

Unified Public Assistance Project Decision Team
Eligibility Decision
Decision Date: June 18, 2009

Dispute #: 9
Subgrantee: Facility Planning and Control (FP&C)
DR: 1603
PW(s): 10372, 10639, 10735
Project: Office of Motor Vehicles Complex – Consolidation Project

Description of Dispute

Determine if the complex constitutes an improved project based on the additional square footage.

Unified PAPDT Decision

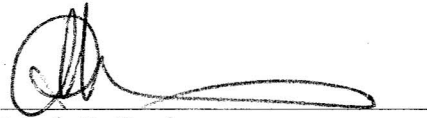
In accordance with Title 44 C.F.R §206.226, "Work to restore eligible facilities on the basis of the design of such facilities as they existed immediately prior to the disaster... is eligible." The eligibility of work, especially when dealing with replacement buildings, is based on the design of the facilities, though design is not limited to the square footage of the building.

In accordance with Title 44 C.F.R§206.203(d)(1), "If a subgrantee desires to make improvements, but still restore the predisaster function of a damaged facility, the Grantee's approval must be obtained. Federal funding for such improved projects shall be limited to the Federal share of the approved estimate of eligible costs." The primary issue is whether the reconfiguration of the buildings constitutes and "improvement" or if additional functions are being added.

As described in the applicant's A/E firm, Group Novak, LLC, in a letter dated January 29, 2009, the additional square footage is a result of codes and standards, as allowable under §206.226(d) of Title 44 C.F.R. The additional floor space is largely a result of corridors, MEP space, restrooms, and other areas related to the overall pre-existing functions and capacities of the buildings, as required by NFPA 101, ADA, IBC, LSPC, and other codes and standards. Thus, the additional floor space of 1,365 square feet (approximately 13%) is considered eligible and since the consolidation of the buildings is to be performed without adding overall design functions, the project will be an actual-cost consolidation project.



Charles R. Axton
FEMA Lead
Unified PA Project Decision Team



Mark DeBosier
Acting Assistant Deputy Director
Disaster Recovery

- Concur
 Non-Concur
 Acknowledged