now. The Sewer Fund will appropriate \$172,223 from fund balance for the Township 7 Sewer improvements, and the Grants Fund will recognize \$12,504.99 received from the Patrick Leahy Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance. This grant requires an equal match in funds, which was budgeted in the FY2021-22 operating budget. Additionally, grant funds of \$65,000 will be recognized from the Homeland Security Grant through NC Emergency Management for a Prime Mover. This grant does not require a match. A memo from Mrs. Ostrom is attached.

18. Consider Adopting an Ordinance to Amend Chapter 74 "Utilities" to Establish Article VI – Cross-Connection Control.

The NC Department of Environmental Quality updated the requirements for cross connection control programs for North Carolina public water systems, and cities are required to adopt a more formal program. This year's budget reclassified an existing position to that of a Cross Connection Control Coordinator, who will be responsible for initiating the program and ensuring the City is operating in compliance with State statutes. Over the past several months, the Cross Connection Control Coordinator, City Engineer, and City Attorney have worked to draft an ordinance that will conform with the State's new requirements, and which

will establish and be the foundation for the City's cross connection control program moving forward. A memo from Jordan Hughes, City Engineer, is attached.

19. Consider Adopting an Ordinance to Amend Chapter 70 "Traffic and Vehicles" of the Code of Ordinances.

(Wards 3 and 5) The City recently accepted ownership and maintenance of Downey Drive and Watercrest Loop. It is necessary to amend Chapter 70 to establish the location of stop signs on these streets. A memo from George Chiles, Interim Director of Public Works, is attached.

20. Appointment(s).

Lindsay Best has moved outside of the city limits of New Bern. Therefore, she is ineligible to continue serving on the Community Development Advisory Committee. Alderman Odham is asked to make a new appointment to finish out her term, which will expire on June 30, 2024.

21. Attorney's Report.

22. City Manager's Report.

23. New Business.

24. Closed Session.

25. Adjourn.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Approving a Proclamation for Community Relations Day

Date of Meeting: 11/09/21	Ward # if applicable:
Department: City Clerk	Person Submitting Item: Brenda Blanco
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	The Redevelopment Commission has requested that the third Saturday of November be declared Community Relations Day.
Actions Needed by Board:	Consider approving proclamation
Backup Attached:	Proclamation

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input type="checkbox"/> No

Cost of Agenda Item:
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:

Aldermen

Sabrina Bengel
Jameesha Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham



Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

Memorandum

TO: Mayor and Board of Aldermen

FROM: Brenda Blanco, City Clerk

DATE: October 29, 2021

SUBJECT: Proclamation for Community Relations Day

Maria Cho, on behalf of the Redevelopment Commission's Health and Wellness working group, has requested a proclamation to establish Community Relations Day. The observance of this day will be held annually on the third Saturday of November. Its purpose is to honor leaders from within the community and express appreciation to those who work hard to make a difference in the Greater Duffyfield area.

/beb



MAYOR'S OFFICE P R O C L A M A T I O N

WHEREAS, the spirit of community is alive and well in the Greater Duffyfield area; this community is fortunate to have leaders who help educate, motivate, activate and inspire others, thus making a real difference and enriching the lives of those within the community; and

WHEREAS, grassroots leadership is necessary for sustainable community development; and

WHEREAS, it is the desire of the City of New Bern to express its appreciation to those who continuously work hard to make a difference in the Greater Duffyfield area; the City, area citizens, and community stakeholders are gathering for a "**Community Relations Day**" to honor essential leaders while providing the opportunity for meaningful engagement with residents.

WHEREAS, grassroots leaders have been essential resources for the Greater Duffyfield community, and it's important for the community to take the time to say "thank you" for all of their efforts.

NOW, THEREFORE, I, Dana E. Outlaw, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen, do hereby proclaim all cities rely upon grassroots leadership and recognize the importance of those who give of their time, talent and treasure to make our communities a better place, and I hereby acknowledge

COMMUNITY RELATIONS DAY

is to be observed in New Bern every third Saturday in November.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this the 9th day of November in the year of our Lord Two Thousand and Twenty-One.



Dana E. Outlaw, Mayor

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to close streets for Craven County Jaycees Christmas Parade.

Date of Meeting: 11/9/2021	Ward # if applicable: Ward 1
Department: Parks & Recreation	Person Submitting Item: Kari Warren, Interim Director of Parks & Recreation
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Craven County Jaycees has requested to close the 400-800 blocks of George Street, 300-600 blocks of Broad Street, and the 200-300 blocks of Craven Street to vehicle traffic for Craven County Jaycees Christmas Parade from 1:00 p.m. until 5:00 p.m., along with the south side (eastbound lane) of Broad Street closed to parking from 12:00 a.m. until the conclusion of the parade on December 4, 2021.
Actions Needed by Board:	Adopt the Resolution
Backup Attached:	Resolution – Memo – Application - Map

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: N/A
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Additional Notes: N/A

Aldermen
Sabrina Bengel
Jameesha Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129
New Bern, NC 28563-1129
(252) 636-4000

Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

Memo To: Mayor and Board of Aldermen
From: Kari Warren, CPRP *hw*
Interim Director of Parks & Recreation
Re: Street Closures for Craven County Jaycees Christmas Parade.

Background Information:

Craven County Jaycees has requested to close the 400-800 blocks of George Street, 300-600 blocks of Broad Street, and the 200-300 blocks of Craven Street to vehicle traffic for Craven County Jaycees Christmas Parade from 1:00 p.m. until 5:00 p.m., along with the south side (eastbound lane) of Broad Street closed to parking from 12:00 a.m. until the conclusion of the parade on December 4, 2021.

Recommendation:

Parks and Recreation staff recommends approval and request the Board adopt a Resolution approving the request.

If you have any questions concerning this matter, please call.

RESOLUTION

THAT WHEREAS, Craven County Jaycees has scheduled their annual Christmas Parade and has requested that specific streets be closed to vehicular traffic from 1:00 p.m. to 5:00 p.m. on Saturday, December 4, 2021, for the parade. Those streets are the 400-800 blocks of George Street, 300-600 blocks of Broad Street, 200-300 blocks of Craven Street, along with the south side (eastbound lane) of Broad Street closed to parking from 12:00 a.m. until the conclusion of the parade; and

WHEREAS, the Interim Director of Parks and Recreation of the City of New Bern recommends the streets be closed as requested.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the 400-800 blocks of George Street, 300-600 blocks of Broad Street, and 200-300 blocks of Craven Street be closed to vehicular traffic from 1:00 p.m. until 5:00 p.m., on December 4, 2021, and that the south side (eastbound lane) of Broad Street closed to parking from 12:00 a.m. until the conclusion of the Christmas Parade.

ADOPTED THIS 9th DAY OF NOVEMBER 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



Sat. Dec. 4, 21

CITY OF NEW BERN

APPLICATION FOR PUBLIC ASSEMBLY, PARADE & SPECIAL EVENTS IN CITY PARKS

This application is hereby made for a permit to hold a Public Assembly and/or Parade as described in the City of New Bern Code of Ordinances (Sec. 66-85; 66-86; and 66-87) – Public Assemblies and Parades. This application along with attachments must be presented at least 60 days prior to the event date.

Festival – A concert, fair, festival, exhibit, athletic event, promotion, community event, block party, or similar event.

Parade – A march, ceremony, pageant, procession or other similar activities consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street.

Public Assembly – A festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; or a festival in any city-controlled park.

Name of Event/Activity: Craven Jaycees/New Bern Christmas Parade

Organization Name: Craven County Jaycees

Responsible Contact: David Ricks

Address: PO Box 3471

City: New Bern State: NC Zip code: 28564

Phone: 252-634-7349 Alternate Phone: 252-636-0303

Email: cravenjaycees@embarqmail.com

Type of Event: ☐ Demonstration ☐ Festival ☒ Parade

Date of Event: December 4, 2021

Proposed Rain Date: _____

Event Set up time: 1:00pm

Event Tear Down Completed Time: 5:00pm

Event Start Time: 3:00pm

Event End Time: 5:00pm

What is the specific location and/or route of the proposed event? (Attach additional information if needed)

Staging at Kafer Park/George Street - proceed to make a left on Broad, right onto Craven, ending at Front

Note: A detailed map of the proposed route as well as a specific list of streets is required. The specific location of the Public Assembly must include the aerial overview with location marked. **Festivals/Events require detailed aerial map with complete layout.**

What is the purpose of this event? Please be detailed in your description - (Attach additional information if needed)
2021 Christmas Celebration

Estimated attendance: 750; Attendance not to exceed: 1000

*Note: If more than 1,000 in attendance is expected 1) **Proof of Crowd Manager Training Certification is required.** Training is available at the following link: http://www.newbernnc.gov/departments/fire_department/crowd_manager_training.php 2) **Public Safety Plan is required.** Information must be submitted with application. For additional info, please contact the Fire Marshall at 252-639-2931.

Tents # _____ Sizes _____ Provide additional info as needed (Note: Tents 700 sq. ft. or bigger must be inspected by Fire Marshall.)

How will you handle trash generated from the event?

We are requesting # 0 trash cans.

☐ We will provide our own bags & dispose of any trash generated ourselves.

☐ We request that City Staff dispose of all trash generated. We understand additional fees will be charged for this service, including the cost of labor, and materials (bags, etc.) used.

City Sponsor

Street Closing

Are you requesting any City of New Bern Street Closures?

☒ Yes*

☐ No

*Any street closures require approval of the Board of Aldermen. Street closures must be received **at least 60 days in advance** for consideration. Street closures require barricades. A fee of \$5.00 per barricade must be paid 48 business hours prior to the event.

*What Street(s) are you requesting to close? Be specific: Parts of George, Broad, and Craven

Are you requesting any State Road or Bridge closures?

☐ Yes*

☒ No

*If yes, a 90 day notice and application is required by the NCDOT for in order to consider state roads or bridges. For additional information, please call NCDOT Office at 252-439-2816. The State Road/Bridge Closure permit must be attached to this application.

If this event includes the use of floats, vehicles, placards, loud speakers, or mechanical devices of any type, please provide a detailed explanation of their use, purpose and number. _____

Will Inflatables or other Play features be part of this event?

☐ Yes

☒ No (Additional insurance may be required)

Will Food Vendors or Commercial/Non-Profit vendors be part of this event? ☐ Yes ☒ No

(If you answered YES, Additional Fees apply. A detailed list of all vendors is required.)

The following items are required and must be attached **at the time of Application**:

☒ A detailed map – including the location, route with beginning and ending point and street names included.

☒ Petition of Signatures – of business/residents affected – If roads are closed.

The following items are required **within two (2) business days of the event or event shall be cancelled**:

☐ Certificate of Insurance – Listing the City of New Bern, PO Box 1129, New Bern, NC as "Additional Insured".

☐ List of all food/commercial/non-profit vendors.

☐ Payment in full of applicable fees and charges.

I attest that I am authorized on behalf of this group/organization to request the permit for the activities prescribed herein. I understand that this application must be submitted with full details and attachments. I understand that additional fees and charges may be incurred. Those charges include set-up tear down time for staff, rental of barricades, Public Safety, Trash collection, damages, etc. I further understand that failure to provide the requested information within the specified timelines shall result in application being denied. I agree to indemnify and hold harmless the City of New Bern, its departments, agents, employees, officials and volunteers for any injury, illness or damage to person or property during this activity.

The following items must be submitted with Application:

- ☐ Completed & Signed Application
- ☐ Detailed maps of parade route and/or festival layout
- ☐ Petition of signatures (if road closure is requested)
- ☐ Proof of Crowd Manager training & Public Safety Plan (if attendance is 1,000 or more)

David J. R.

Authorized Signature

10-19-21

Date

All documents have been provided and this application is recommended for approval

V. Mutticks

Administrative Support Supervisor

10/27/21

Date

This application has been approved.

Interim
Director of Parks & Recreation

Date

Total Anticipated Charges

Barricades: # _____

\$ _____

Trash Collection:

\$ _____

City Staff: # _____

\$ _____

Vendor Fees # _____

\$ _____

Park/Facility Rental:

\$ _____

Total Due:

\$

• ☐ Have HOA's been notified? ☐ Yes ☐ No Spoke with: _____

• ☐ Approved by Department

Date: _____

Staff Initials: _____

• ☐ Submitted for Board Approval

Date: _____

Staff Initials: _____

• ☐ All Paperwork collected

Date: _____

Staff Initials: _____

• ☐ All fees collected \$ _____

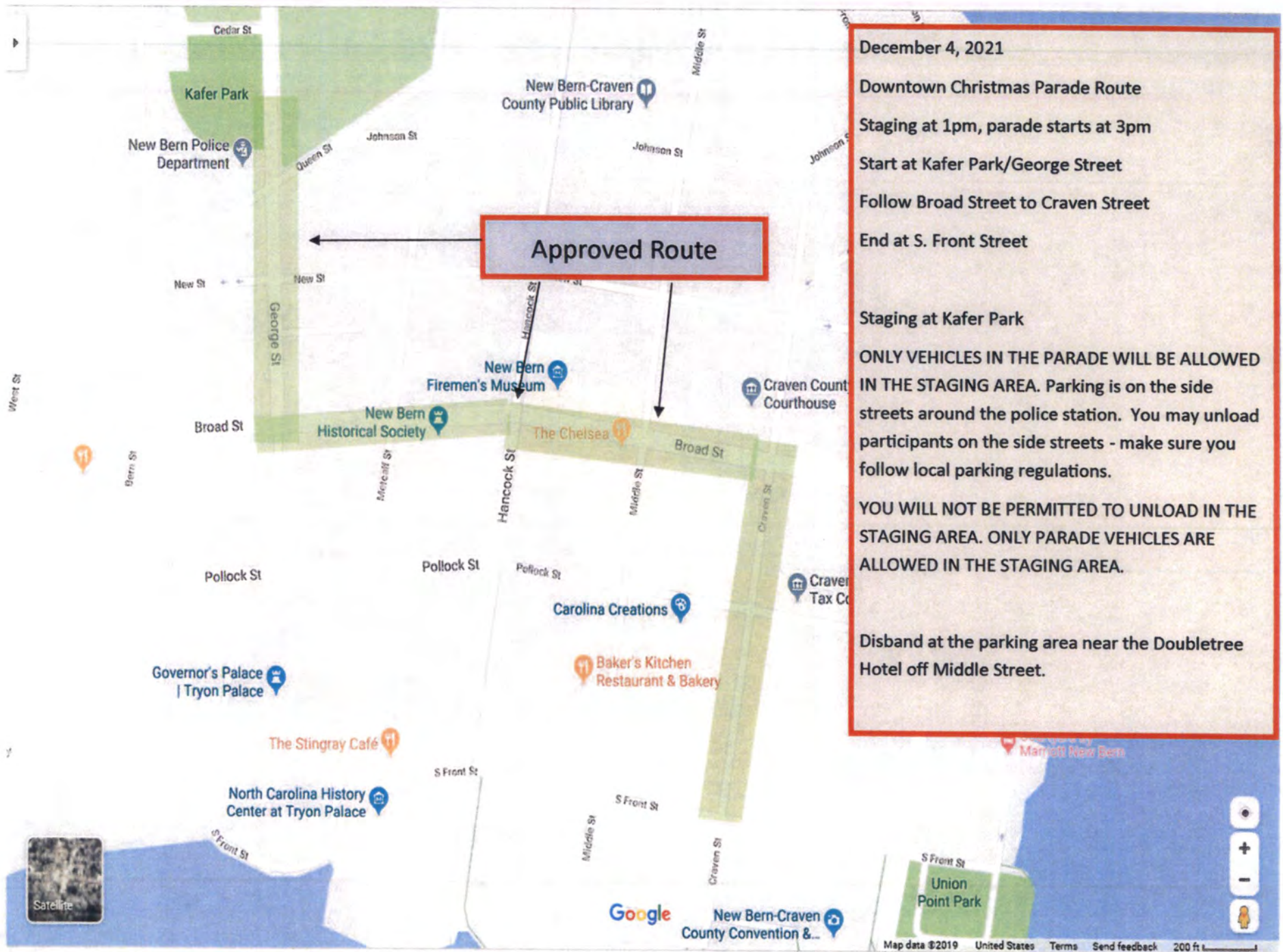
Date: _____

Staff Initials: _____

City Sponsored Event

☐ Yes ☐ No

Updated 6-3-2019



December 4, 2021

Downtown Christmas Parade Route

Staging at 1pm, parade starts at 3pm

Start at Kafer Park/George Street

Follow Broad Street to Craven Street

End at S. Front Street

Staging at Kafer Park

ONLY VEHICLES IN THE PARADE WILL BE ALLOWED IN THE STAGING AREA. Parking is on the side streets around the police station. You may unload participants on the side streets - make sure you follow local parking regulations.

YOU WILL NOT BE PERMITTED TO UNLOAD IN THE STAGING AREA. ONLY PARADE VEHICLES ARE ALLOWED IN THE STAGING AREA.

Disband at the parking area near the Doubletree Hotel off Middle Street.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Presentation by Religious Community Services

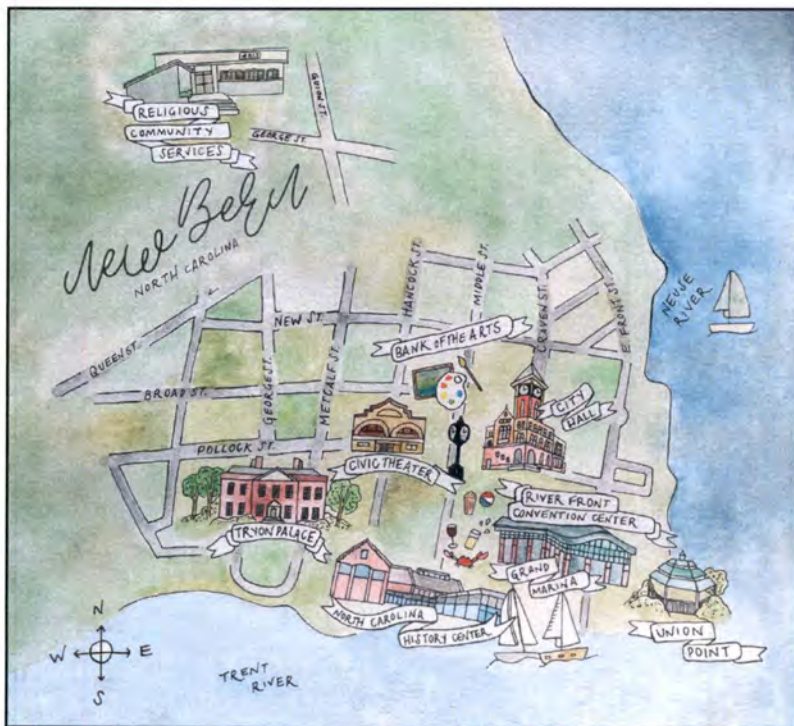
Date of Meeting: 11/9/2021	Ward # if applicable: Serves all wards
Department: City Clerk	Person Submitting Item: Brenda Blanco, City Clerk
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Zeb Hough, Executive Director of RCS, will provide a presentation to review the services provided by the organization.
Actions Needed by Board:	Informational only
Backup Attached:	None

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: \$0
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:



**“You can’t build
a peaceful world
on empty stomachs
and human
misery.”**

**Dr. Norman
Ernest Borlaug**



1

Food Insecurity

THE NEED IN NEW BERN

According to the North Carolina Food Bank, at least 63,000 people in New Bern and its surrounding communities cannot afford or access nutritious food.



63,140 individuals live in food-insecure households

18,580 are children

16,212 seniors live at or below the poverty level

http://foodbankcenc.org/wp-content/uploads/2021/10/2021-2022-Fact-Cards_newbern.pdf

2

Housing Insecurity

THE NEED IN NEW BERN

The current estimated number of homeless residents in North Carolina is 9,314. These are individuals who, according to the latest census, live and even work in North Carolina, but do not have a permanent address.



<https://www.nceeh.org/media/files/files/7bd752c5/2019-no-pit-infographic.pdf>

3

COVID-19

THE NEED IN NEW BERN

Religious Community Services had to expand its services during the pandemic because the demands required it.

MEALS SERVED IN THE COMMUNITY KITCHEN & SHELTER



4

RCS: Meeting the Most Needs of Those Who Need It Most



Build
Supportive
Community



Engage
People
Holistically



Empower
Permanent
Life-Change

5

RCS: Meeting the Most Needs of Those Who Need It Most

In 2021, when 1 in 3
nonprofit organizations
faced economic jeopardy,
RCS increased our aid to
partner agencies in
Craven, Jones, & Pamlico
Counties
by 75%.



Engage
People
Holistically



Empower
Permanent
Life-Change

6

RCS: Meeting the Most Needs of Those Who Need It Most



Build
Supportive
Community

There has been a shift from
resource-centered to
client-centered services.
We have developed a case
management model of service
that partners with our clients,
guests, and residents to achieve
self-sufficiency.



Empower
Permanent
Life-Change

7

RCS: Meeting the Most Needs of Those Who Need It Most



Build
Supportive
Community



Engage
People
Holistically

We invite you to meet
a woman
who we dared to see as
more than her mistakes.

8

A Year in Numbers & Pictures



9

**The City of
New Bern
&
Religious
Community
Services**

TEAMWORK

coming together is a *Beginning*
 keeping together is *Progress*
 working together is *Success*

-Henry Ford

10

Religious Community Services



PRESENTATION TO THE BOARD OF ALDERMEN
BY ZEB HOUGH, EXECUTIVE DIRECTOR

AGENDA ITEM COVER SHEET

Agenda Item Title:

Conduct a Public Hearing and Consider Adopting an Ordinance to Rezone 4416 South US 17 Highway from R-10 to C-3.

Date of Meeting: 11/09/2021	Ward # if applicable: Ward 6
Department: Development Services	Person Submitting Item: Jeff Ruggieri, Director of Development Services
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: 11/9/2021

Explanation of Item:	Property owner Corey Thomas has requested to rezone 0.46+/- acres from R-10 Residential District to C-3 Commercial District.
Actions Needed by Board:	Conduct Public Hearing, Adopt Ordinance
Backup Attached:	Memo, Ordinance, Consistency or Inconsistency Statement, Map

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input type="checkbox"/> No

Cost of Agenda Item: N/A
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Additional Notes:



MEMORANDUM

TO: Mayor Dana Outlaw, City of New Bern Board of Aldermen

FROM: Jeff Ruggieri, Director Development Services

DATE: October 27, 2021

SUBJECT: Conduct a Public Hearing and Consider Adopting an Ordinance for the Rezoning of 4416 South US 17 Highway from R-10 to C-3.

Property owner Corey Thomas has requested consideration of an application to rezone 0.46+/- acres from R-10 Residential district to C-3 Commercial district. The parcel is located at 4416 South US 17 Highway and is further identified as Craven County Parcel ID # 8-206-028.

During their October 5, 2021, meeting the Planning and Zoning Board unanimously voted in favor of the rezoning request from Mr. Thomas.

Please contact Jeff Ruggieri at 639-7587 should you have questions or need additional information.

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF NEW BERN SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY COREY MITCHELL THOMAS CONSISTING OF APPROXIMATELY 0.46 ACRES LOCATED AT 4416 US HIGHWAY 17 SOUTH FROM THE ZONING CLASSIFICATION OF R-10 RESIDENTIAL DISTRICT TO C-3 COMMERCIAL DISTRICT

THAT WHEREAS, Corey Mitchell Thomas owns real property located at 4416 US Highway 17 South in the City of New Bern, consisting of approximately 0.46 acres, more or less, and an application has been made to change the zoning classification of the subject property from R-10 Residential District to C-3 Commercial District consistent with the attached plat entitled "REZONING CASE: 4416 US Hwy. 17 S. – Approx. 0.46+- Acres; PID: 8-206-028" prepared by the Development Services Department of the City of New Bern; and

WHEREAS, the Planning and Zoning Board unanimously recommended that said request be approved; and

WHEREAS, the Board of Aldermen of the City of New Bern conducted a duly advertised public hearing with respect to the proposed amendment on November 9, 2021, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said change, as the requested C-3 Commercial District classification is consistent with the City Land Use Plans and nearby land uses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

Section 1. That the zoning map of the City of New Bern be and the same is hereby amended by changing the zoning classification of the subject property owned by Corey Mitchell Thomas located at 4416 US Highway 17 South in the City of New Bern, consisting of 0.46 acres, more or less, from R-10 Residential District to C-3 Commercial District as more specifically shown on the plat entitled "REZONING CASE: 4416 US Hwy. 17 S. – Approx. 0.46+- Acres; PID: 8-206-028" prepared by the Development Services Department of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference.

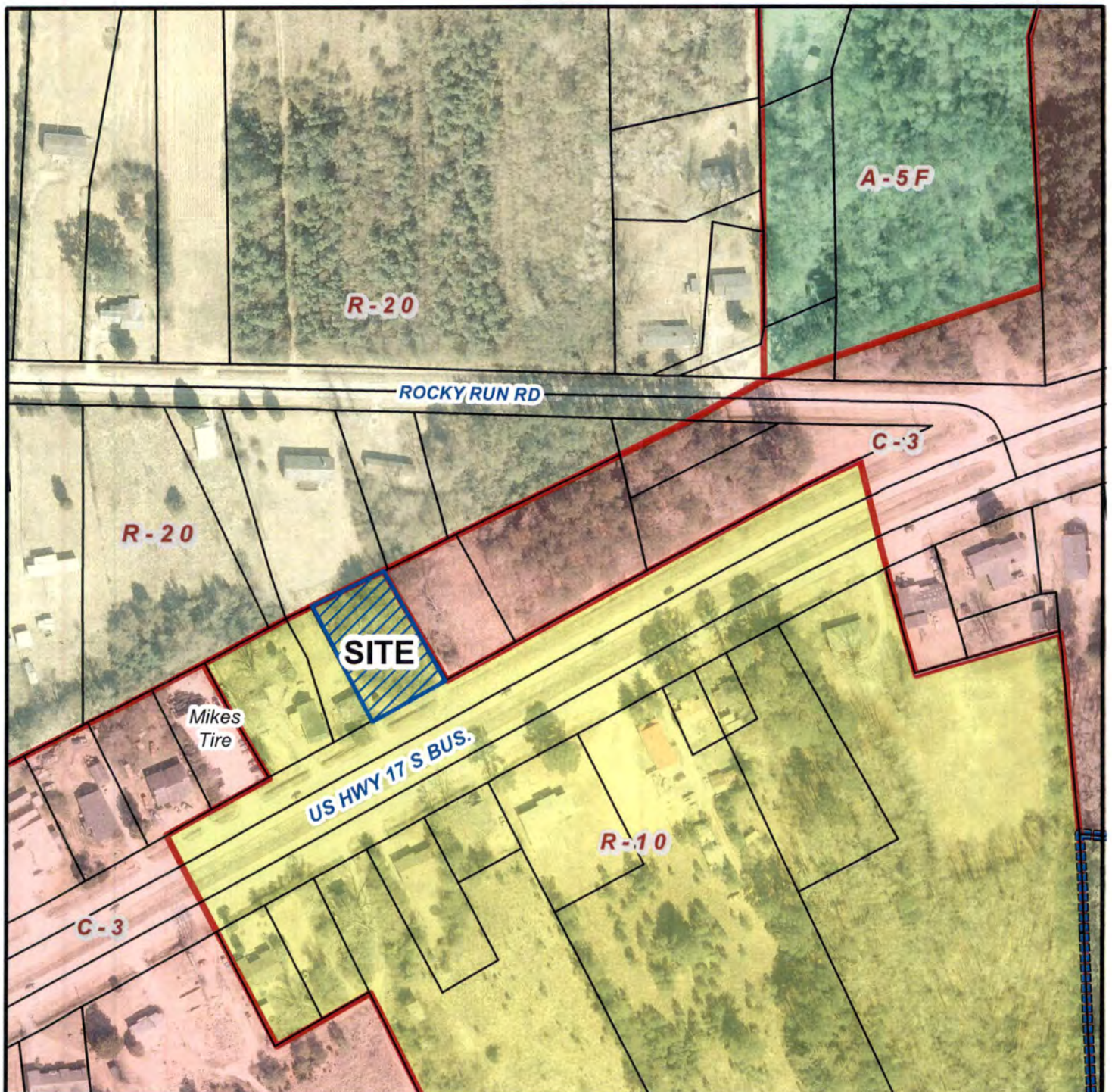
Section 2. That the Board deems it in the public interest to rezone the subject property consistent with the attached plat as the requested C-3 Commercial District classification is consistent with the City Land Use Plans and nearby land uses.

Section 3. That this ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ADOPTED THIS 9TH DAY OF NOVEMBER, 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



REZONING CASE: 4416 US Hwy. 17 S. - Approx. 0.46+- Acres: PID: 8-206 -028

LOCATION: North side of US Hwy 17 S Bus., west of Rocky Run Rd.



Existing Zone: R-10
Proposed Zone: C-3

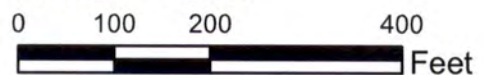


Zoning Boundaries

Imagery Early 2016

N CITY of NEW BERN
Development
Services

Scale: 1 = 200 ft





Request to Rezone 4416 S US 17

November 9, 2021

Rezoning Request Analysis

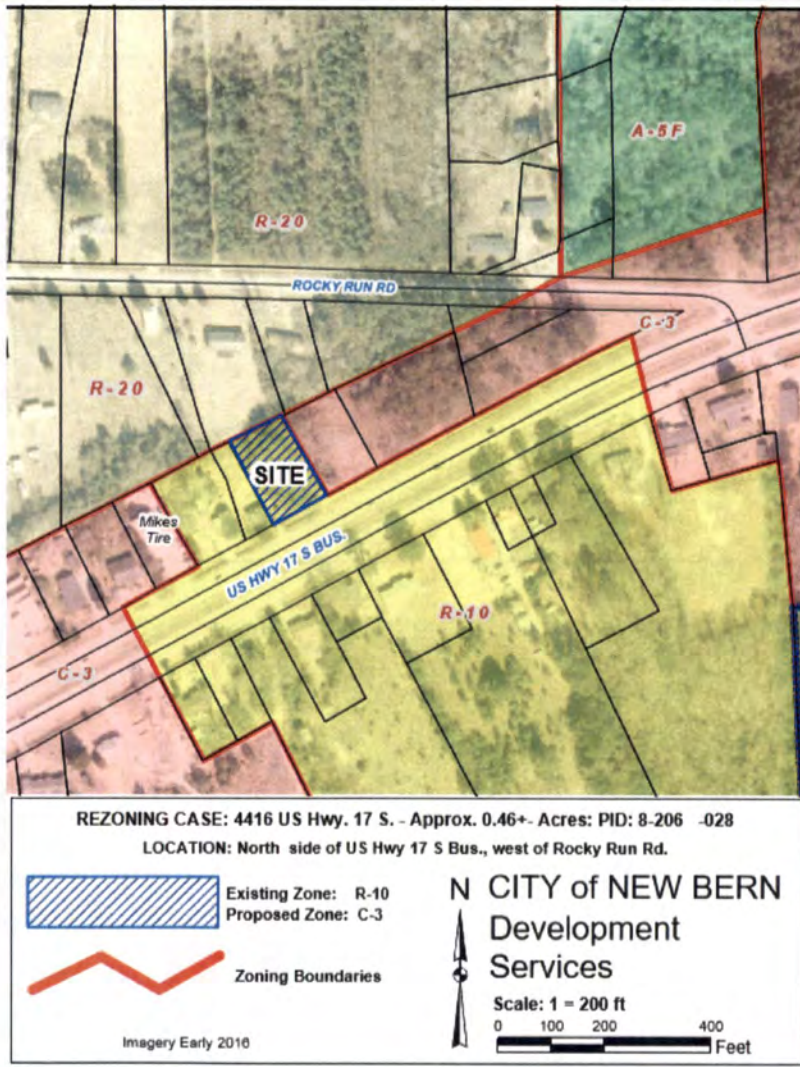
- Applicant: Corey Thomas
- Location: 4416 S US 17(Craven County PID# 8-206-028)
- Existing Zoning: R-10 Residential District
- Proposed Zoning: C-3 Commercial District
- Size: 0.46+/- acres
- History/Background: The parcel is undeveloped.
- Present Land Use: Vacant.



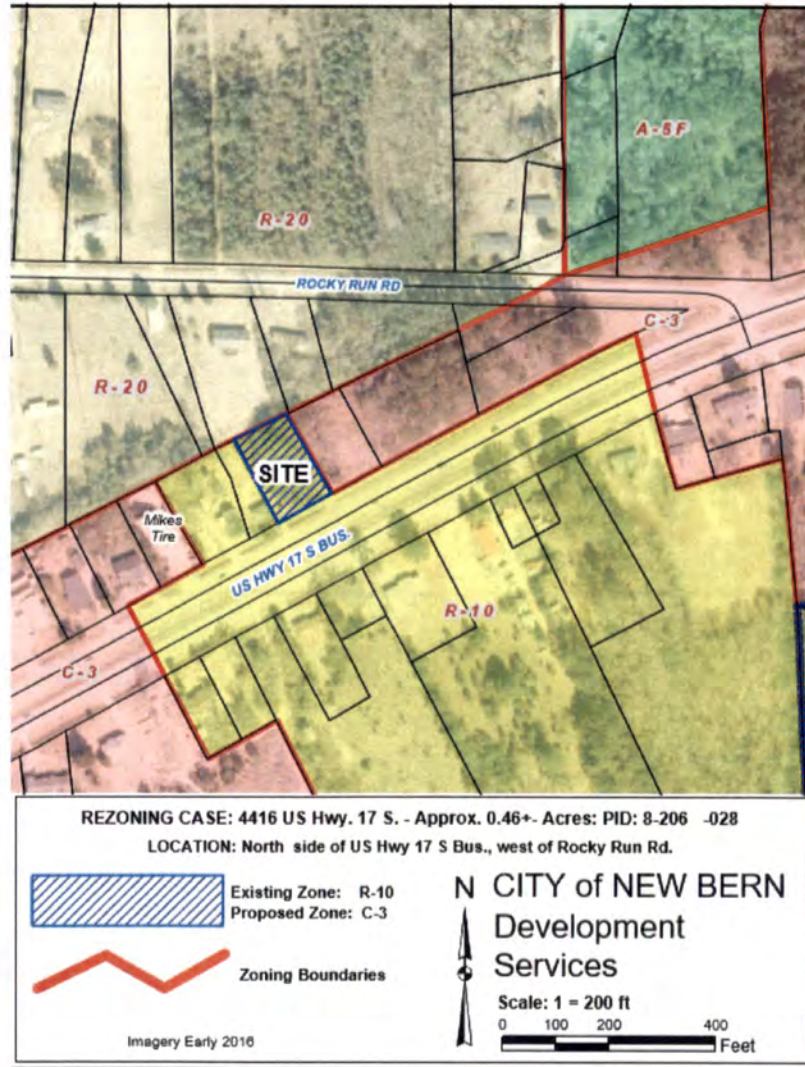
42

Existing Zoning

The R-10 residential district is designed to accommodate single- and two-family homes with 10,000 square feet lots required for one-family dwellings and an additional 5,000 square feet required for each additional unit.



Proposed Zoning



The C-3 commercial district is established as a district for offices, personal services, and the retailing of durable and convenience goods. This district will generally be located on the city's major radial roads. Because these districts will be located on high-volume traffic arteries and will be subject to the view not only of local residents but tourists and other non-local motorists, ample off-street parking, controlled traffic movement, and an appropriate appearance including suitable planting shall be provided.

General Survey of Allowed Uses in C3

- Single Family Residential
- Townhomes
- Multifamily development
- Hotels, Motels
- Retail
- Banks
- Restaurants
- Athletic facilities
- Marinas
- Hospitals

Surrounding Zoning

- North: Residential (R-20 Residential District)
- South: Residential (R-10 Residential District)
- East: Commercial (C-3 Commercial District)
- West: Commercial (C-3 Commercial District)

Utilities

- City water service is available to this site (no sewer available).
- City electric service is not available to this site.

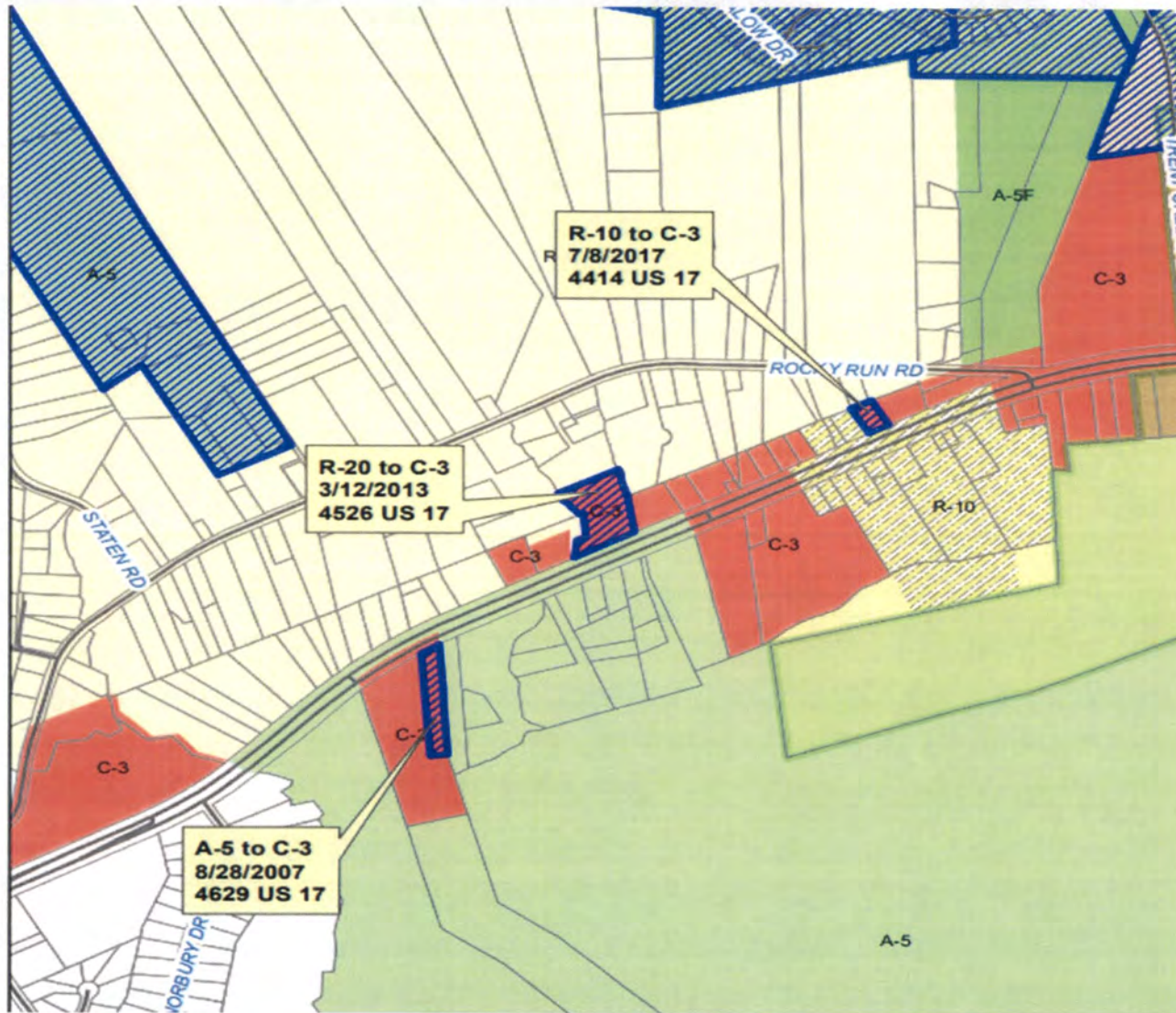
2010 CAMA Regional Land Use Plan

- The area is classified as “Developed”, a mix of land uses are included in this designation. Residential densities range from a maximum of one to five dwelling units per acre. Higher densities are permitted within multi-family residential and planned unit developments and within some zoning overlay districts within commercial areas of New Bern. Generally, the area is characterized by urban and higher intensity uses that require urban municipal or public services. Incompatible uses within this land classification are industrial and agricultural land uses.

