



**Territory of Guam  
Administrative Plan for Public Assistance**

**EM-3466 and DR-4495  
(COVID-19)**

**June 28, 2020**

**OFFICE OF CIVIL DEFENSE**  
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**1. Purpose.**

The purpose of this Plan is to identify the TERRITORY OF GUAM, hereinafter referred to as the Territory) roles, responsibilities, processes, and procedures for administering the Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program. This Plan will be incorporated into the Territory emergency plan. [Note: This complies with 44 CFR 206.207 (4), State [Territory] Administrative Plan must be incorporated into the State [Territory] Emergency Plan.]

The Territory assures FEMA that it shall comply with all applicable Federal statutes and regulations in effect during the periods for which it receives grant funding, including those listed under Section II below. The Territory acknowledges that funding under the FEMA PA Program is conditional upon the Territory's compliance with all the terms and conditions of this Plan.

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**2. Authority.**

a. Territory.

(1) Territory Disaster Act.

(a) 10 Guam Code Annotated, Chapter 65 Civil Defense, Guam Civil Defense Act of 1951

(b) §19401 – 19405, 10 Guam Code Annotated, Chapter 19 Emergency Health Powers

(2) Executive Order of the Governor.

(a) Executive Order 2020-03 (Relative to Declaring a Territory of Emergency to Respond to the Novel Coronavirus (COVID-19))

(b) Executive Order 2020-04 (Relative to Responding to Confirmed Cases of Novel Coronavirus (COVID-19))

(c) Executive Order 2020-05 (Relative to Mandating Social Isolation Lifting Restrictions on Health Care Licensure and Clarifying Status of Non-Essential Government of Guam Operations)

(d) Executive Order 2020-06 (Relative to the Creation of COVID-19 CURE Action Team and Extension of Social Isolation Mandates)

(e) Executive Order 2020-07 (Relative to the Establishing a Moratorium on Evictions, Clarifying Gouging Prohibitions, and Providing for Telephonic Participation in Public Meetings)

(f) Executive Order 2020-08 (Relative to Establishing COVID-19 Response Differential Pay)

(g) Executive Order 2020-09 (Relative to Additional Social Isolation Measures)

(h) Executive Order 2020-10 (Relative to the Reservation of Road Access for Essential Business and Activity in a Public Health Emergency)

(i) Executive Order 2020-11 (Relative to Extending the Public Health Emergency and Establishing the Pandemic Conditions of Readiness System)

(j) Executive Order 2020-12 (Relative to the Creation of the Prugraman Salappe' Ayudon I Taotao, A Disaster Relief Program)

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(k) Executive Order 2020-13 (Relative to Ensuring Regular, Reliable, and Relevant Reporting Regarding Expenditures Authorized Pursuant to The Public Health Emergency Declared to Respond to the COVID-19 Pandemic)

(l) Executive Order 2020-14 (Relative to Declaring PCOR2)

(m) Executive Order 2020-15 (Relative to the Extension of Prugraman Salappe' Ayudon I Taotao, A Disaster Relief Program)

(n) Executive Order 2020-16 (Relative to Allowing Additional Activities During Pandemic Condition of Readiness 2)

(o) Executive Order 2020-17 (Relative to Guam's Launching of the Pandemic Unemployment Assistance and Federal Pandemic Unemployment Compensation Programs)

(p) Executive Order 2020-18 (Relative to Launching the Guam Small Business Pandemic Assistance Grant-Program)

(q) Executive Order 2020-19 (Relative to Safely Addressing the Critical Shortage of Personal Protective Equipment Necessary for Responding to the COVID-19 Public Health Emergency)

(r) Executive Order 2020-20 (Relative to Setting Conditions for Entry into Guam and Permitting Limited School Operations)

(3) Territory Emergency Management Plan. Guam Comprehensive Emergency Management Plan can be accessed at <https://ghs.guam.gov/resources/guam-cemp>.

(4) FEMA Territory Agreement.

(a) FEMA-Territory Agreement FEMA-4495-DR-GU

(b) FEMA-Territory Agreement FEMA-4495-DR-GU – Amendment Number 1

(d) FEMA-Territory Agreement FEMA-4495-DR-GU – Amendment Number 2

b. Federal.

