

**NEBRASKA**

Good Life. Great Opportunity.

**DEPT. OF ECONOMIC DEVELOPMENT**

# Risk Awareness Planning Program Guide

*State of Nebraska CDBG-DR Program*

**JANUARY 2022**

## RECORD OF CHANGES

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The following table summarizes amendments to the Risk Awareness Planning Program Guide.

Date Change Approved	Change Number	Description of Change

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# 1 EXECUTIVE SUMMARY

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The State of Nebraska, through the Nebraska Department of Economic Development (DED), is receiving funds through the Community Development Block Grant (CDBG) Program for disaster recovery (CDBG-DR) to address unmet needs from 2019 flooding (DR-4420). The State of Nebraska's Department of Economic Development (DED) oversees and manages CDBG-DR funds.

In order to increase the State's resilience to future disasters, DED is using CDBG-DR funds to create a Risk Awareness Planning (RAP) Program. The overarching goal of this planning program is to **reduce the flood risk from levees and levee-like structures (LLS)**<sup>1</sup> by conducting research to identify and assign risk to levees and LLS across the State of Nebraska, to be subsequently followed by outreach and education to reduce such risks in the future. Implementation of the program will be conducted in three (3) phases:

- 1. Steering Committee:** DED will convene a steering committee (the Steering Committee) including DED, the Nebraska Department of Natural Resources (NeDNR), the Nebraska Emergency Management Agency (NEMA), and other partner agencies to ensure a comprehensive approach to risk awareness planning.
- 2. Procurement:** Through a competitive procurement process, DED will select a contractor (the Contractor) to support program implementation.
- 3. Plan Development:** DED will oversee Contractor, coordinating efforts with the Steering Committee to ensure **Program Goals** (see section 4.3) are met. The RAP Program is a single grant award for planning activities that will be administered in its entirety by the State. DED will monitor the Contractor for compliance with applicable laws and regulations, retaining documentation and reporting to HUD as required.

This Program Guide is designed to describe the purpose of the Risk Awareness Planning Program, as well as the processes that will be used to procure technical support for the program.

The State of Nebraska enforces conduct of the CDBG-DR program to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination in any housing program or activity because of their age, race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, disability, or marital status.

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<sup>1</sup> Levee-like structures include agricultural berms, embankments, roadbed or grades, and other structures that may restrict high stream flows and potentially reduce inundation extents.

## 1.1 ASSOCIATED ALLOCATION(S)

- Winter Storm Ulmer ([DR-4420](#))
  - In early 2019, the State of Nebraska suffered record-breaking damage from severe winter weather, straight-line winds, and its worst flooding event in 50 years, leading to a Federal major disaster declaration (DR-4420) under the Stafford Act. Damage from DR-4420 was widespread, leading to disaster declarations in 84 of the State’s 93 counties (and four (4) tribal areas), with the worst damage located in the eastern part of the state.
  - HUD Most Impacted and Distressed (MID) is detailed in the Action Plan and includes Dodge, Douglas, and Sarpy counties.
  - Pursuant to the federal requirements for DR-4420, a minimum of 80% of this allocation must be invested in HUD-defined MID areas.
  - A minimum of 70% of total CDBG-DR program funds must be spent on Low-to-Moderate Income (LMI) populations.

This subsection may be updated should other allocations become available due to subsequent disaster events or supplemental allocations.

## 2 SCOPE

This Program Guide applies to DED employees, providers, vendors, contractors, consultants, partners, citizens, external departments, and agencies doing business with DED, including, under the umbrella of the Risk Awareness Planning Program, the **Steering Committee** (see section 5.5.1). It may also serve as a guide to beneficiaries and others associated with, working for, accessing, or attempting to access benefits under the CDBG-DR programs.

## 3 ACRONYMS

Acronym	Meaning
ADA	Americans with Disabilities Act
CDBG	Community Development Block Grant
CDBG-DR	Community Development Block Grant – Disaster Recovery
CFR	Code of Federal Regulations
CPP	Citizen Participation Plan

Acronym	Meaning
CPR	Certified Payroll Report
DED	Nebraska Department of Economic Development
DOB	Duplication of Benefits
DRGR	Disaster Recovery Grant Reporting System
EPA	Environmental Protection Agency
FAQ	Frequently Asked Questions
FEMA	Federal Emergency Management Agency
HUD	Department of Housing and Urban Development
LLS	Levee-Like Structures
LMI	Low- to Moderate-Income
MID	Most Impacted and Distressed
MOU	Memorandum of Understanding
NeDNR	Nebraska Department of Natural Resources
NEMA	Nebraska Emergency Management Agency
NLD	National Levee Database
NRD	Natural Resources District
OMB	Office of Management and Budget
P&P	Policies and Procedures
PM	Project Manager
QPR	Quarterly Progress Report
RFP	Request for Proposal
RFQ	Request for Quotation
SOW	Statement of Work
UNA	Unmet Needs Assessment
USACE	United States Army Corps of Engineers
USGS	United States Geological Survey

