Applicant's Briefing

FEMA

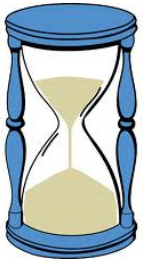
FEMA-4233-DR-SD

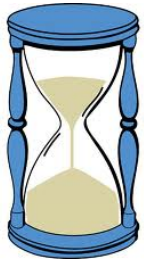
Declaration Date

July 30, 2015

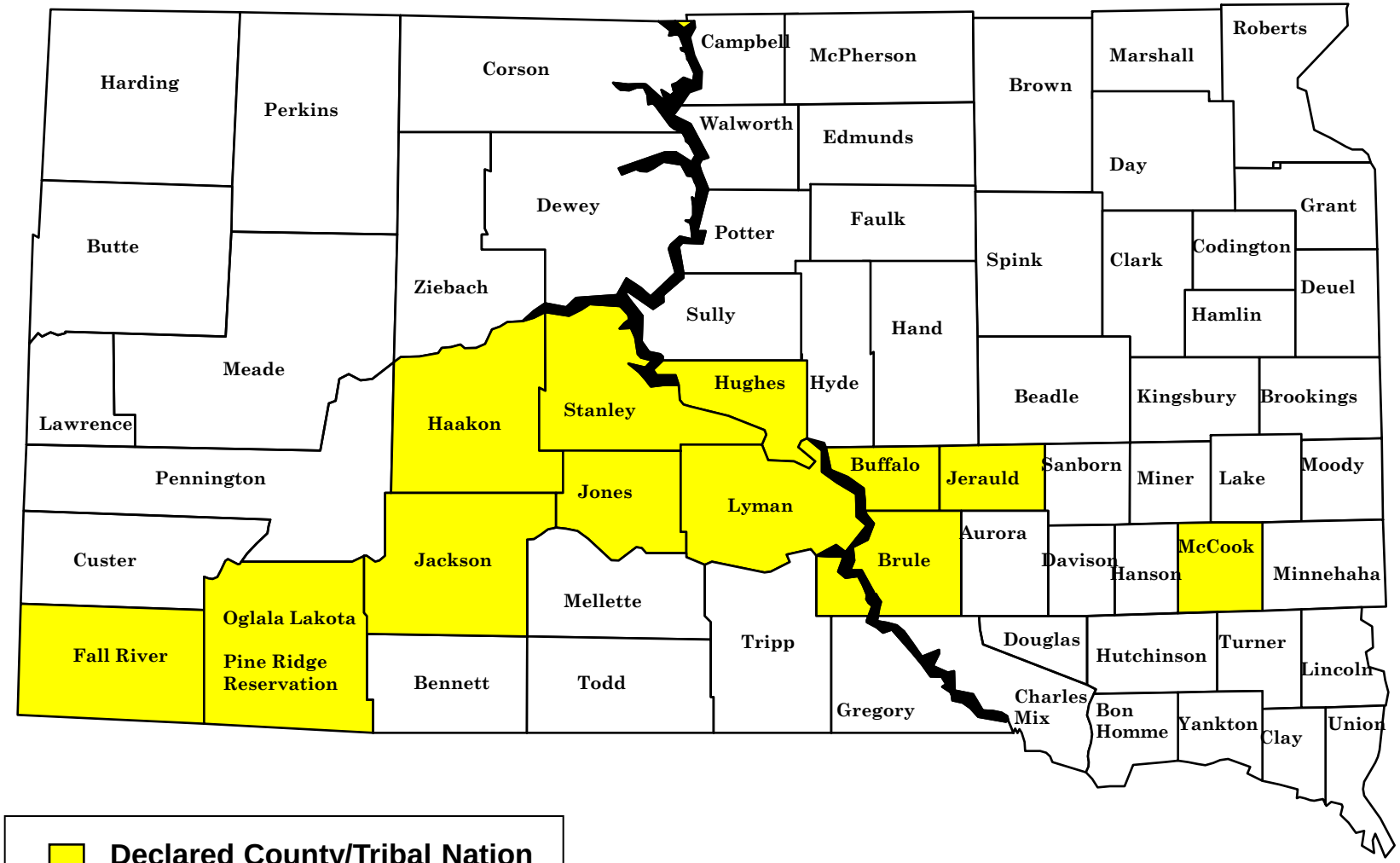
Incident Period

June 17th-24th 2015





DR-4233 Declared Counties



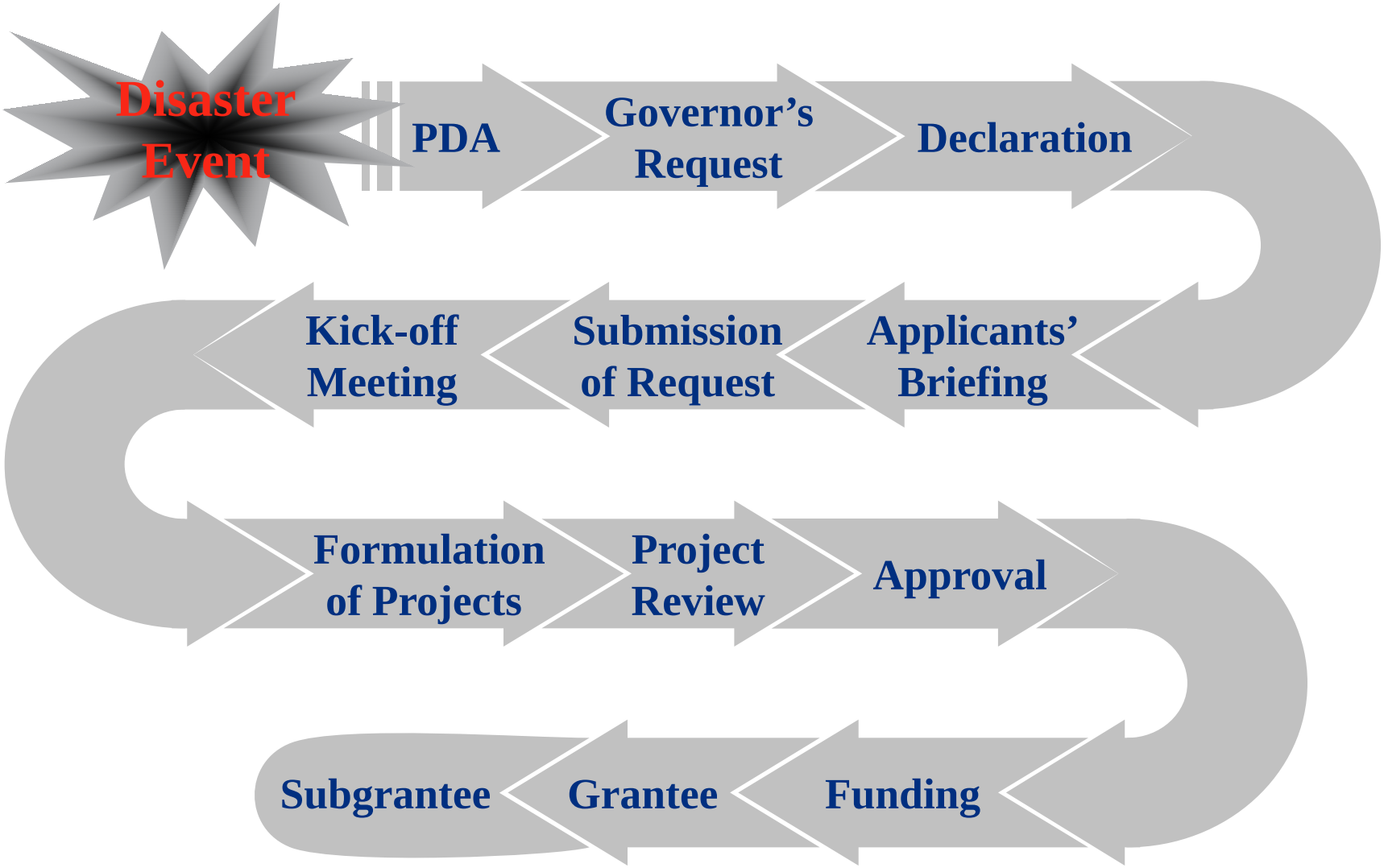