(1) Stafford Act, P.L. 93-288, codified as amended, 42 U.S.C. 5121 et seq.

(2) FEMA Regulation, 44 CFR Part 206

(3) FEMA Regulation, 44 CFR Part 207

(4) FEMA Regulation, 2 CFR Part 200 and 3002, Uniform Administrative Requirement, Cost Principles, and Audit Requirement for Federal Awards

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- (5) 44 CFR Part 9, Floodplain Management and Protection of Wetlands
- (6) 44 CFR Part 11, Claims
- (7) 44 CFR Subchapter B, Insurance and Hazard Mitigation National Eligibility Criteria
- (8) Executive Order 12612, Federalism
- (9) Public Assistance Program and Policy Guide (PAPPG), 2018
- (10) Public Assistance Policy on Insurance, 2015
- (11) FEMA Directive 108-1, Environmental Planning and Historic Preservation Responsibilities and Program Requirements and Instruction 108-1-1, Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements
- (12) DHS Directive 023-01-01, Implementation of the National Environmental Policy Act

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**3. Terms.**

a. Definitions.

1. Applicant. A State, local, Indian, Territory, or tribal government, other legal entity, or certain private nonprofit organizations that receive an award and which is accountable to the Territory of Guam (Recipient) for the use of the funds provided.

2. Application Period. The thirty (30) day period following the declaration of disaster in which the damage was located, during which the Territory's Governor's Authorized Representative (GAR) submits a completed Request for Public Assistance (RPA) form to the FEMA Regional Administrator

3. Emergency Management Mission Integrated Environment (EMMIE). Emergency Management Mission Integrated Environment is a web-based application that enables Public Assistance Recipients to complete, submit, monitor, and manage Public Assistance applications online.

4. Emergency Work. Work that must be done immediately to save lives, protect improved property, protect public health and safety, or avert or lessen the threat of a major disaster.

5. Expedited Projects. FEMA may provide expedited (or immediate needs) funding for Emergency Work projects (Categories A or B) that meet or exceed the large project threshold to assist with payment within the first 60 days after a declared disaster occurs. FEMA funds expedited projects at 50 percent of the Federal share of the estimated project costs.

6. Federal Emergency Management Agency (FEMA). The Federal agency responsible for coordinating disaster recovery efforts. When used in this Plan, the term also refers to the Regional Administrator (RA) of FEMA Region (#), or a Disaster Recovery Manager (DRM) appointed by the Regional Administrator.

7. FEMA-Territory Agreement. A formal legal document between FEMA and the Territory stating the understandings, commitments, and binding conditions for assistance resulting from a Federal disaster or emergency declared by the President. The FEMA Regional Director and the Territory Authorized Representative sign the document.

8. Governor's Authorized Representative (GAR): The person designated by the Governor to execute all necessary documents for disaster assistance programs on behalf of the State and local grant recipients. The GAR is responsible for the Territory's compliance with the FEMA-Territory Agreement.

9. Hazard Mitigation. Any cost-effective measure that will reduce the potential for damage to a facility from a similar disaster event.

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10. Joint Field Office (JFO). A temporary facility or virtual coordination hub established in a Presidential-disaster declaration. This office is to serve as the field headquarters for FEMA and Territory recovery personnel and as the focal point for disaster operation, direction, coordination, and information.

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

12. Large Project Threshold Amount. An amount of approved project estimated costs adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers and published in the Federal Register.

13. Permanent Work. Restorative work that must be performed, through repairs or replacement, to restore an eligible facility based on its pre-disaster design and in accordance with current applicable standards.

14. Pre-Disaster Design. The size or capacity of a facility as originally designed and constructed or subsequently modified by changes or additions to the original design. It does not mean the capacity at which the facility was being used at the time the major disaster occurred if different from the most recent designed capacity.

15. Project. A logical grouping of work required as a result of the declared major disaster or emergency. The scope of work and cost estimate for a project are documented on a Project Worksheet.

16. Project Worksheet. A tool used by the Applicant and FEMA to develop projects. The Project Worksheet (FEMA Form 90-91) is the primary form used to document the location, damage description and dimensions, scope of work, and cost estimate for each project.

