

# Equitable Considerations in BRIC and How to Maximize Them

Brenna Meneghini

Non-Disaster Grants Section Chief

FEMA Region 10



# FEMA



## Agenda

- **Equity: Legislative Context**
- **Building Resilient Infrastructure and Communities (BRIC) and Equity**
- **How can we maximize success in BRIC and FMA for our disadvantaged communities?**
- **BABAA Update**

## Legislative Context



### Executive Order 14008:

Tackling the Climate Crisis at Home and Abroad (2021)

### Executive Order 12898:

Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994, amended 2021)

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## Justice40: BRIC and FMA

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- BRIC and FMA were chosen as 2 of 21 programs that will undertake an initial implementation of the Justice40 Interim Implementation Guidance to maximize the benefits that are directed to disadvantaged communities
- Part of these actions include identifying the benefits of covered programs, determining how covered programs distribute benefits, and calculating and reporting on reaching the 40-percent goal of the Justice40 Initiative
- National Datasets used in BRIC and FMA help meet Justice40 requirements, such as the Center for Disease Control (CDC) Social Vulnerability Index (SVI) scoring



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# Building Resilient Infrastructure and Communities (BRIC)

**Purpose** - The BRIC program makes federal funds available to states, U.S territories, Indian tribal governments, and local communities for mitigation activities.

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## Social Equity Efforts: 2022 BRIC Notice of Funding Opportunity (NOFO)



### 1. Funding Amounts



### 2. BCA Considerations

- BCA assistance for certain communities



### 3. Technical Criteria

- Revised scoring with additional considerations



### 4. "Subapplicant Acting on Behalf of"

- Certain entities may act on behalf of EDRCs



### 4. Qualitative Criteria

- Risk reduction/ resiliency effectiveness
- Population impacted
- Outreach activities
- Leveraging partners



### 5. Direct Technical Assistance

- Has increased each year, at least 40 communities in FY22



## BRIC FY 2022 Funding Amounts

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- Overall program funding: increase to \$2.295 billion
- Allocation per applicant: increase from \$1 million federal share to \$2 million federal share
- Allocation caps: increase from \$500,000 to \$1,000,000 for mitigation planning
- Tribal set-aside: increase from \$25 million to \$50 million



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## BCA Considerations

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- **NOFO**: FEMA will review hazard mitigation project subapplications during the pre-award process that are competitive and otherwise eligible for selection where an EDRC, federally recognized Tribal government, or community with CDC SVI greater than 0.80 is unable to calculate a BCR to demonstrate cost-effectiveness. FEMA will assist communities with developing a BCA if they are unable to calculate a BCR to demonstrate cost-effectiveness
  - EDRC
  - Communities with an SVI score greater than .80
  - Federal recognized tribal governments
- **Alternative Cost Effectiveness**: Released in October 2022 for FY22, if the BCA generated at a 7% discount rate is less than a Benefit-Cost Ratio of 1.0, FEMA will consider the project cost effective if:
  - The BCA generated at the 7% discount rate is equal to or greater than a BCR of 0.75;
  - The BCA generated at the 3% discount rate must be equal to or greater than a BCR of 1.0; and
  - The mitigation activity benefits disadvantaged communities, addresses climate change impacts, has hard to quantify benefits, and/or is subject to higher costs due to the use of low carbon building materials or compliance with the [Federal Flood Risk Management Standard](#).



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## Subapplicant Acting on Behalf of

- Per NOFO, entities may work in collaboration with an EDRC to build a subapplication, submit a subapplication on behalf of an EDRC
  - Applicants
  - Local government subapplicants (including a school district, special district, intrastate district, council of governments)
  - Regional or interstate government entity
  - Must contain minimum criteria Point of contact information, including a name, community, address, phone number, and email for both the EDRC and the applicant or subapplicant applying on behalf of the EDRC. And a signature from an authorized representative of the EDRC.
  