Declared County/Tribal Nation

Incident Period: June 17-24, 2015

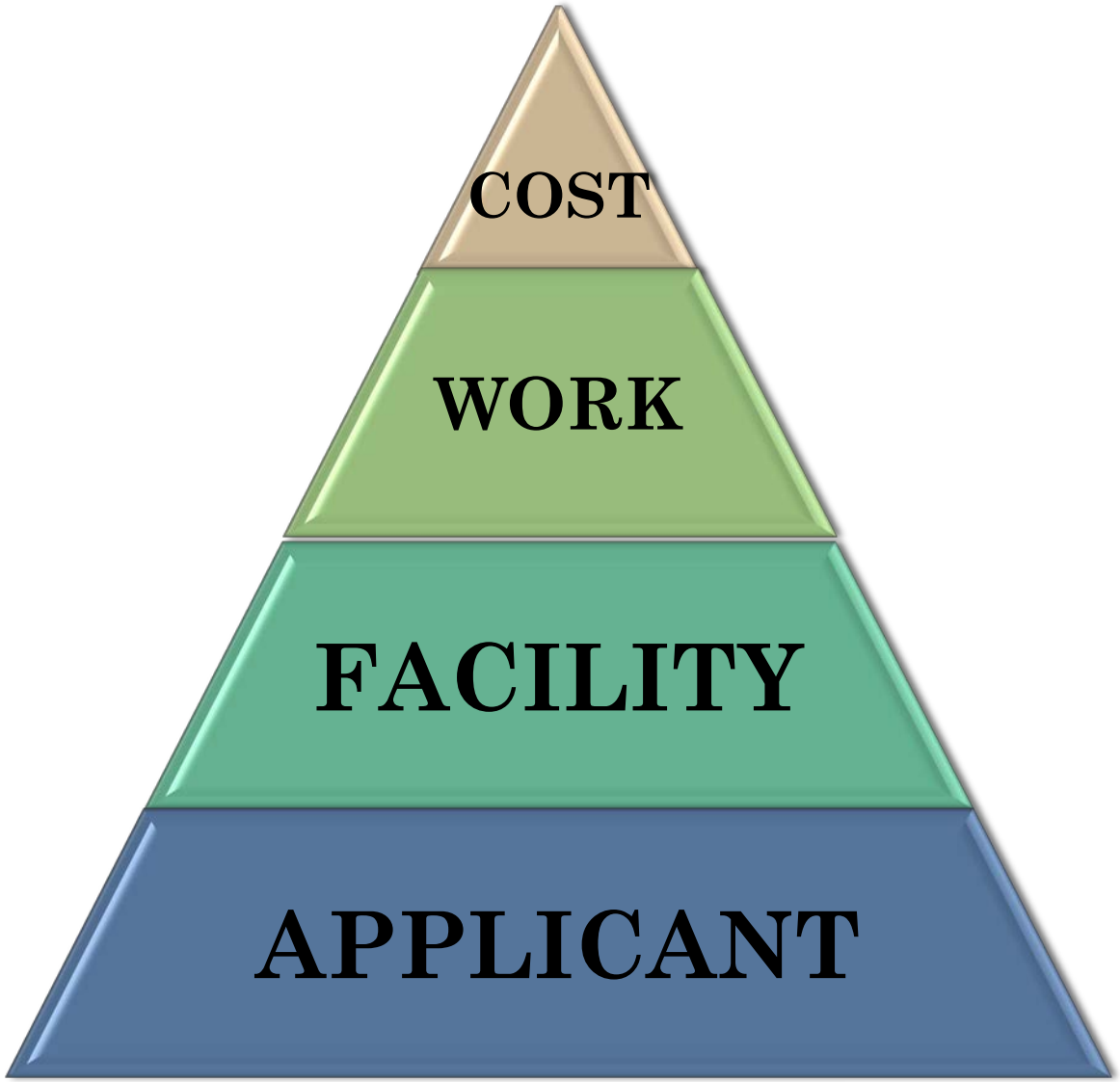
What is Public Assistance??