Environment

- According to the Regional Land Use Plan, the subject property has high suitability for development.
- According to the North Carolina Floodplain Mapping Program the property is located within the minimal risk flood risk zone (Zone X) on the Flood Risk Information System.

Nearby Rezoning Approvals



Recommendation

The proposal to rezone the subject parcel to C-3 Commercial District is consistent with the character of the adjacent land uses, and the CAMA Regional land Use Plan.

The Planning and Zone Board heard this request at their 10/05/21 meeting and recommended approval with a unanimous vote.

Craven County Parcel ID # 8-206-028

STATEMENT OF ZONING CONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID #8-206-028 to C-3 Commercial District is reasonable and in the public interest, and consistent with the City Land Use Plans and nearby land uses. In that:

1. The C-3 Commercial District is deemed to be compatible with the "Developed" designation indicated in the Future Land Use Map found in the 2010 CAMA Regional Land Use Plan.
2. The proposed C-3 Commercial District is deemed to be compatible with adjacent zoning classifications.
3. The proposed C-3 Commercial District is deemed to be compatible with existing uses.

This certifies the above statement of zoning consistency was adopted by the Board of Aldermen on November 9, 2021.

Brenda E. Blanco, City Clerk

Craven County Parcel ID # 8-206-028

STATEMENT OF ZONING INCONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID # 8-206-028 to C-3 Commercial District is not reasonable and is not in the public interest, and finds it to be inconsistent with the Regional Land Use Plan and nearby land uses in the proposed C-3 Commercial District is incompatible with the uses permitted on nearby properties, and other properties in the vicinity. And that:

The proposed C-3 Commercial District would be incompatible with adjacent use and the Future Land Use Map found in the 2010 CAMA Regional Land Use Plan.

This certifies the above statement of zoning inconsistency was adopted by the Board of Aldermen on November 9, 2021.

Brenda E. Blanco, City Clerk

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution for Street Lighting Request for Colony Dr.

Date of Meeting: November 9, 2021	Ward # if applicable: 4
Department: Public Utilities	Person Submitting Item: Charles Bauschard
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Customer has requested streetlight on Colony Dr.
Actions Needed by Board:	Approval of Request
Backup Attached:	Memo, Resolution, Street Lighting Request Form, Cost Analysis and location map

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: Electric \$4,028.14; Public Works \$16.27/mo
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes: N/A

Aldermen

Sabrina Bengel
Jameesha Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129
New Bern, NC 28563-1129
(252) 636-4000

Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

TO: Foster Hughes, City Manager
FROM: Charles Bauschard, Director of Public Utilities
DATE: October 28, 2021
SUBJECT: Request for Additional Street Lighting from Resident

Background Information:

In August of 2010, the Board of Aldermen adopted a procedure for addressing requests for additional street lighting from residents. This procedure requires Electric Utilities to evaluate the area of the request. The existing lighting must also comply with or be brought up to the American National Standard Practice for Roadway Lighting.

The Department of Public Utilities has received a request from a resident for additional street lighting infrastructures in the area of Colony Drive. This area was evaluated, and it was determined that it does not meet the City's light standard. The recommendation and cost estimate is included.

Recommendation:

Upon completion of the staff's evaluation, I recommend the Board of Aldermen approve the resolution for the addition of a streetlights on Colony Drive.

RESOLUTION

THAT WHEREAS, the City of New Bern has adopted the American National Standard Practice for Roadway Lighting as the design standard for new streetlighting installations within the City of New Bern; and

WHEREAS, the standard outlines the level of lighting necessary for the safe interaction of pedestrians and vehicles along municipal roadways; and

THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the Mayor and the City Clerk be and they are hereby authorized and directed to accept the installation and costs to the Department of Public Utilities and Public Works for additional streetlighting infrastructures on Colony Drive.

ADOPTED THIS 9TH DAY OF NOVEMBER, 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Street Lighting Request Form

REQ #

Customer Name:

Customer Address:

Phone Number of Requestor:

Area of Request:

Section of Colony Dr between 3414 Colony Dr and Racetrack Rd.

(Street address, intersection, general description, etc)

Pole # (if known):

Sent to Police Department Date:

Police Recommendations:

Additional lighting is preferred due to shadows in the area. Current poles in area are already working.

All items below this must be filled out by an Electric Department Engineer

Electric Department Engineer:

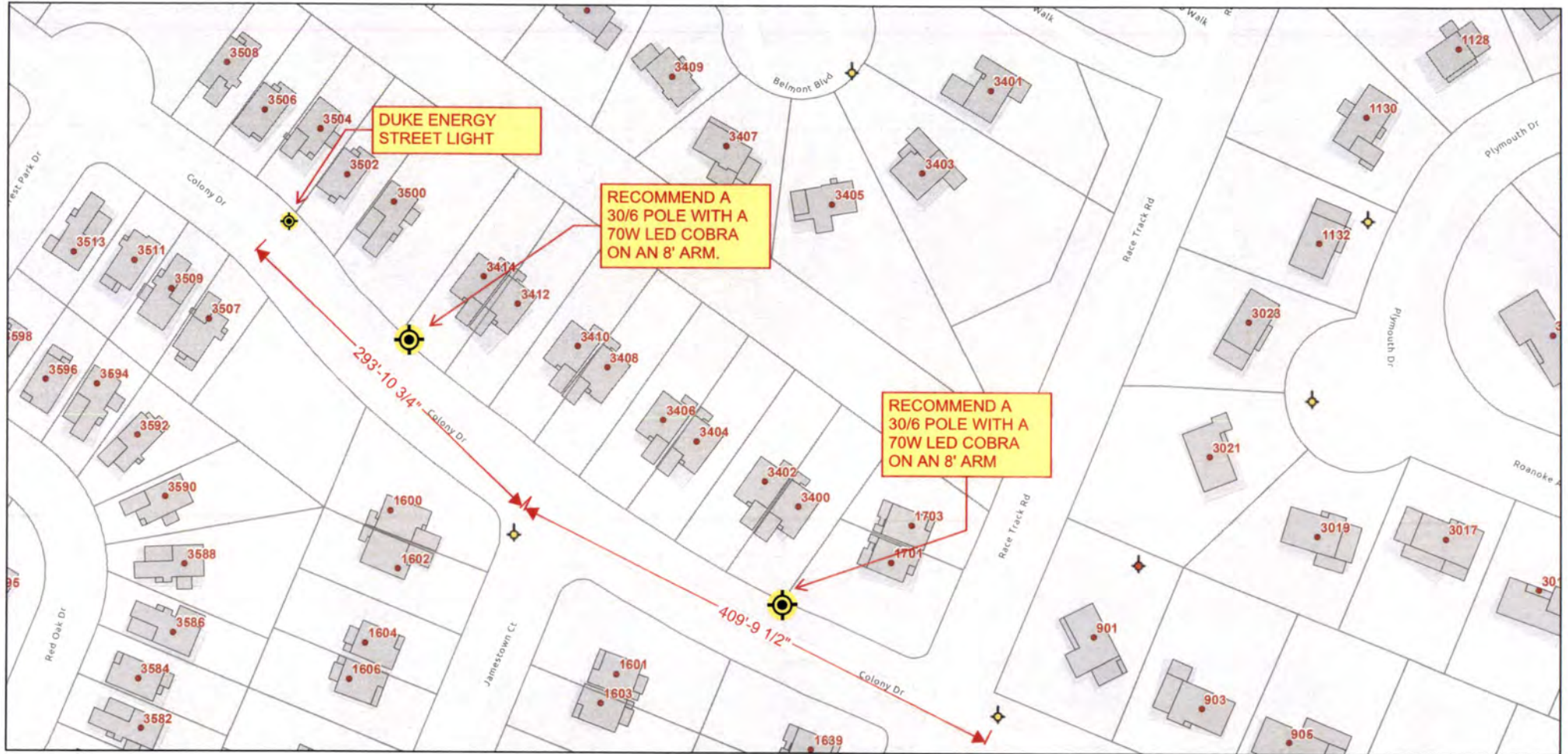
Evaluations Results/Recommendation:

I recommend installing a 30/6 pole with a 70W cobra on an 8' arm at two locations. These locations are at 3414 Colony Dr and 3400 Colony Dr.

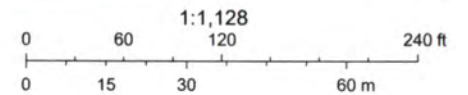
Estimated Cost to Electric Department:

Estimated Cost to Public Works:

REQ 123



10/12/2021, 11:34:33 AM



Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap contributors, Microsoft, Esri, HERE, Garmin, SafeGraph, INCREMENT P, MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA

NEW BERN ELECTRIC

DATE:10/28/21

REQ #123

CUSTOMER: Alderman Kinsey

LOCATION: Colony Dr

LABOR	QUANTITY	REG. HRS	OT HRS	RATE*	OT RATE*	TOTALS
9608						
Electric Line Crew Leader	1	6	0	\$ 68.26	\$ 75.84	\$ 409.55
Electric Line Worker 1st Class	1	6	0	\$ 58.96	\$ 65.51	\$ 353.79
Electric Line Worker 2nd Class	1	6	0	\$ 53.48	\$ 59.42	\$ 320.90
Electric Line Worker 3rd Class	1	6	0	\$ 48.51	\$ 53.90	\$ 291.06
Electric Groundworker	1	6	0	\$ 41.90	\$ 46.56	\$ 251.43

LABOR TOTAL: \$ 1,626.72

EQUIPMENT	QUANTITY	HOURS	RATE*	TOTALS
Bucket Truck/Service Truck 55'	1	6	\$ 74.72	\$ 448.32
Line Truck	1	6	\$ 87.80	\$ 526.80
Material Truck	1	6	\$ 21.10	\$ 126.60

EQUIPMENT TOTAL: \$ 1,101.72

MATERIAL	QUANTITY	PRICE	TOTAL
30/6 Pole	2	\$ 140.18	\$ 280.36
70W LED Cobra	2	\$ 166.43	\$ 332.86
8' arm	2	\$ 119.32	\$ 238.64
Photocell	2	\$ 14.32	\$ 28.64
#10 UF	100	\$ 0.53	\$ 53.00

*Labor Rates are based on hourly rates + benefits.

*Equipment Rates are based on FEMA's 2019 Schedule of Equipment Rates.

MATERIAL TOTAL:	\$ 933.50
------------------------	------------------

SUB TOTAL:	\$ 3,661.94
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GENERAL OVERHEAD:	\$ 366.19
--------------------------	------------------

TOTAL DUE:	\$ 4,028.14
-------------------	--------------------

*Labor Rates are based on hourly rates + benefits.

*Equipment Rates are based on FEMA's 2019 Schedule of Equipment Rates.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Request for a Resolution Authorizing the City Manager to execute a NCDOT Grant Agreement

Date of Meeting: November 9, 2021	Ward # if applicable: N/A
Department: Development Services	Person Submitting Item: Kim Maxey, MPO Administrator
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	<p>The City of New Bern, on behalf of the New Bern Area Metropolitan Planning Organization (NBAMPO), is identified as the direct recipient of Section 5303 Federal Transit Administration Urban Planning Funds. The funds are managed by the NCDOT Public Transportation Division (PTD). Every year NCDOT-PTD requires that the MPO Lead Planning Agency (City of New Bern) elected officials approve a Resolution authorizing their representative to sign the Grant Agreement with NCDOT, in order to receive such funds. For Fiscal year 2022, the total 5303 allocation is \$25,000 with a Federal and State share of \$22,500 and local share of \$2,500 to be provided by NBAMPO's participating member agencies as described in attached memo.</p>
Actions Needed by Board:	Adopt the Resolution authorizing the City Manager to execute the NCDOT Grant agreement for Fiscal Year 2022.
Backup Attached:	Memorandum with Local Match Breakdown, Resolution, Grant Agreement with attachments

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: \$1,387.00 Local Match Share for the City of New Bern
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes: The contract must be signed by City Manager via DocuSign.
ACTION IS REQUIRED ON PAGES 23, 24, & 25 – PLUS RESOLUTION



Transportation Advisory Committee (TAC)

John Kirkland
Chairman

Jeffrey Odham
Vice-Chairman

April 8, 2021

Memorandum

To: TAC Members, New Bern Area MPO
Bridgeton
Delane Jackson, Town Manager, River Bend
Town Clerk, Trent Woods
Foster Hughes, City Manager, New Bern
Jack B. Veit III, Manager, Craven County

From: Kim Maxey, MPO Administrator

Subject: FY 2022 MPO Funding and Local Match

As of April 8, 2021, the New Bern Area MPO Transportation Advisory Committee unanimously approved the FY 2022 Unified Planning Work Program.

The 104f Federal Highway Planning grant request is for \$184,426, with a required local match of \$43,606, for a total of \$230,532 programmed for FY 2022. The 5303 Federal Transit Planning grant request is for \$20,000 with a State match of \$2,500 and a required local match of \$2,500 for a total of \$25,000 programmed for FY 2022. The combined required local match is of \$46,106.

Please use the following amounts when including the MPO's local match in your jurisdiction's FY 2022 annual budget:

FY 2022 104 f and 5303 Local Match	Jurisdiction	% of UZA	FHWA Cost Share	FTA Cost Share	Total Cost Share
\$46,106	New Bern	55.48%	\$24,192.61	\$1,387.00	\$25,579.61
	River Bend	5.94%	\$2,590.20	\$148.50	\$2,738.70
	Trent Woods	8.14%	\$3,549.52	\$203.50	\$3,753.02
	Bridgeton	0.84%	\$366.30	\$21.00	\$387.30
	Craven County	29.60%	\$12,907.37	\$740.00	\$13,647.37

Please contact me at 639-7592 or via email at maxeyk@nbampo.org if you require additional information.

INSTRUCTIONS FOR EXECUTING GRANT AGREEMENTS PUBLIC BODY GRANTEES

Included in this correspondence is an electronic file in a PDF format of the grant agreement(s) to be executed between the local grant recipient and the North Carolina Department of Transportation.

1. The person officially authorized by resolution of the governing body to accept the department's offer of financial assistance should electronically sign each agreement where indicated. The signature must be witnessed. Stamped signatures are not acceptable.
2. Enter your agency's **Federal Tax ID Number** and Fiscal Year-End on the signature page. Complete the section on the table for **Contract Administrators:** **For the Contractor: "If Delivered by US Postal Service" and "If Delivered by Any Other Means"**.
3. ***Do not date the agreements.*** This will be done upon execution by the department.
4. ***Return 1 copy within thirty (30) days*** via DocuSign.

A fully executed agreement will be returned to you via email and will be available for review in EBS upon the approval of your Agreement.

In the event the contract cannot be returned within thirty (30) days, please call me immediately at (919) 707-4672.

Please note that the department cannot reimburse the grant recipient for any eligible project expenses until the agreements are fully executed.

**RESOLUTION
AUTHORIZING THE CITY OF NEW BERN
TO ENTER INTO AN AGREEMENT WITH
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the State of North Carolina is the Designated Recipient of Section 5303 Federal Transit Administration (FTA) Planning Funds; and

WHEREAS, the City of New Bern, on behalf of the New Bern Area Metropolitan Planning Organization ("NBAMO"), has been identified as the Direct Recipient of Section 5303 FTA Planning Funds.

NOW, THEREFORE, BE IT RESOLVED that the New Bern City Manager is hereby authorized to enter into contracts with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division that address Section 5303 FTA Planning Funds.

This the 9th day of November, 2021.

The motion to adopt this Resolution was made by Alderman _____,
seconded by Alderman _____ and passed by a vote of _____ to _____.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

and

**CITY OF NEW BERN
On behalf of
NEW BERN AREA METROPOLITAN
PLANNING ORGANIZATION**

PUBLIC TRANSPORTATION GRANT AGREEMENT FOR

5303 METROPOLITAN PANNING GRANT PROGRAM

Federal Award Identification

Agreement Number:

NCDOT Project Number: **22-08-125**

Approved Indirect Cost Rate: **NA**

FAIN Number(s): **NC-2021-053-00**

CFDA Number: **20.505**

DUNS Number: **075547208**

Total Amount of Award: **\$25,000**

.....
Federal Funded Programs:



5303 Metropolitan Planning Grant



5307 Urbanized Area Formula Grant



5310 Enhanced Mobility of Seniors & Individuals with Disabilities Grant



5311 Community Transportation Rural Formula Grant



5311 Appalachian Development Transit Assistance Program Grant



5311f Intercity Bus Grant



5316 Job Access Reverse Commute Grant



5317 New Freedom Grant



5339 Bus and Bus Facility Grant

THIS AGREEMENT made this the _____ day of _____, 20____, (hereinafter referred to as AGREEMENT) by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "Department", an agency of the State of North Carolina) and **CITY OF NEW BERN on behalf of NEW BERN AREA METROPOLITAN PLANNING ORGANIZATION**, (acting in its capacity as the grant recipient hereinafter referred to as the "Subrecipient" and together with Department as "Parties").

1. Purpose of Agreement

The purpose of this Agreement is to provide for the undertaking of nonurbanized and small urban public transportation services as described in the project application (hereinafter referred to as "Project") and to state the terms and conditions as to the manner in which the Project will be undertaken and completed. This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

2. Availability of Funds

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

3. Period of Performance

This Agreement shall commence upon the date of execution with a period of performance for all expenditures that extends from **July 1, 2020 to June 30, 2021**. Any requests to change the Period of Performance must be made in accordance with the policies and procedures established by the Department or FTA. The Subrecipient shall commence, carry on, and complete the approved Project in a sound, economical, and efficient manner.

4. Project Implementation

- a. **Scope of Project.** **The City of New Bern, operating as the New Bern Urban Area MPO, is requesting funds for transit planning in the MPO area.**
- b. The Subrecipient shall undertake and complete the project in accordance with the procedures, terms, and conditions herein and as included in the related grant application for financial assistance, the terms of which are incorporated by reference.

- c. Amendment. Any amendment to this Agreement shall be done in writing and in accordance with established policies and procedures and only by mutual consent of the Parties.

5. Cost of Project/Project Budget

The total cost of the Project approved by the Department is **TWENTY-FIVE THOUSAND DOLLARS (\$25,000)** as set forth in the Project Description and Budget, incorporated into this Agreement as **Attachment A**. The Department shall provide, from Federal and State funds, the percentages of the actual net cost of the Project as indicated below, not in excess of the identified amounts for eligible Administrative, Operating, and Capital expenses. The Subrecipient hereby agrees that it will provide the percentages of the actual net cost of the Project, as indicated below, and any amounts in excess of the Department's maximum (Federal plus State shares) contribution. The net cost is the price paid minus any refunds, rebates, or other items of value received by the Subrecipient which have the effect of reducing the actual cost.

Planning WBS	Planning Total	Planning Federal (80%)	Planning State (10%)	Planning Local (10%)
36230.42.8.6	\$25,000	\$20,000	\$2,500	\$2,500
Agreement #				
Project Total	Project Total	Project Total Federal	Project Total State	Project Total Local
	\$25,000	\$20,000	\$2,500	\$2,500

6. Project Expenditures, Payments, and Reimbursement

- a. General. The Department, utilizing available state and federal funds, shall reimburse the Subrecipient for allowable costs for work performed under the terms of this Agreement.
- b. Reimbursement Procedures. The Subrecipient shall submit for reimbursement all eligible costs incurred within the agreement Period of Performance.
 - i. Claims for reimbursement shall be made no more than monthly or less than quarterly, using the State's grant system, Enterprise Business Services (EBS) Partner Application.
 - ii. All requests for reimbursement must be submitted within (30) days following the end of the project's reporting period. Any Subrecipient that fails to submit a request for reimbursement for the first two quarters of

agreement fiscal year by January 31 or the last two quarters by July 31 will forfeit its ability to receive reimbursement for those periods.

- iii. All payments issued by the Department will be on a reimbursable basis unless the Subrecipient requests and the Department approves an advance payment.
 - iv. Supporting documentation for proof of payment may be requested.
- c. Subrecipient Funds. Prior to reimbursement, the Subrecipient shall provide the Department with proof that the Subrecipient has met its proportionate share of project costs from sources other than FTA or the Department. Any costs for work not eligible for Federal and State participation shall be financed one hundred percent (100%) by the Subrecipient.
 - d. Operating Expenditures. In order to assist in financing the operating costs of the project, the Department shall reimburse the Subrecipient for the lesser of the following when providing operating assistance:
 - i. The balance of unrecovered operating expenditures after deducting all farebox revenue, or
 - ii. The percentage specified in the Approved Project Budget of the allowable total operating expenditures which shall be determined by available funding.
 - e. Travel Expenditures. The Subrecipient shall limit reimbursement for meals, lodging and travel to rates established by the State of North Carolina Travel Policy. Costs incurred by the Subrecipient in excess of these rates shall be borne by the Subrecipient.
 - f. Allowable Costs. Expenditures made by the Subrecipient shall be reimbursed as allowable costs to the extent they meet all of the requirements set forth below. They must be:
 - i. Consistent with the Project Description, plans, specifications, and Project Budget and all other provisions of this Agreement
 - ii. Necessary in order to accomplish the Project

- iii. Reasonable in amount for the goods or services purchased
 - iv. Actual net costs to the Subrecipient, i.e., the price paid minus any refunds (eg, refundable sales and use taxes pursuant to NCGS 105-164.14), rebates, or other items of value received by the Subrecipient that have the effect of reducing the cost actually incurred
 - v. Incurred (and be for work performed) within the period of performance and period covered of this Agreement unless specific authorization from the Department to the contrary is received
 - vi. Satisfactorily documented
 - vii. Treated uniformly and consistently under accounting principles and procedures approved or prescribed by the Department
- g. Excluded Costs.** The Subrecipient understands and agrees that, except to the extent the Department determines otherwise in writing, the Department will exclude:
- i. Any Project cost incurred by the Subrecipient before the period of performance of the agreement,
 - ii. Any cost that is not included in the latest Approved Project Budget,
 - iii. Any cost for Project property or services received in connection with a third-party contract, sub-agreement, lease, or other arrangement that is required to be, but has not been, concurred in or approved in writing by the Department, and
 - iv. Any cost ineligible for FTA participation as provided by applicable Federal or State laws, regulations, or directives.
- h. Final Allowability Determination.** The subrecipient understands and agrees that payment to the subrecipient on any Project cost does not constitute the Federal or State Government's final decision about whether that cost is allowable and eligible for payment and does not constitute a waiver of any violation by the

subrecipient of the terms of this Agreement. The subrecipient acknowledges that the Federal or State Government will not make a final determination about the allowability and eligibility of any cost until an audit of the Project has been completed. If the Federal or State Government determines that the subrecipient is not entitled to receive any portion of the Federal or State assistance the subrecipient has requested or provided, the Department will notify the Subrecipient in writing, stating its reasons. The Subrecipient agrees that Project closeout will not alter the Subrecipient's responsibility to return any funds due the Federal or State Government as a result of later refunds, corrections, or other transactions; nor will Project closeout alter the Federal or State Government's right to disallow costs and recover funds on the basis of a later audit or other review. Unless prohibited by Federal or State law or regulation, the Federal or State Government may recover any Federal or State assistance funds made available for the Project as necessary to satisfy any outstanding monetary claims that the Federal or State Government may have against the Subrecipient.

- i. Federal or State Claims, Excess Payments, Disallowed Costs, Including Interest.
 - i. Subrecipient's Responsibility to Pay. Upon notification to the Subrecipient that specific amounts are owed to the Federal or State Government, whether for excess payments of Federal or State assistance, disallowed costs, or funds recovered from third parties or elsewhere, the Subrecipient agrees to remit to the Department promptly the amounts owed, including applicable interest and any penalties and administrative charges within 60 days of notification.
 - ii. Interest Paid to the Department. The Subrecipient agrees to remit to the Department interest owed as determined in accordance with NCGS § 147-86.23.
 - iii. Interest and Fees Paid on Federal Funds. For amounts owed by the Subrecipient to the Federal Government, whether for excess payments of Federal assistance, disallowed costs, or funds recovered from third parties or elsewhere, the Subrecipient agrees to remit to the Federal Government promptly the amounts owed, including applicable interest, penalties and administrative charges as established by the Federal Transit Authority Master Agreement with NCDOT.
- J. De-obligation of Funds. The Subrecipient agrees that the Department may de-obligate unexpended Federal and State funds for grants that are inactive for six months or more.

- k. Project Closeout. Project closeout occurs when the Department issues the final project payment or acknowledges that the Subrecipient has remitted the proper refund. The Subrecipient agrees that Project closeout by the Department does not invalidate any continuing requirements imposed by this Agreement.

7. Accounting Records

- a. Establishment and Maintenance of Accounting Records. The Subrecipient shall establish and maintain separate accounts for the public transportation program, either independently or within the existing accounting system. All costs charged to the program shall be in accordance with most current approved Project Budget and shall be reported to the Department in accordance with NCDOT Uniform Public Transportation Accounting System (UPTAS) guide.
- b. Documentation of Project Costs. All costs charged to the Project, including any approved services performed by the Subrecipient or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges.

8. Reporting, Record Retention, and Access

- a. Progress Reports. The Subrecipient shall advise the Department, through EBS, regarding the progress of the Project at a minimum quarterly, and at such time and in such a manner as the Department may require. Such reporting and documentation may include, but not be limited to: operating statistics, equipment usage, meetings, progress reports, and monthly performance reports. The Subrecipient shall collect and submit to the Department such financial statements, data, records, contracts, and other documents related to the Project as may be deemed necessary by the Department. Reports shall include narrative and financial statements of sufficient substance to be in conformance with the reporting requirements of the Department. Progress reports throughout the useful life of the project equipment shall be used, in part, to document utilization of the project equipment. Failure to fully utilize the project equipment in the manner directed by the Department shall constitute a breach of contract, and after written notification by the Department, may result in termination of the Agreement or any such remedy as the Department deems appropriate.
- b. Failure to comply with grant reporting and compliance guidelines set forth in the NCDOT PTD State Management Plan could result in financial penalties up to and including loss of current and future grant funding.

- c. Record Retention. The Subrecipient and its third party subrecipients shall retain all records pertaining to this Project for a period of five (5) years from the date of final payment to the Subrecipient, or until all audit exceptions have been resolved, whichever is longer.
- d. Project Closeout. The Subrecipient agrees that Project closeout does not alter the reporting and record retention requirements of this Agreement.
- e. State Auditor Oversight. The Subrecipient agrees to audit oversight by the Office of the State Auditor, to provide the Office of the State Auditor with access to accounting records, and to make available any audit work papers in the possession of any auditor of the Subrecipient.
- f. Financial Reporting and Audit Requirements. In accordance with 09 NCAC 03M.0205, all reports shall be filed with the Department in the format and method specified by the agency no later than three (3) months after the end of the recipient's fiscal year, unless the same information is already required through more frequent reporting. Audit Reports must be provided to the funding agency no later than nine (9) months after the end of the recipient's fiscal year.
- g. Parts Inventory. Financial audits must address parts inventory management.
- h. Third Party Loans. Within 30 days of receipt, the Subrecipient shall disclose to the Department any loans received from a local government entity or other entity not party to this agreement.
- i. Audit Costs. Unless prohibited by law, the costs of audits made in accordance with Title 2 CFR 200, Subpart F "Audit Requirements" are allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in Title 2 CFR 200, Subpart E "Cost Principles." The cost of any audit not conducted in accordance with Title 2 CFR 200 and NCGS§ 159-34 is unallowable and shall not be charged to State or Federal grants.

9. Compliance with Laws and Regulations

- a. No terms herein shall be construed in a manner that conflicts with the rules and regulations of the Department or with state or federal law.
- b. The Subrecipient agrees to comply with all applicable state and federal laws and regulations, including titles 09 NCAC 3M and 19A NCAC 5B, as amended.

10. Conflicts of Interest Policy

The subrecipient agrees to file with the Department a copy of the subrecipient's policy addressing conflicts of interest that may arise involving the subrecipient's management employees and the members of its board of directors or other governing body. The subrecipient's policy shall address situations in which any of these individuals may directly or indirectly benefit, except as the subrecipient's employees or members of its board or other governing body, from the subrecipient's disbursing of State funds, and shall include actions to be taken by the subrecipient or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. The conflicts of interest policy shall be filed with the Department prior to the Department disbursing funds to the subrecipient.

Prohibition on Bonus or Commission Payments

The Subrecipient affirms that it has not paid and will not pay any bonus or commission to any party to obtain approval of its Federal or State assistance application for the Project.

11. Tax Compliance Certification

The Subrecipient shall complete and submit to the Department a sworn written statement pursuant to NCGS 143C-6-23®, stating that the Subrecipient does not have any overdue tax debts, as defined by GS 105-243.1, at the Federal, State, or local level. The Subrecipient acknowledges that the written statement must be submitted to the Department prior to execution of this Agreement and disbursement of funds. The certification will be incorporated into this Agreement as Attachment B.

12. Assignment

- a. Unless otherwise authorized in writing by the Department, the Subrecipient shall not assign any portion of the work to be performed under this Agreement, or execute any contract, amendment, or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement without the prior written concurrence of the Department.
- b. The Subrecipient agrees to incorporate the terms of this agreement and any applicable State or Federal requirements into written third-party contracts, sub-agreements, and leases, and to take the appropriate measures necessary to ensure that all Project participants comply with applicable Federal and State laws, regulations, and directives affecting their performance, except to the extent the Department determines otherwise in writing.

13. Hold Harmless.

Except as prohibited or otherwise limited by law, the Subrecipient agrees to indemnify, save, and hold harmless the Department, the State of North Carolina and the United States of America and its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Subrecipient of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under the Project.

14. Real Property, Equipment, and Supplies.

Federal or State Interest. The Subrecipient understands and agrees that the Federal or State Government retains an interest in any real property, equipment, and supplies financed with Federal or State assistance (Project property) until, and to the extent, that the Federal or State Government relinquishes its Federal or State interest in that Project property. NCDOT shall be informed and included in all ribbon cuttings / dedications / groundbreakings. With respect to any Project property financed with Federal or State assistance under this Agreement, the Subrecipient agrees to comply with the following provisions, except to the extent FTA or the Department determines otherwise in writing:

- a. Use of Project Property. The Subrecipient agrees to maintain continuing control of the use of Project property. The Subrecipient agrees to use Project property for appropriate Project purposes (which may include joint development purposes that generate program income, both during and after the award period and used to support public transportation activities) for the duration of the useful life of that property, as required by FTA or the Department. Should the Subrecipient unreasonably delay or fail to use Project property during the useful life of that property, the Subrecipient agrees that it may be required to return the entire amount of the Federal and State assistance expended on that property. The Subrecipient further agrees to notify the Department immediately when any Project property is withdrawn from Project use or when any Project property is used in a manner substantially different from the representations the Subrecipient has made in its Application or in the Project Description for this Agreement for the Project. In turn, the Department shall be responsible for notifying FTA.
- b. Maintenance and Inspection of Vehicles. The Subrecipient shall maintain vehicles at a high level of cleanliness, safety, and mechanical soundness in accordance with the minimum maintenance requirements recommended by the manufacturer and comply with the Department's State Management Plan ("SMP"). The Subrecipient shall register all vehicle maintenance activities into the Department's Asset Management System (AssetWorks) or an electronic version of same. The Department shall conduct frequent inspections to confirm proper maintenance pursuant to this subsection and the SMP. The Subrecipient shall collect and submit to the Department at such time and in such manner as it may require information for the purpose of the Department's Asset Management System (AssetWorks) and the Transit Asset Maintenance ("TAM") Plan.

- c. Maintenance and Inspection of Facilities and Equipment. The Subrecipient shall maintain any Project facility, including any and all equipment installed into or added on to the facility as part of the Project, in good operating order and at a high level of cleanliness, safety and mechanical soundness in accordance with good facility maintenance and upkeep practices and in accordance with the minimum maintenance requirements recommended by the manufacturer for all equipment installed in or added to the facility as part of the Project. Such maintenance shall be in compliance with applicable Federal and state regulations or directives that may be issued, except to the extent that the Department determines otherwise in writing. The Subrecipient shall document its maintenance program in a written plan. The Department shall conduct inspections as it deems necessary to confirm proper maintenance on the part of the Subrecipient pursuant to this subsection and SMP. Such inspections may or may not be scheduled ahead of time but will be conducted such that they shall not significantly interfere with the ongoing and necessary functions for which the Project was designed. The Subrecipient shall make every effort to accommodate such inspections by the Department in accordance with the Department's desired schedule for such inspections.
- d. The Subrecipient shall collect and submit to the Department at such time and in such manner as the Department may require information for the purpose of updating the TAM Plan Inventory and any and all other reports the Department deems necessary. The Subrecipient shall also maintain and make available to the Department upon its demand all documents, policies, procedures, purchase orders, bills of sale, internal work orders and similar items that demonstrate the Subrecipient's maintenance of the facility in good operating order and at a high level of cleanliness, safety and mechanical soundness.
- e. Incidental Use. The Subrecipient agrees that any incidental use of Project property will not exceed that permitted under applicable laws, regulations, and directives.
- f. Title to Vehicles. The Certificate of Title to all vehicles purchased under the Approved Budget for this Project shall be in the name of the Subrecipient. The Department's Public Transportation Division shall be recorded on the Certificate of Title as first lien-holder. In the event of project termination or breach of contract provisions, the Subrecipient shall, upon written notification by the Department, surrender Project equipment and/or transfer the Certificate(s) of Title for Project equipment to the Department or the Department's designee within 30 days of request.
- g. Encumbrance of Project Property. The Subrecipient agrees to maintain satisfactory continuing control of Project property as follows:
 - (1) Written Transactions. The Subrecipient agrees that it will not execute any transfer of title, lease, lien, pledge, mortgage, encumbrance, third party contract, subagreement, grant anticipation note, alienation, innovative finance arrangement (such as a cross border lease, leveraged lease, or otherwise), or any other obligation pertaining to Project property, that in any

way would affect the continuing Federal and State interest in that Project property.

- (2) Oral Transactions. The Subrecipient agrees that it will not obligate itself in any manner to any third party with respect to Project property.
 - (3) Other Actions. The Subrecipient agrees that it will not take any action adversely affecting the Federal and State interest in or impair the Subrecipient's continuing control of the use of Project property.
- h. Alternative Use, Transfer, and Disposition of Project Property. The Subrecipient understands and agrees any alternative uses, transfers, or disposition of project property must be approved by the Department and done in accordance with Departmental procedures.
- i. Insurance Proceeds. If the Subrecipient receives insurance proceeds as a result of damage or destruction to the Project property, the Subrecipient agrees to:
- (1) Apply those insurance proceeds to the cost of replacing the damaged or destroyed Project property taken out of service, or
 - (2) Return to the Department an amount equal to the remaining Federal and State interest in the damaged or destroyed Project property.
- j. Misused or Damaged Project Property. If any damage to Project property results from abuse or misuse occurring with the Subrecipient's knowledge and consent, the Subrecipient agrees to restore the Project property to its original condition or refund the value of the Federal and State interest in that property, as the Department may require.
- k. Responsibilities after Project Closeout. The Subrecipient agrees that Project closeout by the Department will not change the Subrecipient's Project property management responsibilities, and as may be set forth in subsequent Federal and State laws, regulations, and directives, except to the extent the Department determines otherwise in writing.

15. Insurance

The Subrecipient shall be responsible for protecting the state and/or federal financial interest in the facility construction/renovation and equipment purchased under this Agreement throughout the useful life. The Subrecipient shall provide, as frequently and in such manner as the Department may require, written documentation that the facility and equipment are insured against loss in an amount equal to or greater than the state and/or federal share of the real value of the facility or equipment. Failure of the Subrecipient to provide adequate insurance shall be considered a breach of contract and, after notification may result in termination of this Agreement. In addition, other insurance

requirements may apply. The Subrecipient agrees to comply with the insurance requirements normally imposed by North Carolina State and local laws, regulations, and ordinances, except to the extent that the Department determines otherwise in writing.

16. Termination

- a. Either party may terminate the Agreement by providing 60 days written notice to the other party, or as otherwise permitted by law.
- b. Should the Subrecipient terminate the Agreement without the concurrence of the Department, the Subrecipient shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the work.

17. Additional Repayment Requirements and Remedies

- a. The repayment requirements and remedies addressed in this Paragraph are in addition to those repayment requirements and other remedies set forth elsewhere in this Agreement, including the requirements to repay unspent funds. No remedy conferred or reserved by or to the Department is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy provided for in this Agreement, or now or hereinafter existing at law, in equity, or by statute, and any such right or power may be exercised from time to time and as often as may be deemed expedient.
- b. If there is a breach of any of the requirements, covenants or agreements in this Agreement (including, without limitation, any reporting requirements), or if there are any representations or warranties which are untrue as to a material fact in this Agreement or in relation to the Project (including the performance thereof), the Subrecipient agrees that the Department may require repayment from the Subrecipient of an amount of funds to be determined in the Department's sole discretion but not to exceed the amount of funds the Subrecipient has already received under this Agreement.

18. Civil Rights and Equal Opportunity

Under this Agreement, the Subrecipient shall at all times comply with the requirements included as part of this agreement in the Federal Terms and Conditions.

19. Choice of Law and Venue

This agreement is to be interpreted according to the laws of the State of North Carolina. The Parties hereby agree that the proper venue for any claims filed as a result of this Agreement shall be the Superior Court of Wake County, North Carolina.

20. Severability

If any provision of the FTA Master Agreement or this Agreement for the Project is determined invalid, the remainder of that Agreement shall not be affected if that remainder would continue to conform to the requirements of applicable Federal or State laws or regulations.

21. Incorporated Terms and Conditions

In addition to the Terms and Conditions contained in this agreement and the terms and conditions included in the grant application, which are hereby incorporated by reference, additional terms and conditions incorporated by reference into this agreement are checked below.



Federal Terms and Conditions, Attached

22. Federal Terms and Conditions

State Management Plan. The State Management Plan for Federal and State Transportation Programs and any subsequent amendments or revisions thereto, are herewith incorporated by reference, and are on file with and approved by the Department. Nothing shall be construed under the terms of this Agreement by the Department or the Subrecipient that shall cause any conflict with Department, State, or Federal statutes, rules, or regulations.

Allowable Costs. Eligible costs are those costs attributable to and allowed under the FTA program and the provisions of 2 CFR Parts 200 and 1201, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

No Federal Government Obligations to Third Parties. The Subrecipient acknowledges and agrees that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Agreement, absent the express written consent by the Federal Government, the Federal Government is not a party to this Agreement and shall not be subject to any obligations or liabilities to the Subrecipient or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying Agreement.

The Subrecipient agrees to include the above clause in each contract financed in whole or in part with Federal assistance provided by the FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Program Fraud and False or Fraudulent Statements or Related Acts. The Subrecipient acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 USC § 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to its actions pertaining to this project. Upon execution of the underlying Agreement, the Subrecipient certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Agreement or the FTA assisted project for which this Agreement work is being performed. In addition to other penalties that may be applicable, the Subrecipient further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Subrecipient to the extent the Federal Government deems appropriate.

The Subrecipient also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 USC chapter 53, the Government reserves the right to impose the penalties of 18 USC § 1001 and 49 USC § 5323(l) on the Subrecipient, to the extent the Federal Government deems appropriate.

The Subrecipient agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

Access to Records and Reports.

a. Record Retention. The Subrecipient will retain, and will require its subcontractors of all tiers to retain, complete and readily accessible records related in whole or in part to the Agreement, including, but not limited to, data, documents, reports, statistics, sub-agreements, leases, subcontracts, arrangements, other third-party agreements of any type, and supporting materials related to those records.

c. Access to Records. The Subrecipient agrees to provide sufficient access to FTA and its contractors to inspect and audit records and information related to performance of this Agreement as reasonably may be required.

d. Access to the Sites of Performance. The Subrecipient agrees to permit FTA and its contractors access to the sites of performance under this Agreement as reasonably may be required.