- An applicant or subapplicant applying on behalf of an EDRC will be eligible to receive up to a 90 percent federal cost share



## BRIC National Competition Technical Criteria

Criteria	Potential Total Points
Infrastructure project	20
Incorporation of nature-based solutions. For more information on nature-based solutions, please reference <i>Building Community Resilience with Nature-Based Solutions: A guide for local communities</i> .	10
Applicant has mandatory tribal-, territory-, or state-wide building code adoption requirement (2015 (10 points) OR 2018 or 2021 (20 points) versions of International Building Code and International Residential Code)	10 or 20
Subapplicant has Building Code Effectiveness Grading Schedule (BCEGS) Rating of 1 to 5	20
Application generated from a previous FEMA HMA Project Scoping award or any other federal award, or the subapplicant is a past recipient of BRIC non-financial Direct Technical Assistance	10
A non-federal cost share of at least 30% (or, for Economically Disadvantaged Rural Communities (as referenced in 42 U.S.C. § 5133(a) as a small impoverished community), 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).	5
Any community with an SVI score of .60-.79 OR Designation as an economically disadvantaged rural community (as defined in the BRIC Policy and referenced in 42 U.S.C. § 5133(a) as a small impoverished community), or a federally recognized Tribal government, or any community with a CDC SVI of .80 or higher.	15 or 30



## BRIC National Competition Qualitative Criteria

Criteria	Description	Potential Total Points
Risk Reduction/ Resiliency Effectiveness	The subapplication details how the project will effectively reduce risk and increase resilience (including the benefits quantified in the BCA), realize ancillary benefits, and leverage innovation. Ancillary benefits could include how this project will address inequities and provide the greatest support to those with greatest need.	35
Climate Change and Future Conditions	The subapplication describes how the project will enhance climate adaptation and resilience and adaptation, details how the project is being responsive to the effects of climate change (such as sea level rise ) and/or other future conditions (population/demographic/land use, etc.), and cites data sources, assumptions, and models.	20
Implementation Measures	The subapplication adequately describes how the costs and schedule will be managed, how the project will be successfully implemented, and how innovative techniques to facilitate implementation will be incorporated. The project's scope of work identifies sufficient technical and managerial staff and resources to successfully implement this project. The scope describes how the project will incorporate strong labor standards.	15
Population Impacted	The project subapplication demonstrates community-wide benefits and identifies the proportion of the population that will be impacted, including a description of the disadvantaged communities as referenced in EO 14008. The subapplication also describes how the project was selected and designed to maximize positive impacts and minimize negative impacts to any disadvantaged populations. The subapplication demonstrates how disadvantaged communities as referenced in EO 14008 are benefited.	25
Outreach Activities	The subapplication describes outreach strategy and supporting activities appropriate to the project and the community that advance mitigation. The subapplication also outlines the types of community planning processes leveraged and describes how input from a diverse range of stakeholders, including overburdened and underserved communities, was gathered and incorporated into project conception and design. Further, the subapplication outlines how such community planning and stakeholder input will continue to be used to help direct project execution.	5
Leveraging Partners	The project subapplication incorporates partnerships (e.g., state, Tribal, private, local community, etc.) that will ensure the project meets community needs, including those of overburdened and underserved populations, and show the outcome of those partnerships (e.g., leveraging resources such as financial, material, and educational resources, coordinating multi-jurisdictional projects, heightened focus on equity related issues, etc.)	15

## BRIC Direct Technical Assistance

***FY2022- BRIC will provide non-financial Direct Technical Assistance to up to 40 communities to help build capacity and capability at the local level***

- The intent of Direct Technical Assistance is for FEMA staff (or staff assisting on behalf of FEMA) to provide direct support for a specified period, not to exceed 36 months
- FEMA will coordinate with selected communities, providing custom support, such as climate risk assessments, community engagement, partnership building, mitigation and climate adaptation planning, and BRIC program requests throughout the grant lifecycle
- Sample of selection criteria:
  - CDC SVI score of .6 or higher
  - Qualify as Economically Disadvantaged Rural Community (EDRC)
  - Have not received a grant award, including Advance Assistance or Capability- and Capacity-Building subaward under Pre-Disaster Mitigation (PDM) or BRIC, Flood Mitigation Assistance (FMA), or Hazard Mitigation Grant Program (HMGP) awards within the past 5 years.