Supplemental financial assistance to state, local governments, and certain non-profit organizations for response and recovery activities required as a result of a disaster

The Public Assistance Process



Eligibility



Eligible Applicants

- State Agencies
- County Government
- City Government
- Certain Private Nonprofit Organizations
- Native American Tribes or Tribal Organizations
- Township and Road districts

Private Non-Profit Entities

Critical

Fire/Emergency – Rescue

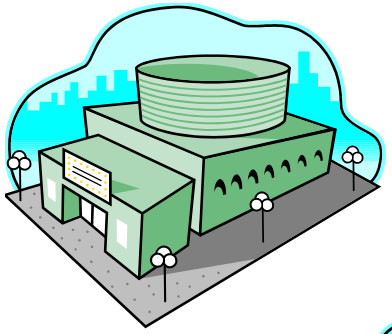
Emergency Medical Care

Utility- Power, Water, Sewer, WWTP, Communications

Educational Institutions

Private Non-Profit Entities

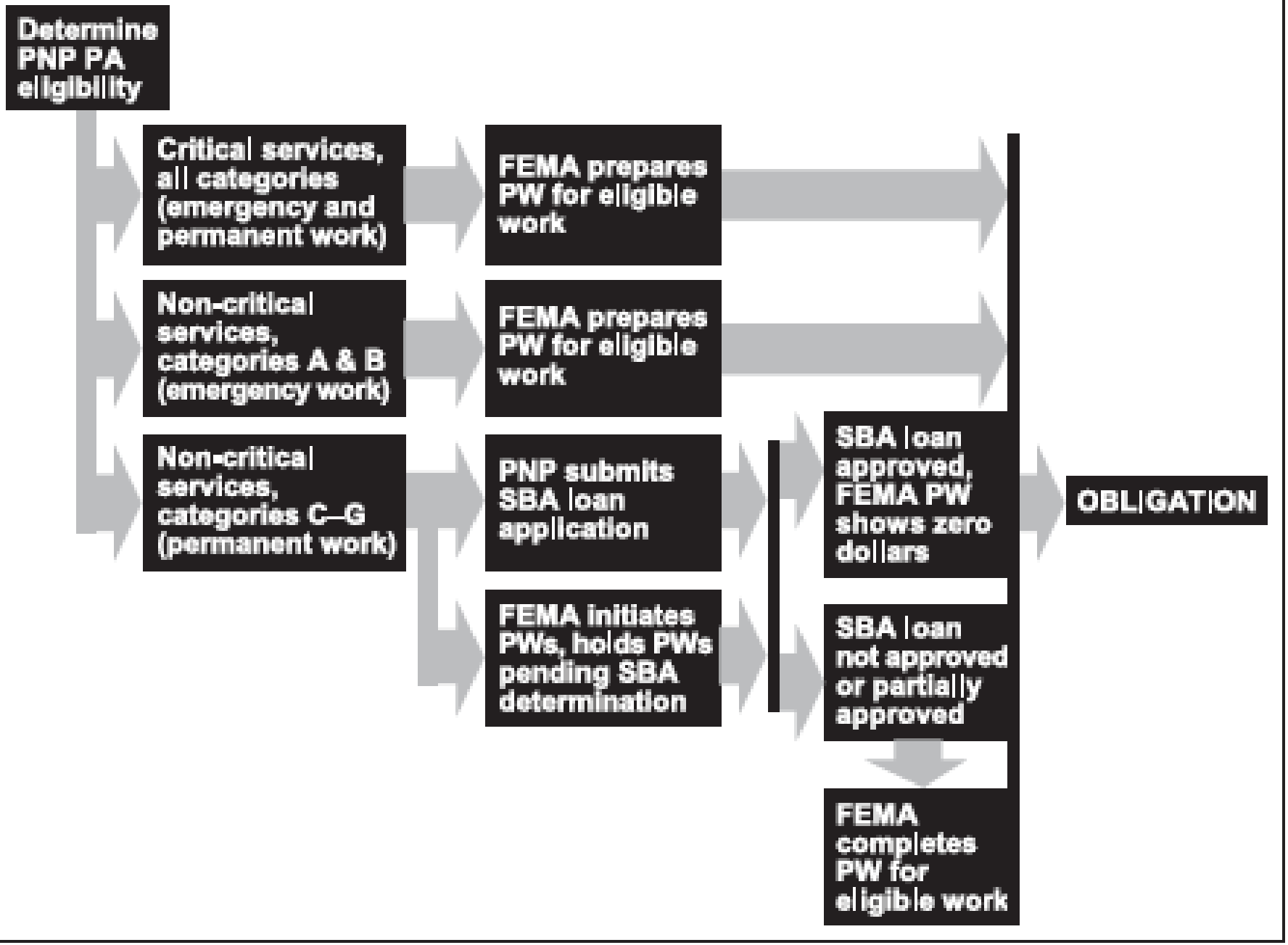
Non-Critical



Senior Citizen Centers
Daycare Centers
Homeless Shelters
Shelter workshops
Libraries
Rehabilitation Facilities
Community Centers

Private Non-Profit Requirements

- Completed RPA Package
- DUNS Number http://mycredit.dnb.com/
- By-Laws www.sdsos.gov
- Tax Exempt Letter, 501(c), (d), or (e) IRS designation
  - PNP's go through an eligibility evaluation. This evaluation can not be conducted until all of the above is submitted.


Determine PNP PA eligibility
Critical services, all categories (emergency and permanent work)
Non-critical services, categories A & B (emergency work)
Non-critical services, categories C–G (permanent work)
FEMA prepares PW for eligible work
FEMA prepares PW for eligible work
PNP submits SBA loan application
FEMA initiates PWs, holds PWs pending SBA determination
SBA loan approved, FEMA PW shows zero dollars
SBA loan not approved or partially approved
FEMA completes PW for eligible work
OBLIGATION

Facility Eligibility Requirements

- Damage- result of the event
- Located within the Federal Declared County
- Legal responsibility of eligible Applicant
- In active use at the time of the disaster
- Not under authority of another federal agency *(ex. FHWA roads are not eligible for permanent repair)*

Deadlines for Submission

Request for Public Assistance

30

days after disaster declaration date:

August 29, 2015

Damage Must be Identified Within

60

days after FEMA's Kickoff Meeting

Deadlines for Completion

From the date of the declaration:

July 30, 2015

Emergency work - 6 months