Acronym	Meaning
USPS	United States Postal Service

## 4 CDBG-DR RISK AWARENESS PLANNING PROGRAM OVERVIEW

On December 3, 2019, HUD announced an allocation to Nebraska of \$108,938,000 in CDBG-DR funding. Issuance of the associated Federal Register Notice followed on January 27, 2020 (85 FR 4681). These funds are intended to assist Nebraskans and their communities in recovering from the devastating effects of the severe weather conditions and subsequent flooding that occurred during the first half of 2019. The impacts of these disasters on Nebraska’s infrastructure, housing, and economy were widespread. Out of the state’s 93 counties, 84 reported damage to roads, bridges, levees, dams, stormwater systems, and many other critical infrastructure facilities. Damage particularly focused in the eastern part of the state. Analysis following DR-4420 showed that communities and landowners had and may continue to have a false sense of security due to levees and LLS. Privately held LLS may not meet engineering standards; and when LLS fail, damages can occur in areas not typically flooded.

In accordance with the Action Plan and consistent with the data HUD used in determining Nebraska’s allocation amount and the findings of the Unmet Needs Assessment (UNA) (section 2 of the **Action Plan**), DED has allocated funding to invest in improved community and landowner resilience to flooding by providing awareness and mitigation recommendations related to levees and LLS to community leadership.

The Risk Awareness Planning Program will be administered under a single grant through a Contractor that will be responsible for overall implementation under the guidance of a **Steering Committee** (see section 5.5.1). The Contractor will coordinate with the Steering Committee to determine strategy and warning stages for the community at flood risk from LLS. The Contractor will also coordinate with the State to identify activities communities can include to increase resiliency.<sup>2</sup>

The Risk Awareness Planning Program will be carried out in two (2) primary phases: (1) “Discovery and Planning” and (2) “Outreach.” The expected period of performance is two (2) (2) years.

**Phase One: Discovery and Planning.** Phase One will focus on collecting available data and data processing by using GIS and data management to assign risk to levees and LLS. The research and investigatory process under Phase One should also include identification of possible

<sup>2</sup> Timeline could coincide with Hazard Mitigation Plan maintenance or update schedule and or Federal Emergency Management Agency (FEMA) mapping updates.



resources (e.g., Available Federal and State programs) and strategies to address risks. As an outcome of these activities, the Contractor should identify target stakeholders (e.g., vulnerable populations, LMI populations, communities located in the HUD-defined MID areas) to be engaged under Phase Two, including those individuals and at-risk communities who may be exposed to risks from levees and LLS. Under the RAP program, target stakeholders may be a subset of DED's "Target Stakeholders" as described in its Citizen Participation Plan (CPP). Once this first phase is completed, the Program will shift to Phase Two, focusing on outreach.

**Phase Two: Outreach.** Outreach meetings are intended to be interactive and promote an effective transfer of information. It is anticipated that targeted outreach meetings set forth to accomplish planning objectives will not be open to the public and will include select stakeholders, though DED will conduct four (4) open public meetings to encourage broader engagement with the planning process (see also section 7, **Citizen Participation**). Outreach topics may include:

- LLS Risk, Liability, Risk Factors and Mitigations;
- LLS Maintenance;
- LLS Owner and Community Responsibilities;
- General Public Outreach and Awareness Tools and Strategies; and
- Strategies for Risk- Based Planning, such as hazard mitigation plans.

Upon completing outreach under Phase Two, a final deliverable (e.g., presentation, plan) will be used to compile resources, data and analysis, and public outreach and associated tools for use statewide.

## 4.1 SUMMARY OF REQUIREMENTS AND PRIORITIES

**Table 1** summarizes the RAP Program's priorities in the context of Federal and State requirements. Note that CDBG-DR-funded projects must meet one (1) of HUD's National Objectives; however, there is an exception for planning activities under 24 CFR § 570.200(a)(3)(i), which assumes eligible planning costs benefit LMI persons in the same proportion as the remainder of the CDBG funds.

**Table 1: Summary of CDBG-DR Requirements and Priorities**

Entity	Requirement/Priority	Citation
	Tie Back to the Disaster	85 FR 4681

Entity	Requirement/Priority	Citation
HUD	Eligible Activity <sup>3</sup>	85 FR 4681
	Meet a National Objective	Waived under 24 CFR § 570.200(a)(3)(i)
	Prioritization of HUD-defined MID areas	85 FR 4681
	Prioritization of Vulnerable Populations	Section 4.4.1 of the State of Nebraska DR-4420 Disaster Recovery Action Plan
State	Local and Regional Coordination	Section 4.4.2 of the State of Nebraska DR-4420 Disaster Recovery Action Plan
	Ongoing Outreach	Section 2.4.2.3 of the State of Nebraska DR-4420 Disaster Recovery Action Plan
Planning and Capacity Building	<ul style="list-style-type: none"> <li>Align with local planning efforts,</li> <li>Enhance resilience,</li> <li>Leverage recovery programs, and</li> <li>Align with needs outlined in the UNA (section 2 of the <b><i>Action Plan</i></b>) and <b><i>Nebraska's Baseline Conditions and Impact Assessment Report</i></b>.</li> </ul>	<p>Section 5.3 of the State of Nebraska DR-4420 Disaster Recovery Action Plan</p> <p>Section 2 of the State of Nebraska DR-4420 Disaster Recovery Action Plan</p>