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

18. Special Considerations. Issues that involve insurance, floodplain management, Hazard Mitigation, environmental and historic preservation reviews as they relate to Public Assistance Program funding.

19. Standards. Codes, specifications, or standards required for the construction of facilities.

20. State Applicant. Guam and any subrecipient state agency or other legal entity that receives an award and which is accountable to the Territory of Guam (Recipient) for the use of the funds provided.



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21. Territory of Guam (Recipient). The Territory of Guam is also referred to in this Plan as the Recipient. The Recipient is a non-federal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program.

b. Acronyms.

AGAR	Alternate Governor's Authorized Representative
CFR	Code of Federal Regulations
EHAD	Environmental and Historic Preservation Advisor
EHP	Environmental and Historic Preservation
EMMIE	Emergency Management Mission Integrated Environment
FTA	FEMA-Territorial Agreement
GAR	Governor's Authorized Representative
GDRO	Guam Disaster Recovery Office
JFO	Joint Field Office
PA	Public Assistance
PDA	Preliminary Damage Assessment
PDMG	Program Delivery Manager
PW	Project Worksheet
RA	Regional Administrator
TCO	Territorial Coordinating Officer
TDRC	Territorial Disaster Recover Officer

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**4. Responsibilities and Organization.**

a. General. The Governor has designated the Office of Civil Defense, as the Territory office responsible for managing and administering the Public Assistance Program. The GAR and AGAR were identified in the FTA.

(1) Guam Disaster Recovery Office / Office of Civil Defense.

(a) Submit a staffing plan following the signing of the FEMA-Territorial Agreement;

(b) Provide minimum staffing required to administer the Federal Grant;

(c) Assume initial responsibilities for Public Assistance activities upon the Federal declaration of an emergency or disaster;

(d) Notifying potential subrecipients;

(e) Conducting subrecipient briefings;

(f) Requesting Immediate Needs Funding on behalf of subrecipients;

(g) Attending Recovery Scoping Meetings;

(h) Assigning an applicant liaison to work with the FEMA Public Assistance Program Delivery Manager;

(i) Coordinating with the FEMA EHAD and complying with applicable EHP laws, regulations, and executive orders and any EHP conditions associated with the grant.

(j) Assisting FEMA in determining work and The Territory Applicant eligibility;

(k) Processing requests for appeals and approval of time extensions, cost overruns, improved projects, advances, and reimbursements;

(l) Making recommendations to FEMA on appeals and alternate project requests;

(m) Complying with administrative requirements of 44 CFR, Part 206, and the audit requirements of 2 CFR.

(n) Securing insurance information from subrecipients when required;

(o) Participating with FEMA in establishing Hazard Mitigation and insurance requirements;

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(p) Reviewing and certifying project completion information;

(q) Conducting quarterly reviews, site inspections, and audits, as required ensuring program compliance;

(r) Reporting to FEMA on a quarterly basis the financial status of PA grant and progress information per FEMA requirement; and

(s) Determining the budget and staffing requirements necessary for proper program management.

b. Administrative Staff.

(1) Territorial Coordinating Officer. The person designated by the Territory to coordinate local disaster assistance efforts with that of the Federal government.

(2) Territorial Disaster Recovery Coordinator. The person designed by the Territory to oversee interagency long-term recovery operations related to declared disasters.

(3) Governor's Authorized Representative.

(a) Execute all necessary documents on behalf of the Territory;

(b) Review and Recommend Project Worksheets (PW's), prior to submittal to their submittal for approval from their Public Assistance Coordinator;

(c) Coordinate and provide personnel for PDA, Applicant Briefing, Kick-Off Meeting, Project formulation, and final inspection activities;

(d) Organize documentation and record-keeping in compliance with pre-award and post-award requirements;

(e) Supervise the planning and writing of the Mitigation and Floodplain Plan in accordance with the Stafford Act and FEMA regulations;

(f) Coordinate with the Regional Administrator to determine the extent of the Territory's Insurance;

(g) Initiate actions and make recommendations, as authorized by the Territory, in accordance with the Stafford act, and FEMA regulations relative to improved and alternate project funding options, the advance of funds and reimbursements, time extensions and cost overruns, quarterly status reports, and appeals;

(h) Ensure conformity with administrative and fiscal control and accounting requirements of applicable CFRs.