## Identifying the Potential

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- **Start with engagement!**
  - What is your outreach and engagement plan to work with disadvantaged communities?
  
- **Flip the script on accepting what is submitted to you**
  - Identify communities and engage with them up front
  - Identify potential opportunities they can take advantage of



## Take Advantage of NOFO Opportunities

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- For FY22, two subapplications in Region 10 took advantage of the ability for an entity to apply on behalf of another community (EDRC, etc.)
  - How can we maximize this opportunity? It begins with engagement and identifying partners (Counties, other local governments, boroughs).
  
- Two subapplications requested BCA assistance.
  - This can be one of the largest barriers for EDRC communities
  - BCA assistance from FEMA is a huge opportunity
  
- Direct Technical Assistance



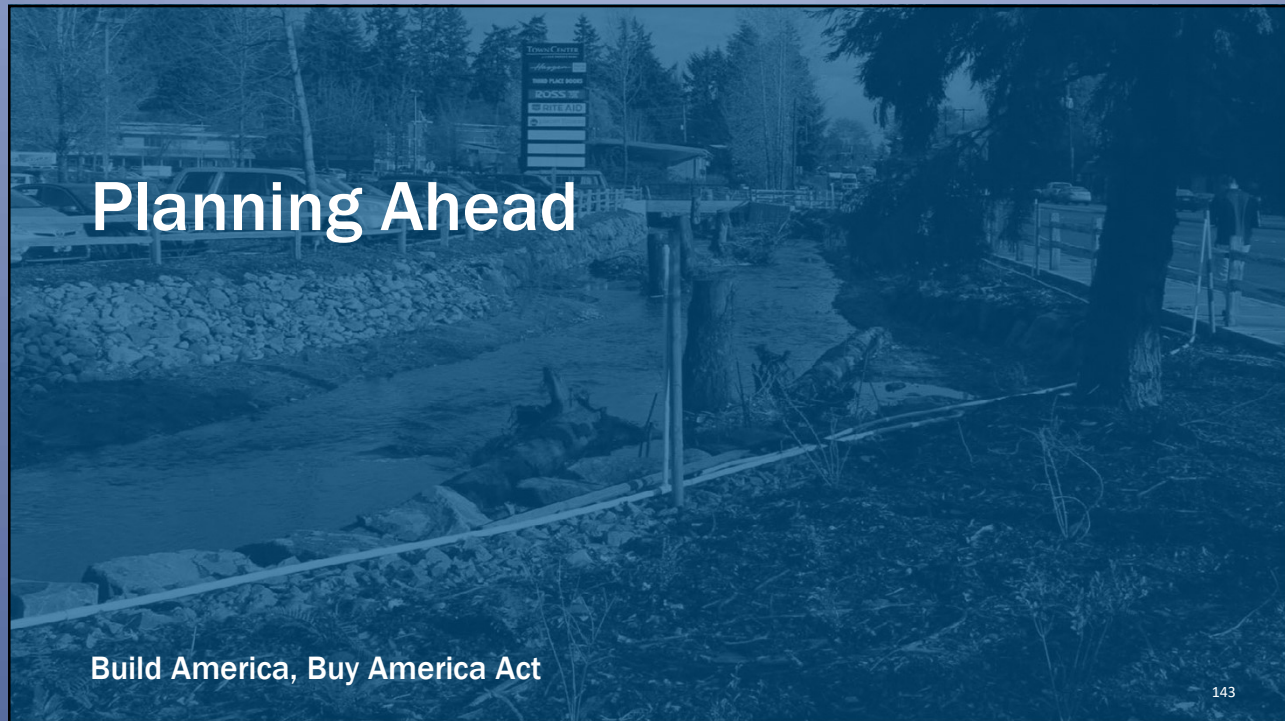
## Reverse Engineer Your Subapplications

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- After you've identified the community and tentative projects...
  - How can you build the project around the maximum scoring?
    - Have you reverse engineered your projects and subapplications to maximize scoring?
  