## 4.2 PROGRAM OBJECTIVES

The Risk Awareness Planning Program will utilize CDBG-DR funding to reduce the risk of private levee failure. The Program will improve community and landowner resilience to flooding by providing awareness and mitigation recommendations to community leadership. Planning and capacity building funded through the Risk Awareness Planning Program follows a defined set of objectives, including:

- Compiling data related to levees and LLS to identify potential risks;
- Identifying resources and strategies that can address identified risks; and

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<sup>3</sup> HUD allows grantees to use up to 15% of the total grant award for planning activities. Planning expenditures can be counted towards the 80% expenditure requirement for spending in HUD-defined MID areas as long as there's a clear tie regarding how planning activities benefit those areas.

- Conducting outreach to share identified risks and associated strategies with relevant stakeholders who have been identified in the initial planning phase..

While planning activities are not required to demonstrate eligibility under a National Objective, **DED requires that Contractors focus plans funded through the RAP Program on LMI populations through strategies** that may include:

- Expanded affordability, recovery and redevelopment efforts focused on known LMI census tracts; and
- Improved resilience of levee and LLS risk management to prevent future flooding.

The Program targets counties that received a disaster declaration under the associated allocation(s), and particularly the flood hazard vulnerabilities in those counties that resulted in flood damage. When possible, DED prioritizes all counties, municipalities, and economic development districts within HUD-defined MID areas (Dodge, Sarpy, and Douglas counties).

Program activities are conducted in alignment with—and in support of—the floodplain zoning guidance that NeDNR has created to support local governments in regulating development in the floodplain through planning and zoning (e.g., zoning code updates).

### 4.3 PROGRAM GOALS

As defined in **Table 1**, the Risk Awareness Planning Program is structured to meet a series of Federal and state requirements to be eligible for the program. Program goals that will inform the Program’s planning approach include:

- Benefit LMI persons;
- Implement projects in HUD-defined MID areas; and
- Support community resiliency.

Understanding many vulnerable populations are located in low-lying areas which makes them susceptible to an increased threat of flooding, planning activities are designed to support these populations by identifying racial, ethnic, and low-income at-risk population concentrations so that the State can take steps—such as zoning changes or community-specific plans—to make sure program-related impacts benefit these communities accordingly. The Contractor will also be expected to focus the plan on LMI populations through strategies that may include: expanded affordability, recovery and redevelopment efforts focused on known LMI census tracts, and improved resiliency of levees that might otherwise put those populations at risk.

The Risk Awareness Planning Program is structured to meet these goals by creating and utilizing a methodology for measuring a community’s increased risk due to failure of LLS and conducting

research to via data collection and analysis to determine community risk. Subsequent outreach activities will then focus on promoting risk awareness to communities, incorporating partnering agencies into outreach delivery, and assisting with risk mitigation planning to increase long-term community resilience.

## 4.4 ONGOING UNMET NEEDS ASSESSMENT

As contemplated in the Action Plan<sup>4</sup> and discussed in the Citizen Participation Plan,<sup>5</sup> Nebraska recognizes the importance of strong planning efforts to achieve an equitable and effective recovery. DED will work with State partners to continually identify unmet needs that planning activities may be able to support and similarly communicate emerging unmet needs that are ineligible for the RAP Program to programs who may be able to address them.

## 4.5 TOTAL ALLOCATION

The total allocation for the Risk Awareness Planning Program is up to \$750,000.

# 5 ROLES AND RESPONSIBILITIES

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## 5.1 DEPARTMENT OF ECONOMIC DEVELOPMENT

DED is the recipient of the CDBG-DR funds and is responsible for developing specific program materials, ensuring contractor compliance with all requirements, and communicating key program information to the Steering Committee. DED is responsible for ongoing and direct communication with target stakeholders that may benefit from the planning process.

Throughout the grant administration process, DED is responsible for retaining documentation and writing quarterly performance reports (QPRs) to HUD, as described in the ***Recordkeeping and Data Management Policies and Procedures***. All program activity files and associated data will be maintained within DED's system of record (see also ***Records Retention*** in section 9.6 below).

DED coordinates the Steering Committee. See also section 5.5.1, ***Steering Committee***.