(eligible for an additional 6 months if requested by applicant)

Permanent work - 18 months

(eligible for an additional 30 months if requested by applicant)

Further extensions require FEMA approval

Emergency Work

- Category A (Debris Removal)
  - Clearance, removal, storage, disposal
- Category B (Emergency Protective Measures)
  - Access, protection, emergency services, eliminate hazards, support, highways and community needs

6 Month Completion Deadline:
January 30, 2016

W:096 46' 24.03"
N:043 33' 23.03"

CAT
CAT
MARINE POWER
CAT
MARINE POWER

Permanent Work

- Category C (Road and Bridge Systems)
- Category D (Water Control Facilities)
- Category E (Public Buildings/Equipment)
- Category F (Public Utilities)
- Category G (Other-Parks, Recreation)

18 Month Completion Deadline:
January 30, 2017

NO
PASSING
ZONE

Small or Large Project???

SMALL

LARGE

Annually updated, $121,600 is the FY ‘15 threshold amount

Small Projects

- Based on Estimate or actual costs written in Project Worksheet
- Must meet the minimum amount of $3,040
- Paid upon Project Worksheet approval

Large Projects

- Initial Payment based on Percent Completed
- Progress payments are available for completed Large Projects upon applicant's request ≥$500,000
- Final payment – actual documented approved costs
- Quarterly Report Requirement- Update of work completed due to SDOEM every quarter for life of project

Improved Projects

- MUST be identified to the State in ***ADVANCE*** of start of work
- Improvements that increase the size, capacity, or add additional functions
- Funds limited to Federal share of estimated costs for facility restoration or project cost, whichever is less
- All portions of project reviewed for Special Considerations

Alternate Projects

- Repair or expansion of other public facilities, construction of new facilities, demolition or purchase of equipment.
- **Reduced to 90%** of Approved federal cost share for government entities
- Cannot have 406 (PA) mitigation funding
- All parts of project will be reviewed for Special Considerations

Sandy Recovery Improvement Act

- On **January 29, 2013**, President Obama signed into law the Sandy Recovery Improvement Act of 2013 (P.L. 113-2) (SRIA).