Federal Changes. The Subrecipient agrees to comply with all applicable federal requirements and federal guidance. All the standards or limits included in this agreement are minimum requirements. The federal requirements and guidance that applied at the time of the award this Agreement may be modified from time to time, and the modifications will apply to the Subrecipient.

Civil Rights and Equal Opportunity. Under this Agreement, the Subrecipient shall at all times comply with the following requirements and shall include these requirements in each subcontract entered into as part thereof.

1. Nondiscrimination. In accordance with Federal transit law at 49 USC § 5332, the Subrecipient agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, or age. In addition, the Subrecipient agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

2. Race, Color, Religion, National Origin, Sex. In accordance with Title VII of the Civil Rights Act, as amended, 42 USC § 2000e et seq., and Federal transit laws at 49 USC § 5332, the Subrecipient agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 CFR chapter 60, and Executive Order No. 11246, "Equal Employment Opportunity in Federal Employment," September 24, 1965, 42 USC § 2000e note, as amended by any later Executive Order that amends or supersedes it, referenced in 42 USC § 2000e note. The Subrecipient agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, or sex (including sexual orientation and gender identity). Such

action shall include, but not be limited to, the following: employment, promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

3. Age. In accordance with the Age Discrimination in Employment Act, 29 USC §§ 621634, U.S. Equal Employment Opportunity Commission (U.S. EEOC) regulations, "Age Discrimination in Employment Act," 29 CFR part 1625, the Age Discrimination Act of 1975, as amended, 42 USC § 6101 et seq., U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," 45 CFR part 90, and Federal transit law at 49 USC § 5332, the Subrecipient agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

4. Disabilities. In accordance with section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794, the Americans with Disabilities Act of 1990, as amended, 42 USC § 12101 et seq., the Architectural Barriers Act of 1968, as amended, 42 USC § 4151 et seq., and Federal transit law at 49 USC § 5332, the Subrecipient agrees that it will not discriminate against individuals on the basis of disability. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

Disadvantaged Business Enterprises. It is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises (DBEs) as defined in 49 CFR Part 26 shall have the equal opportunity to compete fairly for and to participate in the performance of contracts financed in whole or in part by Federal Funds. The Subrecipient is also encouraged to give every opportunity to allow DBE participation in Supplemental Agreements. The Subrecipient, subconsultant, and subcontractor shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract. The Subrecipient shall comply with applicable requirements of 49 CFR Part 26 in the award and administration of federally assisted contracts. Failure by the Subrecipient to comply with these requirements is a material breach of this contract, which will result in the termination of this contract or such other remedy, as the Department deems necessary.

When payments are made to Disadvantaged Business Enterprise (DBE) Subrecipients, including material suppliers, Subrecipients at all levels (Subrecipient, Subconsultant or Subrecipient) shall provide the Contract Administrator with an accounting of said payments. The accounting shall be listed on the Department's Subrecipient Payment Information Form (Form DBE-IS). In the event the Subrecipient has no DBE participation, the Subrecipient shall indicate this on the Form DBE-IS by entering the word 'None' or the number 'zero' and the form shall be signed. Form DBE-IS may be accessed on the website at: <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

A responsible fiscal officer of the payee Subrecipient, subconsultant or Subrecipient who can attest to the date and amounts of the payments shall certify that the accounting is

correct. A copy of an acceptable report may be obtained from the Department of Transportation. This information shall be submitted as part of the requests for payments made to the Department.

Prompt payment provisions. When a subcontractor has performed in accordance with the provisions of his contract, the contractor shall pay to his subcontractor and each subcontractor shall pay to his subcontractor, within seven days of receipt by the contractor or subcontractor of each periodic or final payment, the full amount received for such subcontractor's work and materials based on work completed or service provided under the subcontract NCGS §22C-1.

Incorporation of FTA Terms. Provisions of this Agreement include, in part, certain standard terms and conditions required by the U.S. DOT. All contractual provisions required by the U.S. DOT, as set forth in FTA Circular 4220.1, as amended, are incorporated by reference. Anything to the contrary herein notwithstanding, all FTA-mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Subrecipient shall not perform any act, fail to perform any act, or refuse to comply with any Department request, which would cause the Department to be in violation of FTA terms and conditions, as referenced in the current FTA Master Agreement shall prevail and be the instrument governing the receipt of Federal assistance from the Federal Transit Administration.

Energy Conservation. The Subrecipient agrees to comply with mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Subrecipient shall comply and facilitate compliance with U.S. DOT regulations, "Non-procurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement)," 2 CFR part 180. As such, the Subrecipient shall verify that its principals, affiliates, and subcontractors are eligible to participate in this federally funded Agreement and are not presently declared by any Federal department or agency to be:

- a) Debarred from participation in any federally assisted Award;
- b) Suspended from participation in any federally assisted Award;
- c) Proposed for debarment from participation in any federally assisted Award;
- d) Declared ineligible to participate in any federally assisted Award;
- e) Voluntarily excluded from participation in any federally assisted Award; or
- f) Disqualified from participation in any federally assisted Award.

By signing and submitting this Agreement, Subrecipient certifies as follows:

The certification in this clause is a material representation of fact relied upon by the Department. If it is later determined by the Department that the Subrecipient knowingly rendered an erroneous certification, in addition to remedies available to the Department, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The Subrecipient agrees to comply with the requirements of 2 CFR part 180, subpart C, as supplemented by 2 CFR part 1200, throughout the period of this Agreement. The Subrecipient further agrees to include a provision requiring such compliance in its lower tier covered transactions. These provisions apply to each contract at any tier of \$25,000 or more, and to each contract at any tier for a federally required audit (irrespective of the contract amount), and to each contract at any tier that must be approved by an FTA official irrespective of the contract amount.

Lobbying Restrictions. The Subrecipient agrees that neither it nor any third-party participant will use federal assistance to influence any officer or employee of a federal agency, member of Congress or an employee of a member of Congress, or officer or employee of Congress on matters that involve this agreement, including any extension or modification, according to the following:

(1) Laws, Regulations, Requirements, and Guidance. This includes:

(a) The Byrd Anti-Lobbying Amendment, 31 USC § 1352, as amended,

(b) U.S. DOT regulations, "New Restrictions on Lobbying," 49 CFR part 20, to the extent consistent with 31 USC § 1352, as amended, and

® Other applicable federal laws, regulations, requirements, and guidance prohibiting the use of federal assistance for any activity concerning legislation or appropriations designed to influence the U.S. Congress or a state legislature, and

(2) Exception. If permitted by applicable federal law, regulations, requirements, or guidance, such lobbying activities described above may be undertaken through the subrecipient's proper official channels.

The Subrecipient agrees to submit a signed and dated Certification on Lobbying that appears in the attachment.

Clean Air Act and Federal Water Pollution Control Act. The Subrecipient agrees:

1) It will not use any violating facilities;

2) It will report the use of facilities placed on or likely to be placed on the U.S. EPA "List of Violating Facilities;"

3) It will report violations of use of prohibited facilities to FTA; and

4) It will comply with the inspection and other requirements of the Clean Air Act, as amended, (42 USC §§ 7401 – 7671q); and the Federal Water Pollution Control Act as amended, (33 USC §§ 1251-1387).

Public Transportation Employee Protective Arrangements. The Subrecipient agrees to comply with the following employee protective arrangements of 49 USC § 5333(b):

1. Sections 5307 and 5339. Under this Agreement or any Amendments thereto that involve public transportation operations that are supported with 49 USC § 5307 or 49 USC § 5339 federal assistance, a certification issued by U.S. DOL is a condition of the Contract.
2. Section 5311. When the Agreement involves public transportation operations and is supported with federal assistance appropriated or made available for 49 USC § 5311, U.S. DOL will provide a Special Warranty for its Award. The U.S. DOL Special Warranty is a condition of the Agreement.
3. Section 5310. The conditions of 49 USC § 5333(b) do not apply to Subrecipients providing public transportation operations pursuant to 49 USC § 5310. FTA reserves the right to make case-by-case determinations of the applicability of 49 USC § 5333(b) for all transfers of funding authorized under title 23, United States Code (flex funds), and make other exceptions as it deems appropriate, and, in those instances, any special arrangements required by FTA will be incorporated herein as required.

Charter Service. The Subrecipient agrees to comply with 49 USC 5323(d), 5323®, and 49 CFR part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except as permitted under:

1. Federal transit laws, specifically 49 USC § 5323(d);
2. FTA regulations, "Charter Service," 49 CFR part 604;
3. Any other federal Charter Service regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

The Subrecipient agrees that if it engages in a pattern of violations of FTA's Charter Service regulations, FTA may require corrective measures or impose remedies on it. These corrective measures and remedies may include:

1. Barring it or any subcontractor operating public transportation under its Award that has provided prohibited charter service from receiving federal assistance from FTA;
2. Withholding an amount of federal assistance as provided by Appendix D to part 604 of FTA's Charter Service regulations; or
3. Any other appropriate remedy that may apply. The Subrecipient should also include the substance of this clause in each subcontract that may involve operating public transit services.

School Bus Operations. The Subrecipient agrees to comply with 49 USC 5323(f), and 49 CFR part 605, and not engage in school bus operations using federally funded equipment or facilities in competition with private operators of school buses, except as permitted under:

1. Federal transit laws, specifically 49 USC § 5323(f);
2. FTA regulations, "School Bus Operations," 49 CFR part 605;
3. Any other Federal School Bus regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

If Subrecipient violates this School Bus Agreement, FTA may:

1. Bar the Subrecipient from receiving Federal assistance for public transportation; or
2. Require the Subrecipient to take such remedial measures as FTA considers appropriate.

When operating exclusive school bus service under an allowable exemption, the contractor may not use federally funded equipment, vehicles, or facilities.

The Subrecipient shall include the substance of this clause in each subcontract or purchase under this contract that may operate public transportation services.

Substance Abuse Requirements (Recipients of Sections 5307, 5311, and 5339 funds only). The Subrecipient agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR parts 40 and 655, produce any documentation necessary to establish its compliance with part 655, and permit any authorized representative of the United States Department of Transportation or its operating administrations or the Department to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR part 655 and review the testing process. The Subrecipient agrees further to submit the Drug and Alcohol Management Information System (DAMIS) reports before February 15 to NCDOT Public Transportation Compliance Office or its designee.

23. Contract Administrators.

All notices permitted or required to be given by one Party to the other and all questions about this Agreement from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, postal address, street address, telephone number, fax number, and email address of the Parties' respective initial Contract Administrators are set out below. Either Party may change the name, postal address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

For the Department:

Name: Myra Freeman
Title: Financial Manager
Agency: NCDOT/PTD
Email: Msfreeman1@ncdot.gov
MSC: 1550 Mail Service Center – Raleigh, NC 27699-1550
Physical Address: 1 S. Wilmington St, Rm 542, Transportation Building, Raleigh, NC 27601
Phone: 919-707-4672 Fax: 919-733-2304

For the Subrecipient:

Name:

Title:

Agency:

Address:

Email:

Phone:

IN WITNESS WHEREOF, this Agreement has been executed by the Department, an agency of the State of North Carolina, and the Subrecipient by and through a duly authorized representative and is effective the date and year first above written.

CITY OF NEW BERN
On behalf of
New Bern Area Metropolitan
Planning Organization

SUBRECIPIENT'S FEDERAL TAX ID
NUMBER:

SUBRECIPIENT'S FISCAL YEAR END:

JUNE 30, 2022

BY:

TITLE:

CITY MANAGER

ATTEST:

TITLE:

DEPARTMENT OF
TRANSPORTATION

BY:

TITLE:

**DEPUTY SECRETARY FOR
MULTI-MODAL TRANSPORTATION**

ATTEST:

TITLE:

Attachment

Certification Regarding Lobbying

The Subrecipient certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Subrecipient's Authorized Representative: _____

Title: _____

Date: _____



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

April 20, 2021

Mr. Mark A. Stevens, City Manager
City of New Bern
P. O. Box 1129
New Bern, NC 28563-1129

RE: FY2022 Metropolitan Planning Program (Section 5303)
Project No. 22-08-125
WBS Element No: 36230.42.8.6
Period of Performance: 7/1/202021 – 6/30/2022

Dear Mr. Stevens:

On April 8, 2021, the Board of Transportation approved your organization's request for a FY22 Metropolitan Planning Program Grant in the amount of \$25,000. The agreement to be executed between City of New Bern and NCDOT is enclosed. The individual authorized to enter into this agreement for the financial assistance on behalf of your agency will sign the agreement. Please provide a copy of the agreement to all parties that will be involved in the administration of the grant, and request that the agreement be reviewed carefully. Instructions for completion of the grant agreement process are enclosed.

Please refer to Section 6b of the grant agreement that requires sub-recipients to submit monthly or quarterly requests for reimbursement.

If you have any question related to the grant agreement, please contact Myra Freeman, Financial Manager at 919-707-4672 or your assigned Accounting Specialist. In any correspondence, please reference your assigned project number, WBS element, Agreement number and period of performance referenced on this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Brumfield".

Ryan Brumfield
Director

RB\mf
Attachments

PUBLIC TRANSPORTATION DIVISION
PROJECT NUMBER: 22-08-125
APPROVED BUDGET SUMMARY
EFFECTIVE DATE 07/1/2021

PROJECT SPONSOR: CITY OF NEW BERN
PROJECT DESCRIPTION: FY2022 METROPOLITAN PLANNING PROGRAM (SECTION 5303)

I. TOTAL PROJECT EXPENDITURES

DEPARTMENT - 4526 PLANNING - 36230.42.8.6 \$25,000
PERIOD OF PERFORMANCE JULY 01, 2021 - JUNE 30, 2022

II. TOTAL PROJECT FUNDING

		<u>TOTAL</u>	<u>FEDERAL</u>	<u>STATE</u>	<u>LOCAL</u>
PLANNING -	36230.42.8.6	100%	80.00%	10.00%	10.00%
AGREEMENT		\$25,000	\$20,000	\$2,500	\$2,500
TOTAL		\$25,000	\$20,000	\$2,500	\$2,500

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION DIVISION
APPROVED PROJECT BUDGET

TE 07/1/2021 22-08-125

SPONSOR: CITY OF NEW BERN

WBS: 36230.42.8.6

----- DEPARTMENT 4526 - PLANNING I -----		
<u>OBJECT</u>	<u>TITLE</u>	<u>APPROVED BUDGET</u>
M302	442100-PROG SUPT ADMIN	1,000
M304	442301-L-RNG TRN PLN SYS	4,000
M305	442302-L-RNG TRN PLN PROJ	1,000
M306	442400-S-RNG TRNSP PLN	2,000
M313	442700-OTHER ACTIVITIES	17,000
TOTAL PLANNING		25,000

PROGRAM SUMMARY SHEET REQUIREMENTS



NORTH CAROLINA
Department of Transportation

TRANSPORTATION DEMAND MANAGEMENT FEDERAL, STATE

Administration, Operating

PRINCIPLE	The Transportation Demand Management Program (TDM) is intended to provide financial support for operating and in some cases administrative costs of transportation demand management programs promoting alternative transportation options to the single occupant vehicle.
ELIGIBLE SUBRECIPIENTS	Organizations must be public bodies responsible for promotion of TDM activities and may also provide services such as carpool/vanpool matching and vehicles for use in vanpooling. It is the intent of this program to fund only one organization per region. Eligible entities within a region are encouraged to partner together to provide TDM programming. This program may be funded with State funds or Federal Congestion Mitigation and Air Quality (CMAQ) in nonattainment or maintenance areas measured by ozone and CO pollutants or state funds.
ELIGIBLE SERVICE and SERVICE AREA	<p>The following activities are eligible if they are explicitly aimed at reducing single occupancy vehicle (SOV) travel and associated emissions: fringe parking, traveler information services, shuttle services, guaranteed ride home programs, carpools, vanpools, traffic calming measures, parking pricing, variable road pricing, telecommuting/teleworking, employer-based commuter choice programs.</p> <p>The CMAQ funds may support capital expenses and, as discussed in Section VII.A.2, of the Interim Program Guidance up to five years of operating assistance to administer and manage new or expanded TDM programs. Marketing and outreach efforts to expand use of TDM measures may be funded indefinitely, but only if they are broken out as distinct line items.</p> <p>Eligible telecommuting activities include planning, preparing technical and feasibility studies, and training. Construction of telecommuting centers and computer and office equipment purchases should not be supported with CMAQ funds.</p>
FINANCIAL CAPACITY and MANAGEMENT	Any funds borrowed from a parent organization or governmental organization must be reported to NCDOT within 15 days.
AUDIT REPORTS and FINANCIAL STATEMENTS	Subrecipients who expend more than \$500,000 in federal funds from all sources (including federal funds provided through NCDOT) in a year must submit the annual single audit required by 09 NCAC 03M and evidence of resolution of findings related to the transit program to NCDOT. The value of a capital item purchased by PTD on the subrecipients behalf must be considered when determining whether a subrecipient meets the threshold for a single audit.
PROGRAM REPORTING	NCDOT Public Transportation Division requires quarterly and year-end reports. The Program Status Reports are to be submitted with each claim.
OVERSIGHT	Oversight is performed through site visits by staff and quarterly reports.
OTHER	NCDOT PTD has developed a quarterly Performance Scorecard to measure its

PROGRAM SUMMARY SHEET REQUIREMENTS

REQUIREMENTS	performance over time and across four strategic areas. Developing a similar scorecard for the Statewide TDM Plan provides a consistent means of assessing regional TDM performance, while maintaining a streamlined and efficient means of reporting performance. It includes general goals resulting from the TDM Plan Update process and suggested performance measurements allowing for flexibility in designated specific strategies and tactics best suited for each regional TDM program. This scorecard is to be submitted quarterly to PTD.
REFERENCES	<u>Interim Program Guidance</u> <u>NC Public Transportation Business Guide</u> <u>NCDOT PTD TDM Application</u> <u>09 NCAC 03M</u> <u>FHWA and FTA Guidance and Circulars</u> Certifications and Assurances Agreement Terms and Conditions
UPDATES/REVISIONS	Original Date: 4/16/2018 Last Amended Date:

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Approving a License Agreement with Woods Hole Group for NOAA Monitoring Equipment at the Broad Street Terminus

Date of Meeting: 11/9/2021	Ward # if applicable: 1
Department: Administration	Person Submitting Item: Foster Hughes, City Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Approval is sought for a license agreement to allow Woods Hole Group to temporarily install and attach NOAA monitoring equipment at the Broad Street terminus to monitor water levels of the Neuse River.
Actions Needed by Board:	Consider adopting the resolution
Backup Attached:	Memo, resolution, license agreement

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item:
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:

Aldermen

Sabrina Bengel
Jameesha Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129
New Bern, NC 28563-1129
(252) 636-4000

Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

Memorandum

TO: Mayor and Board of Aldermen

FROM: Foster Hughes, City Manager

DATE: October 29, 2021

SUBJECT: License Agreement for NOAA Monitoring Equipment

Woods Hole Group is seeking a license agreement to temporarily install and attach National Oceanic and Atmospheric Administration ("NOAA") equipment at the Broad Street terminus. This equipment will be utilized to monitor the water levels of the Neuse River. The license agreement will terminate at midnight on May 31, 2022.

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made and entered into as of the 27th day of October, 2021, by and between the CITY OF NEW BERN, a North Carolina municipal corporation (“Licensor”), and WOODS HOLE GROUP, collectively referred to as the “Parties.”

WITNESSETH:

THAT WHEREAS, the Licensor owns a public right of way interest in the real property located at terminus of Broad Street in the City of New Bern, said parcel being identified by Craven County Tax Parcel Number 8-002-A-234; and

WHEREAS, the Licensee has requested the use of a portion of the seawall at the terminus of Broad Street more specifically illustrated on Exhibit A (“Licensed Area”) so that Licensee may temporarily install and attach NOAA monitoring equipment for the purpose of monitoring water levels of the Neuse River; and

WHEREAS, the Licensor agrees to allow the Licensee to use the Licensed Area for the purposes described herein; and

WHEREAS, the Parties have agreed upon the terms of this License and wish to reduce their agreement to writing.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the Parties hereto do hereby agree as follows:

1. Grant of License. Licensor hereby grants to Licensee, subject to the terms and conditions contained herein, a license to the Licensed Area for the sole purpose of installing and attaching NOAA monitoring equipment required to monitor water levels of the Neuse River. Licensee requires access to the Licensed Area to complete a NOAA project to update high/low tide predictions, update nautical charts, and improve inundation modeling.
2. Personal License Only. It is agreed between Licensor and Licensee that this license is personal to Licensee and shall not inure to the successors or assigns of Licensee.
3. Licensee Has No Interest or Estate. Licensee agrees that it does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in the Licensed Area by

virtue of this License Agreement or the license hereunder, or by Licensee's use hereunder, and Licensor conveys no interest in the License Area to Licensee by this License Agreement.

4. Improvements. Licensee shall not construct or install or permit the construction or installation of any barrier or other obstruction within the Licensed Area other than the water level monitoring equipment required to complete its project without Licensor's written consent.

5. Indemnification. The Licensee shall indemnify Licensor and hold Licensor harmless from any and all liability for personal injuries, property damage, or for loss of life or property resulting from, or in any way connected with the condition or use of the Licensed Area by Licensee, or Licensee's invitees, or guests of Licensee, or from the use by anyone on behalf of Licensee of the License Area. Licensor shall not be liable to Licensee if for any reason whatsoever Licensee's use of the License Area hereunder shall be hindered or disturbed.

6. Insurance. Licensee, at its sole cost and expense, shall maintain for the benefit of Licensor and Licensee, general liability insurance protecting Licensor and Licensee against any claim or claims for damage arising by reason of injury, death or damage occasioned in, upon or adjacent to the License Area, such insurance to protect Licensor and Licensee jointly and severally to the combined limit of One Million and No/100 Dollars (\$1,000,000.00) for injury to or death of any one (1) or more persons by the same accident or for damage to property of other persons. Each policy effecting such coverage shall designate Licensor as an additional insured, and shall contain a clause that the insurer will not cancel or materially modify the insurance coverage without first giving Licensor a minimum of thirty (30) days' advance written notice. Further, each such policy shall be carried with a reputable insurance company authorized to do business in North Carolina and reasonably approved by Licensor, and a certificate of insurance shall be provided to Licensor.

7. Modification. The terms, covenants, conditions and provisions of this Agreement may be extended, abrogated, modified, rescinded or amended in whole or in part only with the consent of Licensor and Licensee, and only in writing.

8. Applicable Law. This Agreement shall be governed in all respects by the laws of the State of North Carolina.

9. Notices. Any notices or other communications to be given hereunder shall be in writing and shall be deemed to have been given if delivered in person or mailed by United States certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or to such other address as shall be given in writing by one party to the other:

As to Licensor:
Michael Scott Davis, Esq.
209 Pollock Street
New Bern, NC 28560

As to Licensee:
Woods Hole Group
Robert Smith
107 Waterhouse Road
Bourne, MA 02532

10. Waiver. No waiver of any condition, covenant or restriction of this License Agreement by either party shall be deemed to imply or constitute a further waiver of the same or any other condition or covenant of this Agreement.

11. Captions. The captions of the various paragraphs of this Agreement are for convenience only and are not a part of this Agreement and do not in any way limit or amplify the terms and provisions of this Agreement.

12. Term and Termination. This License shall commence on October 1, 2021, and unless otherwise terminated, shall terminate at midnight on May 31, 2022.

IN TESTIMONY WHEREOF, Licensor has caused this instrument to be executed in its corporate name by its Mayor and its corporate seal to be affixed and attested by its City Clerk, and Licensee has caused this instrument to be executed by its Manager, all as of the day and year first above written; this Agreement being executed in duplicate originals, one of which is retained by each of the parties.

CITY OF NEW BERN

By: _____
Dana E. Outlaw, Mayor

ATTEST:

Brenda E. Blanco, City Clerk

WOODS HOLE GROUP

By: **Rob Smith** _____
Digitally signed by Rob Smith
Date: 2021.10.27 14:05:05
-04'00'





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/21/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 250 Park Avenue, 5th Floor New York NY 10177	CONTACT NAME: PHONE (A/C, No, Ext): 212-994-7100 E-MAIL ADDRESS:	FAX (A/C, No): 212-994-7047
INSURED Woods Hole Group, Inc. 107 Waterhouse Road Bourne MA 02532	INSURER(S) AFFORDING COVERAGE INSURER A: XL Specialty Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 37885

License#: BR-724491
WOODHOL-05**COVERAGES****CERTIFICATE NUMBER:** 1120330825**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC. OTHER:			UM00044627MA21A	1/1/2021	1/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Defense \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of New Bern is included as Additional Insured where required by written contract, pursuant to and subject to policy's terms, definitions, conditions and exclusions.

The Producer will endeavor to mail 30 days written notice to the Certificate Holder named on the certificate if any policy listed on the certificate is cancelled, non-renewed or material changed prior to the expiration date. Failure to do so shall impose no obligation or liability of any kind upon the Producer or otherwise alter the policy terms.

CERTIFICATE HOLDER**CANCELLATION**

City of New Bern
c/o Michael Scott Davis, Esq.
209 Pollock Street
New Bern NC 28560

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting a resolution for staff to execute a grant application to the Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA, for the Duffyfield Canal Restoration Project Scoping, Capability and Capacity-Building Activity (C&CB).

Date of Meeting: 11/9/2021	Ward # if applicable: Wards 2 & 5
Department: Development Services	Person Submitting Item: Amanda Ohlensehlen, Community & Economic Development Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The City requested BRIC funds to perform capability and capacity-building planning activities, specifically project scoping. Project scoping includes the development and analysis of a hydrologic and hydraulic (H&H) model during which topographic survey data and rainfall prediction information will be collected and used to develop a model of the canal and associated drainage area. Results of the H&H model will be analyzed to determine the feasibility and effectiveness of various flood mitigation strategies and to develop concept plans. This funding will enable the city to gather the data and information necessary to develop a phased construction/restoration plan for Duffyfield Canal and the surrounding areas. Total project scoping cost are \$200,000 with a \$140,000 federal share and a \$60,000 non-federal share.
Actions Needed by Board:	Adopt Resolution
Backup Attached:	Memo, Resolution, BRIC supporting documents

Is item time sensitive? <input type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input type="checkbox"/> No

Cost of Agenda Item:
If this requires an expenditure, has it be budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:

Aldermen

Sabrina Bengel
Jameesha Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129
New Bern, NC 28563-1129
(252) 636-4000

Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen

FROM: Amanda Ohlensehlen
Community & Economic Development Manger

DATE: October 28, 2021

SUBJECT: Consider adopting a resolution for staff to execute a grant application to the Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA, for the Duffyfield Canal Restoration Project Scoping, Capability and Capacity-Building Activity (C&CB).

Background

The Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA, makes federal funds available to states, U.S territories, federally recognized tribal governments, and local communities for hazard mitigation activities. The BRIC program recognizes the growing hazards associated with climate change, and the need for natural hazard risk mitigation activities that promote climate adaptation and resilience with respect to those hazards. BRIC funds may be used for mitigation projects, capability, and capacity building activities (C&CB), and management costs. For Fiscal Year 2021, FEMA plans to distribute \$1 billion through the BRIC program.

In North Carolina, the BRIC Program is administered through a partnership with the North Carolina Division of Emergency Management (NCEM). NCEM has the authority and responsibility for developing and maintaining a State Standard Hazard Mitigation Plan, reviewing the Building Resilient Infrastructure and Communities Program sub-applications, recommending technically feasible and cost-effective sub-applications to FEMA and providing pass-thru funding for FEMA-approved and awarded project grants to eligible sub-applicants.

To be competitive, projects must: be cost-effective, reduce or eliminate risk and damage from future natural hazards, meet either of the two latest published editions of relevant consensus-based codes, align with an applicable hazard mitigation plan, and meet all environmental and historic preservation (EHP) requirements. The Period of Performance (POP) is 36 months from the date of the Award. A non-federal cost share of at least 25%

is required for most sub-applications funded under BRIC. Due to the national competition of the program being very competitive, a 30% cost share earns additional points.

FY 2021 BRIC Application Process

Letters of Interest were due to the NCEM on October 1st, 2021. NCEM then reviewed the letters and invited select applicants to fully develop a BRIC 2021 project sub-application. The city submitted three Letters of Interest and was invited to submit a full sub-application for all three projects. Completed BRIC sub-applications are due to NCEM on November 24, 2021. NCEM will then submit an application to FEMA by January 28, 2022. Before submitting three full sub-applications, staff seeks Board approval of matching funds for each project.

Project – Duffyfield Canal Project Scoping - Capability and Capacity-Building Activity (C&CB)

In order to understand the extent and depth of flooding in the Duffyfield canal area, the City requested BRIC funds to perform capability and capacity-building planning activities, specifically project scoping. Project scoping includes the development and analysis of a hydrologic and hydraulic (H&H) model during which topographic survey data and rainfall prediction information will be collected and used to develop a model of the canal and associated drainage area. Results of the H&H model will be analyzed to determine the feasibility and effectiveness of various flood mitigation strategies and to develop concept plans. This funding will enable the city to gather the data and information necessary to develop a phased construction/restoration plan for Duffyfield Canal and the surrounding areas. Total project scoping cost are \$200,000 with a \$140,000 federal share and a \$60,000 non-federal share.

Recommendation

A cost share is required for all sub-applications funded for the BRIC program. The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. Staff will seek additional grant opportunities to cover the match. The Mayor and Board of Aldermen is asked to consider adopting a resolution authorizing staff to execute a grant application to the Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA.

Please contact Amanda Ohlensehlen at 252-639-7580 if you have questions or need additional information.

RESOLUTION

WHEREAS, the City has been made aware of a grant, the Building Resilient Infrastructure and Communities ("BRIC") program, administered by the Federal Emergency Management Agency ("FEMA") which makes federal funds available to states, U.S territories, federally recognized tribal governments, and local communities for hazard mitigation activities; and

WHEREAS, the City submitted a Letter of Interest to the North Carolina Division of Emergency Management ("NCEM"), and NCEM has determined that the project has potential as a 2021 BRIC project sub-application; and

WHEREAS, the City has been invited to fully develop a project sub-application for this project for official submission to BRIC; and

WHEREAS, a cost share is required for all sub-applications funded for the BRIC program; the grant request is \$200,000, and a thirty-percent (30%) match of \$60,000 is required in support of the grant; and

WHEREAS, the non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof; and

NOW, THEREFORE, be it resolved that the Board of Alderman of City of New Bern hereby:

1. Authorize staff to execute a full grant sub-application to the BRIC program administered by FEMA in the amount of \$200,000.00 to support the Duffyfield Canal Restoration Project Scoping, Capability and Capacity-Building Activity; and

2. The City of New Bern will be responsible for the cost share of up to \$60,000.00.

ADOPTED THIS 9TH DAY OF NOVEMBER 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Notice of Funding Opportunity for Fiscal Year 2021 Building Resilient Infrastructure and Communities Grants

Release Date: Aug 9, 2021

FEMA provides federal funds for the Building Resilient Infrastructures and Communities (BRIC) grant program to states, local communities, tribes and territories for mitigation activities. BRIC is a FEMA annual hazard mitigation program. Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorizes this program. The priorities are to:

- Incentivize natural hazard risk reduction activities that mitigate risk to public infrastructure
- Prioritize benefits to disadvantaged communities
- 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

The Fiscal Year 2021 (FY21) BRIC Notice of Funding Opportunity can be accessed at [Grants.gov](https://www.grants.gov). Before applying for the grant, FEMA encourages reviewing the detailed program information and other grant application and administration requirements.

Changes for the Fiscal Year 2021

Changes for the Fiscal Year 2021 BRIC program include:

- Increases the state/territory allocation subtotal by an additional \$400,000 to \$1 million, which includes an increase to the mitigation planning and planning-related activities per applicant to \$500,000
- Increases tribal set-aside to \$25 million. The combined cost of an applicant's capability- and capacity-building activities increased to \$1 million. Any funds that are



not awarded from the Tribal Set-Aside will be re-allocated to the non-financial Direct Technical Assistance for tribes

- Continues to incentivize the adoption of building codes based on the latest published editions of building codes
- Includes a new priority to enhance climate resilience and adaptation
- Includes a new priority to prioritize benefits to incentivize natural hazard risk reduction activities that mitigate risk to public infrastructure and includes disadvantaged communities as defined in Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad
- Revises the title of a “Small Impoverished Community” to “Economically Disadvantaged Rural Communities”¹
- Prioritizes assistance that benefits disadvantaged communities as referenced in Executive Order 14008 - Tackling the Climate Crisis at Home and Abroad, in line with the Administration’s Justice40 Initiative to promote equity
- Revises the population impacted, outreach activities, and leveraging partners qualitative criteria to emphasize equity considerations through further assessment of vulnerable communities, a broadened range of stakeholder input and more varied partnerships
- Doubles the number of communities to which FEMA is offering non-financial Direct Technical Assistance, from 10 to 20, to help build capability and capacity at the local level and includes disadvantaged communities
- Partially implements the Federal Flood Risk Management Standard in other eligibility criteria as referenced in Executive Order 14030 – Climate-Related Financial Risk

Available Funding for Fiscal Year 2021

FEMA will distribute up to \$1 billion through the BRIC grant program in the following manner:



FEMA

- **State/Territory Allocation:** \$56 million (up to \$1 million per applicant). All 50 states, the District of Columbia, and U.S. territories may apply under the State/Territory Allocation.
- **Tribal Set-Aside:** \$25 million. All federally recognized Tribal Governments may apply under the Tribal Set-Aside.
- **National Competition for Mitigation Projects:** \$919,000,000 (estimated). Any funds that are not awarded from the State/Territory Allocation will be re-allocated to the national competition. Any funds that are not awarded from the Tribal Set-Aside will be re-allocated to the non-financial Direct Technical Assistance for tribes.

Total Available BRIC FUNDING
\$1 Billion

Uses of Assistance	\$56M State/Territory Allocations	\$25M Tribal Set-Aside	\$919M National Competition for Mitigation Projects
Management Costs	✓	✓	✓
Capability and Capacity Building Activities	✓	✓	
Mitigation Projects	✓	✓	✓

Funding Caps

The funding caps (federal share) for the BRIC program are as follows:

- **State/Territory Maximum Allocation and Activity Caps:** \$1 million
 - Up to \$500,000 may be used for mitigation planning and planning-related activities per applicant
- **Tribal Set-Aside Activity Caps:** The combined cost of the applicant's capability- and capacity building activities under the Tribal Set-Aside must not exceed \$ 1 million per applicant.
- **National Competition Cap:** \$50 million per subapplication. An unlimited number of subapplications can be submitted to the National Competition by an applicant.



FEMA

Cost Share

A cost share is required for all subapplications funded for the Building Resilient and Infrastructure Communities program. The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. FEMA will provide 100% federal funding for management costs. The cost share information includes:

- Generally, the cost share for this program is 75% federal/25% non-federal.
- Economically disadvantaged rural communities 1 are eligible for an increase in cost share up to 90% federal/10% non-federal.
- For insular areas, including American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands, FEMA automatically waives the non-federal cost share for the Recipient when the non-federal cost share for the entire award is under \$200,000. The recipient may request the waiver in its application.

Application and Funding Deadlines

To apply for funding made available for Fiscal Year 2021 through, applicants must adhere to the following application and funding deadlines:

Application Opening: **Sept. 30, 2021**

- Eligible applicants must apply for funding using the FEMA Grants Outcome (FEMA GO), which is the management system for BRIC. The development of FEMA GO was a multi-year effort to modernize and transform the way FEMA conducts grants management. FEMA GO will streamline the process to apply for, track, and manage FEMA grants.
- To apply, please visit <https://go.fema.gov/>.

Application Deadline: **Jan. 28, 2022 (3:00 p.m. Eastern Standard Time)**

New system-related issues must be addressed by Wednesday, **Jan. 26, 2022 (3:00 p.m. Eastern Standard Time)**. applicants experiencing technical problems outside of their control must notify FEMA by this deadline.



Please note that FEMA deadlines listed refer to application deadlines for the applicants. Subapplicants should consult with their applicant agency to confirm subapplication deadlines to the applicant.

Pre-Award Selection Notice: anticipated to be Summer **2022**

Period of Performance (POP):

- **Start Date:** Date of the Recipient's federal Award
- **End Date:** 36 months from start date on Recipient's federal award

Any subsequent amendments to the federal award will not extend the POP unless explicitly stated.

The subapplicants may submit a request for a longer POP in the subapplication for FEMA to review and approve.

Eligibility Information

- To be eligible for BRIC funding, FEMA will require the applicants and subapplicants listed below to have a current FEMA-approved Hazard Mitigation Plan at time of application and award. Further, Section 203 of the Stafford Act requires the applicant meet the following criteria:
- **Eligible applicants** include all 50 states, U.S. territories, federally recognized Tribal Governments, and District of Columbia.
- **Eligible subapplicants** include Local Governments, Tribal Governments, State Agencies, and Tribal Agencies.
- **State or territory:** Must have received a major disaster declaration under the Stafford Act in the seven years prior to the annual grant application period start date.
- **Federally recognized tribe:** Must have received a major disaster declaration under the Stafford Act in the seven years prior to the annual grant application period start date or be entirely or partially located in a state that received a major disaster declaration in the seven years prior to the annual grant application period start date. A Federally recognized tribe is eligible to apply for a grant either as an applicant or subapplicant. If a tribe requests to apply through the state, the state must meet the "seven year" declaration criteria.
- FEMA must apply this seven-year requirement for each BRIC grant cycle. All states, federally recognized tribes, and territories satisfy these criteria for the Fiscal Year 2021 BRIC grant cycle.



FEMA

FEMA will fund the following uses of assistance through the BRIC program:

- **Capability- and Capacity-Building Activities (C&CB)** can be submitted under the State/Territory Allocation and Tribal Set-Aside. These are activities that enhance the knowledge, skills, and expertise of the current workforce to expand or improve the administration of mitigation assistance. There are four types of C&CB activities:
 - Building Codes
 - Partnerships
 - Project Scoping
 - Mitigation Planning and Planning-Related Activities
- **Mitigation Projects** can be submitted under the State/Territory Allocation, Tribal Set-Aside, and the national competition. 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 from natural hazards.
- **Management Costs** can be submitted under the State/Territory Allocation, Tribal Set-Aside, and national competition. Management costs allow FEMA to provide financial assistance to reimburse the recipient and subrecipient for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation project or C&CB activity. Subapplicants may submit up to 5% of the total budget of the C&CB activity or mitigation project for subapplicant management costs. Applicants may submit up to 10% of the application budget inclusive of subapplicant management costs for applicants to administer and manage award and subaward activities. The subapplicant management costs (up to 5%) must be added to the subapplication total budget prior to the calculation of the applicant management costs (up to 10%).

FEMA will provide the following assistance through BRIC:

- **Non-Financial Direct Technical Assistance** to communities to build a community's capacity and capability to improve its resiliency to natural hazards and to ensure stakeholders are capable of building and sustaining successful mitigation programs, submitting high-quality applications, and implementing new and innovative projects that reduce risk from a wide range of natural hazards.

Other Eligibility Criteria

FEMA is partially implementing the Federal Flood Risk Management Standards (Executive Order 14030 – Climate-Related Financial Risks)



- For certain non-critical actions involving structure elevation, dry floodproofing, and mitigation reconstruction in the Special Flood Hazard Area a minimum of the base flood elevation plus 2 feet of freeboard will be required (unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements).
- If a state, local, tribal, territorial government, or federal agency has adopted a higher standard applicable to the specific project, FEMA will require the higher standard as the design flood elevation under the American Society of Civil Engineers 24-14 (ASCE 24-14).

For additional information on eligibility, view the full FY21 BRIC NOFO, accessible at www.Grants.gov.