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<sup>4</sup> "State of Nebraska DR-4420 Disaster Recovery Action Plan." DED. Accessed November 2021. [https://opportunity.nebraska.gov/wp-content/uploads/2021/04/StateofNebraskaDR-4420ActionPlan\\_04.26.2021.pdf](https://opportunity.nebraska.gov/wp-content/uploads/2021/04/StateofNebraskaDR-4420ActionPlan_04.26.2021.pdf).

<sup>5</sup> "State of Nebraska DR-4420 Disaster Recovery Action Plan." DED. Accessed November 2021. [https://opportunity.nebraska.gov/wp-content/uploads/2021/10/CPP-rev08312021\\_clean-StateofNebraskaDR-4420.pdf](https://opportunity.nebraska.gov/wp-content/uploads/2021/10/CPP-rev08312021_clean-StateofNebraskaDR-4420.pdf).

## 5.2 DEPARTMENT OF NATURAL RESOURCES

DED will enter into an interagency agreement with NeDNR to support the implementation of the Risk Awareness Planning Program.<sup>6</sup> NeDNR is responsible for assisting DED with overall implementation of the contract and administration of the Risk Awareness Planning Program. Tasks include sharing data related to zoning in flood plains and regularly attending meetings to collaborate on decision making as it relates to the Program. To support data management-related tasks for the Risk Awareness Planning Program, NeDNR will support DED by providing the following:

- Relevant floodplain management and zoning data;
- Relevant data relating to risk management for private levees;
- Additional data and research items collaboratively identified with DED; and
- Upon DED's request, documentation required to satisfy HUD and state requirements.

Data collected throughout the research and planning phase of the program are maintained in DED's system of record and made available to NeDNR. In the second phase, NeDNR will also participate in community outreach.

NeDNR is a co-leader of the Steering Committee. See also section 5.5.1, **Steering Committee**.

## 5.3 NEBRASKA EMERGENCY MANAGEMENT AGENCY

NEMA assists DED with overall implementation of the contract and oversees mitigation planning. NEMA may share data or provide guidance on the planning process and attend Steering Committee meetings.

NEMA is a member of the Steering Committee. See also section 5.5.1, **Steering Committee**.

## 5.4 PROGRAM BENEFICIARIES

The Program is designed to benefit local agencies, authorities, and community members who are near to and/or manage levees and LSS. These beneficiaries will ultimately be reached through the Program's Phase Two: Outreach. The design of the planning process is expected to focus on these end users through actionable research and resources that can address and coordinate the

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<sup>6</sup> This Interagency Agreement will include the necessary data sharing provisions to maintain compliance under both DED and NeDNR policy for data management and recordkeeping.

needs of these community members to alleviate future risks associated with private levees and LSS.

## 5.5 PROGRAM ADMINISTRATION

DED administers the Risk Awareness Planning Program in coordination with the **Steering Committee** (see section 5.5.1) as a single grant. No additional subgrants are available. DED, with assistance from NeDNR, expects to select a contractor to support implementation through a competitive professional services procurement process. DED will enter into a contract for services with the successful respondent.

DED will identify a Project Manager (PM) that will coordinate with other agencies, groups, and community officials to collect data and plan outreach activities. The DED PM will convene the project Steering Committee.

The Risk Awareness Planning Program has no Subrecipients.

### 5.5.1 STEERING COMMITTEE

The Steering Committee shall include representatives from DED, NeDNR, NEMA, and other relevant agencies, which may change over the course of the contract. DED will work with agency partners to identify methods of engaging organizations that represent LMI and other vulnerable populations, either through direct involvement in the Steering Committee or through other outreach opportunities (see also section 7, **Citizen Participation**). The Contractor is expected to attend Steering Committee meetings and coordinate with its members to determine strategy and warning signs for communities at risk of flooding from levees and LLS. Meetings may be conducted via phone, remote conference, or in-person at the discretion of the PM.

### 5.5.2 CONTRACTOR

DED and NeDNR will select a Contractor to carry out Risk Awareness Planning Program planning activities. The Contractor is responsible for managing the Risk Awareness Planning Program according to the contract and ensuring compliance with all applicable HUD requirements.

## 6 PROJECT FUNDING REQUIREMENTS

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### 6.1 ELIGIBILITY CRITERIA

The Program will be administered by DED under a single grant through a Contractor that will be responsible for overall implementation under the guidance of a **Steering Committee** (see section 5.5.1). No additional subgrants are available.