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(i) Coordinate with the Fiscal Officer to ensure compliance with applicable CFRs.

(j) Process requests for cash advance or reimbursements in accordance with the FEMA-Territory Agreement, federal regulatory requirements and the Territory's current accounting practices;

(k) Submit all copies of audits and reports to, as required by 2 CFR 200, to the FEMA Office of the Inspector General;

(l) Process Final Claims for submittal to the Regional Administrator with requests for final payment;

(m) Submit Final Project closure documents to the Regional Administrator to terminate the FEMA-Territory Agreement when all work has been completed;

(n) Coordinate and assign Territory inspectors to FEMA teams for preparation of Large Project PW's and the Territory's preparation of small project PW's;

(o) Represent the Territory's on the project formulation team, assist in the preparation of Large and Small project PW's, provide technical assistance to the Territory's and make eligibility recommendations for restorative work;

(p) Act as a first-level review for completed PW's; and

(q) Prepare and submit quarterly performance/progress reports to the Regional Administrator. Quarterly reports shall be determined after the signing of the FEMA-Territory Agreement.

(4) Alternate Governor's Authorized Representative.

(a) Assume responsibilities and perform duties in the absence of the designated GAR;

(b) Assist the GAR with the administration and management of the Public Assistance Program, as authorized under local and Federal Laws and Regulations; and

(c) Perform other duties as necessary.

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**5. Administration and Support.**

a. Administrative Support Staff. Since staffing requirements vary depending on the magnitude, type, and extent of the disaster, the following personnel may be used to assist the GAR/TCO in meeting administrative program requirements.

(1) Clerical Staff.

- (a) Process various disaster assistance applications;
- (b) Prepare routine correspondence for the signature of staff; and
- (c) Assist with any other clerical or office support tasks as necessary.

(2) Chief Fiscal Officer / OCD Administrative Services Officer.

- (a) Develop and implement accounting procedures as required by federal regulations, the FTA and any applicable requirements;
- (b) Prepare ledgers and supervise the recording of transactions;
- (c) Coordinate the processing of documents necessary for reimbursement procedures and requests for additional funding, when necessary;
- (d) Use the payment management system to draw down funds obligated for the Territory under the Public Assistance Program;
- (e) Process FEMA bills for collection in accordance with the FTA and applicable CFRs.
- (f) Submit as the Grant Manager, FEMA Office of the Chief Financial Officer Quarterly Financial Status Reports to the Regional Administrator as;
- (g) Prepare and submit quarterly cash transaction reports (PSC 272) to the Regional Administrator; and
- (h) Perform other administrative duties as required.

(3) Office of the Attorney General of Guam.

- (a) Provide legal advice as necessary;
- (b) Review all contracts related to Public Assistance repairs; and
- (c) Perform other administrative duties as assigned.

(4) Territorial Insurance Officer.

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(a) Provide the GAR with necessary insurance information to determine FEMA funding eligibility;

(b) Provide copies of insurance policies of affected properties for FEMA review;

(c) Assist departments in preparing proper claim forms and forms shall then be submitted to GAR and FEMA; and

(d) Perform other duties as necessary to complete the PA process.

(5) Territorial Entity Agency Heads.

(a) Complete Preliminary Damage Assessments (PDA);

(b) Prepare and collect all information necessary to develop Project Worksheets;

(c) Provide technical assistance to FEMA regarding department specific projects; and

(d) Attend all meetings regarding the restoration projects.

(6) Other Departments/Entities. One or more departments provide administrative support personnel, as required, including a Computer Specialist/Administrative Technician and a Clerk/Typist

b. Staff Funding. The Territory may submit a claim for reimbursement for costs incurred for administrative personnel to FEMA in accordance with the management and administrative cost provisions of 44 CFR § 206.228.

## 6. Direction and Control.

### a. Post Declaration Activities.

1. Notifying Potential Subrecipients. The Territory will notify potential Subrecipients of the available assistance and the time, date, and location of the Subrecipients' Briefing.