Additional Resources

For general questions about the BRIC program can be directed to the appropriate State Hazard Mitigation Officer (SHMO) or FEMA Regional Office on FEMA.gov. The HMA Helpline is available by telephone at (866) 222-3580.

The FEMA Mitigation Action Portfolio includes examples of innovative mitigation projects that address many types of natural hazards and emphasize the importance of collaboration between governments, private sector entities, and non-governmental organizations in order to achieve effective hazard mitigation and disaster resilience. The following FEMA resources are specific to the grant application for Fiscal Year 2021.

- BRIC Building Codes Activities Program Support Material
- BRIC Partnership Activities Program Support Material
- BRIC Project Scoping Activities Program Support Material
- BRIC Mitigation Planning Activities Program Support Material
- BRIC Direct Technical Assistance Program Support Material
- BRIC Technical Criteria Program Support Material
- BRIC Qualitative Criteria Program Support Material
- BRIC Tribal Information Program Support Material
- BRIC Phased Projects Program Support Material

¹An economically disadvantaged rural community is a community of 3,000 or fewer individuals identified by the applicant that is economically disadvantaged, with residents having an average per capita annual income not exceeding 80% of the national per capita income, based on best available data.



FEMA

Building Resilient Infrastructure and Communities (BRIC) grant program

Guiding Principles

Support community capability and capacity building



Enable large infrastructure projects



Encourage and enable innovation



Maintain flexibility



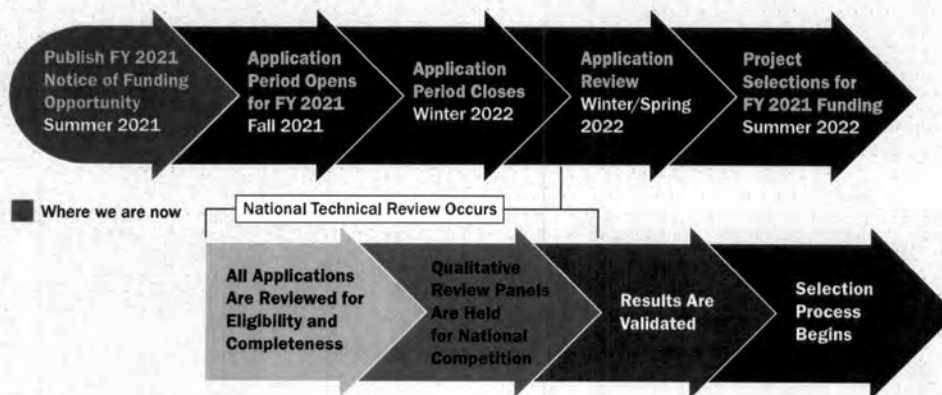
Promote partnerships and equity



Provide consistency



BRIC Launch Timeline



Funding

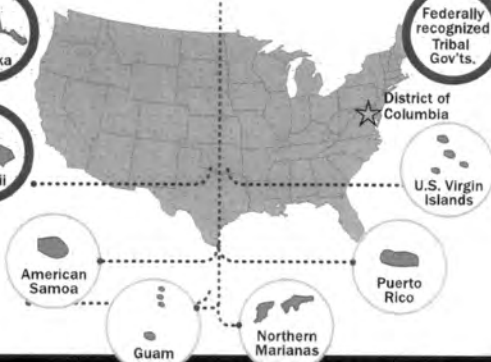
BRIC is funded by a 6% set-aside from federal post-disaster grant funding

- **State and Territory Allocation:** An allocation for each state, territory, and the District of Columbia (DC).
- **Tribal Set-Aside:** A set-aside for federally recognized Tribal Governments.
- **National Mitigation Project Competition:** For all eligible Applicants, the remainder of the funding will be available competitively for mitigation projects.

Who is eligible for BRIC funding?

Applicants:

- ✓ All 50 states
- ✓ U.S. territories
- ✓ Federally recognized tribal governments
- ✓ District of Columbia



Subapplicants:

- ✓ Local governments
- ✓ Tribal governments
- ✓ State agencies
- ✓ Tribal agencies

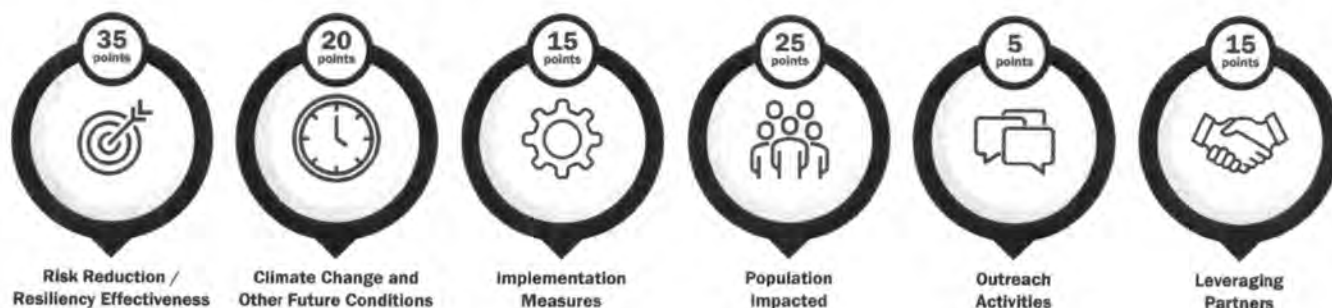


FEMA

For more information visit www.fema.gov/bric

BRIC Qualitative Criteria

This program support material provides detailed information about the six qualitative evaluation criteria that will be used in the Building Resilient Infrastructure and Communities (BRIC) national competition. Information to both guide applicants and subapplicants in the development of their subapplications and to assist panelists in the qualitative review of projects is described below. Additionally, application instructions are included for each respective criterion to guide information submission in FEMA Grants Outcomes (FEMA GO).



BRIC National Competition Qualitative Criteria and Point Values

Background

As described in the BRIC Notice of Funding Opportunity FEMA will convene a National Review Panel to score subapplications submitted to the national competition based on a qualitative review. The BRIC national competition National Review Panel will include FEMA Regional Office and Headquarters staff, as well as representatives from state, local, tribal, and territorial (SLTT) governments and other federal agencies. As referenced in the Notice of Funding Opportunity:

If needed based on the number of subapplications submitted to the BRIC program, FEMA will use the technical evaluation criteria scoring as a program priority screening tool for the qualitative evaluation review. FEMA will send subapplications valued at twice the amount of available funding to the BRIC qualitative evaluation panel.

FEMA will ensure that at least one eligible subapplication from each applicant will be sent to the qualitative evaluation panel for review.

In order to increase transparency in decision-making while building capability and partnerships, FEMA will convene a National Review Panel to score subapplications based on qualitative evaluation criteria.



FEMA

The qualitative criteria are narrative submissions to allow subapplicants the flexibility to fully explain the strengths of the proposed project. Qualitative evaluation criteria have graded scales of point scoring.

FEMA developed the qualitative evaluation criteria based upon comments received through stakeholder engagement efforts. For example, comments indicated support for holistic project evaluation beyond economic metrics alone as well as for incentivizing partnerships and high-quality community engagement.

In accordance with the BRIC program's guiding principle of promoting equity and in implementing the Justice40 Initiative, the BRIC program is prioritizing assistance that benefits disadvantaged communities as referenced in Executive Order 14008.

A disadvantaged community may be characterized by variables including, but not limited to: low income, high and/or persistent poverty, high unemployment and underemployment, racial and ethnic segregation, linguistic isolation, high housing cost burden and substandard housing, distressed neighborhoods, high transportation cost burden and/or low transportation access, disproportionate environmental burden and high cumulative impacts, limited water and sanitation access and affordability, disproportionate climate impacts, high energy cost burden and low energy access, and all geographic areas within Tribal jurisdictions.

Four of the six BRIC qualitative evaluation criteria reflect the need for subapplications to speak to how the project will benefit disadvantaged communities: (1) Risk Reduction/Resiliency Effectiveness, (2) Population Impacted, (3) Outreach Activities, and (4) Leveraging Partners. Point allocation and criteria content have evolved to be more inclusive of the proposed subapplication benefits to disadvantaged communities.

More information on stakeholder engagement efforts can be found on the [FEMA BRIC webpage](#).

Evaluation Process and Scoring

The panelists will leverage their mitigation experience and expertise during the review to assess the degree to which subapplications meet the six BRIC qualitative evaluation criteria (based on the scoring in Table 1). The subapplication's final qualitative score will be calculated by averaging the qualitative scores from each panelist. The six criteria include the following: (1) Risk Reduction/Resiliency Effectiveness, (2) Climate Change and Future Conditions, (3) Implementation Measures, (4) Population Impacted, (5) Outreach Activities, and (6) Leveraging Partners.

Table 1: To what degree does the subapplication meet the criterion?

Scoring Option	Description
Not at all	The subapplication does not address the criterion at all, or minimal references to the criterion are made that include no substantive information.
Minimally	The subapplication addresses the criterion, but information in the subapplication may be confusing, unclear, and/or incorrect. The degree to which the subapplication demonstrates the criterion has been met is weak.
Partially	The subapplication addresses the criterion, but the subapplication may lack clarity and/or strong support, have some minor inconsistencies, or not address all components

Scoring Option	Description
.	of the criterion. The degree to which the subapplication demonstrates the criterion has been met is mediocre.
Mostly	Although the subapplication may include a few minor inconsistencies or areas that need more clarity, there is strong support for most components of the criterion. The degree to which the subapplication demonstrates the criterion has been met is acceptable.
Entirely	The subapplication is clear, concise, and complete; provides examples; and is supported by data. It addresses all components of the criterion and may have a particularly compelling narrative. The degree to which the subapplication demonstrates the criterion has been met is excellent.
Exceeds	In addition to addressing all components of the criterion and being clear, concise, complete, and supported by data, the subapplication articulates the impact of the project in catalyzing broader efforts (such as legislative action) as they relate to the criterion. The degree to which the subapplication demonstrates the criterion has been met is beyond excellent.

The National Review Panel will apply the scoring options listed in Table 1 to all six qualitative criteria. However, point values associated with each scoring option vary among criteria, depending on the total possible points for each criterion. The graded scoring and point scales for each criterion are included below.

Application instructions are included below for each respective criterion to guide information submission in FEMA GO. More information on navigating the new FEMA GO system and the full application process can be found on the [Grants Guidance](#) webpage on FEMA.gov.

Prompts are outlined for each qualitative criterion to serve as a helpful starting point for applicants and subapplicants. These prompts are designed to clarify terms and provide guiding questions for applicants and subapplicants to consider as they write the subapplication. This information will be provided to panelists to foster a common frame of reference. Please note that answering every question, while informative, will not necessarily guarantee an “Exceeds” score. Finally, prompts included here are by no means mutually exclusive or exhaustive; any additional information to support the merit of the subapplication is welcome. This information supplements the information regarding qualitative evaluation criteria that can be found in the BRIC Notice of Funding Opportunity.

Qualitative Criterion 1: Risk Reduction/Resiliency Effectiveness (35 possible points)

The subapplication details the following elements: (1) effective risk reduction; (2) effective increase to resilience; (3) provides ancillary benefits; and (4) leverages innovation. Ancillary benefits could include how this project will address inequities and provide the greatest support to those with greatest need.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	7	14	21	28	35

Applicants and subapplicants should include Risk Reduction/Resiliency Effectiveness information in the Scope of Work Section of FEMA GO.

Prompts for Risk Reduction/Resiliency Effectiveness Criterion

1. Interpreting Responses to Effective Risk Reduction

Details how the project will reduce risk. The details should identify the risk being reduced and state what action will reduce the identified risk. The details are clear and reasonable. The benefits calculated through the BCA toolkit are suitable. However, we do not limit evaluation of risk-reduction to those quantifiable. We encourage alternative explanations of risk-reduction here. How will the proposed project reduce risk(s) and to what level?

For example, a proposed project could be designed to provide 100-year-level flood protection to a neighborhood with 250 people, 135 homes, 15 publicly owned structures that support several Community Lifelines, and a variety of cultural, historic, and environmental resources. Additionally, subapplicants may have high Building Code Effectiveness Grading Schedule (BCEGS) scores that show a commitment to reducing risk through strong building code adoption and enforcement activities.

2. Interpreting Responses to Increases in Resilience

Resilience refers to the ability to prepare for anticipated hazards, adapt to changing conditions, and withstand and recover rapidly from disruption.¹ How will the proposed project improve resilience?

For example, a project designed to retrofit a library to serve as a tornado shelter could include tornado (and other hazards) preparedness, resilience, and mitigation information. This could enhance the community's resilience by educating the public about the natural hazard risks they face, as well as build a culture of preparedness.

Details how the project will increase resilience. The details should identify the aspects of resilience being increased and state what action will increase the identified resilience. The details are clear and reasonable.

3. Interpreting Responses to Ancillary Benefits

Ancillary benefits refer to benefits other than the project's primary risk reduction objective, which should be identified in the Scope of Work and BCA, if applicable. Ancillary benefits are benefits related to water/air quality, habitat creation, energy efficiency, economic opportunity, reduced social vulnerability, cultural resources, public health, mental health, etc.

What ancillary benefits will the project provide and how? Does the project consider multiple hazards (e.g., wind/storm surge, wildfire/mudslides) to address risks beyond the proposal's primary risk reduction objective? Ancillary benefits should include how a project will lead to equitable outcomes and provide the greatest support to those with greatest need. Ancillary benefits could also address climate-related benefits.

¹ This definition is used by the [National Institute of Standards and Technology](https://www.nist.gov).

4. Interpreting Responses to Leveraging Innovation

Innovation in one community can look very different from innovation in another community. How does the project leverage or demonstrate innovation for your community? What new ideas or approaches is the project incorporating?

For example, a proposed project in a rural community that has seen an increase in development and impervious surface might include nature-based solutions that have not previously been used. Details how the project will leverage innovation. The details should identify the aspects of innovation being leveraged and state what project aspects incorporate this element. The details are clear and reasonable.

Qualitative Criterion 2: Climate Change and Other Future Conditions (20 possible points)

The subapplication describes how the project will (1) enhance climate adaption, (2) details how the project is being responsive to the effects of climate change² (such as sea level rise³), (3) details how the project is being responsive to the effects of other future conditions (population/demographic/land use, etc.), and (4) cites data sources, assumptions, and models.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	4	8	12	16	20

Applicants and subapplicants should include Future Conditions information in the Evaluation Section of FEMA GO.

Prompts for Climate Change and Other Future Conditions Criterion

What anticipated future conditions are relevant for the project? Examples of future conditions include, but are not limited to, the following: expected population changes, land use and development shifts, aging population, shifts in income or employment, changes in housing needs, increasing temperatures, increased wildfire risk, sea level rise, more frequent high tide flooding, more intense rainfall events, increasing storm frequency, persistent and prolonged droughts, changing groundwater tables, etc.

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? Relevant plans may include Hazard Mitigation Plans, Comprehensive Plans, Climate Adaptation Plans, Long-Range Transportation Plans, Small Area Plans, Coastal Zone Management Plans, Capital Improvement Plans, etc.

What data sources and assumptions are used to guide the project? For example, when citing a sea level rise projection, what time period and what scenario of sea level rise are assumed?

References to any data sources used must be documented.

Qualitative Criterion 3: Implementation Measures (15 possible points)

The subapplication adequately describes: how (1) the costs will be managed; (2) how the schedule will be managed, (3) how the project will be successfully implemented, and how innovative techniques to facilitate implementation will be incorporated; (4) the project's Scope of Work identifies sufficient technical and managerial staff and resources to successfully implement this project.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	3	6	9	12	15

Applicants and subapplicants should include Implementation Measures information in the Scope of Work Section of FEMA GO.

Prompts for Implementation Measures Criterion

Does the application inspire confidence that the project can be completed successfully as designed, given the stated implementation measures?

What potential implementation challenges and obstacles are identified (e.g., technical, political, financial, public support, environmental/permitting, constructability) and what implementation solutions are proposed to address these challenges?

Are the proposed project costs and schedule realistic? How do project cost estimates and the schedule identify and properly address potential challenges and obstacles?

What pre- and post-implementation monitoring strategies are proposed for the project? What specific evaluation elements are proposed to measure progress and ensure the project is executed as designed?

What technical and managerial staff and resources are available to successfully implement the project? How will anticipated staff and resource gaps be filled?

Are examples of successfully completed projects included to demonstrate effective implementation measures?

Qualitative Criterion 4: Population Impacted (25 possible points)

The subapplication demonstrates: (1) community-wide benefits (2) the proportion of the population that will be impacted, including a description of the disadvantaged communities as referenced in EO 14008; (3) how the project was selected and designed to maximize positive impacts and minimize negative impacts to any disadvantaged populations as referenced in EO 14008.; (4) the proposed project is clearly benefiting a disadvantaged community.

If a population impacted as demonstrated by the subapplication does not include a disadvantaged community, then the highest point allotment available is Partially.

Subapplication(s) that clearly state that the proposed project is benefiting a disadvantaged community can score Mostly or higher. Subapplications that demonstrate a direct positive impact to a disadvantaged community will receive a score of Mostly, and subapplications which thoroughly demonstrate the population impacted including a high positive impact on a disadvantaged community will merit a score of Entirely or Exceeds.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	5	10	15	20	25

Applicants and subapplicants should include the Population Impacted information in the Scope of Work Section of FEMA GO.

Prompts for Population Impacted Criterion

Community size, scale, and definition can look very different in different local contexts. 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 (i.e., experience direct community-wide benefits)? How is this estimate calculated? The subapplication should include percentages of the community’s population that will directly and indirectly benefit from the project.

What is the extent of the project’s expected direct and indirect impacts benefit a disadvantaged community? How will the project reduce cascading impacts to Community Lifelines, residents, businesses, public services, infrastructure, and natural systems?

Who are the most vulnerable members of the community where the project is proposed? How will the project minimize negative impacts to disadvantaged members of the community? How will the project maximize positive impacts to disadvantaged members of the community? Impacts can be directly related to the risk reduction activity or indirectly related, such as with ancillary impacts (i.e., social, environmental, economic impacts).

For example, a roadway flooding mitigation project near a hospital and a police station could reduce the flooding hazard impact to the subapplicant’s Transportation, Health and Medical, and Safety and Security Lifelines. The project could also be sited in an area that is economically disadvantaged that depends on these critical services.

Qualitative Criterion 5: Outreach Activities (5 possible points)

The subapplication describes: (1) the outreach strategy and supporting activities appropriate to the project and advancing community mitigation; (2) the types of community planning processes leveraged; (3) and describes how input from a diverse range of stakeholders, including people from disadvantaged communities, was gathered and incorporated into project conception and design.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	1	2	3	4	5

Applicants and subapplicants should also include information about their Outreach Activities in the Scope of Work Section of FEMA GO.

Prompts for Outreach Activities Criterion

To what extent did stakeholders and/or stakeholder groups contribute to this project? What stakeholder collaboration activities occurred?

What planning processes were leveraged during the development of the project proposal to advance mitigation? How did the project planning process ensure that the disadvantaged in the community were involved in the planning and decision-making processes?

What information (e.g., resiliency goals and outcomes, partnership opportunities, project implementation progress) will be shared with the public? What public outreach and engagement strategies will be used to disseminate project information to and gather feedback from stakeholders and members of the community?

What support or conflicts emerged through the project planning process? How will conflicts be resolved as the project is implemented?

What are the connections between your hazard mitigation plan and local land use requirements and how does the linkage make your community more resilient?

Qualitative Criterion 6: Leveraging Partners (15 possible points)

The project subapplication incorporates: (1) partnerships (e.g., state, territory, tribal, private, district, local community) that will ensure the project meets community needs, (2) an explanation on how these partnerships benefit disadvantaged communities, and (3) an explanation on the anticipated 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).

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	3	6	9	12	15

Applicants and subapplicants should include information about Leveraging Partners in the Evaluation Section of FEMA GO.

Prompts for Leveraging Partners Criterion

Partnerships can take many different forms. For example, partners may contribute financially, support and promote the proposed project, help generate community-wide awareness of the risks the proposal is designed to address, etc. What partners were involved in the project design? How did partners contribute to the application? What partners will contribute to the implementation of the project?

To what extent were non-governmental organizations, including those organizations that represent disadvantaged groups, universities, or other government entities consulted for advice or assistance? How has collaboration with surrounding jurisdictions supported project development?

To what extent have other federal programs or funding sources been leveraged for the project? To what extent have partners provided funding that increases the non-federal cost share?

How have partnerships been used to increase community resiliency? What community groups will participate in this project? What potential exists for partnerships to continue beyond implementation of the project?

BRIC Technical Criteria

This program support material provides detailed information about the eight technical evaluation criteria to be used in the Building Resilient Infrastructure and Communities (BRIC) national competition. The conditions that must be met to receive the point allotment for each criterion are described below. Projects either receive the specified points allotted or zero points for each criterion. Additionally, application instructions are included for each respective criterion to guide information submission in FEMA Grants Outcomes (FEMA GO).

BRIC Technical Criteria



Infrastructure project



Mitigates risk to one or more lifelines



Incorporates nature-based solutions



Applicant has mandatory tribal-, territory-, or state-wide building code adoption requirement
(recent versions of International Building Code and International Residential Code)



Subapplicant has Building Code Effectiveness Grading Schedule Rating of 1 to 5



Application generated from a previous qualifying award or the subapplicant is a past recipient of BRIC non-financial Direct Technical Assistance



A non-federal cost share of at least 30%
(or, for Economically Disadvantaged Rural Communities, a non-federal cost share of at least 12%)



Designation as an Economically Disadvantaged Rural Community



FEMA

Background

As described in the BRIC Notice of Funding Opportunity (NOFO), FEMA will use technical evaluation criteria to score subapplications submitted to the national competition. As referenced in the Notice of Funding Opportunity:

If needed, based on the number of subapplications submitted to the BRIC program, FEMA will use the technical evaluation criteria scoring as a program priority screening tool for the qualitative evaluation review. FEMA will send subapplications valued at twice the amount of available funding to the BRIC qualitative evaluation panel.

At least one eligible subapplication from each applicant will be sent to the qualitative evaluation panel for review.

The technical evaluation criteria offer incentives for elements valued by FEMA. In order to ensure transparency and efficient in competition project selection, technical evaluation criteria are binary point awards (with exception of the tiered building codes criterion for FY21). Projects either receive the full points allotted or zero points for each criterion.

FEMA developed several of the technical evaluation criteria based upon factors it is required to consider by statute in addition to comments received during the development of the BRIC program. For example, comments indicated that stakeholders strongly support prioritizing projects that integrate nature-based solutions, incentivizing building code improvements, and promoting previous Hazard Mitigation Assistance (HMA) efforts.

Technical Criterion 1: Infrastructure Project (20 points)

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. The following are examples of statements that a community might submit in a subapplication to describe how its project is an infrastructure project:

- Through the proposed nature-based solution to reduce risk from high-intensity rainfall events, we will provide enhanced protection to our wastewater treatment plant, which supplies fresh water to our community of 30,000 people.
- Retrofitting our food bank to have stronger structural integrity and the ability to operate off-grid will ensure a critical service in our community can remain operational following an earthquake.

For more information on nature-based solutions, please reference [Building Community Resilience with Nature-Based Solutions: A Guide for Local Communities \(2021\)](#). Applicants/subapplicants should include a statement describing the infrastructure project in the Scope of Work Section of FEMA GO.

Technical Criterion 2: Mitigating Risk to One or More Lifelines (15 points)

To receive the point allotment for this criterion, the subapplication must indicate that the project will mitigate risk to at least one of the seven Community Lifelines to enable the continuous operation of critical government and business functions essential to human health and safety or economic security.

Community Lifelines are the most fundamental services in the community that, when stabilized, enable all other aspects of society to function. More information on [Community Lifelines](#) can be found on FEMA.gov and in the [Community Lifelines Implementation Toolkit](#). The seven Community Lifelines are shown in the graphic below.



FEMA Community Lifelines

To better understand how mitigation projects can incorporate Community Lifelines concepts, please refer to the Mitigation Action Portfolio (MAP). The following MAP projects offer examples for each of the seven Community Lifelines:

- Safety and Security: Spring Creek (South Dakota) Drainage Improvement Project
- Food, Water, Shelter: Renovation of Alexander Theater (St. Croix)
- Health and Medical: Mercy Hospital (Missouri) Rebuild
- Energy (Power & Fuel): Blue Lake Rancheria Tribe (California) Microgrid
- Communications: Connect Arlington (Virginia) Communication Infrastructure Upgrades
- Transportation: La Guardia Airport (New York) Flood Control
- Hazardous Materials: Washington DOT Landslide Mitigation Action Plan and Rail Corridor Improvements

Applicants/subapplicants should include a statement indicating to which of the seven Community Lifelines the project will mitigate risk in the Scope of Work Section of FEMA GO.

Technical Criterion 3: Incorporation of Nature-Based Solutions (10 points)

To receive the point allotment for this criterion, the subapplication must indicate and describe how the project incorporates one or more nature-based solutions, which are sustainable environmental management practices that restore, mimic, and/or enhance nature and natural systems or processes and support natural hazard risk mitigation as well as economic, environmental, and social resilience efforts. Nature-based solutions use approaches that include, but are not limited to, restoration of grasslands, rivers, floodplains, wetlands, dunes, and reefs; living shorelines; soil stabilization; aquifer storage and recovery; and bioretention systems.

More information on nature-based solutions can be found in FEMA's [Building Community Resilience with Nature-Based Solutions: A Guide for Local Communities](#) and the National Oceanic and Atmospheric Administration's [Digital Coast](#).

Applicants/subapplicants should include a statement describing how the project incorporates a nature-based solution in the Scope of Work Section and Cost Effectiveness Section of FEMA GO.

Technical Criterion 4: Applicant has Mandatory Tribal-, Territory-, or State-Wide Building Code Adoption Requirement (10 points or 20 points)

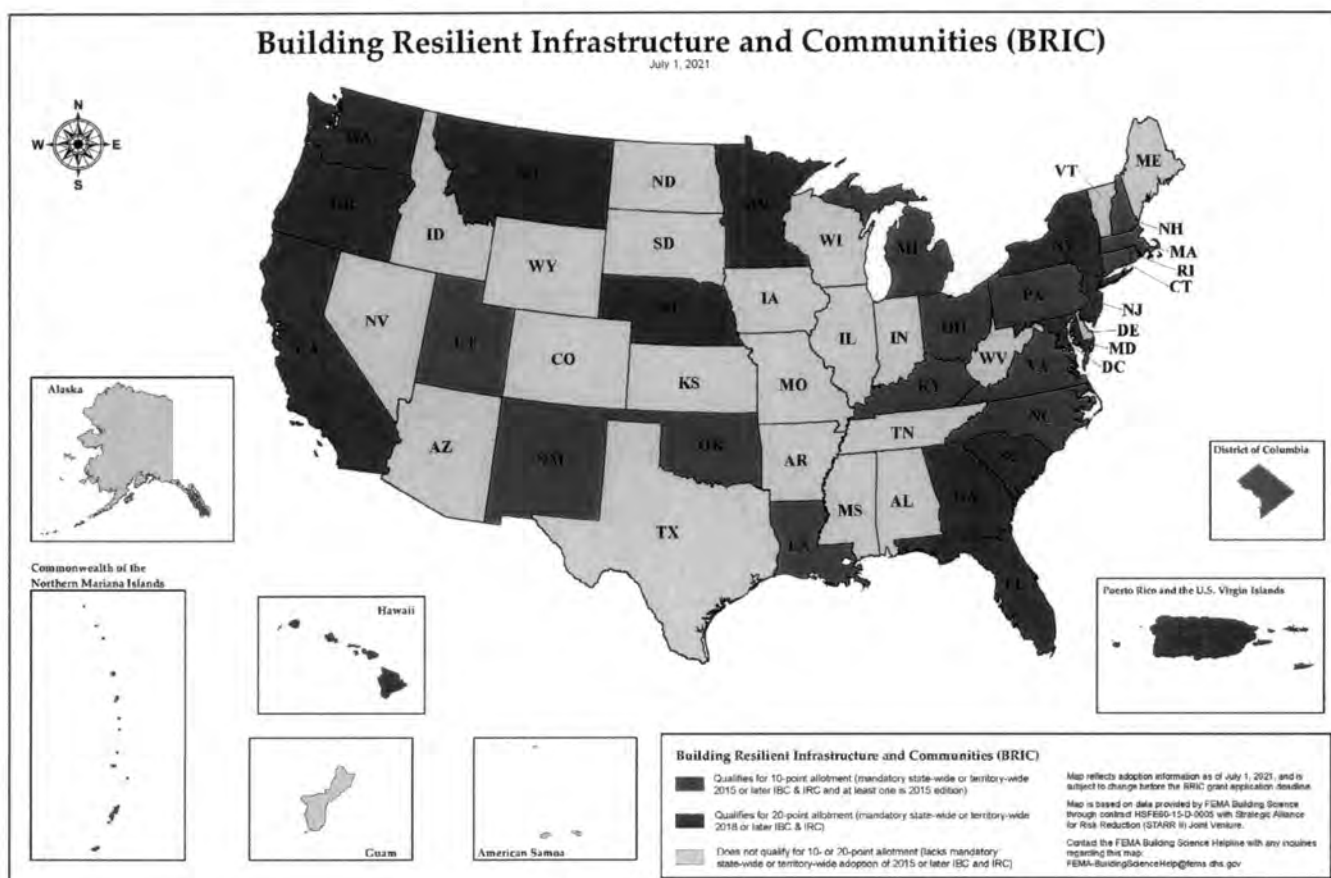
To receive the point allotment for this criterion, the applicant must have adopted mandatory tribal-, territory-, or state-wide building codes based on versions listed below of both the **International Building Code (IBC)** and the **International Residential Code (IRC)** model codes published by the International Code Council (ICC). The following adoption status combinations are the only ones that qualify for the specified point allotment:

- 2015 version of both the IBC and IRC (10 points)
- 2018 version of both the IBC and IRC (20 points)
- 2021 version of both the IBC and IRC (20 points)
- 2015 version of the IBC and 2018 version of the IRC (10 points)
- 2018 version of the IBC and 2015 version of the IRC (10 points)
- 2015 version of the IBC and 2021 version of the IRC (10 points)
- 2021 version of the IBC and 2015 version of the IRC (10 points)
- 2018 version of the IBC and 2021 version of the IRC (20 points)
- 2021 version of the IBC and 2018 version of the IRC (20 points)

If a federally recognized tribal government has not adopted the code as listed above, the tribe must demonstrate alternative compliance with IBC and IRC (versions listed above) or be covered under another jurisdiction's (state or territory) code adoption status in order to receive the point allotment.

FEMA acknowledges the importance of strong building codes at the state, local, tribal, and territorial levels. Accordingly, in future BRIC grant cycles, FEMA may increase its emphasis on building codes criteria.

Information about applicant adoption status may be found in the following map provided by FEMA Building Science or in documentation of state, territory, or tribal legislation or code that demonstrates adoption status. Applicants should include details on their building code adoption status in the Evaluation Section of FEMA GO. Additionally, subapplications should attach documentation verifying code adoption status of the applicant. Federally recognized tribal government code adoption status will be determined for tribal applicants after application close.



Technical Criterion 5: Subapplicant has Building Code Effectiveness Grading Schedule (BCEGS) Rating of 1 to 5 (20 points)

The BCEGS is an independent assessment of a community's building code adoption and enforcement activities, resulting in a score of 1 (best) to 10. For more information on BCEGS, please visit the [ISO-Mitigation website](https://www.iso-mitigation.com/bcegs/facts-and-figures/).

To receive the point allotment for this criterion, a subapplicant at the local level (including those located in territories) must have a BCEGS rating between 1 and 5 (considered by FEMA as a disaster-resistant code) when the application is submitted. To receive the point allotment for this criterion, a state or territory acting as a subapplicant must:

- Have a class ranking between 1 and 5 on both the Commercial and Residential BCEGS State Averages as indicated in the 2020 State Averages as published on ISO's website at <https://www.isomitigation.com/bcegs/facts-and-figures/>; or
- Submit a BCEGS score provided by ISO (for territories and the District of Columbia)

Subapplicants at the state or territory level may submit documentation verified by ISO that provides more updated information on their BCEGS rating, if applicable. BCEGS scores for tribal applicants/subapplicants are required but

can be dependent on the relationship between the local municipality and the tribal entity that determines how building code requirements are managed.

The best source for relevant information at the community level is the local building inspector or code enforcement office.

BUREAU STATES

Bureau states have their own insurance rating organization that is not part of ISO. To receive the point allotment for this criterion, a subapplicant at the state or territory level for the five Bureau states not included in ISO's *National Building Code Assessment Report – Building Code Effectiveness Grading Schedule* (2019 Edition) must provide a state-verified BCEGS score at the state level. For subapplicants at the local level within Bureau states, BCEGS scores should be provided by the state. BCEGS Bureau state contact information is as follows:

Hawaii Insurance Bureau, Inc.

715 South King Street, Suite 320
Honolulu, HI 96813-4118
808-531-2771

Idaho Surveying and Rating Bureau, Inc.

5440 Franklin Road, Suite 101
P.O. Box 6430
Boise, ID 83707
208-343-5483

Property Insurance Association of Louisiana

433 Metairie Road, Suite 400
Metairie, LA 70005
504-831-6930

Mississippi State Rating Bureau

2685 Insurance Center Drive
Jackson, MS 39216-5231
or
P.O. Box 5231
Jackson, MS 39296-5231
601-981-2915

Washington Surveying and Rating Bureau

200 1st Avenue W, Suite 500
Seattle, WA 98119-4219
206-217-9772

If a subapplicant does not have a BCEGS score, a survey to obtain one can be requested. **BCEGS surveys are provided at no cost, do not negatively impact credit ratings, and can take 2 to 4 months to complete. Communities**

intending to apply for BRIC funding are encouraged to initiate the process as soon as possible. To request a BCEGS survey, please refer to the submission instructions referenced on the ISO-Mitigation [website](#). Questions about the BCEGS survey can be directed to BCEGS_Info@verisk.com.

Applicants/subapplicants should include their BCEGS score, or for Bureau states a state-verified BCEGS score at the state level, in the Evaluation Section of FEMA GO.

Technical Criterion 6: Subapplication Generated from a Previous Qualifying Award (10 points)

To receive the point allotment for this criterion, a subapplicant must demonstrate the subapplication was generated from a previous FEMA HMA Advance Assistance award or Project Scoping award, High Hazard Potential Dams (HHPD) award, or Department of Homeland Security Cybersecurity & Infrastructure Security Agency's (CISA) Regional Resiliency Assessment Program (RRAP), or the subapplicant is a past recipient of BRIC non-financial Direct Technical Assistance and the previous award is directly related to the current proposal. The subapplication must provide documentation to support this criterion. HMA Advance Assistance provides applicants and subapplicants with resources to develop mitigation strategies and obtain data to prioritize, select, and develop complete applications in a timely manner.¹

This FEMA HMA grant may have been awarded through the Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA), Pre-Disaster Mitigation (PDM) grant program, or BRIC grant program at any time; however, FEMA HMA grants that are not Advanced Assistance or Project Scoping do not qualify for this point allotment.

Subapplicants should include information on their previous award in the Evaluation Section of FEMA GO.

Technical Criterion 7: Increased Non-Federal Cost Share (5 points)

To receive the point allotment for this criterion, a subapplicant must demonstrate that it can provide a non-federal cost share of least 30% or for Economically Disadvantaged Rural Communities (EDRCs) a non-federal cost share of at least 12%. To receive the full points, the federal share requested can be no more than 70% (or 88% for qualified EDRCs).

Subapplicants should include cost share documentation in the Budget Section of FEMA GO.

¹ This definition is derived from the Advance Assistance description on page 22 of the *Hazard Mitigation Assistance Guidance* (HMA Guidance; 2015), which is available at <https://www.fema.gov/grants/mitigation/hazard-mitigation-assistance-guidance-and-addendum-fy15>.

Technical Criterion 8: Designation as an Economically Disadvantaged Rural Community (EDRC) (15 points)

To receive the point allotment for this criterion, subapplicants must document their status as an EDRC (as referenced in 42 U.S.C. § 5133(a) as a small impoverished community). An EDRC is a community of 3,000 or fewer individuals, as identified and validated by the applicant in the project subapplication, that is economically disadvantaged; meaning that residents have an average per capita annual income that does not exceed 80% of the national per capita income, based on best available data.² A state, territory, or federally recognized tribal government serving as a subapplicant must document the Economically Disadvantaged Rural Community status of the community in which the project is planned to receive the point allotment for this criterion.

Population information can be referenced through the U.S. Census, American Community Survey (ACS) website, see [Explore Census Data](#). Per capita income can be found after inputting a location into the Explore Census Data search, then under the *Per Capita Income By Race and Hispanic or Latino Origin, Total Population*, and Mean Income (Dollars) column. Supporting documentation for population and per capita income should include an exported U.S. Census Bureau ACS data report in PDF format, indicating the most recent information. Subapplicants should include documentation of their status as an Economically Disadvantaged Rural Community in the Budget Section in FEMA GO and attach required supporting documentation.

² This definition is derived from the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by the Disaster Recovery Reform Act of 2018.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting a resolution for staff to execute a grant application to the Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA, for the Resilient Utilities Infrastructure - Electric Substation, Mitigation Project.

Date of Meeting: 11/9/2021	Ward # if applicable: Wards 2 & 5
Department: Development Services	Person Submitting Item: Amanda Ohlensehlen, Community & Economic Development Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The City's Electric System Long Range Plan recommends the construction of a new strategically located substation to ensure a reliable and resilient power distribution system. This project would construct a new electrical substation as well as replace an aged 30 MVA transformer at the Trent Road Substation. The transformer being replaced, and distribution feeders serve 20% of the City's customers under normal loading conditions. The transformer being replaced will be relocated to Lewis Farm substation to serve as an emergency backup if needed. Distribution feeders from Lewis Farm will be upgraded to provide better intertie options for contingency situations. The City requested \$4,200,000 in federal funds for land acquisition, design, engineering, equipment purchase and installation for this project. The city would need to contribute a non-federal share of \$1,800,000 for a total project cost of \$6,000,000.
Actions Needed by Board:	Adopt Resolution
Backup Attached:	Memo, Resolution, BRIC supporting documents

Is item time sensitive? ☐Yes ☐No

Will there be advocates/opponents at the meeting? ☐Yes ☐No

Cost of Agenda Item:

If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? ☐Yes ☐No

Additional Notes:

Aldermen

Sabrina Bengel
Jameesha Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129
New Bern, NC 28563-1129
(252) 636-4000

Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen

FROM: Amanda Ohlensehlen, Community & Economic Development Manger

DATE: October 28, 2020

SUBJECT: Consider adopting a resolution for staff to execute a grant application to the Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA, for the Resilient Utilities Infrastructure - Electric Substation, Mitigation Project.

Background

The Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA, makes federal funds available to states, U.S territories, federally recognized tribal governments, and local communities for hazard mitigation activities. The BRIC program recognizes the growing hazards associated with climate change, and the need for natural hazard risk mitigation activities that promote climate adaptation and resilience with respect to those hazards. BRIC funds may be used for mitigation projects, capability, and capacity building activities (C&CB), and management costs. For Fiscal Year 2021, FEMA plans to distribute \$1 billion through the BRIC program.

In North Carolina, the BRIC Program is administered through a partnership with the North Carolina Division of Emergency Management (NCEM). NCEM has the authority and responsibility for developing and maintaining a State Standard Hazard Mitigation Plan, reviewing the Building Resilient Infrastructure and Communities Program sub-applications, recommending technically feasible and cost-effective sub-applications to FEMA and providing pass-thru funding for FEMA-approved and awarded project grants to eligible sub-applicants.

To be competitive, projects must: be cost-effective, reduce or eliminate risk and damage from future natural hazards, meet either of the two latest published editions of relevant consensus-based codes, align with an applicable hazard mitigation plan, and meet all environmental and historic preservation (EHP) requirements. The Period of Performance (POP) is 36 months from the date of the Award. A non-federal cost share of at least 25%

is required for most sub-applications funded under BRIC. Due to the national competition of the program being very competitive, a 30% cost share earns additional points.