## 6.2 ELIGIBLE COSTS

HUD differentiates between **project costs** and **planning costs**. Project costs are the direct costs of undertaking a project that can be tied to a final cost objective and eligible activities. Planning costs are the costs for creating a plan, including data gathering, studies, analysis, and preparation of plans. **Table 2** provides examples of both types of costs. **Only Planning Costs are eligible under the RAP program.**

*Table 2: Project and Planning Costs*

	Project Costs	Planning Costs
Examples	<ul style="list-style-type: none"> <li>• Environmental Reviews;</li> <li>• Acquisition costs;</li> <li>• Construction hard costs;</li> <li>• Demolition and site clearance;</li> <li>• Architecture, engineering, and permits, when paid by the beneficiary;</li> <li>• Developer fees, contractor overhead, and profit; and</li> <li>• Loans to businesses to assist with repairs.</li> </ul>	<ul style="list-style-type: none"> <li>• Comprehensive plans;</li> <li>• Functional plans for housing, land use, or economic development;</li> <li>• Mitigation or disaster resiliency plans;</li> <li>• Community development plans; and</li> <li>• Action Plans and Action Plan amendments.</li> </ul>
Who can incur these costs?	Grantees, Subrecipients (if operating the program directly), Developers, Contractors, and program beneficiaries.	Grantees and Contractors.
Cap	No cap, but costs must be reasonable. Public service activities are capped at 15% of the appropriation.	Administration and planning cannot exceed 20% of the appropriation.

## 6.3 NATIONAL OBJECTIVE

CDBG-DR-funded projects must meet one (1) of HUD’s National Objectives, including contribution to a 70% total expenditure calculation to address the needs of LMI populations. However, there is an exception for planning activities under 24 CFR § 570.200(a)(3)(i) that assumes eligible planning costs “benefit low- and moderate-income persons in the same proportion as the remainder of the CDBG funds and, accordingly, shall be excluded from the calculation.”<sup>7</sup>

<sup>7</sup> 24 CFR 570.200(g)(1).

Planning activities will not be considered towards the 70% expenditure for investment in LMI populations; however, they are still considered as eligible as having met the national objectives. Specifically, per 24 CFR § 570.208(d)(4), “CDBG funds expended for planning and administrative costs under § 570.205 and § 570.206 will be considered to address the national objectives.”<sup>8</sup>

## 6.4 TIE TO THE DISASTER

Areas considered under the Risk Awareness Planning Program must have been impacted by Winter Storm Ulmer (DR-4420) to receive assistance. For the purposes of the Risk Awareness Planning Program, only counties that received a disaster declaration will be considered in the data collection and analysis process. Research will further focus on the flooding impacts directly resulting from Winter Storm Ulmer and/or have resulted in repetitive losses to communities. Outreach efforts will similarly be directed to declared counties, with particular focus to those areas that are within the HUD-defined MID area, which includes Dodge, Douglas, and Sarpy counties.

## 7 CITIZEN PARTICIPATION

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As defined within the state’s Citizen Participation Plan, DED recognizes the importance of public participation in the process of disaster recovery, particularly those most vulnerable to the impacts of the disaster.<sup>9</sup> This includes residents of impacted areas, LMI individuals, and people with access and functional or limited English proficiency.

For more information, see the [\*\*Citizen Participation Plan\*\*](#).

### 7.1 PUBLIC ENGAGEMENT

DED is dedicated to soliciting feedback from, and providing timely, accessible information about the Risk Awareness Planning Program to, all relevant stakeholders throughout the life of the program. This approach is rooted in DED’s Citizen Participation Plan applicable to the CDBG-DR grant. For more information, see the [\*\*Citizen Participation Plan\*\*](#).

All publications and communication related to the Risk Awareness Planning Program will comply with the effective communications requirements of 24 CFR § 8.6<sup>10</sup> and other fair housing and civil rights requirements, such as the effective communications requirements under the ADA.

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<sup>8</sup> 24 CFR 570.208(d)(4).

<sup>9</sup>“State of Nebraska Citizen Participation Plan.” DED.

<sup>10</sup> 24 CFR § 8.6.



## 7.2 ENGAGEMENT APPROACH

To support public engagement through its CDBG-DR programs, inclusive of the Risk Awareness Planning Program, DED will employ focus groups with a group of target stakeholders who will be invited to participate in discussion and planning activities (see **Figure 1**).

**Figure 1: Focus Group Methodology**



Focus groups will support development of CDBG-DR programs that efficiently and optimally utilize funding to meet unmet community needs. The focus groups will be interactive and aim to yield actionable, information-rich feedback. This approach is rooted in DED's CPP applicable to the CDBG-DR grant. Strategies to elicit focus group feedback include but may not be limited to: online engagement; electronic communication tools; field staff, surveys, and touchpoints; and community meetings and public hearings.

All publications and communication related to the Risk Awareness Planning Program will comply with the effective communications requirements of 24 CFR § 8.6 and other fair housing and civil rights requirements, such as the effective communications requirements under the ADA.

## 7.3 CONTRACTOR OUTREACH RESPONSIBILITIES

The selected Contractor implementing the RAP Program is required to conduct local outreach activities in order to align program implementation with the citizen participation tenets that DED has set out in the Action Plan. Specifically, the Contractor is required to do the following:

- Hold open public meetings (e.g., virtual meeting, town hall) at least four (4) times during program implementation to identify public priorities and comments to the plan.
  - One meeting must be held within 90 days of program launch.
  - One meeting must be held after completion of the plan to elicit public comment.