- Qualitative and quantitative criteria is all publicly available
  - Within NOFO
  - Within program support material
  - Make sure each item is addressed= you've maximized the points and competitiveness of your subapplication







# Planning Ahead

Build America, Buy America Act

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## Build American, Buy America Act (BABAA)

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- **Part of the Infrastructure Investment and Jobs Act**
  - The Build America, Buy America Act (BABAA) requires all federal agencies, including FEMA, that no federal financial assistance for “infrastructure” projects is provided “unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.”
    - Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA) are subject to this requirement
- **Adjustment Waivers**
  - Office of Management and Budget (OMB) approved a waiver until Jan 1, 2023.
    - OMB approved waiver for an additional six months for Tribal Governments, till August 6, 2023



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## What does this mean?

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- **Plan ahead**
  - Infrastructure project?
    - Make sure budgets are accounting for USA produced material
    - Important: A "Buy America" preference applies to *an entire infrastructure project*, even if it is funded by both federal and non-federal funds under one or more awards.
- **Update contracts and subawards to prepare subapplicants**
- **Prepare to document compliance**
  - FEMA has been conducting webinars for documenting compliance
    - <https://www.fema.gov/grants/policy-guidance/buy-america#wavers>
- **Waivers are available**
  - Must meet certain requirements
  - On a project basis
  - Public comment period and OMB approval required



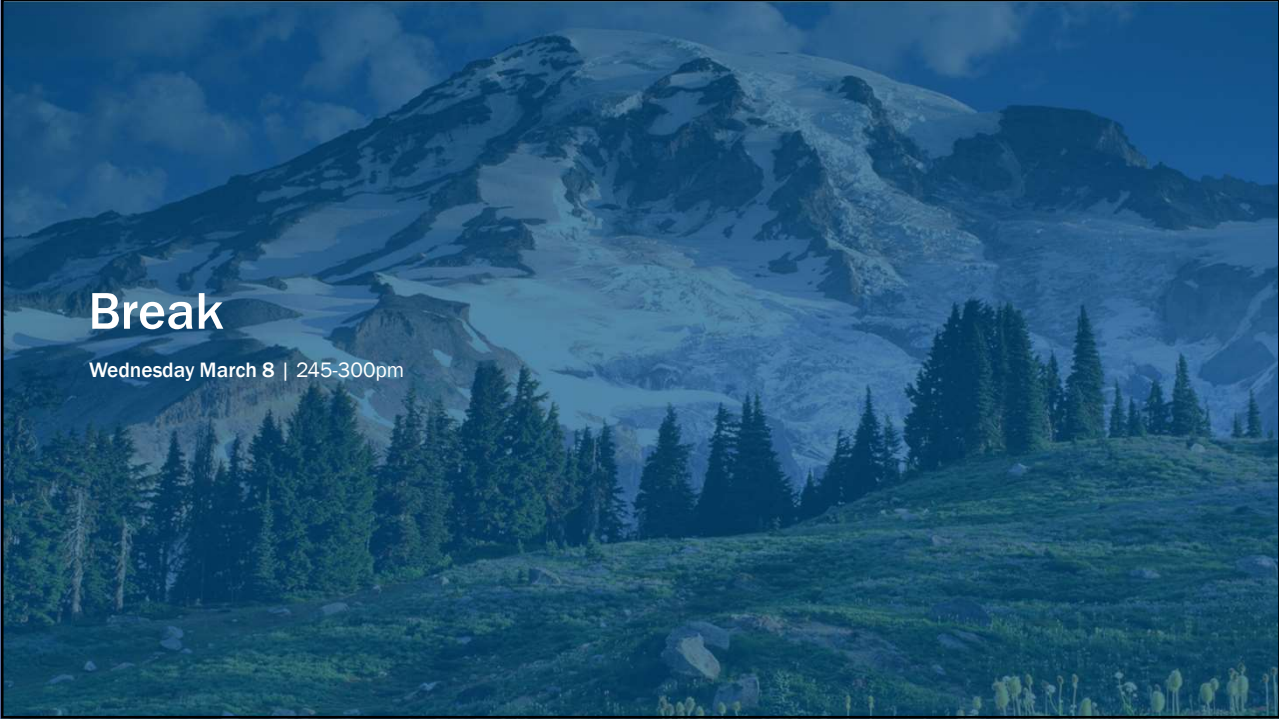
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Thank you!