FY 2021 BRIC Application Process

Letters of Interest were due to the NCEM on October 1st, 2021. NCEM then reviewed the letters and invited select applicants to fully develop a BRIC 2021 project sub-application. The city submitted three Letters of Interest and was invited to submit a full sub-application for all three projects. Completed BRIC sub-applications are due to NCEM on November 24, 2021. NCEM will then submit an application to FEMA by January 28, 2022. Before submitting three full sub-applications, staff seeks Board approval of matching funds for each project.

Project - Resilient Utilities Infrastructure – Electric – Mitigation Project

The City's Electric System Long Range Plan recommends the construction of a new strategically located substation to ensure a reliable and resilient power distribution system. This project would construct a new electrical substation as well as replace an aged 30 MVA transformer at the Trent Road Substation. The transformer being replaced, and distribution feeders serve 20% of the City's customers under normal loading conditions. The transformer being replaced will be relocated to Lewis Farm substation to serve as an emergency backup if needed. Distribution feeders from Lewis Farm will be upgraded to provide better intertie options for contingency situations. The City requested \$4,200,000 in federal funds for land acquisition, design, engineering, equipment purchase and installation for this project. The city would need to contribute a non-federal share of \$1,800,000 for a total project cost of \$6,000,000.

Recommendation

A cost share is required for all sub-applications funded for the BRIC program. The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. Staff will seek additional grant opportunities to cover the match. The Mayor and Board of Aldermen is asked to consider adopting a resolution authorizing staff to execute a grant application to the Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA.

Please contact Amanda Ohlensehlen at 252-639-7580 if you have questions or need additional information.

RESOLUTION

WHEREAS, the City has been made aware of a grant, the Building Resilient Infrastructure and Communities ("BRIC") program, administered by Federal Emergency Management Agency ("FEMA"), which makes federal funds available to states, U.S territories, federally recognized tribal governments, and local communities for hazard mitigation activities; and

WHEREAS, the City submitted a Letter of Interest to the North Carolina Division of Emergency Management ("NCEM"), and NCEM has determined that the project has potential as a 2021 BRIC project sub-application; and

WHEREAS, the City has been invited to fully develop a project sub-application for this project for official submission to BRIC; and

WHEREAS, a cost share is required for all sub-applications funded for the BRIC program; the grant request is \$6,000,000, and a thirty-percent (30%) match of \$1,800,000 is required in support of the grant; and

WHEREAS, the non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof; and

NOW, THEREFORE, be it resolved that the Board of Alderman of City of New Bern hereby:

1. Authorizes staff to execute a full grant sub-application to the BRIC program administered by FEMA in the amount of \$6,000,000.00 to support the Resilient Utilities Infrastructure - Electric Substation, Mitigation Project; and

2. The City of New Bern will be responsible for the cost share of up to \$1,800,000.00.

ADOPTED THIS 9TH DAY OF NOVEMBER 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Notice of Funding Opportunity for Fiscal Year 2021 Building Resilient Infrastructure and Communities Grants

Release Date: Aug 9, 2021

FEMA provides federal funds for the Building Resilient Infrastructures and Communities (BRIC) grant program to states, local communities, tribes and territories for mitigation activities. BRIC is a FEMA annual hazard mitigation program. Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorizes this program. The priorities are to:

- Incentivize natural hazard risk reduction activities that mitigate risk to public infrastructure
- Prioritize benefits to disadvantaged communities
- 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

The Fiscal Year 2021 (FY21) BRIC Notice of Funding Opportunity can be accessed at [Grants.gov](https://www.fema.gov/grants). Before applying for the grant, FEMA encourages reviewing the detailed program information and other grant application and administration requirements.

Changes for the Fiscal Year 2021

Changes for the Fiscal Year 2021 BRIC program include:

- Increases the state/territory allocation subtotal by an additional \$400,000 to \$1 million, which includes an increase to the mitigation planning and planning-related activities per applicant to \$500,000
- Increases tribal set-aside to \$25 million. The combined cost of an applicant's capability- and capacity-building activities increased to \$1 million. Any funds that are



FEMA

Page 1 of 7

not awarded from the Tribal Set-Aside will be re-allocated to the non-financial Direct Technical Assistance for tribes

- Continues to incentivize the adoption of building codes based on the latest published editions of building codes
- Includes a new priority to enhance climate resilience and adaptation
- Includes a new priority to prioritize benefits to incentivize natural hazard risk reduction activities that mitigate risk to public infrastructure and includes disadvantaged communities as defined in Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad
- Revises the title of a “Small Impoverished Community” to “Economically Disadvantaged Rural Communities”¹
- Prioritizes assistance that benefits disadvantaged communities as referenced in Executive Order 14008 - Tackling the Climate Crisis at Home and Abroad, in line with the Administration’s Justice40 Initiative to promote equity
- Revises the population impacted, outreach activities, and leveraging partners qualitative criteria to emphasize equity considerations through further assessment of vulnerable communities, a broadened range of stakeholder input and more varied partnerships
- Doubles the number of communities to which FEMA is offering non-financial Direct Technical Assistance, from 10 to 20, to help build capability and capacity at the local level and includes disadvantaged communities
- Partially implements the Federal Flood Risk Management Standard in other eligibility criteria as referenced in Executive Order 14030 – Climate-Related Financial Risk

Available Funding for Fiscal Year 2021

FEMA will distribute up to \$1 billion through the BRIC grant program in the following manner:



FEMA

- **State/Territory Allocation:** \$56 million (up to \$1 million per applicant). All 50 states, the District of Columbia, and U.S. territories may apply under the State/Territory Allocation.
- **Tribal Set-Aside:** \$25 million. All federally recognized Tribal Governments may apply under the Tribal Set-Aside.
- **National Competition for Mitigation Projects:** \$919,000,000 (estimated). Any funds that are not awarded from the State/Territory Allocation will be re-allocated to the national competition. Any funds that are not awarded from the Tribal Set-Aside will be re-allocated to the non-financial Direct Technical Assistance for tribes.

Total Available BRIC FUNDING
\$1 Billion

Uses of Assistance	\$56M State/Territory Allocations	\$25M Tribal Set-Aside	\$919M National Competition for Mitigation Projects
Management Costs	✓	✓	✓
Capability and Capacity Building Activities	✓	✓	
Mitigation Projects	✓	✓	✓

Funding Caps

The funding caps (federal share) for the BRIC program are as follows:

- **State/Territory Maximum Allocation and Activity Caps:** \$1 million
 - Up to \$500,000 may be used for mitigation planning and planning-related activities per applicant
- **Tribal Set-Aside Activity Caps:** The combined cost of the applicant's capability- and capacity building activities under the Tribal Set-Aside must not exceed \$ 1 million per applicant.
- **National Competition Cap:** \$50 million per subapplication. An unlimited number of subapplications can be submitted to the National Competition by an applicant.



FEMA

Cost Share

A cost share is required for all subapplications funded for the Building Resilient and Infrastructure Communities program. The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. FEMA will provide 100% federal funding for management costs. The cost share information includes:

- Generally, the cost share for this program is 75% federal/25% non-federal.
- Economically disadvantaged rural communities 1 are eligible for an increase in cost share up to 90% federal/10% non-federal.
- For insular areas, including American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands, FEMA automatically waives the non-federal cost share for the Recipient when the non-federal cost share for the entire award is under \$200,000. The recipient may request the waiver in its application.

Application and Funding Deadlines

To apply for funding made available for Fiscal Year 2021 through, applicants must adhere to the following application and funding deadlines:

Application Opening: **Sept. 30, 2021**

- Eligible applicants must apply for funding using the FEMA Grants Outcome (FEMA GO), which is the management system for BRIC. The development of FEMA GO was a multi-year effort to modernize and transform the way FEMA conducts grants management. FEMA GO will streamline the process to apply for, track, and manage FEMA grants.
- To apply, please visit <https://go.fema.gov/>.

Application Deadline: **Jan. 28, 2022 (3:00 p.m. Eastern Standard Time)**

New system-related issues must be addressed by Wednesday, **Jan. 26, 2022 (3:00 p.m. Eastern Standard Time)**. applicants experiencing technical problems outside of their control must notify FEMA by this deadline.



Please note that FEMA deadlines listed refer to application deadlines for the applicants. Subapplicants should consult with their applicant agency to confirm subapplication deadlines to the applicant.

Pre-Award Selection Notice: anticipated to be Summer **2022**

Period of Performance (POP):

- **Start Date:** Date of the Recipient's federal Award
- **End Date:** 36 months from start date on Recipient's federal award

Any subsequent amendments to the federal award will not extend the POP unless explicitly stated.

The subapplicants may submit a request for a longer POP in the subapplication for FEMA to review and approve.

Eligibility Information

- To be eligible for BRIC funding, FEMA will require the applicants and subapplicants listed below to have a current FEMA-approved Hazard Mitigation Plan at time of application and award. Further, Section 203 of the Stafford Act requires the applicant meet the following criteria:
- **Eligible applicants** include all 50 states, U.S. territories, federally recognized Tribal Governments, and District of Columbia.
- **Eligible subapplicants** include Local Governments, Tribal Governments, State Agencies, and Tribal Agencies.
- **State or territory:** Must have received a major disaster declaration under the Stafford Act in the seven years prior to the annual grant application period start date.
- **Federally recognized tribe:** Must have received a major disaster declaration under the Stafford Act in the seven years prior to the annual grant application period start date or be entirely or partially located in a state that received a major disaster declaration in the seven years prior to the annual grant application period start date. A Federally recognized tribe is eligible to apply for a grant either as an applicant or subapplicant. If a tribe requests to apply through the state, the state must meet the "seven year" declaration criteria.
- FEMA must apply this seven-year requirement for each BRIC grant cycle. All states, federally recognized tribes, and territories satisfy these criteria for the Fiscal Year 2021 BRIC grant cycle.



FEMA

FEMA will fund the following uses of assistance through the BRIC program:

- **Capability- and Capacity-Building Activities (C&CB)** can be submitted under the State/Territory Allocation and Tribal Set-Aside. These are activities that enhance the knowledge, skills, and expertise of the current workforce to expand or improve the administration of mitigation assistance. There are four types of C&CB activities:
 - Building Codes
 - Partnerships
 - Project Scoping
 - Mitigation Planning and Planning-Related Activities
- **Mitigation Projects** can be submitted under the State/Territory Allocation, Tribal Set-Aside, and the national competition. 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 from natural hazards.
- **Management Costs** can be submitted under the State/Territory Allocation, Tribal Set-Aside, and national competition. Management costs allow FEMA to provide financial assistance to reimburse the recipient and subrecipient for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation project or C&CB activity. Subapplicants may submit up to 5% of the total budget of the C&CB activity or mitigation project for subapplicant management costs. Applicants may submit up to 10% of the application budget inclusive of subapplicant management costs for applicants to administer and manage award and subaward activities. The subapplicant management costs (up to 5%) must be added to the subapplication total budget prior to the calculation of the applicant management costs (up to 10%).

FEMA will provide the following assistance through BRIC:

- **Non-Financial Direct Technical Assistance** to communities to build a community's capacity and capability to improve its resiliency to natural hazards and to ensure stakeholders are capable of building and sustaining successful mitigation programs, submitting high-quality applications, and implementing new and innovative projects that reduce risk from a wide range of natural hazards.

Other Eligibility Criteria

FEMA is partially implementing the Federal Flood Risk Management Standards (Executive Order 14030 – Climate-Related Financial Risks)



- For certain non-critical actions involving structure elevation, dry floodproofing, and mitigation reconstruction in the Special Flood Hazard Area a minimum of the base flood elevation plus 2 feet of freeboard will be required (unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements).
- If a state, local, tribal, territorial government, or federal agency has adopted a higher standard applicable to the specific project, FEMA will require the higher standard as the design flood elevation under the American Society of Civil Engineers 24-14 (ASCE 24-14).

For additional information on eligibility, view the full FY21 BRIC NOFO, accessible at www.Grants.gov.

Additional Resources

For general questions about the BRIC program can be directed to the appropriate State Hazard Mitigation Officer (SHMO) or FEMA Regional Office on FEMA.gov. The HMA Helpline is available by telephone at (866) 222-3580.

The FEMA Mitigation Action Portfolio includes examples of innovative mitigation projects that address many types of natural hazards and emphasize the importance of collaboration between governments, private sector entities, and non-governmental organizations in order to achieve effective hazard mitigation and disaster resilience. The following FEMA resources are specific to the grant application for Fiscal Year 2021.

- BRIC Building Codes Activities Program Support Material
- BRIC Partnership Activities Program Support Material
- BRIC Project Scoping Activities Program Support Material
- BRIC Mitigation Planning Activities Program Support Material
- BRIC Direct Technical Assistance Program Support Material
- BRIC Technical Criteria Program Support Material
- BRIC Qualitative Criteria Program Support Material
- BRIC Tribal Information Program Support Material
- BRIC Phased Projects Program Support Material

¹¹An economically disadvantaged rural community is a community of 3,000 or fewer individuals identified by the applicant that is economically disadvantaged, with residents having an average per capita annual income not exceeding 80% of the national per capita income, based on best available data.



FEMA

Building Resilient Infrastructure and Communities (BRIC) grant program

Guiding Principles

Support community capability and capacity building



Enable large infrastructure projects



Encourage and enable innovation



Maintain flexibility



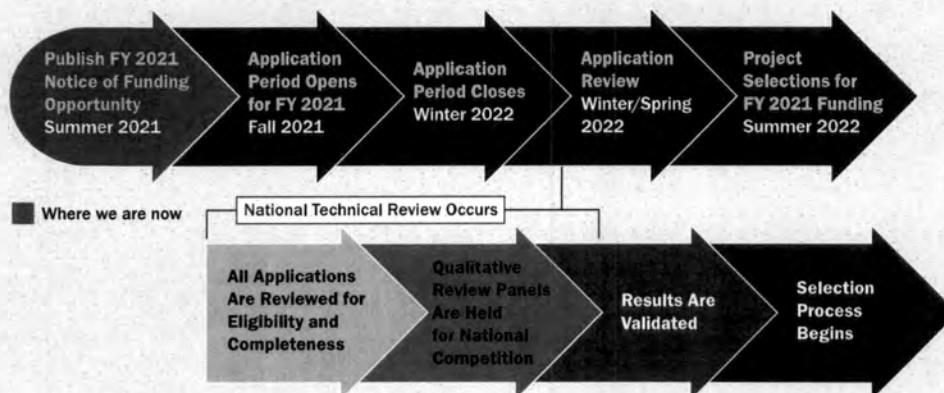
Promote partnerships and equity



Provide consistency



BRIC Launch Timeline

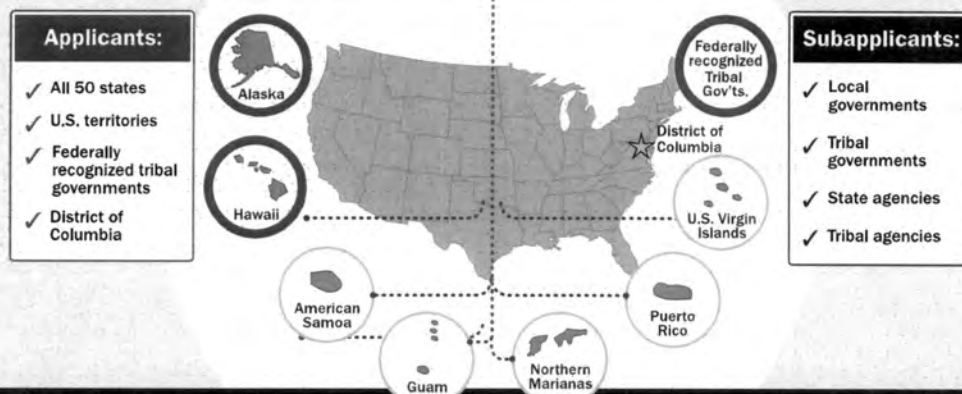


Funding

BRIC is funded by a 6% set-aside from federal post-disaster grant funding

- **State and Territory Allocation:** An allocation for each state, territory, and the District of Columbia (DC).
- **Tribal Set-Aside:** A set-aside for federally recognized Tribal Governments.
- **National Mitigation Project Competition:** For all eligible Applicants, the remainder of the funding will be available competitively for mitigation projects.

Who is eligible for BRIC funding?

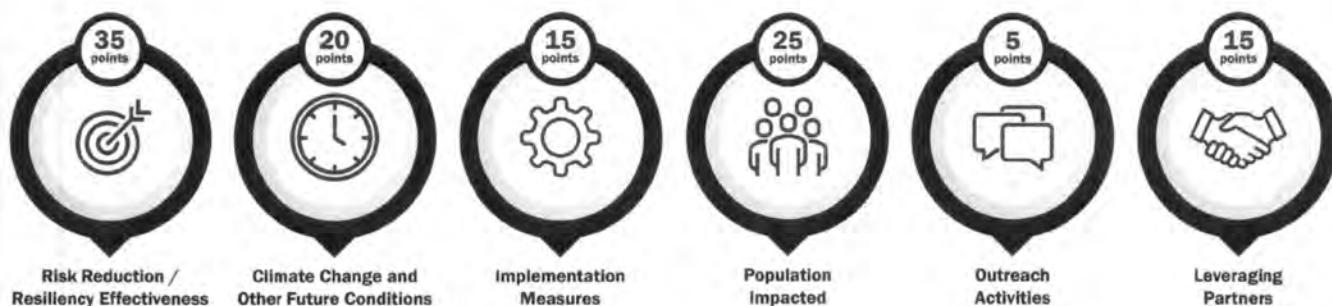


FEMA

For more information visit www.fema.gov/bric

BRIC Qualitative Criteria

This program support material provides detailed information about the six qualitative evaluation criteria that will be used in the Building Resilient Infrastructure and Communities (BRIC) national competition. Information to both guide applicants and subapplicants in the development of their subapplications and to assist panelists in the qualitative review of projects is described below. Additionally, application instructions are included for each respective criterion to guide information submission in FEMA Grants Outcomes (FEMA GO).



BRIC National Competition Qualitative Criteria and Point Values

Background

As described in the BRIC Notice of Funding Opportunity FEMA will convene a National Review Panel to score subapplications submitted to the national competition based on a qualitative review. The BRIC national competition National Review Panel will include FEMA Regional Office and Headquarters staff, as well as representatives from state, local, tribal, and territorial (SLTT) governments and other federal agencies. As referenced in the Notice of Funding Opportunity:

If needed based on the number of subapplications submitted to the BRIC program, FEMA will use the technical evaluation criteria scoring as a program priority screening tool for the qualitative evaluation review. FEMA will send subapplications valued at twice the amount of available funding to the BRIC qualitative evaluation panel.

FEMA will ensure that at least one eligible subapplication from each applicant will be sent to the qualitative evaluation panel for review.

In order to increase transparency in decision-making while building capability and partnerships, FEMA will convene a National Review Panel to score subapplications based on qualitative evaluation criteria.



FEMA

The qualitative criteria are narrative submissions to allow subapplicants the flexibility to fully explain the strengths of the proposed project. Qualitative evaluation criteria have graded scales of point scoring.

FEMA developed the qualitative evaluation criteria based upon comments received through stakeholder engagement efforts. For example, comments indicated support for holistic project evaluation beyond economic metrics alone as well as for incentivizing partnerships and high-quality community engagement.

In accordance with the BRIC program's guiding principle of promoting equity and in implementing the Justice40 Initiative, the BRIC program is prioritizing assistance that benefits disadvantaged communities as referenced in Executive Order 14008.

A disadvantaged community may be characterized by variables including, but not limited to: low income, high and/or persistent poverty, high unemployment and underemployment, racial and ethnic segregation, linguistic isolation, high housing cost burden and substandard housing, distressed neighborhoods, high transportation cost burden and/or low transportation access, disproportionate environmental burden and high cumulative impacts, limited water and sanitation access and affordability, disproportionate climate impacts, high energy cost burden and low energy access, and all geographic areas within Tribal jurisdictions.

Four of the six BRIC qualitative evaluation criteria reflect the need for subapplications to speak to how the project will benefit disadvantaged communities: (1) Risk Reduction/Resiliency Effectiveness, (2) Population Impacted, (3) Outreach Activities, and (4) Leveraging Partners. Point allocation and criteria content have evolved to be more inclusive of the proposed subapplication benefits to disadvantaged communities.

More information on stakeholder engagement efforts can be found on the [FEMA BRIC webpage](#).

Evaluation Process and Scoring

The panelists will leverage their mitigation experience and expertise during the review to assess the degree to which subapplications meet the six BRIC qualitative evaluation criteria (based on the scoring in Table 1). The subapplication's final qualitative score will be calculated by averaging the qualitative scores from each panelist. The six criteria include the following: (1) Risk Reduction/Resiliency Effectiveness, (2) Climate Change and Future Conditions, (3) Implementation Measures, (4) Population Impacted, (5) Outreach Activities, and (6) Leveraging Partners.

Table 1: To what degree does the subapplication meet the criterion?

Scoring Option	Description
Not at all	The subapplication does not address the criterion at all, or minimal references to the criterion are made that include no substantive information.
Minimally	The subapplication addresses the criterion, but information in the subapplication may be confusing, unclear, and/or incorrect. The degree to which the subapplication demonstrates the criterion has been met is weak.
Partially	The subapplication addresses the criterion, but the subapplication may lack clarity and/or strong support, have some minor inconsistencies, or not address all components

Scoring Option	Description
	of the criterion. The degree to which the subapplication demonstrates the criterion has been met is mediocre.
Mostly	Although the subapplication may include a few minor inconsistencies or areas that need more clarity, there is strong support for most components of the criterion. The degree to which the subapplication demonstrates the criterion has been met is acceptable.
Entirely	The subapplication is clear, concise, and complete; provides examples; and is supported by data. It addresses all components of the criterion and may have a particularly compelling narrative. The degree to which the subapplication demonstrates the criterion has been met is excellent.
Exceeds	In addition to addressing all components of the criterion and being clear, concise, complete, and supported by data, the subapplication articulates the impact of the project in catalyzing broader efforts (such as legislative action) as they relate to the criterion. The degree to which the subapplication demonstrates the criterion has been met is beyond excellent.

The National Review Panel will apply the scoring options listed in Table 1 to all six qualitative criteria. However, point values associated with each scoring option vary among criteria, depending on the total possible points for each criterion. The graded scoring and point scales for each criterion are included below.

Application instructions are included below for each respective criterion to guide information submission in FEMA GO. More information on navigating the new FEMA GO system and the full application process can be found on the [Grants Guidance](#) webpage on FEMA.gov.

Prompts are outlined for each qualitative criterion to serve as a helpful starting point for applicants and subapplicants. These prompts are designed to clarify terms and provide guiding questions for applicants and subapplicants to consider as they write the subapplication. This information will be provided to panelists to foster a common frame of reference. Please note that answering every question, while informative, will not necessarily guarantee an “Exceeds” score. Finally, prompts included here are by no means mutually exclusive or exhaustive; any additional information to support the merit of the subapplication is welcome. This information supplements the information regarding qualitative evaluation criteria that can be found in the BRIC Notice of Funding Opportunity.

Qualitative Criterion 1: Risk Reduction/Resiliency Effectiveness (35 possible points)

The subapplication details the following elements: (1) effective risk reduction; (2) effective increase to resilience; (3) provides ancillary benefits; and (4) leverages innovation. Ancillary benefits could include how this project will address inequities and provide the greatest support to those with greatest need.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	7	14	21	28	35

Applicants and subapplicants should include Risk Reduction/Resiliency Effectiveness information in the Scope of Work Section of FEMA GO.

Prompts for Risk Reduction/Resiliency Effectiveness Criterion

1. Interpreting Responses to Effective Risk Reduction

Details how the project will reduce risk. The details should identify the risk being reduced and state what action will reduce the identified risk. The details are clear and reasonable. The benefits calculated through the BCA toolkit are suitable. However, we do not limit evaluation of risk-reduction to those quantifiable. We encourage alternative explanations of risk-reduction here. How will the proposed project reduce risk(s) and to what level?

For example, a proposed project could be designed to provide 100-year-level flood protection to a neighborhood with 250 people, 135 homes, 15 publicly owned structures that support several Community Lifelines, and a variety of cultural, historic, and environmental resources. Additionally, subapplicants may have high Building Code Effectiveness Grading Schedule (BCEGS) scores that show a commitment to reducing risk through strong building code adoption and enforcement activities.

2. Interpreting Responses to Increases in Resilience

Resilience refers to the ability to prepare for anticipated hazards, adapt to changing conditions, and withstand and recover rapidly from disruption.¹ How will the proposed project improve resilience?

For example, a project designed to retrofit a library to serve as a tornado shelter could include tornado (and other hazards) preparedness, resilience, and mitigation information. This could enhance the community's resilience by educating the public about the natural hazard risks they face, as well as build a culture of preparedness.

Details how the project will increase resilience. The details should identify the aspects of resilience being increased and state what action will increase the identified resilience. The details are clear and reasonable.

3. Interpreting Responses to Ancillary Benefits

Ancillary benefits refer to benefits other than the project's primary risk reduction objective, which should be identified in the Scope of Work and BCA, if applicable. Ancillary benefits are benefits related to water/air quality, habitat creation, energy efficiency, economic opportunity, reduced social vulnerability, cultural resources, public health, mental health, etc.

What ancillary benefits will the project provide and how? Does the project consider multiple hazards (e.g., wind/storm surge, wildfire/mudslides) to address risks beyond the proposal's primary risk reduction objective? Ancillary benefits should include how a project will lead to equitable outcomes and provide the greatest support to those with greatest need. Ancillary benefits could also address climate-related benefits.

¹ This definition is used by the [National Institute of Standards and Technology](https://www.nist.gov).

4. Interpreting Responses to Leveraging Innovation

Innovation in one community can look very different from innovation in another community. How does the project leverage or demonstrate innovation for your community? What new ideas or approaches is the project incorporating?

For example, a proposed project in a rural community that has seen an increase in development and impervious surface might include nature-based solutions that have not previously been used. Details how the project will leverage innovation. The details should identify the aspects of innovation being leveraged and state what project aspects incorporate this element. The details are clear and reasonable.

Qualitative Criterion 2: Climate Change and Other Future Conditions (20 possible points)

The subapplication describes how the project will (1) enhance climate adaption, (2) details how the project is being responsive to the effects of climate change² (such as sea level rise³), (3) details how the project is being responsive to the effects of other future conditions (population/demographic/land use, etc.), and (4) cites data sources, assumptions, and models.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	4	8	12	16	20

Applicants and subapplicants should include Future Conditions information in the Evaluation Section of FEMA GO.

Prompts for Climate Change and Other Future Conditions Criterion

What anticipated future conditions are relevant for the project? Examples of future conditions include, but are not limited to, the following: expected population changes, land use and development shifts, aging population, shifts in income or employment, changes in housing needs, increasing temperatures, increased wildfire risk, sea level rise, more frequent high tide flooding, more intense rainfall events, increasing storm frequency, persistent and prolonged droughts, changing groundwater tables, etc.

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? Relevant plans may include Hazard Mitigation Plans, Comprehensive Plans, Climate Adaptation Plans, Long-Range Transportation Plans, Small Area Plans, Coastal Zone Management Plans, Capital Improvement Plans, etc.

What data sources and assumptions are used to guide the project? For example, when citing a sea level rise projection, what time period and what scenario of sea level rise are assumed?

References to any data sources used must be documented.

Qualitative Criterion 3: Implementation Measures (15 possible points)

The subapplication adequately describes: how (1) the costs will be managed; (2) how the schedule will be managed, (3) how the project will be successfully implemented, and how innovative techniques to facilitate implementation will be incorporated; (4) the project's Scope of Work identifies sufficient technical and managerial staff and resources to successfully implement this project.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	3	6	9	12	15

Applicants and subapplicants should include Implementation Measures information in the Scope of Work Section of FEMA GO.

Prompts for Implementation Measures Criterion

Does the application inspire confidence that the project can be completed successfully as designed, given the stated implementation measures?

What potential implementation challenges and obstacles are identified (e.g., technical, political, financial, public support, environmental/permitting, constructability) and what implementation solutions are proposed to address these challenges?

Are the proposed project costs and schedule realistic? How do project cost estimates and the schedule identify and properly address potential challenges and obstacles?

What pre- and post-implementation monitoring strategies are proposed for the project? What specific evaluation elements are proposed to measure progress and ensure the project is executed as designed?

What technical and managerial staff and resources are available to successfully implement the project? How will anticipated staff and resource gaps be filled?

Are examples of successfully completed projects included to demonstrate effective implementation measures?

Qualitative Criterion 4: Population Impacted (25 possible points)

The subapplication demonstrates: (1) community-wide benefits (2) the proportion of the population that will be impacted, including a description of the disadvantaged communities as referenced in EO 14008; (3) how the project was selected and designed to maximize positive impacts and minimize negative impacts to any disadvantaged populations as referenced in EO 14008.; (4) the proposed project is clearly benefiting a disadvantaged community.

If a population impacted as demonstrated by the subapplication does not include a disadvantaged community, then the highest point allotment available is Partially.

Subapplication(s) that clearly state that the proposed project is benefiting a disadvantaged community can score Mostly or higher. Subapplications that demonstrate a direct positive impact to a disadvantaged community will receive a score of Mostly, and subapplications which thoroughly demonstrate the population impacted including a high positive impact on a disadvantaged community will merit a score of Entirely or Exceeds.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	5	10	15	20	25

Applicants and subapplicants should include the Population Impacted information in the Scope of Work Section of FEMA GO.

Prompts for Population Impacted Criterion

Community size, scale, and definition can look very different in different local contexts. 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 (i.e., experience direct community-wide benefits)? How is this estimate calculated? The subapplication should include percentages of the community’s population that will directly and indirectly benefit from the project.

What is the extent of the project’s expected direct and indirect impacts benefit a disadvantaged community? How will the project reduce cascading impacts to Community Lifelines, residents, businesses, public services, infrastructure, and natural systems?

Who are the most vulnerable members of the community where the project is proposed? How will the project minimize negative impacts to disadvantaged members of the community? How will the project maximize positive impacts to disadvantaged members of the community? Impacts can be directly related to the risk reduction activity or indirectly related, such as with ancillary impacts (i.e., social, environmental, economic impacts).

For example, a roadway flooding mitigation project near a hospital and a police station could reduce the flooding hazard impact to the subapplicant’s Transportation, Health and Medical, and Safety and Security Lifelines. The project could also be sited in an area that is economically disadvantaged that depends on these critical services.

Qualitative Criterion 5: Outreach Activities (5 possible points)

The subapplication describes: (1) the outreach strategy and supporting activities appropriate to the project and advancing community mitigation; (2) the types of community planning processes leveraged; (3) and describes how input from a diverse range of stakeholders, including people from disadvantaged communities, was gathered and incorporated into project conception and design.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	1	2	3	4	5

Applicants and subapplicants should also include information about their Outreach Activities in the Scope of Work Section of FEMA GO.

Prompts for Outreach Activities Criterion

To what extent did stakeholders and/or stakeholder groups contribute to this project? What stakeholder collaboration activities occurred?

What planning processes were leveraged during the development of the project proposal to advance mitigation? How did the project planning process ensure that the disadvantaged in the community were involved in the planning and decision-making processes?

What information (e.g., resiliency goals and outcomes, partnership opportunities, project implementation progress) will be shared with the public? What public outreach and engagement strategies will be used to disseminate project information to and gather feedback from stakeholders and members of the community?

What support or conflicts emerged through the project planning process? How will conflicts be resolved as the project is implemented?

What are the connections between your hazard mitigation plan and local land use requirements and how does the linkage make your community more resilient?

Qualitative Criterion 6: Leveraging Partners (15 possible points)

The project subapplication incorporates: (1) partnerships (e.g., state, territory, tribal, private, district, local community) that will ensure the project meets community needs, (2) an explanation on how these partnerships benefit disadvantaged communities, and (3) an explanation on the anticipated 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).

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	3	6	9	12	15

Applicants and subapplicants should include information about Leveraging Partners in the Evaluation Section of FEMA GO.

Prompts for Leveraging Partners Criterion

Partnerships can take many different forms. For example, partners may contribute financially, support and promote the proposed project, help generate community-wide awareness of the risks the proposal is designed to address, etc. What partners were involved in the project design? How did partners contribute to the application? What partners will contribute to the implementation of the project?

To what extent were non-governmental organizations, including those organizations that represent disadvantaged groups, universities, or other government entities consulted for advice or assistance? How has collaboration with surrounding jurisdictions supported project development?

To what extent have other federal programs or funding sources been leveraged for the project? To what extent have partners provided funding that increases the non-federal cost share?

How have partnerships been used to increase community resiliency? What community groups will participate in this project? What potential exists for partnerships to continue beyond implementation of the project?

BRIC Technical Criteria

This program support material provides detailed information about the eight technical evaluation criteria to be used in the Building Resilient Infrastructure and Communities (BRIC) national competition. The conditions that must be met to receive the point allotment for each criterion are described below. Projects either receive the specified points allotted or zero points for each criterion. Additionally, application instructions are included for each respective criterion to guide information submission in FEMA Grants Outcomes (FEMA GO).

BRIC Technical Criteria



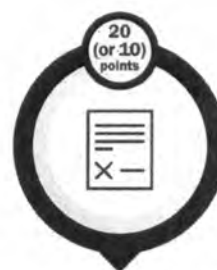
Infrastructure project



Mitigates risk to one or more lifelines



Incorporates nature-based solutions



Applicant has mandatory tribal-, territory-, or state-wide building code adoption requirement
(recent versions of International Building Code and International Residential Code)



Subapplicant has Building Code Effectiveness Grading Schedule Rating of 1 to 5



Application generated from a previous qualifying award or the subapplicant is a past recipient of BRIC non-financial Direct Technical Assistance



A non-federal cost share of at least 30%
(or, for Economically Disadvantaged Rural Communities, a non-federal cost share of at least 12%)



Designation as an Economically Disadvantaged Rural Community



FEMA

Background

As described in the BRIC Notice of Funding Opportunity (NOFO), FEMA will use technical evaluation criteria to score subapplications submitted to the national competition. As referenced in the Notice of Funding Opportunity:

If needed, based on the number of subapplications submitted to the BRIC program, FEMA will use the technical evaluation criteria scoring as a program priority screening tool for the qualitative evaluation review. FEMA will send subapplications valued at twice the amount of available funding to the BRIC qualitative evaluation panel.

At least one eligible subapplication from each applicant will be sent to the qualitative evaluation panel for review.

The technical evaluation criteria offer incentives for elements valued by FEMA. In order to ensure transparency and efficient in competition project selection, technical evaluation criteria are binary point awards (with exception of the tiered building codes criterion for FY21). Projects either receive the full points allotted or zero points for each criterion.

FEMA developed several of the technical evaluation criteria based upon factors it is required to consider by statute in addition to comments received during the development of the BRIC program. For example, comments indicated that stakeholders strongly support prioritizing projects that integrate nature-based solutions, incentivizing building code improvements, and promoting previous Hazard Mitigation Assistance (HMA) efforts.

Technical Criterion 1: Infrastructure Project (20 points)

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. The following are examples of statements that a community might submit in a subapplication to describe how its project is an infrastructure project:

- Through the proposed nature-based solution to reduce risk from high-intensity rainfall events, we will provide enhanced protection to our wastewater treatment plant, which supplies fresh water to our community of 30,000 people.
- Retrofitting our food bank to have stronger structural integrity and the ability to operate off-grid will ensure a critical service in our community can remain operational following an earthquake.

For more information on nature-based solutions, please reference [Building Community Resilience with Nature-Based Solutions: A Guide for Local Communities \(2021\)](#). Applicants/subapplicants should include a statement describing the infrastructure project in the Scope of Work Section of FEMA GO.

Technical Criterion 2: Mitigating Risk to One or More Lifelines (15 points)

To receive the point allotment for this criterion, the subapplication must indicate that the project will mitigate risk to at least one of the seven Community Lifelines to enable the continuous operation of critical government and business functions essential to human health and safety or economic security.

Community Lifelines are the most fundamental services in the community that, when stabilized, enable all other aspects of society to function. More information on [Community Lifelines](#) can be found on FEMA.gov and in the [Community Lifelines Implementation Toolkit](#). The seven Community Lifelines are shown in the graphic below.



FEMA Community Lifelines

To better understand how mitigation projects can incorporate Community Lifelines concepts, please refer to the Mitigation Action Portfolio (MAP). The following MAP projects offer examples for each of the seven Community Lifelines:

- Safety and Security: Spring Creek (South Dakota) Drainage Improvement Project
- Food, Water, Shelter: Renovation of Alexander Theater (St. Croix)
- Health and Medical: Mercy Hospital (Missouri) Rebuild
- Energy (Power & Fuel): Blue Lake Rancheria Tribe (California) Microgrid
- Communications: Connect Arlington (Virginia) Communication Infrastructure Upgrades
- Transportation: La Guardia Airport (New York) Flood Control
- Hazardous Materials: Washington DOT Landslide Mitigation Action Plan and Rail Corridor Improvements

Applicants/subapplicants should include a statement indicating to which of the seven Community Lifelines the project will mitigate risk in the Scope of Work Section of FEMA GO.

Technical Criterion 3: Incorporation of Nature-Based Solutions (10 points)

To receive the point allotment for this criterion, the subapplication must indicate and describe how the project incorporates one or more nature-based solutions, which are sustainable environmental management practices that restore, mimic, and/or enhance nature and natural systems or processes and support natural hazard risk mitigation as well as economic, environmental, and social resilience efforts. Nature-based solutions use approaches that include, but are not limited to, restoration of grasslands, rivers, floodplains, wetlands, dunes, and reefs; living shorelines; soil stabilization; aquifer storage and recovery; and bioretention systems.

More information on nature-based solutions can be found in FEMA's [Building Community Resilience with Nature-Based Solutions: A Guide for Local Communities](#) and the National Oceanic and Atmospheric Administration's [Digital Coast](#).

Applicants/subapplicants should include a statement describing how the project incorporates a nature-based solution in the Scope of Work Section and Cost Effectiveness Section of FEMA GO.