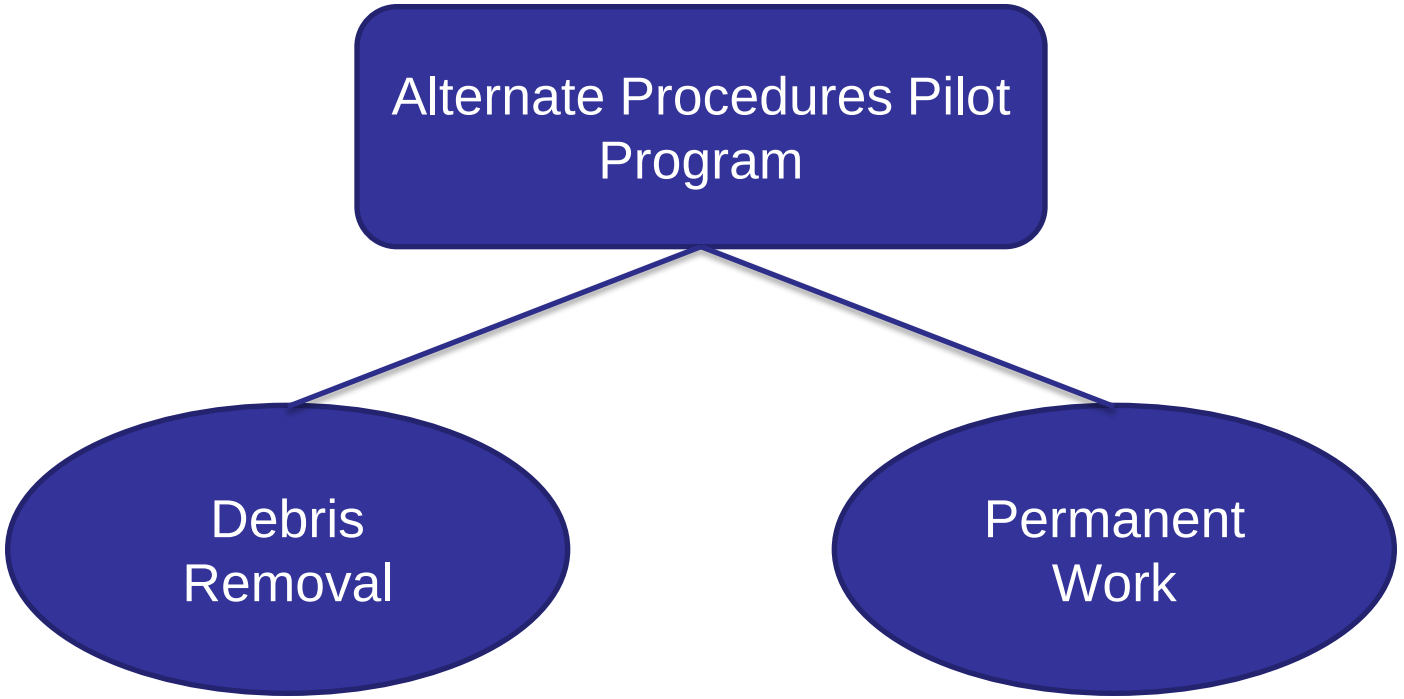
- FEMA is implementing the Alternate Procedures as a **pilot program**, as described in the law.

Goals of Alternative Procedures:

1. **Reduce the costs** to the Federal Government of providing such assistance
2. **Increase flexibility** in the administration of such assistance
3. **Expedite assistance** to applicants
4. **Provide financial incentives** and disincentives for the timely and cost-effective completion of projects with such assistance

FEMA

Two Main Sections of the Pilot Program



FEMA

Alternative Procedures for Debris Removal

- Participation is Voluntary
- Applicants allowed to retain revenue from recycling disaster related debris.
- FEMA will reimburse **regular time and overtime** salaries and benefits for employees of an eligible applicant involved in conducting or administrating debris and wreckage removal.
- Applicants who have a FEMA reviewed debris management plan prior to the disaster will receive a one-time 2% financial incentive (first 90 days of costs).
- FEMA will provide guidance on the development of a debris management plan, including templates.