[FEMA-R10-MIT-CRAIG@fema.dhs.gov](mailto:FEMA-R10-MIT-CRAIG@fema.dhs.gov)



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# Break

Wednesday March 8 | 245-300pm



# Building Resilient Infrastructure and Communities

Direct Technical Assistance  
City of Kamiah, Idaho



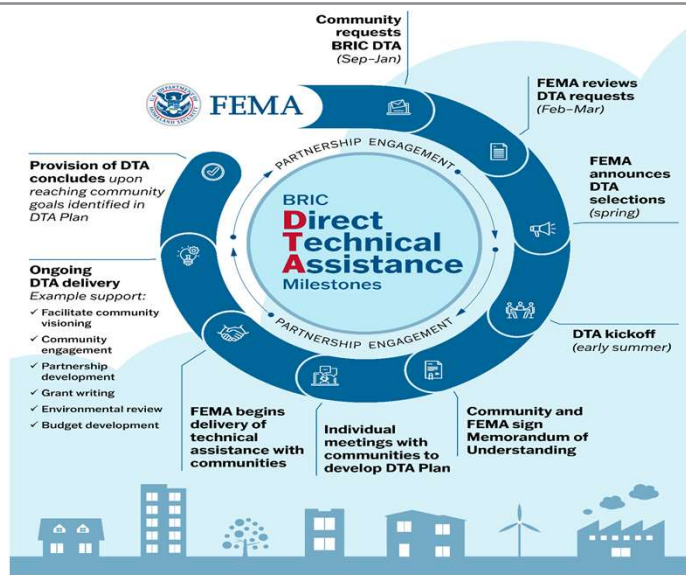
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## BRIC - Direct Technical Assistance (DTA)

- DTA – FEMA provides full support to economically disadvantaged rural communities that may not have the resources to begin planning and project solution design on their own.
- Process-oriented, hands-on support, to enhance a community’s capacity.
- **Who is eligible?**
  - Cities
  - Townships
  - Parishes
  - Boroughs
  - Counties
  - Special District Governments
  - Federally recognized tribal Governments
  - Groups of two or more communities that fit the above criteria
- **How to request:**
  - Send a request letter through an online submission form by the annual BRIC NOFO deadline



## DTA Milestones



## Technical Assistance Types As Listed In The MOU

DTA Providers assist communities in the development of a DTA Plan



### DTA Providers may assist with:

- Development of timelines and resources planning
- Identification, communication, and convening of mitigation stakeholders and partners
- Development or update of hazard risk assessments to identify specific mitigation projects
- Development of BRIC grant applications, including Benefit Cost Analysis support
- Identifying possible relevant funding opportunities for pre-disaster hazard mitigation measures



### DTA Providers may facilitate:

- A review of previous and existing efforts related to a project, including planning, data, and other mitigation projects
- Prioritization and assistance with mitigation projects conceptualization, including feasibility exploration and identification of preliminary technical requirements, but excluding engineering design
- Trainings to address project and application-related hazard mitigation needs



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## CITY OF KAMIAH, ID

- The City of Kamiah ID has experienced major flood events in 1976, 1985, 2000 and most recently in 2019. Presenting risks to the city's residential and commercial areas, the fresh water and waste treatment critical infrastructure facilities, and Empire Lumber a major employer and manufacturing facility for the residents of Kamiah.
- The City of Kamiah is adjacent to Clearwater River and Lawyer Creek.
- Concerned the acceleration of climate change driven severe weather events, contributing to more frequent drainage and stormwater problems caused by these events.
- The City of Kamiah, has an insufficient drainage system and lack the funds to upgrade the system.
- There were two fundamental sources of flooding identified
  - Floods caused by levee breach and overflow from the Lawyer Creek/levee system; and
  - Lack of capacity in the storm drain system due to non-existing or collapsed drain system segments to handle the rainwater, and additional drain system load from possible overflow from Lawyer Creek.
- The City applied for DTA to support work on developing flood mitigation grant and drainage improvement.