Technical Criterion 4: Applicant has Mandatory Tribal-, Territory-, or State-Wide Building Code Adoption Requirement (10 points or 20 points)

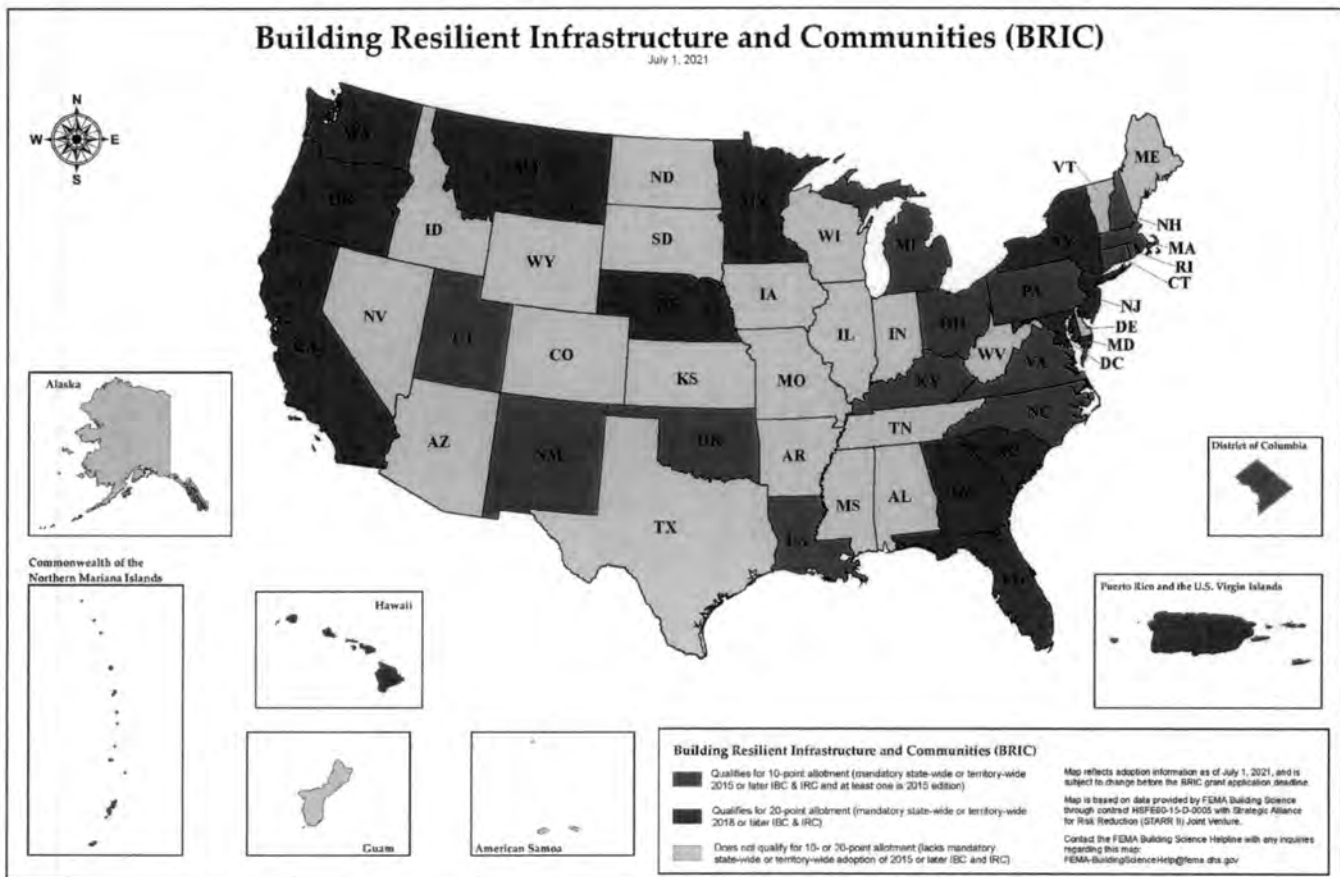
To receive the point allotment for this criterion, the applicant must have adopted mandatory tribal-, territory-, or state-wide building codes based on versions listed below of both the **International Building Code (IBC)** and the **International Residential Code (IRC)** model codes published by the International Code Council (ICC). The following adoption status combinations are the only ones that qualify for the specified point allotment:

- 2015 version of both the IBC and IRC (10 points)
- 2018 version of both the IBC and IRC (20 points)
- 2021 version of both the IBC and IRC (20 points)
- 2015 version of the IBC and 2018 version of the IRC (10 points)
- 2018 version of the IBC and 2015 version of the IRC (10 points)
- 2015 version of the IBC and 2021 version of the IRC (10 points)
- 2021 version of the IBC and 2015 version of the IRC (10 points)
- 2018 version of the IBC and 2021 version of the IRC (20 points)
- 2021 version of the IBC and 2018 version of the IRC (20 points)

If a federally recognized tribal government has not adopted the code as listed above, the tribe must demonstrate alternative compliance with IBC and IRC (versions listed above) or be covered under another jurisdiction's (state or territory) code adoption status in order to receive the point allotment.

FEMA acknowledges the importance of strong building codes at the state, local, tribal, and territorial levels. Accordingly, in future BRIC grant cycles, FEMA may increase its emphasis on building codes criteria.

Information about applicant adoption status may be found in the following map provided by FEMA Building Science or in documentation of state, territory, or tribal legislation or code that demonstrates adoption status. Applicants should include details on their building code adoption status in the Evaluation Section of FEMA GO. Additionally, subapplications should attach documentation verifying code adoption status of the applicant. Federally recognized tribal government code adoption status will be determined for tribal applicants after application close.



Technical Criterion 5: Subapplicant has Building Code Effectiveness Grading Schedule (BCEGS) Rating of 1 to 5 (20 points)

The BCEGS is an independent assessment of a community's building code adoption and enforcement activities, resulting in a score of 1 (best) to 10. For more information on BCEGS, please visit the ISO-Mitigation [website](https://www.isomitigation.com/bcegs/facts-and-figures/).

To receive the point allotment for this criterion, a subapplicant at the local level (including those located in territories) must have a BCEGS rating between 1 and 5 (considered by FEMA as a disaster-resistant code) when the application is submitted. To receive the point allotment for this criterion, a state or territory acting as a subapplicant must:

- Have a class ranking between 1 and 5 on both the Commercial and Residential BCEGS State Averages as indicated in the 2020 State Averages as published on ISO's website at <https://www.isomitigation.com/bcegs/facts-and-figures/>; or
- Submit a BCEGS score provided by ISO (for territories and the District of Columbia)

Subapplicants at the state or territory level may submit documentation verified by ISO that provides more updated information on their BCEGS rating, if applicable. BCEGS scores for tribal applicants/subapplicants are required but

can be dependent on the relationship between the local municipality and the tribal entity that determines how building code requirements are managed.

The best source for relevant information at the community level is the local building inspector or code enforcement office.

BUREAU STATES

Bureau states have their own insurance rating organization that is not part of ISO. To receive the point allotment for this criterion, a subapplicant at the state or territory level for the five Bureau states not included in *ISO's National Building Code Assessment Report – Building Code Effectiveness Grading Schedule* (2019 Edition) must provide a state-verified BCEGS score at the state level. For subapplicants at the local level within Bureau states, BCEGS scores should be provided by the state. BCEGS Bureau state contact information is as follows:

Hawaii Insurance Bureau, Inc.

715 South King Street, Suite 320
Honolulu, HI 96813-4118
808-531-2771

Idaho Surveying and Rating Bureau, Inc.

5440 Franklin Road, Suite 101
P.O. Box 6430
Boise, ID 83707
208-343-5483

Property Insurance Association of Louisiana

433 Metairie Road, Suite 400
Metairie, LA 70005
504-831-6930

Mississippi State Rating Bureau

2685 Insurance Center Drive
Jackson, MS 39216-5231
or
P.O. Box 5231
Jackson, MS 39296-5231
601-981-2915

Washington Surveying and Rating Bureau

200 1st Avenue W, Suite 500
Seattle, WA 98119-4219
206-217-9772

If a subapplicant does not have a BCEGS score, a survey to obtain one can be requested. **BCEGS surveys are provided at no cost, do not negatively impact credit ratings, and can take 2 to 4 months to complete. Communities**

Intending to apply for BRIC funding are encouraged to initiate the process as soon as possible. To request a BCEGS survey, please refer to the submission instructions referenced on the ISO-Mitigation [website](#). Questions about the BCEGS survey can be directed to BCEGS_Info@verisk.com.

Applicants/subapplicants should include their BCEGS score, or for Bureau states a state-verified BCEGS score at the state level, in the Evaluation Section of FEMA GO.

Technical Criterion 6: Subapplication Generated from a Previous Qualifying Award (10 points)

To receive the point allotment for this criterion, a subapplicant must demonstrate the subapplication was generated from a previous FEMA HMA Advance Assistance award or Project Scoping award, High Hazard Potential Dams (HHPD) award, or Department of Homeland Security Cybersecurity & Infrastructure Security Agency's (CISA) Regional Resiliency Assessment Program (RRAP), or the subapplicant is a past recipient of BRIC non-financial Direct Technical Assistance and the previous award is directly related to the current proposal. The subapplication must provide documentation to support this criterion. HMA Advance Assistance provides applicants and subapplicants with resources to develop mitigation strategies and obtain data to prioritize, select, and develop complete applications in a timely manner.¹

This FEMA HMA grant may have been awarded through the Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA), Pre-Disaster Mitigation (PDM) grant program, or BRIC grant program at any time; however, FEMA HMA grants that are not Advanced Assistance or Project Scoping do not qualify for this point allotment.

Subapplicants should include information on their previous award in the Evaluation Section of FEMA GO.

Technical Criterion 7: Increased Non-Federal Cost Share (5 points)

To receive the point allotment for this criterion, a subapplicant must demonstrate that it can provide a non-federal cost share of least 30% or for Economically Disadvantaged Rural Communities (EDRCs) a non-federal cost share of at least 12%. To receive the full points, the federal share requested can be no more than 70% (or 88% for qualified EDRCs).

Subapplicants should include cost share documentation in the Budget Section of FEMA GO.

¹ This definition is derived from the Advance Assistance description on page 22 of the *Hazard Mitigation Assistance Guidance* (HMA Guidance; 2015), which is available at <https://www.fema.gov/grants/mitigation/hazard-mitigation-assistance-guidance-and-addendum-fy15>.

Technical Criterion 8: Designation as an Economically Disadvantaged Rural Community (EDRC) (15 points)

To receive the point allotment for this criterion, subapplicants must document their status as an EDRC (as referenced in 42 U.S.C. § 5133(a) as a small impoverished community). An EDRC is a community of 3,000 or fewer individuals, as identified and validated by the applicant in the project subapplication, that is economically disadvantaged; meaning that residents have an average per capita annual income that does not exceed 80% of the national per capita income, based on best available data.² A state, territory, or federally recognized tribal government serving as a subapplicant must document the Economically Disadvantaged Rural Community status of the community in which the project is planned to receive the point allotment for this criterion.

Population information can be referenced through the U.S. Census, American Community Survey (ACS) website, see [Explore Census Data](#). Per capita income can be found after inputting a location into the Explore Census Data search, then under the *Per Capita Income By Race and Hispanic or Latino Origin, Total Population*, and Mean Income (Dollars) column. Supporting documentation for population and per capita income should include an exported U.S. Census Bureau ACS data report in PDF format, indicating the most recent information. Subapplicants should include documentation of their status as an Economically Disadvantaged Rural Community in the Budget Section in FEMA GO and attach required supporting documentation.

² This definition is derived from the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by the Disaster Recovery Reform Act of 2018.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting a resolution for staff to execute a grant application to the Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA, for the Duffyfield Community Stormwater Enhancement, Mitigation Project.

Date of Meeting: 11/9/2021	Ward # if applicable: Wards 2 & 5
Department: Development Services	Person Submitting Item: Amanda Ohlensehlen, Community & Economic Development Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The Duffyfield Community Stormwater Enhancement Project is a multi-phased stormwater infrastructure project intended to reduce the risk of flooding, while also improving water quality. Utilizing the existing city-owned vacant parcels and those previously acquired through FEMA buy-out grant programs, Phases II-III of the project include a series of interconnected constructed stormwater wetland areas. Phase IV of the Duffyfield stormwater enhancements project includes the development of a stormwater park with a series of trails integrated into the linear stormwater wetland system, as well as recreational opportunities for the community. The total cost for the remaining phases of the project is \$4,964,500. The city requested funding to complete engineering/design and construction of Phases II-IV with a federal share of \$3,475,150 and a non-federal share of \$1,489,350.
Actions Needed by Board:	Adopt Resolution
Backup Attached:	Memo, Resolution, BRIC supporting documents

Is item time sensitive? ☐Yes ☐No

Will there be advocates/opponents at the meeting? ☐Yes ☐No

Cost of Agenda Item:

If this requires an expenditure, has it be budgeted and are funds available and certified by the Finance Director? ☐Yes ☐No

Additional Notes:

Aldermen

Sabrina Bengel
Jameesha Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129
New Bern, NC 28563-1129
(252) 636-4000

Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen

FROM: Amanda Ohlensehlen, Community & Economic Development Manger

DATE: October 28, 2020

SUBJECT: Consider adopting a resolution for staff to execute a grant application to the Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA, for the Duffyfield Community Stormwater Enhancement, Mitigation Project.

Background

The Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA, makes federal funds available to states, U.S territories, federally recognized tribal governments, and local communities for hazard mitigation activities. The BRIC program recognizes the growing hazards associated with climate change, and the need for natural hazard risk mitigation activities that promote climate adaptation and resilience with respect to those hazards. BRIC funds may be used for mitigation projects, capability, and capacity building activities (C&CB), and management costs. For Fiscal Year 2021, FEMA plans to distribute \$1 billion through the BRIC program.

In North Carolina, the BRIC Program is administered through a partnership with the North Carolina Division of Emergency Management (NCEM). NCEM has the authority and responsibility for developing and maintaining a State Standard Hazard Mitigation Plan, reviewing the Building Resilient Infrastructure and Communities Program sub-applications, recommending technically feasible and cost-effective sub-applications to FEMA and providing pass-thru funding for FEMA-approved and awarded project grants to eligible sub-applicants.

To be competitive, projects must: be cost-effective, reduce or eliminate risk and damage from future natural hazards, meet either of the two latest published editions of relevant consensus-based codes, align with an applicable hazard mitigation plan, and meet all environmental and historic preservation (EHP) requirements. The Period of Performance (POP) is 36 months from the date of the Award. A non-federal cost share of at least 25%

is required for most sub-applications funded under BRIC. Due to the national competition of the program being very competitive, a 30% cost share earns additional points.

FY 2021 BRIC Application Process

Letters of Interest were due to the NCEM on October 1st, 2021. NCEM then reviewed the letters and invited select applicants to fully develop a BRIC 2021 project sub-application. The city submitted three Letters of Interest and was invited to submit a full sub-application for all three projects. Completed BRIC sub-applications are due to NCEM on November 24, 2021. NCEM will then submit an application to FEMA by January 28, 2022. Before submitting three full sub-applications, staff seeks Board approval of matching funds for each project.

Project - Duffyfield Community Stormwater Enhancement – Mitigation Project

The Duffyfield Community Stormwater Enhancement Project is a multi-phased stormwater infrastructure project intended to reduce the risk of flooding, while also improving water quality. Utilizing the existing city-owned vacant parcels and those previously acquired through FEMA buy-out grant programs, Phases II-III of the project include a series of interconnected constructed stormwater wetland areas. Phase IV of the Duffyfield stormwater enhancements project includes the development of a stormwater park with a series of trails integrated into the linear stormwater wetland system, as well as recreational opportunities for the community. The total cost for the remaining phases of the project is \$4,964,500. The city requested funding to complete engineering/design and construction of Phases II-IV with a federal share of \$3,475,150 and a non-federal share of \$1,489,350.

Recommendation

A cost share is required for all sub-applications funded for the BRIC program. The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. Staff will seek additional grant opportunities to cover the match. The Mayor and Board of Aldermen is asked to consider adopting a resolution authorizing staff to execute a grant application to the Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA.

Please contact Amanda Ohlensehlen at 252-639-7580 if you have questions or need additional information.

RESOLUTION

WHEREAS, the City has been made aware of a grant, the Building Resilient Infrastructure and Communities ("BRIC") program, administered by Federal Emergency Management Agency ("FEMA"), which makes federal funds available to states, U.S territories, federally recognized tribal governments, and local communities for hazard mitigation activities; and

WHEREAS, the City submitted a Letter of Interest to the North Carolina Division of Emergency Management (NCEM), and NCEM has determined that the project has potential as a 2021 BRIC project sub-application; and

WHEREAS, the City has been invited to fully develop a project sub-application for this project for official submission to BRIC; and

WHEREAS, a cost share is required for all sub-applications funded for the BRIC program; the grant request is \$4,964,500, and a thirty-percent (30%) match of \$1,489,350 is required in support of the grant; and

WHEREAS, the non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof; and

NOW, THEREFORE, be it resolved that the Board of Alderman of City of New Bern hereby:

1. Authorizes staff to execute a full grant sub-application to the BRIC program administered by FEMA in the amount of \$4,964,500.00 to support the Duffyfield Community Stormwater Enhancement Mitigation Project; and

2. The City of New Bern will be responsible for the cost share of up to \$1,489,350.

ADOPTED THIS 9TH DAY OF NOVEMBER 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Notice of Funding Opportunity for Fiscal Year 2021 Building Resilient Infrastructure and Communities Grants

Release Date: Aug 9, 2021

FEMA provides federal funds for the Building Resilient Infrastructures and Communities (BRIC) grant program to states, local communities, tribes and territories for mitigation activities. BRIC is a FEMA annual hazard mitigation program. Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorizes this program. The priorities are to:

- Incentivize natural hazard risk reduction activities that mitigate risk to public infrastructure
- Prioritize benefits to disadvantaged communities
- 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

The Fiscal Year 2021 (FY21) BRIC Notice of Funding Opportunity can be accessed at [Grants.gov](https://www.fema.gov/grants). Before applying for the grant, FEMA encourages reviewing the detailed program information and other grant application and administration requirements.

Changes for the Fiscal Year 2021

Changes for the Fiscal Year 2021 BRIC program include:

- Increases the state/territory allocation subtotal by an additional \$400,000 to \$1 million, which includes an increase to the mitigation planning and planning-related activities per applicant to \$500,000
- Increases tribal set-aside to \$25 million. The combined cost of an applicant's capability- and capacity-building activities increased to \$1 million. Any funds that are



not awarded from the Tribal Set-Aside will be re-allocated to the non-financial Direct Technical Assistance for tribes

- Continues to incentivize the adoption of building codes based on the latest published editions of building codes
- Includes a new priority to enhance climate resilience and adaptation
- Includes a new priority to prioritize benefits to incentivize natural hazard risk reduction activities that mitigate risk to public infrastructure and includes disadvantaged communities as defined in Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad
- Revises the title of a “Small Impoverished Community” to “Economically Disadvantaged Rural Communities”¹
- Prioritizes assistance that benefits disadvantaged communities as referenced in Executive Order 14008 - Tackling the Climate Crisis at Home and Abroad, in line with the Administration's Justice40 Initiative to promote equity
- Revises the population impacted, outreach activities, and leveraging partners qualitative criteria to emphasize equity considerations through further assessment of vulnerable communities, a broadened range of stakeholder input and more varied partnerships
- Doubles the number of communities to which FEMA is offering non-financial Direct Technical Assistance, from 10 to 20, to help build capability and capacity at the local level and includes disadvantaged communities
- Partially implements the Federal Flood Risk Management Standard in other eligibility criteria as referenced in Executive Order 14030 – Climate-Related Financial Risk

Available Funding for Fiscal Year 2021

FEMA will distribute up to \$1 billion through the BRIC grant program in the following manner:



- **State/Territory Allocation:** \$56 million (up to \$1 million per applicant). All 50 states, the District of Columbia, and U.S. territories may apply under the State/Territory Allocation.
- **Tribal Set-Aside:** \$25 million. All federally recognized Tribal Governments may apply under the Tribal Set-Aside.
- **National Competition for Mitigation Projects:** \$919,000,000 (estimated). Any funds that are not awarded from the State/Territory Allocation will be re-allocated to the national competition. Any funds that are not awarded from the Tribal Set-Aside will be re-allocated to the non-financial Direct Technical Assistance for tribes.

Total Available BRIC FUNDING
\$1 Billion

Uses of Assistance	\$56M State/Territory Allocations	\$25M Tribal Set-Aside	\$919M National Competition for Mitigation Projects
Management Costs	✓	✓	✓
Capability and Capacity Building Activities	✓	✓	
Mitigation Projects	✓	✓	✓

Funding Caps

The funding caps (federal share) for the BRIC program are as follows:

- **State/Territory Maximum Allocation and Activity Caps:** \$1 million
 - Up to \$500,000 may be used for mitigation planning and planning-related activities per applicant
- **Tribal Set-Aside Activity Caps:** The combined cost of the applicant's capability- and capacity building activities under the Tribal Set-Aside must not exceed \$ 1 million per applicant.
- **National Competition Cap:** \$50 million per subapplication. An unlimited number of subapplications can be submitted to the National Competition by an applicant.



FEMA

Cost Share

A cost share is required for all subapplications funded for the Building Resilient and Infrastructure Communities program. The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. FEMA will provide 100% federal funding for management costs. The cost share information includes:

- Generally, the cost share for this program is 75% federal/25% non-federal.
- Economically disadvantaged rural communities 1 are eligible for an increase in cost share up to 90% federal/10% non-federal.
- For insular areas, including American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands, FEMA automatically waives the non-federal cost share for the Recipient when the non-federal cost share for the entire award is under \$200,000. The recipient may request the waiver in its application.

Application and Funding Deadlines

To apply for funding made available for Fiscal Year 2021 through, applicants must adhere to the following application and funding deadlines:

Application Opening: **Sept. 30, 2021**

- Eligible applicants must apply for funding using the FEMA Grants Outcome (FEMA GO), which is the management system for BRIC. The development of FEMA GO was a multi-year effort to modernize and transform the way FEMA conducts grants management. FEMA GO will streamline the process to apply for, track, and manage FEMA grants.
- To apply, please visit <https://go.fema.gov/>.

Application Deadline: **Jan. 28, 2022 (3:00 p.m. Eastern Standard Time)**

New system-related issues must be addressed by Wednesday, **Jan. 26, 2022 (3:00 p.m. Eastern Standard Time)**. applicants experiencing technical problems outside of their control must notify FEMA by this deadline.



FEMA

Please note that FEMA deadlines listed refer to application deadlines for the applicants. Subapplicants should consult with their applicant agency to confirm subapplication deadlines to the applicant.

Pre-Award Selection Notice: anticipated to be Summer **2022**

Period of Performance (POP):

- **Start Date:** Date of the Recipient's federal Award
- **End Date:** 36 months from start date on Recipient's federal award

Any subsequent amendments to the federal award will not extend the POP unless explicitly stated.

The subapplicants may submit a request for a longer POP in the subapplication for FEMA to review and approve.

Eligibility Information

- To be eligible for BRIC funding, FEMA will require the applicants and subapplicants listed below to have a current FEMA-approved Hazard Mitigation Plan at time of application and award. Further, Section 203 of the Stafford Act requires the applicant meet the following criteria:
- **Eligible applicants** include all 50 states, U.S. territories, federally recognized Tribal Governments, and District of Columbia.
- **Eligible subapplicants** include Local Governments, Tribal Governments, State Agencies, and Tribal Agencies.
- **State or territory:** Must have received a major disaster declaration under the Stafford Act in the seven years prior to the annual grant application period start date.
- **Federally recognized tribe:** Must have received a major disaster declaration under the Stafford Act in the seven years prior to the annual grant application period start date or be entirely or partially located in a state that received a major disaster declaration in the seven years prior to the annual grant application period start date. A Federally recognized tribe is eligible to apply for a grant either as an applicant or subapplicant. If a tribe requests to apply through the state, the state must meet the "seven year" declaration criteria.
- FEMA must apply this seven-year requirement for each BRIC grant cycle. All states, federally recognized tribes, and territories satisfy these criteria for the Fiscal Year 2021 BRIC grant cycle.



FEMA

FEMA will fund the following uses of assistance through the BRIC program:

- **Capability- and Capacity-Building Activities (C&CB)** can be submitted under the State/Territory Allocation and Tribal Set-Aside. These are activities that enhance the knowledge, skills, and expertise of the current workforce to expand or improve the administration of mitigation assistance. There are four types of C&CB activities:
 - Building Codes
 - Partnerships
 - Project Scoping
 - Mitigation Planning and Planning-Related Activities
- **Mitigation Projects** can be submitted under the State/Territory Allocation, Tribal Set-Aside, and the national competition. 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 from natural hazards.
- **Management Costs** can be submitted under the State/Territory Allocation, Tribal Set-Aside, and national competition. Management costs allow FEMA to provide financial assistance to reimburse the recipient and subrecipient for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation project or C&CB activity. Subapplicants may submit up to 5% of the total budget of the C&CB activity or mitigation project for subapplicant management costs. Applicants may submit up to 10% of the application budget inclusive of subapplicant management costs for applicants to administer and manage award and subaward activities. The subapplicant management costs (up to 5%) must be added to the subapplication total budget prior to the calculation of the applicant management costs (up to 10%).

FEMA will provide the following assistance through BRIC:

- **Non-Financial Direct Technical Assistance** to communities to build a community's capacity and capability to improve its resiliency to natural hazards and to ensure stakeholders are capable of building and sustaining successful mitigation programs, submitting high-quality applications, and implementing new and innovative projects that reduce risk from a wide range of natural hazards.

Other Eligibility Criteria

FEMA is partially implementing the Federal Flood Risk Management Standards (Executive Order 14030 – Climate-Related Financial Risks)



- For certain non-critical actions involving structure elevation, dry floodproofing, and mitigation reconstruction in the Special Flood Hazard Area a minimum of the base flood elevation plus 2 feet of freeboard will be required (unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements).
- If a state, local, tribal, territorial government, or federal agency has adopted a higher standard applicable to the specific project, FEMA will require the higher standard as the design flood elevation under the American Society of Civil Engineers 24-14 (ASCE 24-14).

For additional information on eligibility, view the full FY21 BRIC NOFO, accessible at www.Grants.gov.

Additional Resources

For general questions about the BRIC program can be directed to the appropriate State Hazard Mitigation Officer (SHMO) or FEMA Regional Office on FEMA.gov. The HMA Helpline is available by telephone at (866) 222-3580.

The FEMA Mitigation Action Portfolio includes examples of innovative mitigation projects that address many types of natural hazards and emphasize the importance of collaboration between governments, private sector entities, and non-governmental organizations in order to achieve effective hazard mitigation and disaster resilience. The following FEMA resources are specific to the grant application for Fiscal Year 2021.

- BRIC Building Codes Activities Program Support Material
- BRIC Partnership Activities Program Support Material
- BRIC Project Scoping Activities Program Support Material
- BRIC Mitigation Planning Activities Program Support Material
- BRIC Direct Technical Assistance Program Support Material
- BRIC Technical Criteria Program Support Material
- BRIC Qualitative Criteria Program Support Material
- BRIC Tribal Information Program Support Material
- BRIC Phased Projects Program Support Material

¹An economically disadvantaged rural community is a community of 3,000 or fewer individuals identified by the applicant that is economically disadvantaged, with residents having an average per capita annual income not exceeding 80% of the national per capita income, based on best available data.



Building Resilient Infrastructure and Communities (BRIC) grant program

Guiding Principles

Support community capability and capacity building



Enable large infrastructure projects



Encourage and enable innovation



Maintain flexibility



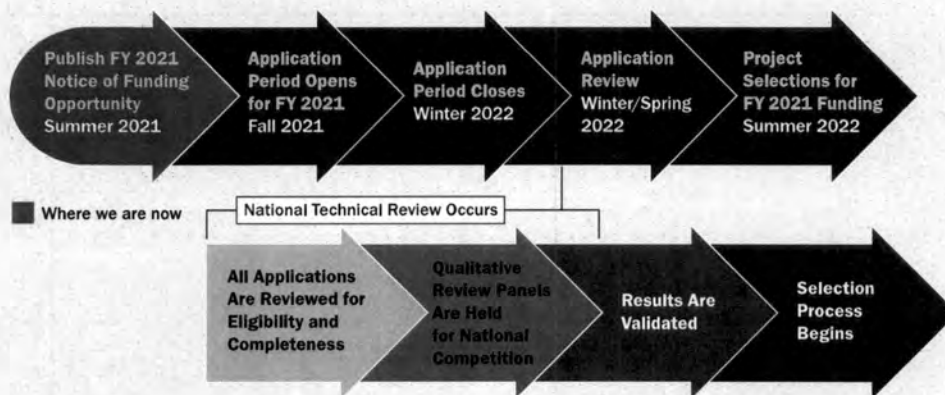
Promote partnerships and equity



Provide consistency



BRIC Launch Timeline

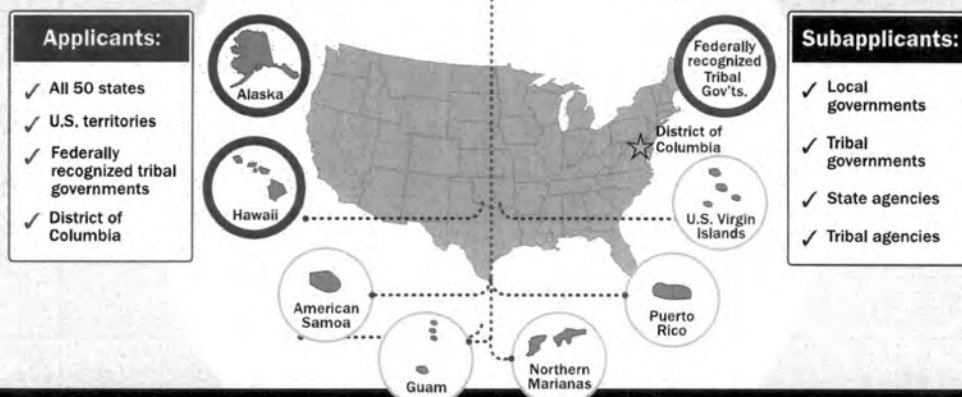


Funding

BRIC is funded by a 6% set-aside from federal post-disaster grant funding

- **State and Territory Allocation:** An allocation for each state, territory, and the District of Columbia (DC).
- **Tribal Set-Aside:** A set-aside for federally recognized Tribal Governments.
- **National Mitigation Project Competition:** For all eligible Applicants, the remainder of the funding will be available competitively for mitigation projects.

Who is eligible for BRIC funding?

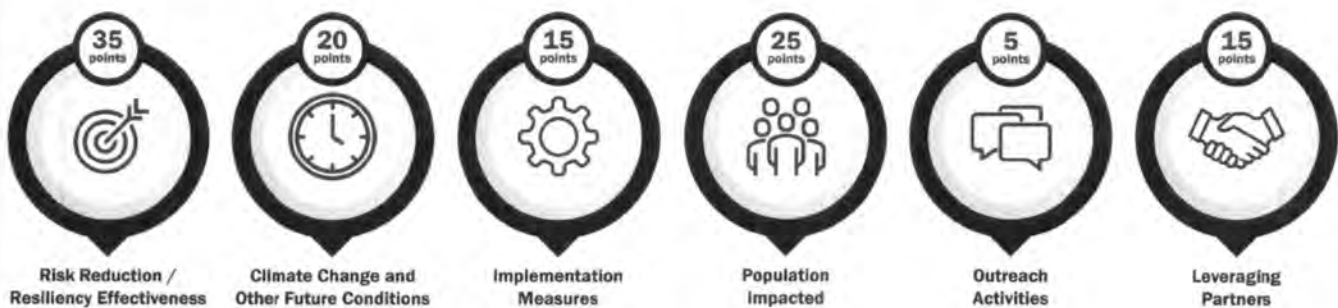


FEMA

For more information visit www.fema.gov/bric

BRIC Qualitative Criteria

This program support material provides detailed information about the six qualitative evaluation criteria that will be used in the Building Resilient Infrastructure and Communities (BRIC) national competition. Information to both guide applicants and subapplicants in the development of their subapplications and to assist panelists in the qualitative review of projects is described below. Additionally, application instructions are included for each respective criterion to guide information submission in FEMA Grants Outcomes (FEMA GO).



BRIC National Competition Qualitative Criteria and Point Values

Background

As described in the BRIC Notice of Funding Opportunity FEMA will convene a National Review Panel to score subapplications submitted to the national competition based on a qualitative review. The BRIC national competition National Review Panel will include FEMA Regional Office and Headquarters staff, as well as representatives from state, local, tribal, and territorial (SLTT) governments and other federal agencies. As referenced in the Notice of Funding Opportunity:

If needed based on the number of subapplications submitted to the BRIC program, FEMA will use the technical evaluation criteria scoring as a program priority screening tool for the qualitative evaluation review. FEMA will send subapplications valued at twice the amount of available funding to the BRIC qualitative evaluation panel.

FEMA will ensure that at least one eligible subapplication from each applicant will be sent to the qualitative evaluation panel for review.

In order to increase transparency in decision-making while building capability and partnerships, FEMA will convene a National Review Panel to score subapplications based on qualitative evaluation criteria.



FEMA

The qualitative criteria are narrative submissions to allow subapplicants the flexibility to fully explain the strengths of the proposed project. Qualitative evaluation criteria have graded scales of point scoring.

FEMA developed the qualitative evaluation criteria based upon comments received through stakeholder engagement efforts. For example, comments indicated support for holistic project evaluation beyond economic metrics alone as well as for incentivizing partnerships and high-quality community engagement.

In accordance with the BRIC program's guiding principle of promoting equity and in implementing the Justice40 Initiative, the BRIC program is prioritizing assistance that benefits disadvantaged communities as referenced in Executive Order 14008.

A disadvantaged community may be characterized by variables including, but not limited to: low income, high and/or persistent poverty, high unemployment and underemployment, racial and ethnic segregation, linguistic isolation, high housing cost burden and substandard housing, distressed neighborhoods, high transportation cost burden and/or low transportation access, disproportionate environmental burden and high cumulative impacts, limited water and sanitation access and affordability, disproportionate climate impacts, high energy cost burden and low energy access, and all geographic areas within Tribal jurisdictions.

Four of the six BRIC qualitative evaluation criteria reflect the need for subapplications to speak to how the project will benefit disadvantaged communities: (1) Risk Reduction/Resiliency Effectiveness, (2) Population Impacted, (3) Outreach Activities, and (4) Leveraging Partners. Point allocation and criteria content have evolved to be more inclusive of the proposed subapplication benefits to disadvantaged communities.

More information on stakeholder engagement efforts can be found on the [FEMA BRIC webpage](#).

Evaluation Process and Scoring

The panelists will leverage their mitigation experience and expertise during the review to assess the degree to which subapplications meet the six BRIC qualitative evaluation criteria (based on the scoring in Table 1). The subapplication's final qualitative score will be calculated by averaging the qualitative scores from each panelist. The six criteria include the following: (1) Risk Reduction/Resiliency Effectiveness, (2) Climate Change and Future Conditions, (3) Implementation Measures, (4) Population Impacted, (5) Outreach Activities, and (6) Leveraging Partners.

Table 1: To what degree does the subapplication meet the criterion?

Scoring Option	Description
Not at all	The subapplication does not address the criterion at all, or minimal references to the criterion are made that include no substantive information.
Minimally	The subapplication addresses the criterion, but information in the subapplication may be confusing, unclear, and/or incorrect. The degree to which the subapplication demonstrates the criterion has been met is weak.
Partially	The subapplication addresses the criterion, but the subapplication may lack clarity and/or strong support, have some minor inconsistencies, or not address all components

Scoring Option	Description
	of the criterion. The degree to which the subapplication demonstrates the criterion has been met is mediocre.
Mostly	Although the subapplication may include a few minor inconsistencies or areas that need more clarity, there is strong support for most components of the criterion. The degree to which the subapplication demonstrates the criterion has been met is acceptable.
Entirely	The subapplication is clear, concise, and complete; provides examples; and is supported by data. It addresses all components of the criterion and may have a particularly compelling narrative. The degree to which the subapplication demonstrates the criterion has been met is excellent.
Exceeds	In addition to addressing all components of the criterion and being clear, concise, complete, and supported by data, the subapplication articulates the impact of the project in catalyzing broader efforts (such as legislative action) as they relate to the criterion. The degree to which the subapplication demonstrates the criterion has been met is beyond excellent.

The National Review Panel will apply the scoring options listed in Table 1 to all six qualitative criteria. However, point values associated with each scoring option vary among criteria, depending on the total possible points for each criterion. The graded scoring and point scales for each criterion are included below.

Application instructions are included below for each respective criterion to guide information submission in FEMA GO. More information on navigating the new FEMA GO system and the full application process can be found on the [Grants Guidance](#) webpage on FEMA.gov.

Prompts are outlined for each qualitative criterion to serve as a helpful starting point for applicants and subapplicants. These prompts are designed to clarify terms and provide guiding questions for applicants and subapplicants to consider as they write the subapplication. This information will be provided to panelists to foster a common frame of reference. Please note that answering every question, while informative, will not necessarily guarantee an “Exceeds” score. Finally, prompts included here are by no means mutually exclusive or exhaustive; any additional information to support the merit of the subapplication is welcome. This information supplements the information regarding qualitative evaluation criteria that can be found in the BRIC Notice of Funding Opportunity.

Qualitative Criterion 1: Risk Reduction/Resiliency Effectiveness (35 possible points)

The subapplication details the following elements: (1) effective risk reduction; (2) effective increase to resilience; (3) provides ancillary benefits; and (4) leverages innovation. Ancillary benefits could include how this project will address inequities and provide the greatest support to those with greatest need.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	7	14	21	28	35

Applicants and subapplicants should include Risk Reduction/Resiliency Effectiveness information in the Scope of Work Section of FEMA GO.

Prompts for Risk Reduction/Resiliency Effectiveness Criterion

1. Interpreting Responses to Effective Risk Reduction

Details how the project will reduce risk. The details should identify the risk being reduced and state what action will reduce the identified risk. The details are clear and reasonable. The benefits calculated through the BCA toolkit are suitable. However, we do not limit evaluation of risk-reduction to those quantifiable. We encourage alternative explanations of risk-reduction here. How will the proposed project reduce risk(s) and to what level?

For example, a proposed project could be designed to provide 100-year-level flood protection to a neighborhood with 250 people, 135 homes, 15 publicly owned structures that support several Community Lifelines, and a variety of cultural, historic, and environmental resources. Additionally, subapplicants may have high Building Code Effectiveness Grading Schedule (BCEGS) scores that show a commitment to reducing risk through strong building code adoption and enforcement activities.

2. Interpreting Responses to Increases in Resilience

Resilience refers to the ability to prepare for anticipated hazards, adapt to changing conditions, and withstand and recover rapidly from disruption.¹ How will the proposed project improve resilience?

For example, a project designed to retrofit a library to serve as a tornado shelter could include tornado (and other hazards) preparedness, resilience, and mitigation information. This could enhance the community's resilience by educating the public about the natural hazard risks they face, as well as build a culture of preparedness.

Details how the project will increase resilience. The details should identify the aspects of resilience being increased and state what action will increase the identified resilience. The details are clear and reasonable.

3. Interpreting Responses to Ancillary Benefits

Ancillary benefits refer to benefits other than the project's primary risk reduction objective, which should be identified in the Scope of Work and BCA, if applicable. Ancillary benefits are benefits related to water/air quality, habitat creation, energy efficiency, economic opportunity, reduced social vulnerability, cultural resources, public health, mental health, etc.

What ancillary benefits will the project provide and how? Does the project consider multiple hazards (e.g., wind/storm surge, wildfire/mudslides) to address risks beyond the proposal's primary risk reduction objective? Ancillary benefits should include how a project will lead to equitable outcomes and provide the greatest support to those with greatest need. Ancillary benefits could also address climate-related benefits.

¹ This definition is used by the [National Institute of Standards and Technology](https://www.nist.gov).

4. Interpreting Responses to Leveraging Innovation

Innovation in one community can look very different from innovation in another community. How does the project leverage or demonstrate innovation for your community? What new ideas or approaches is the project incorporating?

For example, a proposed project in a rural community that has seen an increase in development and impervious surface might include nature-based solutions that have not previously been used. Details how the project will leverage innovation. The details should identify the aspects of innovation being leveraged and state what project aspects incorporate this element. The details are clear and reasonable.

Qualitative Criterion 2: Climate Change and Other Future Conditions (20 possible points)

The subapplication describes how the project will (1) enhance climate adaption, (2) details how the project is being responsive to the effects of climate change² (such as sea level rise³), (3) details how the project is being responsive to the effects of other future conditions (population/demographic/land use, etc.), and (4) cites data sources, assumptions, and models.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	4	8	12	16	20

Applicants and subapplicants should include Future Conditions information in the Evaluation Section of FEMA GO.

Prompts for Climate Change and Other Future Conditions Criterion

What anticipated future conditions are relevant for the project? Examples of future conditions include, but are not limited to, the following: expected population changes, land use and development shifts, aging population, shifts in income or employment, changes in housing needs, increasing temperatures, increased wildfire risk, sea level rise, more frequent high tide flooding, more intense rainfall events, increasing storm frequency, persistent and prolonged droughts, changing groundwater tables, etc.

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? Relevant plans may include Hazard Mitigation Plans, Comprehensive Plans, Climate Adaptation Plans, Long-Range Transportation Plans, Small Area Plans, Coastal Zone Management Plans, Capital Improvement Plans, etc.