2. Request for Public Assistance (Request). The Territory must forward a Request for Public Assistance (FEMA Form 90-49) on behalf of each Applicant with the Regional Administrator within 30 days from the date Public Assistance was declared. Requests submitted after these 30 days will be reviewed on a case-by-case basis and, if warranted, will be forwarded to FEMA for consideration. If necessary, the Territory may request that the deadline for filing Requests be extended.

3. Territory Applicant Eligibility. The Territory will assist FEMA in screening all potential Subrecipients for eligibility.

b. Recovery Scoping Meeting. A Recovery Scoping Meeting will be scheduled following the Subrecipients' Briefing to provide Subrecipients with specific information required to meet particular requirements of the program. At this time, the Subrecipients will be advised of record keeping requirements, cost estimating procedures will be reviewed, and Special Considerations, project formulation, and the project validation process will be explained.

### c. Project Worksheet Preparation.

1. Depending on the size and nature of the disaster, the Territory may choose to participate at various levels in the Public Assistance process. The varying levels of involvement may include:

(a) Assisting FEMA and/or any Subrecipients in inspecting damaged sites, documenting the damage description and dimensions, and developing scopes of work and cost estimates.

(b) Participating in the project validation process.

(c) Providing support as needed (personnel to assist Subrecipients with highly technical projects and/or to resolve disputes, etc.).

2. The Territory will prepare PWs for Small Projects.

3. The Territory is responsible for identifying projects that are anticipated to be Large Projects.

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4. The Territory will ensure compliance with insurance coverage, floodplain management requirements, identify Hazard Mitigation opportunities, and obtain all required EHP permits.

5. The Territory will report any additional damage that is not previously identified to the PDMG within 60 days of the initial inspection. If warranted, the Territory may request an extension of time to report additional damage.

6. The Territory will notify FEMA of any special considerations and/or technical assistance requirements needed to facilitate project approval.

7. The Territory will assist FEMA and any Subrecipients in identifying Hazard Mitigation opportunities as provided by Section 406 of the Stafford Act. (Such mitigation measures are generally directly part of the reconstructed work on a facility or will protect or benefit the repaired facility. They are different from mitigation measures that could be considered for eligibility under the Hazard Mitigation Grant Program of Section 404 of the Stafford Act. In that program, measures are proposed that may involve facilities other than those damaged by the disaster, new facilities, or even non-structural measures such as the development of floodplain management regulations.

8. The Territory's Administrative Staff, as well as the Administrative Support Staff, shall assist the individual departments in developing and submitting 406 Hazard Mitigation project proposals to FEMA for review.

9. In coordination with FEMA, the Territory will provide information as to the Technical Feasibility, environmental and historic preservation compliance, as well as the cost-effectiveness of proposed Hazard Mitigation projects.

10. Each department proposing any hazard mitigation will complete a FEMA approved benefit/cost analysis.

11. The GAR will coordinate the request for FEMA approval.

12. The Territory requests approval of all Hazard Mitigation projects in writing.

13. FEMA approval letter shall be attached to PW, and the scope of work shall identify the mitigation work.

d. Public Assistance Administration.

1. Grant Approval. The Territory will submit an "Application for Federal Assistance" (SF 424), and "Assurances for Construction" Programs (SF 424D), to FEMA to receive Federal funding. Approved PWs will be the basis for issuing the grant and any subgrants, if applicable, in accordance with the cost-sharing provisions established in the FTA.



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2. Project Application. Once PWs are approved by FEMA, the Territory will be responsible for the final processing of the PW and for initiating payments.

3. Project Funding.

(a) Small Projects. Funding for Small Projects will be based on the federal share of the PW estimate. The Territory will disburse funds for small projects after FEMA approves and obligates the PWs.

(b) Large Projects. Funding for Large Projects will equal the federal share of the actual eligible cost as verified through a review of the project's cost documents. The approved funding will be obligated to the Territory following FEMA's approval of the PW.

(c) Advance of Funds. An Applicant may request an advance of funds on an approved Large Project PW if approved by the Territory. The total advance for any one PW will not exceed 75% of the Federal share.