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## CITY OF KAMIAH DTA

- DTA role:
- Establish project scope of work and assess existing data, engineering reports, and available resource.
- Establish grant workplan, logistics and strategy.
- Coordinate with stakeholders and partners, conduct meeting with the city council members and Nez Perce Tribe to explaining the city plan and the outcome benefits of the grant.
- Identify 14 sites at risk and create set of hazard risk assessments for each site.
- Initial engineering analysis of the problem, data collected and possible mitigation actions.
- Develop project schedule, schematic cost estimates and preliminary design solution.
- Development of BRIC grant applications, including Benefit Cost Analysis support.

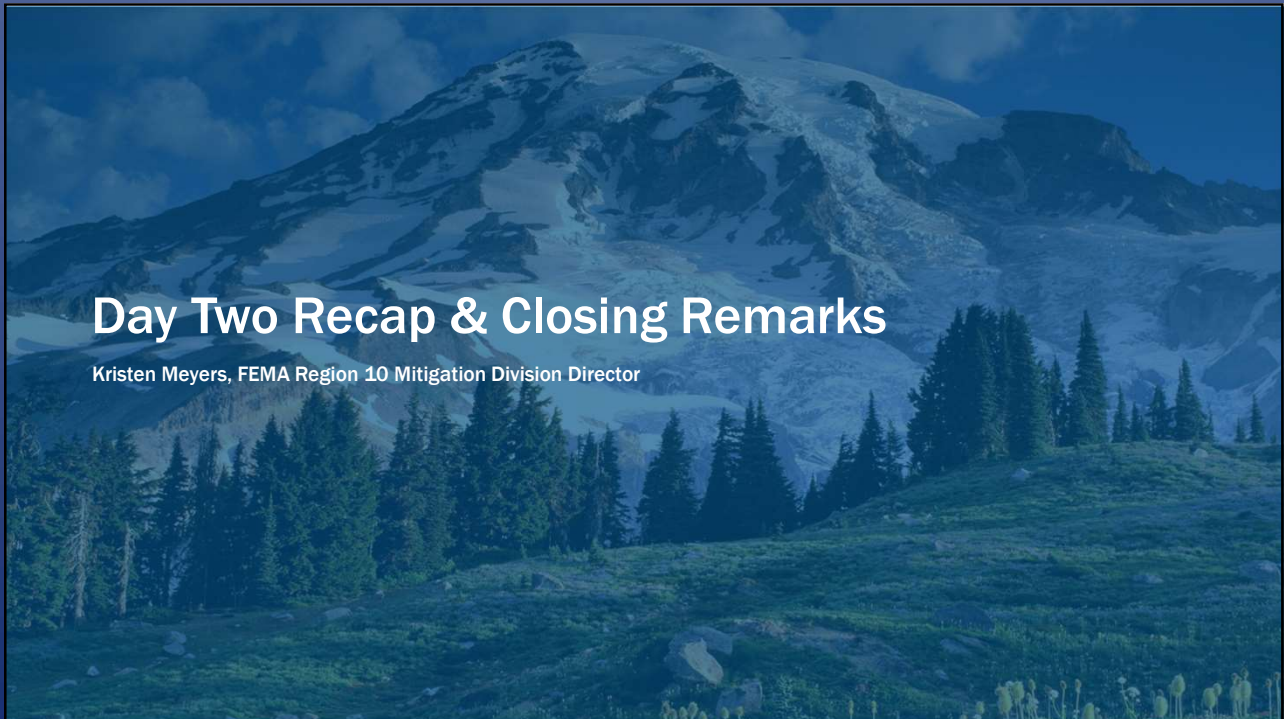


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## Day Two Recap & Closing Remarks

Kristen Meyers, FEMA Region 10 Mitigation Division Director



# We welcome your feedback!

Please fill out the Post-Event Survey to help us improve future Mitigation Summits!

<https://forms.office.com/r/wiiXWqC3HY>

Mitigation Summit + Climate Adaptation Seminar  
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