What data sources and assumptions are used to guide the project? For example, when citing a sea level rise projection, what time period and what scenario of sea level rise are assumed?

References to any data sources used must be documented.

Qualitative Criterion 3: Implementation Measures (15 possible points)

The subapplication adequately describes: how (1) the costs will be managed; (2) how the schedule will be managed, (3) how the project will be successfully implemented, and how innovative techniques to facilitate implementation will be incorporated; (4) the project's Scope of Work identifies sufficient technical and managerial staff and resources to successfully implement this project.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	3	6	9	12	15

Applicants and subapplicants should include Implementation Measures information in the Scope of Work Section of FEMA GO.

Prompts for Implementation Measures Criterion

Does the application inspire confidence that the project can be completed successfully as designed, given the stated implementation measures?

What potential implementation challenges and obstacles are identified (e.g., technical, political, financial, public support, environmental/permitting, constructability) and what implementation solutions are proposed to address these challenges?

Are the proposed project costs and schedule realistic? How do project cost estimates and the schedule identify and properly address potential challenges and obstacles?

What pre- and post-implementation monitoring strategies are proposed for the project? What specific evaluation elements are proposed to measure progress and ensure the project is executed as designed?

What technical and managerial staff and resources are available to successfully implement the project? How will anticipated staff and resource gaps be filled?

Are examples of successfully completed projects included to demonstrate effective implementation measures?

Qualitative Criterion 4: Population Impacted (25 possible points)

The subapplication demonstrates: (1) community-wide benefits (2) the proportion of the population that will be impacted, including a description of the disadvantaged communities as referenced in EO 14008; (3) how the project was selected and designed to maximize positive impacts and minimize negative impacts to any disadvantaged populations as referenced in EO 14008.; (4) the proposed project is clearly benefiting a disadvantaged community.

If a population impacted as demonstrated by the subapplication does not include a disadvantaged community, then the highest point allotment available is Partially.

Subapplication(s) that clearly state that the proposed project is benefiting a disadvantaged community can score Mostly or higher. Subapplications that demonstrate a direct positive impact to a disadvantaged community will receive a score of Mostly, and subapplications which thoroughly demonstrate the population impacted including a high positive impact on a disadvantaged community will merit a score of Entirely or Exceeds.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	5	10	15	20	25

Applicants and subapplicants should include the Population Impacted information in the Scope of Work Section of FEMA GO.

Prompts for Population Impacted Criterion

Community size, scale, and definition can look very different in different local contexts. 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 (i.e., experience direct community-wide benefits)? How is this estimate calculated? The subapplication should include percentages of the community’s population that will directly and indirectly benefit from the project.

What is the extent of the project’s expected direct and indirect impacts benefit a disadvantaged community? How will the project reduce cascading impacts to Community Lifelines, residents, businesses, public services, infrastructure, and natural systems?

Who are the most vulnerable members of the community where the project is proposed? How will the project minimize negative impacts to disadvantaged members of the community? How will the project maximize positive impacts to disadvantaged members of the community? Impacts can be directly related to the risk reduction activity or indirectly related, such as with ancillary impacts (i.e., social, environmental, economic impacts).

For example, a roadway flooding mitigation project near a hospital and a police station could reduce the flooding hazard impact to the subapplicant’s Transportation, Health and Medical, and Safety and Security Lifelines. The project could also be sited in an area that is economically disadvantaged that depends on these critical services.

Qualitative Criterion 5: Outreach Activities (5 possible points)

The subapplication describes: (1) the outreach strategy and supporting activities appropriate to the project and advancing community mitigation; (2) the types of community planning processes leveraged; (3) and describes how input from a diverse range of stakeholders, including people from disadvantaged communities, was gathered and incorporated into project conception and design.

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	1	2	3	4	5

Applicants and subapplicants should also include information about their Outreach Activities in the Scope of Work Section of FEMA GO.

Prompts for Outreach Activities Criterion

To what extent did stakeholders and/or stakeholder groups contribute to this project? What stakeholder collaboration activities occurred?

What planning processes were leveraged during the development of the project proposal to advance mitigation? How did the project planning process ensure that the disadvantaged in the community were involved in the planning and decision-making processes?

What information (e.g., resiliency goals and outcomes, partnership opportunities, project implementation progress) will be shared with the public? What public outreach and engagement strategies will be used to disseminate project information to and gather feedback from stakeholders and members of the community?

What support or conflicts emerged through the project planning process? How will conflicts be resolved as the project is implemented?

What are the connections between your hazard mitigation plan and local land use requirements and how does the linkage make your community more resilient?

Qualitative Criterion 6: Leveraging Partners (15 possible points)

The project subapplication incorporates: (1) partnerships (e.g., state, territory, tribal, private, district, local community) that will ensure the project meets community needs, (2) an explanation on how these partnerships benefit disadvantaged communities, and (3) an explanation on the anticipated 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).

Not at all	Minimally	Partially	Mostly	Entirely	Exceeds
0	3	6	9	12	15

Applicants and subapplicants should include information about Leveraging Partners in the Evaluation Section of FEMA GO.

Prompts for Leveraging Partners Criterion

Partnerships can take many different forms. For example, partners may contribute financially, support and promote the proposed project, help generate community-wide awareness of the risks the proposal is designed to address, etc. What partners were involved in the project design? How did partners contribute to the application? What partners will contribute to the implementation of the project?

To what extent were non-governmental organizations, including those organizations that represent disadvantaged groups, universities, or other government entities consulted for advice or assistance? How has collaboration with surrounding jurisdictions supported project development?

To what extent have other federal programs or funding sources been leveraged for the project? To what extent have partners provided funding that increases the non-federal cost share?

How have partnerships been used to increase community resiliency? What community groups will participate in this project? What potential exists for partnerships to continue beyond implementation of the project?

BRIC Technical Criteria

This program support material provides detailed information about the eight technical evaluation criteria to be used in the Building Resilient Infrastructure and Communities (BRIC) national competition. The conditions that must be met to receive the point allotment for each criterion are described below. Projects either receive the specified points allotted or zero points for each criterion. Additionally, application instructions are included for each respective criterion to guide information submission in FEMA Grants Outcomes (FEMA GO).

BRIC Technical Criteria



Infrastructure project



Mitigates risk to one or more lifelines



Incorporates nature-based solutions



Applicant has mandatory tribal-, territory-, or state-wide building code adoption requirement (recent versions of International Building Code and International Residential Code)



Subapplicant has Building Code Effectiveness Grading Schedule Rating of 1 to 5



Application generated from a previous qualifying award or the subapplicant is a past recipient of BRIC non-financial Direct Technical Assistance



A non-federal cost share of at least 30% (or, for Economically Disadvantaged Rural Communities, a non-federal cost share of at least 12%)



Designation as an Economically Disadvantaged Rural Community



FEMA

Background

As described in the BRIC Notice of Funding Opportunity (NOFO), FEMA will use technical evaluation criteria to score subapplications submitted to the national competition. As referenced in the Notice of Funding Opportunity:

If needed, based on the number of subapplications submitted to the BRIC program, FEMA will use the technical evaluation criteria scoring as a program priority screening tool for the qualitative evaluation review. FEMA will send subapplications valued at twice the amount of available funding to the BRIC qualitative evaluation panel.

At least one eligible subapplication from each applicant will be sent to the qualitative evaluation panel for review.

The technical evaluation criteria offer incentives for elements valued by FEMA. In order to ensure transparency and efficient in competition project selection, technical evaluation criteria are binary point awards (with exception of the tiered building codes criterion for FY21). Projects either receive the full points allotted or zero points for each criterion.

FEMA developed several of the technical evaluation criteria based upon factors it is required to consider by statute in addition to comments received during the development of the BRIC program. For example, comments indicated that stakeholders strongly support prioritizing projects that integrate nature-based solutions, incentivizing building code improvements, and promoting previous Hazard Mitigation Assistance (HMA) efforts.

Technical Criterion 1: Infrastructure Project (20 points)

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. The following are examples of statements that a community might submit in a subapplication to describe how its project is an infrastructure project:

- Through the proposed nature-based solution to reduce risk from high-intensity rainfall events, we will provide enhanced protection to our wastewater treatment plant, which supplies fresh water to our community of 30,000 people.
- Retrofitting our food bank to have stronger structural integrity and the ability to operate off-grid will ensure a critical service in our community can remain operational following an earthquake.

For more information on nature-based solutions, please reference [Building Community Resilience with Nature-Based Solutions: A Guide for Local Communities \(2021\)](#). Applicants/subapplicants should include a statement describing the infrastructure project in the Scope of Work Section of FEMA GO.

Technical Criterion 2: Mitigating Risk to One or More Lifelines (15 points)

To receive the point allotment for this criterion, the subapplication must indicate that the project will mitigate risk to at least one of the seven Community Lifelines to enable the continuous operation of critical government and business functions essential to human health and safety or economic security.

Community Lifelines are the most fundamental services in the community that, when stabilized, enable all other aspects of society to function. More information on [Community Lifelines](#) can be found on FEMA.gov and in the [Community Lifelines Implementation Toolkit](#). The seven Community Lifelines are shown in the graphic below.



FEMA Community Lifelines

To better understand how mitigation projects can incorporate Community Lifelines concepts, please refer to the Mitigation Action Portfolio (MAP). The following MAP projects offer examples for each of the seven Community Lifelines:

- Safety and Security: Spring Creek (South Dakota) Drainage Improvement Project
- Food, Water, Shelter: Renovation of Alexander Theater (St. Croix)
- Health and Medical: Mercy Hospital (Missouri) Rebuild
- Energy (Power & Fuel): Blue Lake Rancheria Tribe (California) Microgrid
- Communications: Connect Arlington (Virginia) Communication Infrastructure Upgrades
- Transportation: La Guardia Airport (New York) Flood Control
- Hazardous Materials: Washington DOT Landslide Mitigation Action Plan and Rail Corridor Improvements

Applicants/subapplicants should include a statement indicating to which of the seven Community Lifelines the project will mitigate risk in the Scope of Work Section of FEMA GO.

Technical Criterion 3: Incorporation of Nature-Based Solutions (10 points)

To receive the point allotment for this criterion, the subapplication must indicate and describe how the project incorporates one or more nature-based solutions, which are sustainable environmental management practices that restore, mimic, and/or enhance nature and natural systems or processes and support natural hazard risk mitigation as well as economic, environmental, and social resilience efforts. Nature-based solutions use approaches that include, but are not limited to, restoration of grasslands, rivers, floodplains, wetlands, dunes, and reefs; living shorelines; soil stabilization; aquifer storage and recovery; and bioretention systems.

More information on nature-based solutions can be found in FEMA's [Building Community Resilience with Nature-Based Solutions: A Guide for Local Communities](#) and the National Oceanic and Atmospheric Administration's [Digital Coast](#).

Applicants/subapplicants should include a statement describing how the project incorporates a nature-based solution in the Scope of Work Section and Cost Effectiveness Section of FEMA GO.

Technical Criterion 4: Applicant has Mandatory Tribal-, Territory-, or State-Wide Building Code Adoption Requirement (10 points or 20 points)

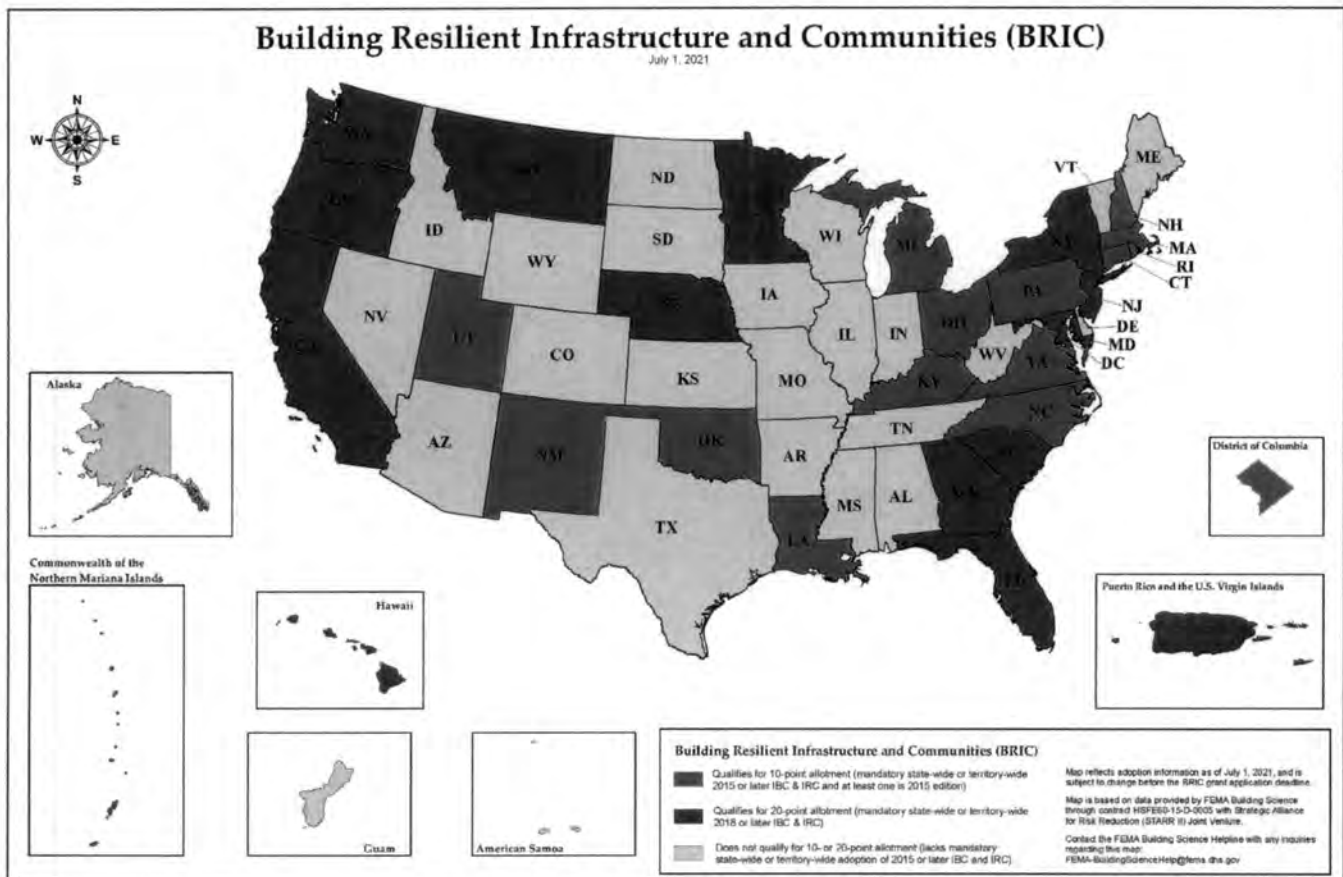
To receive the point allotment for this criterion, the applicant must have adopted mandatory tribal-, territory-, or state-wide building codes based on versions listed below of both the **International Building Code (IBC)** and the **International Residential Code (IRC)** model codes published by the International Code Council (ICC). The following adoption status combinations are the only ones that qualify for the specified point allotment:

- 2015 version of both the IBC and IRC (10 points)
- 2018 version of both the IBC and IRC (20 points)
- 2021 version of both the IBC and IRC (20 points)
- 2015 version of the IBC and 2018 version of the IRC (10 points)
- 2018 version of the IBC and 2015 version of the IRC (10 points)
- 2015 version of the IBC and 2021 version of the IRC (10 points)
- 2021 version of the IBC and 2015 version of the IRC (10 points)
- 2018 version of the IBC and 2021 version of the IRC (20 points)
- 2021 version of the IBC and 2018 version of the IRC (20 points)

If a federally recognized tribal government has not adopted the code as listed above, the tribe must demonstrate alternative compliance with IBC and IRC (versions listed above) or be covered under another jurisdiction's (state or territory) code adoption status in order to receive the point allotment.

FEMA acknowledges the importance of strong building codes at the state, local, tribal, and territorial levels. Accordingly, in future BRIC grant cycles, FEMA may increase its emphasis on building codes criteria.

Information about applicant adoption status may be found in the following map provided by FEMA Building Science or in documentation of state, territory, or tribal legislation or code that demonstrates adoption status. Applicants should include details on their building code adoption status in the Evaluation Section of FEMA GO. Additionally, subapplications should attach documentation verifying code adoption status of the applicant. Federally recognized tribal government code adoption status will be determined for tribal applicants after application close.



Technical Criterion 5: Subapplicant has Building Code Effectiveness Grading Schedule (BCEGS) Rating of 1 to 5 (20 points)

The BCEGS is an independent assessment of a community's building code adoption and enforcement activities, resulting in a score of 1 (best) to 10. For more information on BCEGS, please visit the [ISO-Mitigation website](https://www.iso-mitigation.com/bcegs/facts-and-figures/).

To receive the point allotment for this criterion, a subapplicant at the local level (including those located in territories) must have a BCEGS rating between 1 and 5 (considered by FEMA as a disaster-resistant code) when the application is submitted. To receive the point allotment for this criterion, a state or territory acting as a subapplicant must:

- Have a class ranking between 1 and 5 on both the Commercial and Residential BCEGS State Averages as indicated in the 2020 State Averages as published on ISO's website at <https://www.iso-mitigation.com/bcegs/facts-and-figures/>; or
- Submit a BCEGS score provided by ISO (for territories and the District of Columbia)

Subapplicants at the state or territory level may submit documentation verified by ISO that provides more updated information on their BCEGS rating, if applicable. BCEGS scores for tribal applicants/subapplicants are required but

can be dependent on the relationship between the local municipality and the tribal entity that determines how building code requirements are managed.

The best source for relevant information at the community level is the local building inspector or code enforcement office.

BUREAU STATES

Bureau states have their own insurance rating organization that is not part of ISO. To receive the point allotment for this criterion, a subapplicant at the state or territory level for the five Bureau states not included in ISO's *National Building Code Assessment Report – Building Code Effectiveness Grading Schedule* (2019 Edition) must provide a state-verified BCEGS score at the state level. For subapplicants at the local level within Bureau states, BCEGS scores should be provided by the state. BCEGS Bureau state contact information is as follows:

Hawaii Insurance Bureau, Inc.

715 South King Street, Suite 320
Honolulu, HI 96813-4118
808-531-2771

Idaho Surveying and Rating Bureau, Inc.

5440 Franklin Road, Suite 101
P.O. Box 6430
Boise, ID 83707
208-343-5483

Property Insurance Association of Louisiana

433 Metairie Road, Suite 400
Metairie, LA 70005
504-831-6930

Mississippi State Rating Bureau

2685 Insurance Center Drive
Jackson, MS 39216-5231
or
P.O. Box 5231
Jackson, MS 39296-5231
601-981-2915

Washington Surveying and Rating Bureau

200 1st Avenue W, Suite 500
Seattle, WA 98119-4219
206-217-9772

If a subapplicant does not have a BCEGS score, a survey to obtain one can be requested. **BCEGS surveys are provided at no cost, do not negatively impact credit ratings, and can take 2 to 4 months to complete. Communities**

intending to apply for BRIC funding are encouraged to initiate the process as soon as possible. To request a BCEGS survey, please refer to the submission instructions referenced on the ISO-Mitigation [website](#). Questions about the BCEGS survey can be directed to BCEGS_Info@verisk.com.

Applicants/subapplicants should include their BCEGS score, or for Bureau states a state-verified BCEGS score at the state level, in the Evaluation Section of FEMA GO.

Technical Criterion 6: Subapplication Generated from a Previous Qualifying Award (10 points)

To receive the point allotment for this criterion, a subapplicant must demonstrate the subapplication was generated from a previous FEMA HMA Advance Assistance award or Project Scoping award, High Hazard Potential Dams (HHPD) award, or Department of Homeland Security Cybersecurity & Infrastructure Security Agency's (CISA) Regional Resiliency Assessment Program (RRAP), or the subapplicant is a past recipient of BRIC non-financial Direct Technical Assistance and the previous award is directly related to the current proposal. The subapplication must provide documentation to support this criterion. HMA Advance Assistance provides applicants and subapplicants with resources to develop mitigation strategies and obtain data to prioritize, select, and develop complete applications in a timely manner.¹

This FEMA HMA grant may have been awarded through the Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA), Pre-Disaster Mitigation (PDM) grant program, or BRIC grant program at any time; however, FEMA HMA grants that are not Advanced Assistance or Project Scoping do not qualify for this point allotment.

Subapplicants should include information on their previous award in the Evaluation Section of FEMA GO.

Technical Criterion 7: Increased Non-Federal Cost Share (5 points)

To receive the point allotment for this criterion, a subapplicant must demonstrate that it can provide a non-federal cost share of least 30% or for Economically Disadvantaged Rural Communities (EDRCs) a non-federal cost share of at least 12%. To receive the full points, the federal share requested can be no more than 70% (or 88% for qualified EDRCs).

Subapplicants should include cost share documentation in the Budget Section of FEMA GO.

¹ This definition is derived from the Advance Assistance description on page 22 of the *Hazard Mitigation Assistance Guidance* (HMA Guidance; 2015), which is available at <https://www.fema.gov/grants/mitigation/hazard-mitigation-assistance-guidance-and-addendum-fy15>.

Technical Criterion 8: Designation as an Economically Disadvantaged Rural Community (EDRC) (15 points)

To receive the point allotment for this criterion, subapplicants must document their status as an EDRC (as referenced in 42 U.S.C. § 5133(a) as a small impoverished community). An EDRC is a community of 3,000 or fewer individuals, as identified and validated by the applicant in the project subapplication, that is economically disadvantaged; meaning that residents have an average per capita annual income that does not exceed 80% of the national per capita income, based on best available data.² A state, territory, or federally recognized tribal government serving as a subapplicant must document the Economically Disadvantaged Rural Community status of the community in which the project is planned to receive the point allotment for this criterion.

Population information can be referenced through the U.S. Census, American Community Survey (ACS) website, see [Explore Census Data](#). Per capita income can be found after inputting a location into the Explore Census Data search, then under the *Per Capita Income By Race and Hispanic or Latino Origin, Total Population*, and Mean Income (Dollars) column. Supporting documentation for population and per capita income should include an exported U.S. Census Bureau ACS data report in PDF format, indicating the most recent information. Subapplicants should include documentation of their status as an Economically Disadvantaged Rural Community in the Budget Section in FEMA GO and attach required supporting documentation.

² This definition is derived from the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by the Disaster Recovery Reform Act of 2018.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Adopt Resolution Approving Engineering Amendment No. 4 for the Township No. 7 Sewer Improvements Phase-III Project.

Date of Meeting: 11/9/2021	Ward # if applicable: N/A
Department: Public Utilities – Water Resources	Person Submitting Item: Jordan Hughes
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Amendment to existing professional services contract with Rivers and Associates, Inc. to include engineering services for the bidding and const. phases of the Township No. 7 Sewer Improvements Phase-III project.
Actions Needed by Board:	Adopt Resolution Approving Engineering Amendment No. 4 for the Township No. 7 Sewer Improvements Phase-III Project.
Backup Attached:	Memo from Jordan Hughes, copy of Amendment No.4 and draft resolution for approving the Amendment.

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: \$123,000.00
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:



Department of Public Utilities
Water Resources
527 NC Highway 55 West, P.O. Box 1129
New Bern, NC 28563-1129
(252) 639-7526

MEMORANDUM

TO: Mayor and Board of Aldermen
FROM: Jordan B. Hughes P.E., City Engineer
DATE: October 26, 2021
SUBJECT: **Recommendation to Approve Engineering Amendment No. 4
For Township No. 7 Sewer Improvements Phase-III Project**

Background Information:

The Township No.7 Sewer Improvements Phase-III project is being implemented by the City in order to meet the capacity needs of the City's sewer systems located south of the Trent River and to relocate a sewer pump station that currently sits on the bank of Lawson Creek. The engineering design for the project has been completed and the permitting phase of the project is currently wrapping up. The project is scheduled for bidding by the end of the calendar year and the construction phase is expected to begin in early 2022.

As the project moves into the bidding and construction phases, additional professional services will be required for issuance of bidding addenda, construction contract administration, coordinating with permitting agencies and preparation of the final record drawings for the project. Rivers and Associates, Inc. has proposed an estimated price of \$123,000 for completion of the work that was not included in the original project scope. This estimate appears to be reasonable and consistent based on the increase in project scope and the consultants established hourly rates.

Recommendation:

In order to have the engineering support that is necessary for bidding and construction phases of the Township No.7 Sewer Improvements Phase-III Project, staff is recommending approving Engineering Amendment No.4 with Rivers and Associates, Inc.

Attached please find a copy of Engineering Amendment No.4 and a draft resolution for approving the amendment to the professional services agreement.

Please contact me if there are any questions or if additional information should be required

RESOLUTION

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the Amendment to Owner-Engineer Agreement, Amendment No. 4 dated November 9, 2021 by and between the City of New Bern and Rivers and Associates, Inc., a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and the City Clerk are hereby authorized and directed to execute the same, in duplicate originals, for and on behalf of the City.

ADOPTED THIS 9TH DAY OF NOVEMBER, 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated February 23, 2016.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 4

The Effective Date of this Amendment is: November 9, 2021.

Background Data

Effective Date of Owner-Engineer Agreement: February 23, 2016

Owner: City of New Bern

Engineer: Rivers & Associates, Inc.

Project: Township 7 Sewer Force Main - Phase III

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

 X Additional Services to be performed by Engineer

 X Modifications of payment to Engineer

 X Modifications to time(s) for rendering services

Description of Modifications:

The Owner desires to proceed with bidding and construction phase services for the linework portion of the project while awaiting easement acquisition for the pump station for the State of North Carolina. Once the easement is secured, bidding and construction phase services will commence with the pump station portion of the project.

Amendment #4 modifies the Contract Exhibits A and C via Attachment 1 to include construction phase services of Bidding, Construction Administration and Record Drawings. Appendix 2 is revised to reflect current Standard Hourly Rates. Appendix 3 is revised to reflect the updated Summary of Engineering Fees.

Agreement Summary:

Original agreement amount:	\$ <u>349,500</u>
Net change for prior amendments:	\$ <u>165,450</u>
This amendment amount:	\$ <u>123,000</u>
Adjusted Agreement amount:	\$ <u>637,950</u>

Change in time for services (**additional** days ~~or date~~, as applicable): 455

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

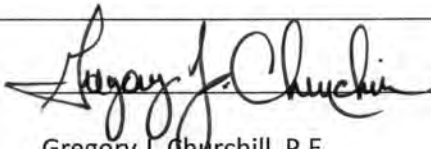
OWNER:
City of New Bern

ENGINEER:
Rivers & Associates, Inc.

By: _____
Print
name: _____

Title: _____

Date Signed: _____

By:  _____
Print
name: Gregory J. Churchill, P.E.

Title: President

Date Signed: 10-21-21

This is **ATTACHMENT 1**, consisting of 4 pages, referred to in and part of **EXHIBIT K - AMENDMENT 4** of the **Agreement between Owner and Engineer for Professional Services** dated February 23, 2016.

ATTACHMENT 1 TO EXHIBIT K – AMENDMENT 4

Modifications to Exhibit A – Engineer’s Services:

A1.04. Bidding or Negotiating Phase

- A. After acceptance by Owner of the final Drawings and Specifications, other Construction Contract Documents, bidding-related documents (or requests for proposals or other construction procurement documents), and the most recent opinion of probable Construction Cost as determined in the Final Design Phase, and upon written authorization by Owner to proceed, Engineer shall:
1. ~~Assist Owner in advertising for and obtaining bids or proposals for the Work, assist Owner in issuing assembled design, contract, and bidding-related documents (or requests for proposals or other construction procurement documents) to prospective contractors, and, where applicable, maintain a record of prospective contractors to which documents have been issued, attend pre-bid conferences, if any, and receive and process contractor deposits or charges for the issued documents.~~
 2. Prepare and issue Addenda as appropriate to clarify, correct, or change the issued documents.
 3. ~~Provide information or assistance needed by Owner in the course of any review of proposals or negotiations with prospective contractors.~~
 4. ~~Consult with Owner as to the qualifications of prospective contractors.~~
 5. ~~Consult with Owner as to the qualifications of subcontractors, suppliers, and other individuals and entities proposed by prospective contractors, for those portions of the Work as to which review of qualifications is required by the issued documents.~~
 6. ~~If the issued documents require, the Engineer shall evaluate and determine the acceptability of "or equals" and substitute materials and equipment proposed by prospective contractors, provided that such proposals are allowed by the bidding-related documents (or requests for proposals or other construction procurement documents) prior to award of contracts for the Work. Services under this paragraph are subject to the provisions of Paragraph A2.02.A.2 of this Exhibit A.~~
 7. ~~Attend the bid opening, prepare bid tabulation sheets to meet Owner’s schedule, and assist Owner in evaluating bids or proposals, assembling final contracts for the Work for execution by Owner and Contractor, and in issuing notices of award of such contracts.~~

- ~~8. If Owner engages in negotiations with bidders or proposers, assist Owner with respect to technical and engineering issues that arise during the negotiations.~~
- ~~9. Perform or provide the following other Bidding or Negotiating Phase tasks or deliverables:~~
~~None.~~
10. The Bidding or Negotiating Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with prospective contractors (except as may be required if Exhibit F is a part of this Agreement).

A1.05. Construction Phase

- A. Upon successful completion of the Bidding and Negotiating Phase, and upon written authorization from Owner, Engineer shall:
 1. *General Administration of Construction Contract:* Consult with Owner and act as Owner's representative as provided in the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of Engineer shall be as assigned in EJCDC® C-700, Standard General Conditions of the Construction Contract (2013 Edition), prepared by the Engineers Joint Contract Documents Committee, or other construction general conditions specified in this Agreement. If Owner, or Owner and Contractor, modify the duties, responsibilities, and authority of Engineer in the Construction Contract, or modify other terms of the Construction Contract having a direct bearing on Engineer, then Owner shall compensate Engineer for any related increases in the cost to provide Construction Phase services. Engineer shall not be required to furnish or perform services contrary to Engineer's responsibilities as a licensed professional. All of Owner's instructions to Contractor will be issued through Engineer, which shall have authority to act on behalf of Owner in dealings with Contractor to the extent provided in this Agreement and the Construction Contract except as otherwise provided in writing.
 - ~~2. *Resident Project Representative (RPR):* Provide the services of an RPR at the Site to assist the Engineer and to provide more extensive observation of Contractor's work. Duties, responsibilities, and authority of the RPR are as set forth in Exhibit D. The furnishing of such RPR's services will not limit, extend, or modify Engineer's responsibilities or authority except as expressly set forth in Exhibit D.~~

...

Add Item B.5. under A.2.01.B. as follows:

- B. The following additional services are anticipated to be required and are part of this Agreement:
 1. Aerial and Topographic Surveys for Preliminary and Final Design (*Original Agreement*)
 2. Permitting (*per Amendment #1*)
 3. Easement Mapping (*per Amendment #1*)
 4. Archaeological Evaluation (*per Amendment #3*)
 5. **Record Drawings**

Modifications to Exhibit C – COMPENSATION PACKETS:

Modify C2.01.A.4 & C2.01.A.8 as follows under COMPENSATION PACKET BC-2: Basic Services – Standard Hourly Rates:

ARTICLE 2 – OWNER’S RESPONSIBILITIES

4. The total compensation for services under Paragraph C2.01 is estimated to be **\$107,500** based on the following estimated distribution of compensation:

a. Study and Report Phase	\$ <u>NA</u>
b. Preliminary Design Phase	\$ <u>NA</u>
c. Final Design Phase	\$ <u>NA</u>
d. Bidding or Negotiating Phase	\$ <u>25,000</u>
e. Construction Phase	\$ <u>82,500</u>
f. Post-Construction Phase	\$ <u>NA</u>

8. The Standard Hourly Rates and Reimbursable Expenses Schedule will be adjusted annually (as of **January 1**) to reflect equitable changes in the compensation payable to Engineer.

Modify C2.01.B as follows under COMPENSATION PACKET BC-2: Basic Services – Standard Hourly Rates:

- B. *Period of Service:* The compensation amount stipulated in Compensation Packet BC-2 is conditioned on a period of service not exceeding **12** months. If such period of service is extended, the compensation amount for Engineer’s services shall be appropriately adjusted.

Modify C2.05.D as follows under COMPENSATION PACKET AS-1: Additional Services – Standard Hourly Rates:

- D. The Total Compensation for Services under Paragraph C2.05 is estimated to be **\$260,450** based on the following estimated distribution of compensation:

1. Surveying	\$ <u>91,000</u>
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2. Permitting	<u>\$58,300</u>
3. Easement Maps and Pump Station Site Plat	<u>\$42,200</u>
4. Archeological Evaluation	<u>\$53,450</u>
5. Record Drawings	<u>\$15,500</u>

See attached **Appendix 2 to Exhibit K – Amendment 4** for revisions to Standard Hourly Rates.

See attached **Appendix 3 to Exhibit K – Amendment 4** for an updated Summary of Engineering Fees.

This is **Appendix 2 to EXHIBIT K – Amendment 4**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated February 23, 2016.

Standard Hourly Rates Schedule

A. *Standard Hourly Rates:*

1. Standard Hourly Rates are set forth in this Appendix 2 to this Exhibit K – Amendment 4 and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.
2. The Standard Hourly Rates apply only as specified in Article C2.

B. *Schedule:*

Hourly rates for services performed on or after the date of the Agreement are:

<u>EMPLOYEE CLASSIFICATION:</u>	<u>HOURLY RATES:</u>
Principal	\$170.00
Sr. Project Manager II	\$165.00
Sr. Project Manager I	\$155.00
Project Manager II	\$145.00
Project Manager I	\$135.00
Sr. Project Engineer	\$155.00
Project Engineer II	\$120.00
Project Engineer I	\$110.00
Design Engineer II	\$95.00
Design Engineer I	\$85.00
Sr. Landscape Architect	\$135.00
Landscape Architect	\$105.00
Landscape Designer	\$90.00
Project Planner I	\$95.00
Planner II	\$85.00
Planner I	\$75.00
Designer IV	\$115.00
Designer III	\$110.00
Designer II	\$95.00
Designer I	\$80.00
CAD Technician III	\$75.00
CAD Technician II	\$70.00
CAD Technician I	\$65.00
Project Surveyor II	\$110.00
Project Surveyor I	\$90.00
Party Chief IV	\$90.00
Party Chief III	\$80.00

Exhibit K – Amendment 4 – Appendix 2: Standard Hourly Rates Schedule.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

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Party Chief II	\$65.00
Party Chief I	\$55.00
Surveyor Technician II	\$55.00
Surveyor Technician I	\$45.00
1-Man Robotic II	\$135.00
1-Man Robotic I	\$100.00
Resident Project Representative IV	\$95.00
Resident Project Representative III	\$80.00
Resident Project Representative II	\$70.00
Resident Project Representative I	\$60.00
Intern Tech	\$35.00
Administrative Assistant	\$65.00

Summary of Engineering Fees – as Amended by Amendment No. 4

C2.01.1 Compensation for Basic Services (other than Resident Project Representative) - Lump Sum Method of Payment

A.1.a.	Study and Report Phase	\$ <u>NA</u>
A.1.b.	Preliminary Design Phase	\$ <u>40,000</u>
A.1.c.	Final Design Phase	\$ <u>230,000</u>

C2.01.2 Compensation for Basic Services (other than Resident Project Representative) – Standard Hourly Rates Method of Payment

A.4.d.	Bidding or Negotiating Phase	\$ <u>25,000</u>
A.4.e.	Construction Phase	\$ <u>82,500</u>
A.4.f.	Post-Construction Phase	\$ <u>(Reserved)</u>

C2.04 Compensation for Resident Project Representative Basic Services – Standard Hourly Rates Method of Payment

A.1.	Resident Project Representative Services	\$ <u>(Reserved)</u>
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C2.05 Compensation for Additional Services – Standard Hourly Rates Method of Payment

D.1.	Surveying	\$ <u>91,000</u>
D.2.	Permitting	\$ <u>58,300</u>
D.3.	Easement Maps and Pump Station Site Plat	\$ <u>42,200</u>
D.4.	Archeological Evaluation	\$ <u>53,450</u>
D.5.	Record Drawings	\$ <u>15,500</u>

C2.01.1 through C2.05 TOTAL \$637,950

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting an amendment to the Township 7 Sewer Improvements Project Fund

Date of Meeting: 11/09/2021	Ward # if applicable:
Department: Finance	Person Submitting Item: Kim Ostrom, Interim Finance Director
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Consider adopting an amendment to the Township 7 Sewer Improvements Project Fund.
Actions Needed by Board:	Adopt ordinance amendment.
Backup Attached:	Memo, Ordinance Amendment

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item:
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:



TO: City Manager, Honorable Mayor and Members of the Board of Aldermen
FROM: Kim Ostrom – Interim Finance Director
DATE: November 9, 2021
RE: Amendment to the Township 7 Sewer Improvements Project Fund

Background Information

This ordinance will amend the Township 7 Sewer Improvements Project Fund for the following increases:

- 1) \$14,223 for current obligations that exceed the budget amount of \$515,000, including a total of \$519,512 in expenditures to date and \$9,711 remaining on the current Rivers & Associates contract
- 2) \$123,000 from the engineering amendment #4 presented at tonight's meeting
- 3) \$35,000 to cover easement acquisition costs

The total increase of \$172,223 will be appropriated from the Sewer Fund fund balance.

Requested Action

The Board considers adopting the enclosed budget amendment at its meeting on November 9, 2021.

**AN ORDINANCE TO AMEND THE CAPITAL PROJECT ORDINANCE
TOWNSHIP 7 SEWER IMPROVEMENTS PROJECT FUND**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

Section 1. That Section 3 of the Township 7 Sewer Improvements Project Fund Ordinance adopted on December 10, 2015 is hereby amended to recognize additional appropriation:

Increase: Sewer System Improvements Project Fund \$172,223

Section 2. That Section 4 of the Township 7 Sewer Improvements Project Fund Ordinance adopted on December 10, 2015 is hereby amended to recognize revenue from the Sewer Fund:

Increase: Transfer from Sewer Fund \$172,223

Section 3. This amendment shall become effective upon adoption.

ADOPTED THIS 9TH DAY OF NOVEMBER, 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting an amendment to the FY 2021-22 annual adopted budget.

Date of Meeting: 11/09/2021	Ward # if applicable:
Department: Finance	Person Submitting Item: Kim Ostrom, Interim Finance Director
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Consider adopting an amendment to the FY 2021-22 annual adopted budget.
Actions Needed by Board:	Adopt ordinance amendment.
Backup Attached:	Memo, Ordinance Amendment

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item:
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:



TO: City Manager, Honorable Mayor and Members of the Board of Aldermen
FROM: Kim Ostrom – Interim Finance Director
DATE: November 9, 2021
RE: Amendments to the FY 2021-22 Operating Budget

The following are amendments to the Fiscal Year 2021-22 Operating Budget:

Water Fund

The Water Fund is amended by \$98,000 to replace an 18-year-old dump truck that is currently out of commission. The truck was scheduled for replacement next fiscal year. Funds will be appropriated from Water Fund fund balance.

Sewer Fund

The Sewer Fund will appropriate \$172,223 from fund balance to the Township 7 Sewer Improvements Project Fund for additional engineering and easement acquisition costs outlined in the capital project ordinance amendment presented at tonight's meeting.

Grants Fund

The Grants Fund is amended to recognize a \$12,504.99 Patrick Leahy Bulletproof Vest Partnership grant from the Bureau of Justice Assistance. The grant requires a match of \$12,504.99, which is included in the General Fund 2021-22 operating budget.

The Grants Fund is also amended to recognize a \$65,000 grant from the Homeland Security Grant Program through North Carolina Emergency Management for a Prime Mover. There is no match required for this grant.

Requested Action

The Board considers adopting the enclosed budget amendment at its meeting on November 9, 2021.