(d) Refunds. The Territory will be required to refund to FEMA any obligated or advanced funding that is not supported by cost documents and/or expended for the approved scope of any Applicant's PW.

4. Insurance Requirements. The Territory shall participate with FEMA in establishing insurance requirements. 44 CFR, Part 206, Subpart I, establishes insurance requirements applicable to disaster assistance provided by FEMA. Prior to approval of a FEMA grant for the repair, restoration or replacement of an insurable facility or its contents damaged by a major disaster:

(a) Eligible costs shall be reduced by the amount of any insurance recovery received or anticipated, relating to eligible costs. Reasonable efforts must be taken to recover insurance proceeds that they are entitled to receive from their insurer(s) per PAPPG and Public Assistance Policy on Insurance.

(b) EHP Compliance Requirements. The Territory will comply with EHP conditions that are associated with a grant. Non-compliance with EHP conditions may jeopardize FEMA funding.

e. Reimbursement of Federal Funds. FEMA will notify the Territory as soon as possible following the total or partial de-obligation of an approved PW. FEMA will also notify the Territory if FEMA has determined that reimbursement is required. If applicable, the Territory will notify the subrecipient as soon as possible.

f. Funding Options.

1. Improved Projects. The Territory is authorized to make a determination on any Applicant's request to conduct an improved project. Improved project requests must be submitted to FEMA prior to starting the improved portion of the proposed work. If approved, funding will be limited to the Federal share of the approved PW amount.

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Such requests must be coordinated with FEMA to ensure compliance with national historical and environmental laws. This request should contain:

- The reason for requesting an improved project.
- A description of the proposed work.
- A schedule of work.
- A cost estimate.
- Information adequate to establish compliance with special requirements, including, but not limited to, floodplain management, environmental assessment, Hazard Mitigation, protection of wetlands, endangered species, and insurance.

2. Alternate Projects. The Territory may submit a request to FEMA for an alternate project regarding any Applicant's project. Requests for alternate projects should be submitted to FEMA for approval prior to starting the proposed work. The Territory will review the request for eligibility and will ensure that the request contains the following information before forwarding it to FEMA with the appropriate recommendation:

- The reason for requesting an alternate project.
- A description of the proposed work.
- A schedule of work.
- A cost estimate.
- Necessary assurances to document compliance with special requirements, including but not limited to, insurance floodplain management, historic preservation, Hazard Mitigation, protection of wetlands, endangered species, and other relevant environmental compliance requirements.

3. Time Limitations. The Territory will ensure that approved work is completed within the following time frames from the date a major disaster or emergency is declared:

(a) Emergency Work = 6 months

(b) Permanent Work = 18 months

4. Time Extensions. The Territory may grant a time extension on any Subrecipients' project if the reason for the delay is based on extenuating circumstances or unusual project requirements beyond the applicable Applicant's control. An Applicant may request a time extension on any approved PW by submitting a written request to the Territory prior to the completion date currently in effect. The additional time requested may not exceed the following time frames:

(a) Emergency Work = 6 months

(b) Permanent Work = 30 months

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The Territory will notify FEMA of time extensions that have been approved. Requests for time extensions beyond the Territory's authority will be forwarded to FEMA in writing for determination with the Territory's recommendation in accordance with the requirements of 44 CFR, Section 206.204 (d). Work performed after the last approved completion deadline is subject to having funding reduced or withdrawn.

5. Agency heads are responsible for the following:

- (a) Project Management.
- (b) Weekly Project logs will be kept to determine progress.
- (c) Submitting formal requests for project extensions 60 days prior to the deadline.
- (d) Justification for the extension must be included.

6. Project Completion.

(a) Upon completion of a Large Project, the Territory will conduct a review of each project's cost summary (a listing of all labor, equipment, materials, and contract costs associated with making needed repairs) to verify the actual project cost. If a Large Project was 100 percent complete at the time the PW was prepared, the eligible cost was based on actual cost information, and no additional funding is claimed, no further review by the Territory will be necessary.

(b) If an approved project is not completed, the Territory will be required to return the federal funding that was provided for that project.