- Identify and engage target stakeholders to convene discussion and garner their input at least once during the planning process. As a framework, the selected Contractor should use DED's identified Target Stakeholders as defined in the CPP.
- Provide access to the completed plan via the DED website.

## 7.4 WEBSITE

DED has a website with CDBG-DR information on the Department's website, located at <https://opportunity.nebraska.gov/>. The DR program-specific page is at <https://opportunity.nebraska.gov/cdbg-dr/>. Pursuant to Federal requirements as described in the FR published on February 9, 2018 (83 FR 5844), some information – including contractor information related to this Match Program – must be posted and maintained. For more information, refer to the **Recordkeeping and Data Management Plan**.

DED will continue to update and release guidance (e.g., FAQs) for the Match Program to provide the community an opportunity to learn more about the program's requirements. DED will utilize public outreach, meetings, public comment periods to request questions and comments related to the materials and update Match Program documents appropriately.

DED updates their website in a timely manner to ensure the most current information is available publicly. At a minimum, the website is updated monthly. All program materials on the website will be available in both English and Spanish.

The program materials on the website are available upon request to people with disabilities. The Action Plan and other materials on the DED CDBG-DR website are already uploaded in accessible formats for people who use screen readers. For assistance with website accessibility or translations into language other than English or Spanish, call 800-426-6505, email DED using the contact form at <https://opportunity.nebraska.gov/contact-us/>, or write a letter to:

*Nebraska's Department of Economic Development*

*301 Centennial Mall South, PO Box 94666*

*Lincoln, NE, 68509-4666.*

Los materiales del programa disponibles en la página web están disponibles previa petición para personas con discapacidades. El Plan de Acción y otros materiales en la página web de DED CDBG-DR ya han sido subidos en formatos accesibles para las personas que usan lectores de pantalla. Para obtener ayuda con temas de accesibilidad de la página web o traducciones a otros idiomas que no sean inglés o español, llame al 800-426-6505, envíe un correo electrónico al DED usando el formulario de contacto en <https://opportunity.nebraska.gov/contact-us/>, o escriba una carta a:

*Nebraska's Department of Economic Development*

*301 Centennial Mall South, PO Box 94666*

*Lincoln, NE, 68509-4666.*

## 7.5 MEETINGS

Community meetings will be held as part of the Match Program implementation in a variety of formats, including in-person and online. These meetings will provide residents of MID areas and other stakeholders or interested parties with an opportunity to learn more about Match Program activities in their area and to provide input.

For more information, see the **Citizen Participation Plan**.

# 8 PROGRAM IMPLEMENTATION PROCESS

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## 8.1 OVERVIEW

DED and NeDNR will define the scope and type of deliverables the Contractor is expected to provide in the solicitation and contract, guided by this Program Guide and the RFP. The Program will be delivered in two (2) phases:

1. Discovery and Planning (one [1] year); and
2. Outreach (one [1] year).

These expected contract phases will be included in the funding agreement with the selected Contractor. Note that implementation of these phases may require a formal extension to support effective implementation. Such an extension will require a formal written request that will be reviewed and accepted at the discretion of DED.

## 8.2 PROCUREMENT OF SERVICES

To support an efficient and holistic implementation of statewide levee and LLS analysis, DED has elected to hold a competitive procurement to identify a contractor with the expertise and experience to implement the Risk Awareness Planning Program. By facilitating the planning approach through a competitive procurement, DED will be able to support a holistic research approach for levees and LLS across the state which can inform clear and consistent messaging under community outreach.

DED requires full and open competition and evaluation of the cost for procurement for both professional services and construction as governed by 2 CFR § 200.302, 2 CFR § 200.317

through 2 CFR § 200.327, and all applicable State laws and regulations. These regulations will be applied during the process to procure the Contractor for implementation of the Risk Awareness Planning Program.

## 8.2.1 PROCUREMENT REGULATION

Procurement for CDBG-DR programs, including the Risk Awareness Planning Program, is governed by specific requirements set forth under 24 CFR § 570.489(g) and 2 CFR § 200.317-327 and all applicable State laws and regulations.

Additionally, CDBG-DR assurances must be included in all RFPs, RFQs, and contracts; and RFPs or RFQs must be competitive and not contain limiting criteria (e.g., “20 years of experience” or “must have done previous work within the city”). CDBG-DR-funded contracts must also include certain provisions, including performance requirements and liquidated damages provisions.

## 8.2.2 METHOD OF PROCUREMENT

The State of Nebraska requires full and open competition and evaluation of the cost for procurement of contractor support utilizing procurement policies as outlined in the **Procurement Policies and Procedures** and **State of Nebraska Procurement Manual**.