CITY OF NEW BERN, NORTH CAROLINA
REQUESTED AMENDMENT TO
Fiscal Year 2021-2022

FROM: Kim Ostrom, Interim Finance Director

Meeting Date: November 9, 2021

EXPLANATION:

The Water Fund is amended by \$98,000 to replace an 18-year-old dump truck that is currently out of commission. The truck was scheduled for replacement next fiscal year. Funds will be appropriated from Water Fund fund balance. The Sewer Fund is amended to appropriate \$172,223 from fund balance to the Township 7 Sewer Improvement Project Fund for additional engineering and easement acquisition costs outlined in the capital project ordinance amendment presented at tonight's meeting. The Grants Fund is amended to recognize a \$12,504.99 Patrick Leahy Bulletproof Vest Partnership grant from the Bureau of Justice Assistance. The grant requires a match of \$12,504.99, which is included in the General Fund 2021-22 operating budget. The Grants Fund is also amended to recognize a \$65,000 grant from the Homeland Security Grant Program through North Carolina Emergency Management for a Prime Mover. There is no match required for this grant.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN
THAT THE 2021-2022 ANNUAL BUDGET ORDINANCE IS AMENDED AS FOLLOWS:

Section 1 - Appropriations

Schedule C - WATER FUND

Increase: Water Distribution Maintenance	\$ <u>98,000</u>
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Schedule D - SEWER FUND

Increase: Transfer to Other Funds	\$ <u>172,223</u>
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Schedule K - GRANTS FUND

Increase: Grants Police	\$ 25,010
Grants Fire	\$ 65,000
	\$ <u>90,010</u>

Section 2 - Estimated Revenues

Schedule C - WATER FUND

Increase: Fund Balance Appropriated	\$ <u>98,000</u>
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Schedule D - SEWER FUND

Increase: Fund Balance Appropriated	\$ <u>172,223</u>
-------------------------------------	-------------------

Schedule K - GRANTS FUND

Increase: Grants Police	\$	12,505
Transfer from General Fund	\$	12,505
Grants Fire	\$	65,000
	\$	<u>90,010</u>

NATURE OF TRANSACTION:

 X ADDITIONAL REVENUE AVAILABLE FOR APPROPRIATION
 TRANSFER WITHIN ACCOUNTS OF SAME FUND
 X OTHER: FUND BALANCE APPROPRIATION

APPROVED BY THE BOARD OF ALDERMEN AND
ENTERED ON MINUTES DATED NOVEMBER 9, 2021
AGENDA ITEM NUMBER _____

BRENDA E. BLANCO, CITY CLERK

AGENDA ITEM COVER SHEET

Agenda Item Title:

Adopt Ordinance to Amend Chapter 74 “Utilities” of the Code of Ordinances of the City of New Bern to Establish Article VI – Cross-Connection Control

Date of Meeting: 11/9/2021	Ward # if applicable: N/A
Department: Public Utilities – Water Resources	Person Submitting Item: Jordan Hughes
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Amend Chapter 74 of the City Code to establish Cross-Connection Control Ordinance.
Actions Needed by Board:	Adopt Ordinance to Amend Chapter 74 “Utilities” of the Code of Ordinances of the City of New Bern to Establish Article VI – Cross-Connection Control
Backup Attached:	Memo from Jordan Hughes, copy or proposed Cross-Connection Control Ordinance and draft resolution for approving the Ordinance.

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: N/A
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes: Click or tap here to enter text.



Department of Public Utilities
Water Resources
527 NC Highway 55 West, P.O. Box 1129
New Bern, NC 28563-1129
(252) 639-7526

MEMORANDUM

TO: Mayor and Board of Aldermen
FROM: Jordan B. Hughes P.E., City Engineer *JBH*
DATE: October 26, 2021
SUBJECT: **Recommendation to Amend Chapter 74 "Utilities" of the Code of Ordinances
Of the City of New Bern to Establish Article VI – Cross-Connection Control.**

Background Information:

In November 2020, the Public Water Supply Section of the North Carolina Department of Environmental Quality issued updates to the "Rules Governing Public Water Systems". These included revisions to 15A NCAC 18C .0100-.2200. Section .0406 of the revised document includes completely updated language regarding the requirements of cross connection control programs for public water systems in North Carolina, which will require the City to adopt a more formal Cross Connection Control program.

As part of the FY22 budget, an existing position was reclassified to Cross Connection Control Coordinator and this reclassified position will be responsible for initiating the City's Cross Connection Control program and ensuring the City is operating the program in compliance with State requirements. Over the past several months, the Cross Connection Control Coordinator, City Engineer and City Attorney have been working to draft a Cross Connection Control Ordinance that will conform to the new requirements of 15A NCAC 18C and which will be the foundation of the City's Cross Connection Control program moving forward.

Recommendation:

In order to comply with the revised requirements of 15A NCAC 18C, City staff is recommending adopting an Ordinance to Amend chapter 74 "Utilities" of the Code of Ordinances of the City of New Bern, to establish Article VI – Cross-Connection Control.

Attached please find a copy of the proposed Cross-Connection Control Ordinance and a draft resolution for adopting the ordinance.

Please contact me if there are any questions or if additional information should be required.

AN ORDINANCE TO AMEND CHAPTER 74 "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN BY ADDING ARTICLE VI. "CROSS-CONNECTION CONTROL"

THAT WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect certain revisions Chapter 74 "Utilities" of the Code of Ordinances of the City of New Bern as provided herein by adding Article VI. "Cross-Connection Control."

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

SECTION 1. That Chapter 74 "Utilities" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by adding Article VI. "Cross-Connection Control" as follows:

"ARTICLE VI. CROSS-CONNECTION CONTROL"

DIVISION 1. GENERALLY

Sec. 74-400. Purpose and policy

(a) The purpose of this Cross-Connection Control Ordinance is to define the City of New Bern as the water purveyor in the elimination of all cross connections within its public potable water supply.

(b) This article shall apply to all customers connected to the City of New Bern's public potable water supply.

(c) This article complies with the Federal Safe Drinking Water Act, the North Carolina Drinking Water Act, and the North Carolina State Building Code as they pertain to cross-connections within the public potable water supply.

Sec. 74-401. Objectives

(a) To protect the public potable water supply against actual or potential contamination by containing within the customer's water system contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public potable water supply.

(b) To eliminate or control existing cross-connections, actual or potential, between the City's public potable water supply and the customer's non-potable or industrial piping system(s).

(c) To provide a continuing inspection program of cross-connection control which will systematically and effectively control all actual or potential cross-connections which may be installed in the future.

Sec. 74-402. Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air gap means a physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side diameter but never less than one (1) inch.

Approved enclosure means a protective enclosure manufactured pursuant to ASSE Standard 1060 for the purpose of preventing frost/freeze or physical damage to a cross-connection assembly.

ASSE (Plumbing) means the American Society of Sanitary Engineering, a national organization that maintains performance standards for backflow prevention assemblies, devices, protective enclosures, and other parts of the plumbing system.

Auxiliary intake means any piping connection or other device whereby water may be obtained from a source other than the City's public water supply.

Auxiliary water supply means any water other than the City of New Bern public water supply as defined herein; including, but not limited to recycled water, grey water, rain water, well water, cistern water, reuse water and any other water supply from other water purveyors other than the City of New Bern.

AWWA (approved) means the American Water Works Association, a national organization that maintains operational and educational standards for sanitary system professionals and products.

Backflow means the flow of water or other liquids, mixtures, or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

Backflow prevention assembly means a mechanical arrangement used to protect the public water supply that meets or exceeds standards set forth by the University of Southern California for Cross Connection control and Hydraulic Research (USCFCCHR) and the American Society of Sanitary Engineering (ASSE) by being on the agency's approval list. A backflow assembly used on fire suppression systems must have the additional approval of Factory Mutual (FM) and comply with the National Fire Protection Association (NFPA) code.

Backflow device means a mechanical backflow assembly without shut-off valves or test ports and therefore not inline testable.

Backpressure means a condition in which the customer's system pressure is greater than the supplier's system pressure.

Back-siphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Building story means a building story is equal to 10' for the purpose of this handbook.

Certified tester means a person who has proven his/her competency to test, repair and make reports on backflow prevention assemblies as evidenced by certification upon the completion of a NCDEQ approved backflow prevention assembly testing and repair program.

City of New Bern or City means the water purveyor/supplier, or its designated representative(s) in the administration and enforcement of the cross-connection program.

Containment assembly means a backflow assembly installed at the point of separation between the public water supply and a private service or private distribution system or at the point of metering.

Containment protection means a containment assembly installed at the point of separation between the public water supply and a private service or private distribution system or at the point of metering.

Cross-connection means any actual or potential connection between the public water supply and a source of contamination or pollution.

Cross connection control coordinator means the official position established and authorized by the City of New Bern and designated by the Director of Public Utilities to administer, interpret this section and who may serve as Operator in Responsible Charge as recognized by North Carolina Department of Environmental Quality 15A NCAC 18D.0701.

Customer means any person or commercial/industrial establishment who has legal title to, or license to operate or inhabit, a property connected to the City of New Bern public water supply, and whose name is listed on the water account for that location.

Double check valve assembly (DCVA) means a type of backflow assembly manufactured pursuant to ASSE Standard 1015.

Double check detector assembly (DCDA) means a type of backflow assembly manufactured pursuant to ASSE Standard 1048.

Dual check valve means a type of backflow device manufactured pursuant to ASSE Standard 1024.

Fire line means a system of pipes and equipment used to supply water in an emergency for extinguishing fire.

FM (approved) means Factory Mutual, a company which tests and certifies the operation of fire protection and property loss equipment.

High-Health hazard means a cross-connection or potential cross-connection involving any substance that could, if introduced into the public water supply, cause death or illness, spread disease, or have a high probability of causing such effects.

Imminent health hazard means a situation deemed to pose an extremely high risk of water supply contamination in the event of low system pressure or pressure loss.

Interconnection means any system of piping or other arrangement whereby the public water supply is connected directly to a sewer, drain, conduit, pool, heat exchanger, storage reservoir, or other device which does or may contain sewage or other waste or substance which would be capable of imparting contamination to the public water supply.

Isolation assembly means a backflow assembly required by North Carolina Plumbing Code that is installed within a private plumbing or distribution system to isolate a localized hazard from the remainder of the private system.

Low-Health hazard means a cross-connection or potential cross-connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water supply.

Potable water means water which has been approved for human consumption by the North Carolina Department of Environmental Quality.

Public water supply means the water and waterworks system of the City of New Bern and its customers outside the city limits, for general use as potable water and which is recognized as the public water supply by the North Carolina Department of Environmental Quality as system number 04-25-010.

Reduced pressure principle assembly (RP) means a type of backflow assembly manufactured pursuant to ASSE Standard 1013.

Reduced pressure detector assembly (RPDA) means a type of backflow assembly manufactured pursuant to ASSE Standard 1047.

DIVISION 2. Designation of Responsibility

Sec. 74-403. Health Agency's Responsibility

The North Carolina Department of Environmental Quality (NCDEQ) has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out

an effective cross connection control program. The NCDEQ also has the primary responsibility of insuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections. The NCDEQ has the further responsibility of insuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that he requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required. The North Carolina Department of Health and Human Services (NCDHH) has similar responsibilities regarding the safety and health of the customer's private water system beyond the water purveyor's service connection and primary containment backflow assembly.

Sec. 74-404. Water Purveyor's Responsibility

(a) For the purposes of this article, the City of New Bern is the water purveyor and has the responsibility to ensure that a safe water supply begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the customer's water system. In addition, the water purveyor shall exercise reasonable vigilance to ensure that the customer has taken the proper steps to protect the public potable water system. The City will determine the degree of hazard or potential hazard to the public potable water system, determine the degree of protection required, and will ensure proper containment protection through an on-going inspection program. The City will identify all facilities where approved backflow prevention assemblies are required to be installed and maintained.

(b) When it is determined that a backflow prevention assembly is required for the protection of the public system, the City of New Bern shall require the customer, at the customer's expense, to install an approved backflow prevention containment assembly at each service connection, to test immediately upon installation and thereafter at a frequency as determined by the City, to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts on the customer's premises. If the assembly is not installed as required by the City, penalties may be assessed and/or the water service may be disconnected until such assembly is installed and tested for proper operation.

Sec. 74-405. Plumbing Inspector's Responsibility

(a) The City of New Bern and Craven County inspections departments have the responsibility to not only review building plans and inspect plumbing as it is installed; they also have the explicit responsibility of preventing cross connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the North Carolina Building Code, for requiring that such cross connections be either eliminated or provided with approved backflow prevention equipment.

(b) The plumbing inspector's responsibility begins at the point of delivery, downstream of the primary containment backflow prevention assembly, and continues throughout the entire length of the customer's water system. The plan inspector should inquire about the intended use

of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered, it shall be mandatory that a suitable isolation backflow prevention assembly, approved by North Carolina Building Code, be required by plans and be properly installed.

Sec. 74-406. Customer's Responsibility

(a) The customer has the primary responsibility of preventing pollutants and contaminants from entering the public potable water supply. The customer's responsibility starts at the point of delivery from the public potable water system and includes all of the customer's water system. The customer, at their own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the City of New Bern. The customer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by the City and shall include the list of materials or replacement parts used.

(b) Following any repair, overhaul, re-piping or relocation of an assembly, the customer shall have it tested to ensure that it is in good operating condition and will prevent backflow. Testing, maintenance, and repair of backflow prevention assemblies shall be conducted by a certified backflow prevention assembly tester.

Sec. 74-407. Certified Tester's Responsibility

(a) The certified tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and providing reports of such testing and repair to the customer and the City of New Bern using approved forms and/or its designated electronic reporting system. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to ensure that original manufactured parts are used in the repair or replacement of parts in a backflow prevention assembly.

(b) It will be the certified tester's further responsibility not to change the design, material, or operational characteristics of an assembly during repair or maintenance without prior approval of the City of New Bern.

(c) All certified testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the City of New Bern. All test equipment shall be checked for accuracy annually, calibrated if necessary, and certified to the City of New Bern as to such calibration, employing an accuracy/calibration method in accordance with American Water Works Association (AWWA) standards. All certified backflow prevention assembly testers must become re-certified every two years through an approved backflow prevention assembly tester re-certification program.

DIVISION 3. ADMINISTRATION

Sec. 74-408. Right of entry; existing facilities

(a) Authorized representatives from the City of New Bern shall have the right to enter, upon presentation of proper credentials and identification, any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this article. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a customer has security measures in force which would require proper identification and clearance before entry into their premises, the customer shall make necessary arrangements with the security guards so that upon presentation of suitable identification, City of New Bern personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.

(b) Upon request, the customer shall furnish to the City of New Bern any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

Sec. 74-409. New construction

(a) All buildings proposing to connect to the public water system of the City of New Bern, receiving building permits on or after the effective date of this article, shall be equipped with a containment assembly as necessary and tested as properly functioning as prescribed herein, prior to the issuance of a certificate of code compliance for that building.

(b) If a building permit was issued for the building prior to the effective date of the article, or a building permit was not required, the building shall be considered to be an existing building prior to the effective date and shall be subject to the conditions of Sec. 74-410 of this Article.

Sec. 74-410. Elimination of cross connections; degree of hazard

(a) When cross connections are found to exist, the customer will be notified in writing to disconnect the cross connection within the time limit established by the City of New Bern Cross Connection Control Coordinator. The degree of protection required, and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system in accordance with this article and/or results of the City's cross-connection inspection(s).

(b) Facilities which pose a high-health hazard to the public water supply must have a containment assembly in the form of a reduced pressure principal assembly (RP) within 180 days unless otherwise specified by the City of New Bern Cross Connection Control Coordinator.

(c) Industrial and commercial facilities not identified as a health hazard shall be considered low-health hazard facilities. Low-health hazard facilities must install, as a minimum

containment assembly, a double check valve assembly (DCVA) within 180 days unless otherwise specified by the City of New Bern Cross Connection Control Coordinator.

(d) If, in the judgment of the City of New Bern Cross Connection Control Coordinator, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.

(e) In the event that a City of New Bern Cross Connection Control Coordinator does not have sufficient access to every portion of a private water system (e.g., classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly (RP) shall be required as a minimum of protection.

Sec. 74-411. High-Health hazard designation

(a) The following shall be classified as high-health hazards:

(1) High-health hazards include, but are not limited to: pumps, tanks or any other container for conveying, storing or otherwise handling sewage, radioactive, lethal, or toxic substances, boiler and steam connections, sewer waste lines, low inlets to receptacles containing toxic substances, coils or jackets used as heat exchangers, bacterial and viral materials, private wells or other private water supply, irrigation systems, water systems or hose connections with booster pumps such as fire department connections (FDC) and private hydrants used in conjunction with FDC's, carbonation equipment, any use involving the mixing or dosage of chemicals or similar high-health hazard potential as determined by the City of New Bern.

(2) Any facility that contains, but is not limited to, a bottling plant, cannery, five (5) or more building stories, battery manufacturer, exterminator, lawn care companies, greenhouse, chemical processing plant, dairy, dye works, film laboratory, commercial car wash, hospital, other medical & dental facilities (that administer medications or process x-rays), veterinary offices, commercial laboratory, dry cleaners, tattoo parlor, metal fabricating operation, mortuary, swimming pool, morgue, packing house, plating plant, power plant, nuclear reactor, fire sprinkler systems equipped with booster pumps, fire department connection (FDC) and/or freeze preventive chemicals or other substances other than water.

(3) Any facility at which the City of New Bern does not have sufficient access to allow a complete evaluation of the degree of hazard associated with the use of water within that facility or private water distribution system.

(b) All facilities classified as high-health hazards must have a containment assembly in the form of a reduced pressure principal assembly (RP) installed in accordance with this article.

(c) Any person who fills any tank or tanker from the public water supply shall have an approved reduced pressure principal assembly (RP) on the tank or tanker and an air gap. Tanks or

tankers include but are not limited to the following: those containing pesticides, fertilizers, or other toxic chemicals or their residues, flush trucks, street sweepers, and non-potable water tankers.

Sec. 74-412. Exemption; high-health hazard

(a) The customer at a facility that is approved for mixed uses but who agrees to use the facility only for uses that do not present a high-health hazard may apply to the City of New Bern for an exemption from the requirement to install a reduced pressure principal assembly (RP) in accordance with this article. The application for exemption shall be made to the City of New Bern within 15 days of receiving the City's cross-connection hazard notification.

(b) Upon approval of the exemption, the customer shall install a containment assembly in accordance with this article which complies with all conditions of the approval of such exemption. Any exemption from the requirement to install a reduced pressure principal assembly (RP) that is granted to an applicant shall be in effect only as long as the property is used for the purposes described in the application for exemption.

(c) If any conditions or uses of the property for which an exemption is granted change, the customer shall re-apply for exemption.

Sec. 74-413. Low-health hazard designation

(a) All connections to the City of New Bern water supply, which are not deemed a high-health hazard under Sec. 74-411 shall be classified as a low-health hazard.

(b) All facilities classified as low-health hazards must have a containment assembly in the form of a double check valve assembly (DCVA) as minimum protection installed in accordance with this article.

Sec. 74-414. Exemption; low-health hazard

(a) The customer at a commercial or institutional property that is supplied by only one service, 1" or smaller, for domestic purposes may apply to the City of New Bern for an exemption from the requirement to install a double check valve assembly in accordance with this article. The application for exemption shall be made to the City of New Bern within 15 days of receiving the City's cross-connection hazard notification.

(b) Upon approval of the exemption, the customer shall install an approved dual check valve in accordance with this article which complies with all conditions of the approval of such exemption. Any exemption from the requirement to install a double check valve assembly that is granted to an applicant shall be in effect so long as the property is used for the purposes described in the application for exemption.

(c) If any conditions or uses of the property for which an exemption is granted change, the customer shall re-apply for exemption.

Sec. 74-415. Residential uses

Single service connections that serve no more than two dwelling units, not otherwise required by this article to have other containment assemblies, shall have a containment device in the form of an approved dual check valve. Maintenance of dual check valve containment devices installed in accordance with this section shall be conducted by the Department of Public Utilities.

Sec. 74-416. Fire protection systems

(a) All fire protection systems connected to the City of New Bern water supply must be equipped with a containment backflow assembly according to the following criteria:

(1) Fire protection systems connected to the public water supply, two inches and smaller, not using booster pumps or chemical additives, shall be protected with an approved double check valve assembly as a minimum requirement.

(2) Fire protection systems two inches and smaller, using booster pumps and/or chemical additives, shall be protected by an approved reduced pressure zone assembly.

(3) Fire protection systems 2 ½ inches and larger, not using booster pumps or chemical additives, and not equipped with a Fire Department Connection, shall be protected with an approved double check detector assembly (DCDA) as a minimum requirement.

(4) Fire protection systems 2 ½ inches and larger, with booster pumps, chemical additives, and/or fire department connection (FDC), shall be protected by an approved reduced pressure zone detector assembly RPDA at the main service connection. The fire department connection must be located on the customer's side of the backflow assembly.

(b) There shall be no taps, yard hydrants or other points of use allowed between the fire line service connection and containment backflow assembly.

DIVISION 4. INSTALLATION OF ASSEMBLIES

Sec. 74-417. General requirements

(a) All containment backflow prevention assemblies shall be installed in accordance with specifications furnished by the City of New Bern, the backflow assembly manufacturer, and/or the latest edition of North Carolina Building Code, whichever is most restrictive.

(b) All new construction plans and specifications shall be made available to the City of New Bern for review and approval, and to determine the degree of hazard and level of protection required.

(c) A plumbing permit is required for new assembly installation, assembly replacement, or assembly relocation.

(d) Installation, ownership, testing/reporting, maintenance, and replacement or relocation of backflow assemblies shall be at the customer's expense.

(e) Existing backflow prevention assemblies, which were initially approved by the City of New Bern, shall be allowed to remain on the premises so long as they are being properly maintained, tested, and repaired as required by this article. If, however, the existing assembly must be replaced once it can no longer be repaired, the consumer shall be required to install an approved backflow assembly in accordance with this article.

Sec. 74-418. Approved assemblies

All backflow prevention assemblies shall be ASSE approved. All fire service backflow assemblies shall also be FM approved.

Sec. 74-419. Accessibility

(a) All containment assemblies must be installed where the City of New Bern deems them readily accessible. Readily accessible is having direct access to the containment assembly without the requirement to remove any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc.

(b) The proper installation of an insulated approved enclosure may be deemed readily accessible.

Sec. 74-420. Location

(a) Containment assemblies may not be installed in a hazardous location, traffic site triangle or within the right-of-way (ROW).

(b) Containment assemblies shall be installed within 50 feet of the downstream (private) side of the meter box/vault unless otherwise approved by the City, with no taps prior to the assembly.

(c) Containment assemblies may be installed inside of buildings provided there are no unprotected taps before the assembly.

(d) The containment assembly must remain accessible and visible after landscape maturity.

Sec. 74-421. Alterations/modifications

No containment assembly shall be altered or modified from its approved factory configuration unless such modifications are made with strict adherence to manufacturer's recommendations. All alterations or modifications must be approved by the City of New Bern.

Sec. 74-422. Alternate installations

When a special circumstance precludes the ability to comply with these requirements, the City of New Bern may approve an alternate installation.

Sec. 74-423. Authorized to install, replace, or relocate

Backflow assembly installations, replacements and relocations shall be performed by a plumbing contractor licensed in the State of North Carolina for the scope of work to be performed.

Sec. 74-424. Bypass/parallel installations

(a) Facilities that cannot temporarily shut off the water systems to provide for a containment assembly test or repair shall install a bypass containment assembly of the same type and in some cases the same size as the main line unit.

(b) Each containment backflow assembly must be able to provide an adequate supply of water to the facility while the other assembly is shut off.

Sec. 74-425. DCVA/DCDA drainage requirements

(a) Double check valve and double check detector containment assemblies shall be installed so that the assembly does not become submerged.

(b) A minimum clearance of 12" must be maintained from the most bottom part of the assembly to the concrete pad or floor.

(c) If the assembly is to be installed below grade, the underground enclosure must provide at a minimum the following:

- (1) Adequate drainage;
- (2) Overlapping locking lid; and
- (3) Test ports capped.

Sec. 74-426. RP/RPDA drainage requirements

(a) Reduced pressure principal and reduced pressure detector containment assemblies are NOT allowed to be installed below ground level.

(b) Assemblies installed in above ground approved enclosures shall be installed so that the relief outlet of the assembly does not become submerged.

(c) A minimum clearance of 12" must be maintained from the most bottom part of the assembly to concrete pad or floor.

(d) Drain size shall be twice the diameter of the containment assembly relief port, or 4" minimum, whichever is greater and must provide a means of positive drainage with adequate gravity drainage to atmosphere.

(e) In some applications, it is practical to install a drain line off of the relief port of the assembly so that in the event that there is some spillage from the device the water can be directed to a floor drain. When drains from the relief port of an approved containment RP/RPDA are utilized, the following conditions must be met:

(1) An approved, prefabricated "air gap drain" as available from backflow prevention assembly manufacturer must be utilized.

(2) All relief port drain lines shall be piped to an outside point of termination.

Sec. 74-427. Enclosures

(a) Any containment backflow assembly installed outside, above grade must be installed with an insulated Class I or II approved enclosure anchored to concrete pad, fiberglass, or approved mounting pad.

(b) If Class II approved enclosure is provided, it is recommended that the containment assembly be wrapped in 1" thick pipe insulation. The relief port of the RP is not to be obstructed by insulation.

(c) If an RP/RPDA is installed, the enclosure must be equipped with a drain port for positive drainage out of the approved enclosure.

(d) If heating the approved enclosure, a standard 120v GFCI electrical receptacle shall be installed in accordance with the North Carolina Electrical Code.

(e) If multiple containment assemblies are installed within one approved enclosure, all components of each containment assembly must be accessible for testing, repair and or replacement without having to remove another containment assembly or piping that serves another assembly.

(f) The customer is responsible for protecting the containment assembly from freezing or physical damage.

Sec. 74-428. Flood prone areas

Backflow assemblies installed in a flood plain must be installed at least 2ft above regulatory flood protection elevation.

Sec. 74-429. Identification/data tag

No manufacturer's tag or stamp that bears pertinent information shall be removed from the unit. If a manufacturer's tag or stamp is removed or damaged and rendered unreadable and the containment assembly is an approved model, the containment assembly must be marked with the original serial number or issued a new number by the City of New Bern.

Sec. 74-430. Materials

All plumbing and piping materials shall comply with North Carolina Building Code for water service pipe and water distribution pipe, unless otherwise specified by the City of New Bern.

Sec. 74-431. Support of assemblies

(a) Containment assemblies shall be properly supported so that stress on surrounding piping does not occur.

(b) Adequate support must be provided for the assembly in the approved orientation either vertically or horizontally.

(c) The assembly may not be supported by other piping or unapproved methods of support.

Sec. 74-432. Pre-existing issues

(a) An existing containment assembly that has not been installed in accordance with this article and whose location and/or configuration do not pose an imminent health hazard to the public water supply, it may be considered pre-existing and compliant by the City of New Bern.

(b) If the existing assembly is at any point unable to be repaired or maintained using factory available parts, then the assembly will have to be replaced in compliance with this article.

Sec. 74-433. Initial testing and report

The customer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the City of New Bern within 15 days after a containment backflow assembly is installed:

- (a) Service address where assembly is located.
- (b) Customer mailing address, if different from service address.
- (c) Description of assembly's location.
- (d) Date of installation.

(e) Installer's name, plumbing company represented, plumber's license number, and project permit number.

(f) Type of assembly, size of assembly.

(g) Manufacturer, model number, serial number.

(h) Test results/report.

DIVISION 5. TESTING AND REPAIR OF ASSEMBLIES

Sec. 74-434. General requirements

(a) All containment backflow prevention assemblies connected to the City of New Bern's water supply shall be routinely tested to verify proper operation, and, if necessary, repaired to restore proper operation.

(b) Testing and repair of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester in accordance with sections 74-407 (a-b) of this article.

(c) Testing of backflow prevention assemblies shall be conducted using test equipment which complies with section 74-407 (c) of this article.

(d) Ownership, testing, and maintenance of backflow prevention assemblies shall be the responsibility of the customer.

Sec. 74-435. Test frequency

All containment backflow prevention assemblies shall be tested:

(a) Upon installation for new, replaced or relocated assemblies.

(b) Immediately after an assembly is repaired, or altered, if such alteration is approved by the City of New Bern.

(c) Every 3 years for residential irrigation assemblies, 1" and smaller, not using chemical additives.

(d) Annually for all other containment backflow assemblies.

Sec. 74-436. Repairs

(a) If a containment assembly fails its operational test, or repairs are deemed necessary during inspection by the customer, certified tester or the City of New Bern, the customer will have

30 days to have all repairs made, the assembly re-tested, and to submit updated reports to the City of New Bern.

(b) Defective parts must be replaced with factory approved parts.

(c) If repair is not possible, the assembly must be replaced with a containment assembly installed in accordance with this article.

Sec. 74-437. Interruption of service

(a) Testing and/or repair of a backflow assembly will typically require the interruption of water service for 15 minutes or more, depending on the extent of repair work, if needed.

(b) Facilities requiring an uninterrupted water supply shall have one of the following configurations:

(1) More than one service connection with a containment backflow assembly, each capable of supplying adequate water flow to the facility.

(2) A single service with a bypass containment backflow assembly that complies with section 74-424 of this article.

Sec. 74-438. Reports and Records

(a) It shall be the customer's responsibility to ensure that all annual and post-repair test reports are submitted directly to the City of New Bern Water Resources Division or to its designated online reporting system as published at www.newbernnc.gov.

(b) Test reports must be submitted within the following time frames:

(1) Annual testing - Within 15 days of annual test date.

(2) Post-repair testing - Within 30 days of failed operational test date or inspection.

(c) The customer shall keep a copy of all test and repair records on premises for a minimum of 3 years and will make those records available to the City of New Bern if requested.

(d) It shall be unlawful for any customer or certified tester to submit any report or record to the City of New Bern which is false or incomplete in any material respect. Such actions will constitute a willful violation of this article.

DIVISION 6. ENFORCEMENT

Sec. 74-439. – Notice of noncompliance

(a) If the City of New Bern finds that a customer has failed to install, test, or maintain a containment backflow assembly in accordance with the provisions of this article, the City will issue the customer a notice of noncompliance stating the nature of noncompliance, corrective actions to be taken, and the required time frame.

(b) Time frames to bring a containment backflow assembly back into compliance are as follows:

- (1) Annual testing and reporting – within 30 days of notice of noncompliance.
- (2) Post-repair testing and reporting – within 30 days of notice of noncompliance.
- (3) Assembly installation/correction – within 30 days of notice of noncompliance.

Sec. 74-440. Notice of violation

(a) If a customer fails to bring their containment backflow assembly into compliance within the time frame specified in sec. 74-439 of this article, the City of New Bern will issue the customer a notice of violation stating the nature of the violation, penalty assessed, corrective actions to be taken, and the required time frame.

(b) Time frames and penalties for violations are as follows:

- (1) 1st offense following notice of noncompliance - \$250.00.
- (2) 2nd offense within 30 days of initial violation - \$1,000.00.
- (3) 3rd offense within 60 days of initial violation – disconnection of water service.

Sec. 74-441. Willful violations

(a) If the City of New Bern finds that a customer has committed a willful act of negligence with regards to the operation and maintenance of his/her containment backflow assembly, the City will issue a notice of willful violation stating the nature of the violation, penalty assessed, corrective actions to be taken, and the required time frame.

(b) The following actions will be considered willful violations of this article:

- (1) Submission of false testing and/or repair records.

(2) Installation of an unprotected bypass around a containment backflow assembly.

(3) Unapproved alteration or modification of a containment backflow assembly.

(c) The penalties for willful violations are as follows:

(1) 1st offense - \$1,000.00.

(2) 2nd offense within 30 days of initial willful violation – disconnection of water service.

(d) A violation which poses an imminent health hazard to the City of New Bern public water supply may result in immediate water service disconnection.

Sec. 74-442. Limitation of liability

The City of New Bern shall not be held liable, for any cause, for failure to detect any containment assembly failing to operate adequately, or failure to identify any specific hazard, which may result in contamination of its public water supply, nor shall this article diminish the responsibility of any customer from whose property a contamination of the public water supply may originate.

Sec. 74-443. Severability

If any section, subsection, or sentence of this article is adjudged to be unconstitutional or otherwise invalid, such adjudication shall not affect the validity of the remaining portion of this article.

SECTION 2. Any ordinances or resolutions in conflict with this ordinance are hereby repealed. This Ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 9th DAY OF NOVEMBER, 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting an Ordinance amendment to amend Chapter 70 "Traffic and Vehicles" Section 99 "Stop Intersections" of the City of New Bern Code of Ordinances.

Date of Meeting 11/9/21	Ward # if applicable: 3 & 6
Department: Public Works Department	Person Submitting Item: George Chiles, Interim Director of Public Works
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Consider adopting an ordinance amendment to amend Chapter 70 "Traffic and Vehicles" Section 99 "Stop Intersections" of the City of New Bern Code of Ordinances.
Actions Needed by Board:	Adopt Ordinance amendment.
Backup Attached:	Memo Ordinance Amendment Map

Is item time sensitive? ☐Yes ☒No

Will there be advocates/opponents at the meeting? ☐Yes ☒No

Cost of Agenda Item: N/A

If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? ☐Yes ☒No

Additional Notes: N/A



Public Works Department
P.O. Box 1129, 1004 S. Glenburnie Road
New Bern, N.C. 28563-1129
Phone: (252) 639-7501
Fax: (252) 636-1848

October 29, 2021

Memo to: Mayor and Board of Aldermen

From: George Chiles, Interim Director of Public Works

Re: **Consider adopting an ordinance amendment to amend Chapter 70 "Traffic and Vehicles" Section 99 "Stop Intersections" of the City of New Bern Code of Ordinances**

Background Information:

The City of New Bern recently accepted street maintenance for Downey Drive and Watercrest Loop on October 26, 2021, and the Public Works Department recommends ordinance amendment to amend Chapter 70 "Traffic and Vehicles" Section 99 "Stop Intersections" of the City of New Bern Code of Ordinances to include stop intersections for streets named below.

Stop Street

Downey Drive
Watercrest Loop
Watercrest Loop North
Watercrest Loop South

Through Street

West New Bern Parkway
Landscape Drive
Watercrest Loop
Watercrest Loop

Recommendation:

The Public Works Department recommends and request that the Board adopt an ordinance amendment to amend Chapter 70 "Traffic and Vehicles" Section 99 "Stop Intersections" of the City of New Bern Code of Ordinances as outlined above.

**AN ORDINANCE TO AMEND CHAPTER 70 "TRAFFIC AND VEHICLES SECTION 99
"STOP INTERSECTIONS" OF THE CODE OF ORDINANCES OF THE CITY OF NEW
BERN**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW
BERN:

Section 1: That Sub-paragraph (b) of Chapter 70 Section 99 of the City Code of
the City of New Bern, be, and the same is hereby amended by inserting in the list of stop
streets therein set forth, in proper alphabetical order, the following:

<u>Stop Street</u>	<u>Through Street</u>
Downey Drive	West New Bern Parkway
Watercrest Loop	Landscape Drive
Watercrest Loop North	Watercrest Loop
Watercrest Loop South	Watercrest Loop

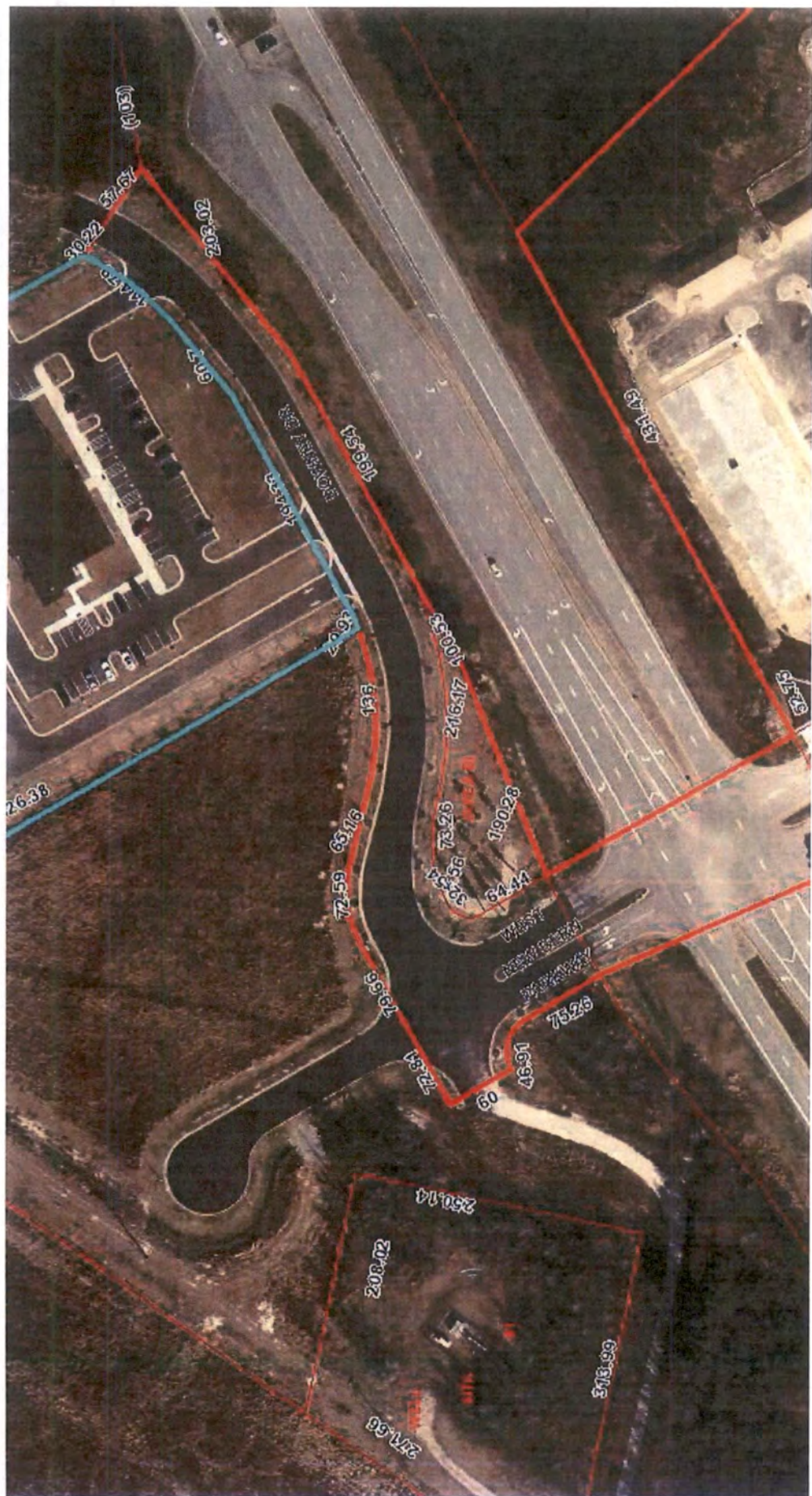
Section 2: That this Ordinance shall be in full force and effect from and after its
adoption and publication, as required by law, and when appropriate signs are erected,
each driver of a vehicle shall stop in obedience to such signs before entering the
intersection and shall not proceed into or across the through street until it is determined
that no conflict with traffic will be involved.

ADOPTED THIS 9th DAY OF NOVEMBER 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK





Aldermen

Sabrina Bengel
Jameesha Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham



Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

Memorandum

TO: Alderman Jeffrey Odham

FROM: Brenda Blanco, City Clerk

DATE: October 1, 2021

SUBJECT: Appointment to Community Development Advisory Committee

Lindsay Best has moved outside of the city limits of New Bern. Therefore, she is ineligible to continue serving on the Community Development Advisory Committee. You are asked to make a new appointment to finish out her term, which will expire on June 30, 2024.

/beb