7. Cost Overruns.

(a) Small Projects. The Territory will verify all significant cost overrun appeals submitted on Small Projects by conducting a review of all approved Small Project PWs. The Territory will base its recommendation for additional funding (a Net Small Project Overrun) on the information obtained during the review and will forward a report to FEMA for final determination. The cost-share will be determined from final actual eligible project costs (whether an overrun or an under run) and will be adjusted at the time actual eligible costs for all Small Projects are determined.

(b) Large Projects. Each Applicant must evaluate each cost overrun and, when justified, submit a request for additional funding to the RA, through the Territory, for a final determination. All requests for the RA's approval will contain enough documentation to support the eligibility of all claimed work and costs. The Territory shall include a written recommendation when forwarding each request. The RA will notify the Territory in writing of the final determination.

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8. Disputes/Conflict Resolution. To expedite funding and minimize Territory Subrecipient appeals, the following conflict resolution process should be followed:

(a) If a liaison has been assigned, the Recipient should notify this individual of the unresolved issue.

(b) The liaison should work to resolve the issue with the PDMG. If the issue remains unresolved, the Applicant Liaison should notify the TCO/TDRC.

(c) Only after all these steps have been taken will the Applicant be referred to the appeal process.

9. Appeals. Any Subrecipient may appeal a determination made by FEMA. Upon receipt of an appeal from an Applicant, the Territory will review the material submitted, make such additional investigations as necessary, and will forward the appeal with a written recommendation to FEMA within 60 days of receiving the appeal from the subrecipient. The Territory must submit its own appeals, and any subrecipient Applicant must submit its appeals to the Territory, within 60 days from the date of written notice of the determination being appealed. Appeals regarding Net Small Project Overruns must be submitted 60 days from the date the last Small Project was completed.

10. Final Inspection. A final inspection and/or audit will be conducted by the Territory on all Large Projects once the projects have been completed and the project cost summary has been submitted by the Applicant (unless the PW was 100% complete at the time it was prepared) in order to certify to FEMA that the reported costs were incurred in the performance of eligible work. For those projects of a technical nature, a qualified member of the applicable agency to which the project pertains will conduct a final inspection. The final inspection should be completed as soon as practical following the completion or receipt of the project cost summary.

11. Audit Requirement. Audit requirements will be in accordance with or 2 CFR 200, 3002 as appropriate.

(a) A review of all Large Projects (and all Small Projects with significant cost overruns) will be conducted by the Territory once those projects are completed. Territory Subrecipients expending \$750,000 or more in total Federal financial assistance in a fiscal year will be required to have an audit made in accordance with the 2 CFR Subpart F. Such Territory Subrecipients must provide the Territory with a copy of the Single Audit.

(b) FEMA may elect to conduct a Federal audit of the disaster assistance grant or any of the sub grants.

12. Financial Statements. The auditor shall determine whether the financial statements of the auditee are presented fairly in all material respects in conformity with generally accepted accounting principles. The auditor shall also determine whether the

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schedule of expenditures of Federal awards is presented fairly in all material respects in relation to the auditee's financial statements taken as a whole.

13. Subpart D of 2 CFR Post Federal Award Requirements. Pass-through entities shall perform the following for the Federal awards it makes:

(a) Identify Federal awards made by informing each subrecipient of the Catalog of Federal Domestic Assistance (CFDA) title and number, award name and number, award year, if the award is and name of Federal agency. When some of this information is not available, the pass-through entity shall provide the best information available to describe the Federal award.

(b) Advise subrecipients of requirements imposed on them by Federal laws, regulations, and the provisions of contracts or grant agreements as well as any supplemental requirements imposed by the pass-through entity.

(c) Monitor the activities of subrecipients as necessary to ensure that Federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved.

(d) Ensure that subrecipients meet the audit requirements of this part for that fiscal year.

(e) Issue a management decision on audit findings within six months after receipt of the subrecipient's audit report and ensure that the subrecipient takes appropriate and timely corrective action.

(f) Consider whether subrecipient's audits necessitate adjustment of the pass-through entity's own records.

(g) Require each subrecipient to permit the pass-through entity and auditors to have access to the records and financial statements as necessary for the pass-through entity to comply with this part.