## 8.3 PHASE ONE: DISCOVERY AND PLANNING

### **GOAL: COLLECT THE DATA NECESSARY TO MAKE AN ACCURATE INVENTORY AND RISK ASSESSMENT OF EXISTING LEVEE-LIKE STRUCTURES IN THE STATE.**

During Phase One, the following activities are anticipated:

1. Conduct project setup, planning, kickoff, and ongoing coordination.
2. Work with state partners to identify a method for continually tracking unmet needs and strategies planning activities help meet these needs.
3. Identify and review available data sources for levee-like structure identification, with priority given to HUD-defined MID areas (i.e., Dodge, Douglas, and Sarpy counties). Sources may include:
  - United States Geological Survey (USGS);
  - United States Army Corps of Engineers (USACE);
  - Federal Emergency Management Agency (FEMA);
  - Natural Resource Districts (NRD);

- Hazard Mitigation Plans; and
  - Flood Control Districts.
4. Provide inventory of LLS to USACE for potential incorporation into the National Levee Database (NLD).
  5. Work with USACE to develop and document a data submission process.
  6. Compile available data in GIS, including through base maps and available historic flooding information.
  7. Determine a risk assessment methodology.
  8. Complete scoping analysis to cross reference areas impacted by Winter Storm Ulmer (DR-4420) and previous floods in areas where information is available and areas that are high value or risk.
  9. Outline strategies that can address and mitigate risks identified during the risk assessment process.
  10. Identify existing resources (e.g., Federal or State grants) that may be used to support activities that address identified risks.
  11. Prepare an Outreach Plan for review and acceptance by the Steering Committee.
  12. Produce an example draft of Outreach meeting products that will be used to inform public, local governments and first responders.
  13. Create and facilitate a resiliency MOU between NeDNR, NEMA, and local participating government to reinforce the importance of the planning and a commitment from the community to promote resilience best practices.
  14. Create a draft resiliency timeline for community and NeDNR engagement and follow up.
  15. Finalize the Outreach Plan, to include identified target stakeholders, an engagement strategy, related deliverables (e.g., outreach materials, handouts, etc.), and timeline.

Phase One is complete when the State accepts the Outreach Plan and approves the meeting materials.

## 8.4 PHASE TWO: OUTREACH

**GOAL: INCREASE AWARENESS OF LEVEE-LIKE STRUCTURES RISKS AND CREATE MATERIALS THAT COMMUNITIES CAN USE TO BUILD RESILIENCE.**

During Phase Two, the following activities are anticipated:

1. Conduct project management and ongoing coordination.
2. Conduct final planning, coordination, and execution of planned outreach meetings (see also the requirements set forth in section 7.3, **Contractor Outreach Responsibilities**).
3. Finalize the engagement timeline and provide it to the DED PM, the Steering Committee, and meeting attendees.
4. Create and manage the online tool to capture and compile community information gathered as part of outreach process, such as LLS data, risk information, or questionnaires and surveys.
5. Provide all meeting materials in hard copy and digital format.
6. Complete follow-up activities such as meeting minutes, lessons learned, task assignment lists, etc.
7. Develop final planning document (see also **Final Planning Document Submission** in section 8.5 below).
8. Close out the project.

Phase Two is completed when all approved outreach activities have been completed.

## 8.5 FINAL PLANNING DOCUMENT SUBMISSION

In a form or manner prescribed by DED, Contractor is required to submit a copy of the final planning product. This planning product must include:

- Outcomes from data collection and risk assessment, as well as associated resources;
- Identified strategies and resources to address risks; and
- Outcomes from the outreach process.

## 9 MONITORING AND COMPLIANCE

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Monitoring and evaluating performance and compliance is a HUD requirement for CDBG-DR funds. DED is responsible for monitoring and setting statutory and regulatory requirements in accordance with the **Monitoring and Compliance Plan**. The application of these requirements is reduced for the Risk Awareness Planning Program and Housing Resiliency Planning Program (the “Planning Programs”) because they do not involve construction or rehabilitation. Therefore,

there are monitoring and compliance requirements that are cross-cutting for other CDBG-DR funds that are **not** applicable to the Planning Programs. These include:

- Labor standards and hiring requirements, including: creation of opportunities for Section 3 workers; regular reviews of Force Account Labor, Materials, and Equipment; and submission of Certified Payroll Reports (CPRs), as articulated within the **Davis-Bacon Policies and Procedures** and the **Section 3 Policies and Procedures**.
- Environmental review processes, as articulated within the **National Environmental Policy Act Policies and Procedures**.<sup>11</sup>
- Building requirements regulating construction and green building standards such as the Environmental Protection Agency's (EPA) Green Building Standards and the State of Nebraska's Safe and Resilient Buildings Standards Requirements, as articulated within the **Site Inspection Checklist** and the **Green Building Standards Guide**.
- Requirements related to managing relocation in compliance with federal requirements, as articulated within the **One-for-One Replacement Housing, Relocation, and Real Property Acquisition Policies and Procedures**.