14. General Administrative Requirements. The Territory is responsible for developing and implementing procedures to ensure compliance with all administrative requirements of 44 CFR, Part 206, and 2 CFR 200 Subparts B through D. Those procedures must be documented in this Plan or referenced in and attached to this Plan. The Territory must monitor grant, and sub grant supported activities to assure compliance with applicable Federal requirements. The Territory shall ensure that subrecipients are aware of requirements imposed upon them by Federal statute and regulation. Territory procedures documented in this Plan or referenced and attached to this Plan include, but are not limited to, those addressing the following sections of 2 CFR 200, procedures must describe how the Territory will ensure compliance and how the Territory will ensure that subrecipients comply). GHS/OCD Grants Management Standard Operating Procedure contains the following:

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- Standards for financial management systems.
- Payment procedures for the transfer and disbursement of Federal funds.
- Allowable costs.
- Period of availability of funds.
- Matching or cost-sharing.
- Program income.
- Non-Federal audit.
- Changes.
- Real property.
- Equipment.
- Supplies.
- Copyrights.
- Sub awards to debarred and suspended parties.
- Procurement All procurement must meet the requirements of 2 CFR 200.317 through 200.332, regardless of Territory emergency provisions to be eligible for federal assistance.
- Subgrants
- Monitoring and reporting program performance.
- Financial reporting.
- Retention and access requirements for records.

g. Records and Reports.

1. Progress Reports. The Territory will submit a quarterly progress report to FEMA, which will contain the status of all Large Projects, which have not received final payment. The first quarterly report will be submitted three months from the date the JFO opened or on a quarterly schedule mutually agreed upon between FEMA and the Territory. FEMA has no reporting requirements for Territory Subrecipients, but the Territory is expected to impose some reporting requirements on Territory Subrecipients so that it can prepare quarterly reports. This information will be a key element in identifying Large Project cost overruns.

2. Closeout. The Territory and each Applicant will be closed out once its Small and Large Projects are closed out. Small Projects will be closed out in accordance with 44 CFR 206.205 (a) after the Territory has determined that all work has been completed, all necessary documents have been received, and any appeal for Small Project overruns has been reconciled. Large Projects will be closed out individually in accordance with 44 CFR 206.205 (b), after the Territory has determined that all work has been completed, all necessary documents have been received, the costs for each individual large project have been reconciled, all project payments have been made, and no further action is pending or anticipated (including litigation or lawsuits). The Territory will notify FEMA when all eligible funds have been paid to an Applicant and request Applicant closeout within 180 days from the date that the Applicant completes each Large Project. When all Territory Subrecipients have been closed out, and all eligible funding has been reconciled, the Territory will request that FEMA close the Public Assistance Program for that disaster.

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3. The closeout of a grant does not affect:

(a) FEMA's right to disallow costs and recover funds on the basis of a later audit or other review;

(b) The Territory's obligation to return any funds due as a result of later refunds, corrections, or other transactions;

(c) Records retention as required by 2 CFR, section 200.333;

(d) Property management requirements in 44 CFR, section 200.344

(e) Audit requirements in 2 CFR, part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

(f) Financial Status Report (SF 425)/SF 425A). The Territory shall submit the financial reports to the FEMA regional office 30 days after the end of the first federal quarter following the initial grant award. Financial Reports will be submitted to FEMA at least quarterly thereafter. Reports are due January 30, April 30, July 30, and October 30.

(g) Project Documentation (Record Retention). All Territory Subrecipients will be required to keep complete records of all work (i.e., receipts, checks, job orders, contracts, equipment usage documentation, and payroll information) funded under the program for three years from the date that that Applicant is closed out. During this three-year period, all approved PWs are subject to Territory and Federal audit/review.

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**7. Development and Maintenance.**

The Territory shall submit a revised plan annually and for each disaster for which Public Assistance is included. Revisions will be forwarded to the FEMA Regional Administrator for approval.

The Territory will amend this Plan whenever necessary to reflect current policy guidelines and any new or revised Federal statutes or regulations or a material change in any law, organization, policy, or Territory agency operation that is relevant to the administration of the PA program. The Territory will obtain approval for the plan amendment and its effective date but need to submit for approval only the amended portions of the Plan.