While these standards are **not** applicable to the Planning Programs, Subrecipients seeking construction-related funding for housing and infrastructure programs are required to follow these policies. Further detail regarding the applicability of these requirements is defined in the respective Program Guide.

The Risk Awareness Planning Program specifically funds the planning process to assess LLS across the State of Nebraska and develop educational resources based on the outcomes of the research. Beyond the scope of this planning program, any construction projects that are implemented as a product of the research conducted through the Risk Awareness Planning Program **will** have to meet the compliance requirements above if funded through CDBG-DR funds. It is therefore to the benefit of planners to consider these policies when developing subsequent recommendations related to construction so that they are consistent with requirements that may be applicable to future activities.

## 9.1 MONITORING REVIEWS

Contractor management and compliance will be conducted in compliance with statutory requirements set forth in 2 CFR Part 200, including subparts: 305, 318-319, 324, and 331. The Contractor is responsible for complying with all requirements set forth in the contract between the Contractor and DED and applicable HUD requirements, as described within associated policies and procedures. Contractors may also be subject to monitoring reviews, as described in the **Monitoring and Compliance Plan**. A monitoring review and report may indicate one or more of the following:

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<sup>11</sup> Subrecipients will be documented as formally exempt under 24 CFR § 58.34(a)(1).

- The performance complied with the requirements of the program, as set forth in the contract between DED and the Contractor, the RFP, and applicable Federal and state requirements;
- Certain findings require corrective actions by the Contractor;
- Concerns about the performance of the projects or activities; and/or
- Observations about efficiencies or items of note.

## 9.2 ANTI-FRAUD, WASTE, AND ABUSE

DED does not support or condone the commission or concealment of acts of fraud, waste, and abuse. According to HUD's **Buying Right CDBG-DR and Procurement: A Guide to Recovery**, Grantees and Subrecipients procuring goods and services with grant funds must follow all applicable statutory and regulatory requirements.<sup>12</sup> All employees are responsible for reporting suspected instances of fraud, waste, and abuse in accordance with the **Anti-Fraud, Waste, and Abuse Policies and Procedures**.

DED leverages existing investigative and corrective action within State of Nebraska guidelines, among others, to meet HUD requirements. If fraud, waste, and/or abuse are identified, DED shall pursue investigation, including taking legal action where warranted. If the Contractor is identified as having conducted activity involving fraud, waste, or abuse, DED may immediately terminate the contract and take further legal action as necessary. To the extent that any substantiated actions violate Federal, State, or local laws, Nebraska officials shall evaluate pursuing appropriate criminal or civil penalties.

## 9.3 FINANCIAL MANAGEMENT

OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR [Part 200](#)) establish financial management requirements for the CDBG-DR funds. DED will maintain compliance with these requirements, as described by the processes held within the **Financial Management Policies and Procedures**,

## 9.4 DUPLICATION OF BENEFITS

Duplication of Benefits (DOB) refers to a situation where assistance is received from multiple funding sources and the total assistance amount exceeds the need for a particular recovery

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<sup>12</sup> "Key Internal Controls Related to Disaster Recovery Procurement." HUD OIG. Accessed December 9, 2021 via: <https://www.hudoig.gov/sites/default/files/2021-03/Key%20Internal%20Controls%20Related%20to%20Disaster%20Recovery%20Procurement.pdf>.



purpose. DED and its Contractor(s) must comply with DOB rules and regulations as described in DED's **Duplication of Benefits Policies and Procedures**.

As it applies to the Risk Awareness Planning Program, this means that planning activities funded through this program cannot be duplicated or matched by other funding sources intended for the same purpose (i.e., consolidating multiple funding sources for a single plan). Since it will be administered in its entirety under a single grant, DED will ensure that the efforts conducted under this plan do not duplicate other planning activities or funded programs by the State.

## 9.5 AFFIRMATIVELY FURTHERING FAIR HOUSING

The State of Nebraska is required by Federal statute to “affirmatively further fair housing”. DED shall work to affirmatively further fair housing by conducting activities as per the **Affirmatively Furthering Fair Housing Policies and Procedures**. In alignment with this policy, the Contractor will be provided resources to incorporate affirmative marketing considerations to the planning process.

## 9.6 RECORDS RETENTION

NeDNR and DED will enter into an Interagency Agreement including a data sharing component to document the requirements necessary to maintain compliance under both DED and NeDNR policy for data management and recordkeeping. Recordkeeping must be conducted as set forth by the general requirements set forth in the **Recordkeeping and Data Management Policies and Procedures**. All program activity files and associated data will be maintained within DED's system of record. DED and NeDNR must retain contract-related documents for at least five (5) years<sup>13</sup> after closeout of the CDBG-DR grant for DR-4420.

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<sup>13</sup> See <https://sos.nebraska.gov/sites/sos.nebraska.gov/files/doc/records-management/state-government/7%20-%20Department%20of%20Economic%20Development%20Website.pdf>.