Alternative Procedures for Debris Removal

The Sliding Scale provision enables applicants to receive an **increased federal cost** share for the rapid removal of debris.

Days from Beginning of Incident Period		Federal Cost Share
0-30 days	7/16/2015	85%
31-90 days	9/15/2015	80%
91-180 days	12/13/2015	75%
180 +		0% unless TE was approved by FEMA

Alternative Procedures for Permanent Work

- Applicants can decide project by project if they will utilize alternative procedures or remain in the actual cost program.
  - Capped Grant on the basis of an estimate
  - FEMA, the grantee, and the applicant **agree on capped costs**
  - Only available for Large Projects
  - Applicants are permitted to keep any **excess funds**
  - If applicants exceed capped costs, additional costs will be the **responsibility of the applicant**
  - Have access to a 3rd party expert panel to have cost estimates validated where the federal share is in excess of $5 million
  - Paid out upon project worksheet approval.

Unspent Funds (Under Runs)

Acceptable uses of unspent funds:

- **Hazard mitigation projects** on damaged facilities or otherwise eligible facilities
- Activities to **improve PA program operations** such as training or planning

Require FEMA and State approval

Alternate Project Reduction

- If an applicant agrees to alternative procedures (capped costs) and requests an alternate project, there will not be reduction in funding. Normal process reduces funds to 90% of prevailing cost share (90% of 75%).

- Alternate projects require approval from FEMA **before** construction begins.

- All projects reviewed for special considerations.

Special Considerations

Environmental

Ensure all practical means are used to protect restore and enhance environment

**** Local Regulations Also Apply****

Special Considerations

Insurance

- Proceeds (actual or anticipated) deducted from eligible project costs
- If a PW is over $5,000 an insurance requirement is placed on items that can be reasonably insured for life.
- Funds will be paid upon proof of insurance

Special Considerations

Floodplain Insurance Requirements

- *If facility does not have NFIP Insurance*,
  - The Project Worksheet (PW) will be reduced by amount that would have been covered by NFIP
- The PW will also be required to obtain and maintain flood insurance for life
- Funds will be paid upon proof of flood insurance policy

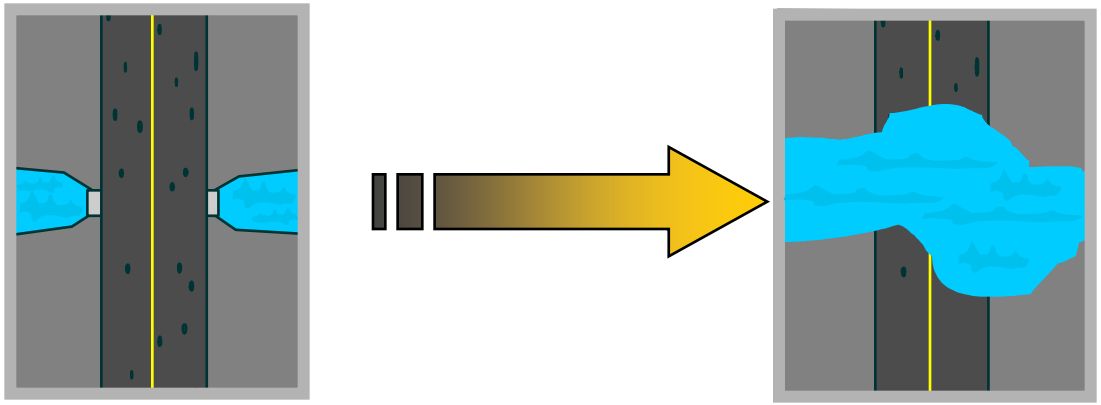
Special Considerations

Hazard Mitigation

- Cost effective measures that reduce the potential for damages to a facility from a future event
- Optional

Only *Permanent Work* is eligible for Hazard Mitigation

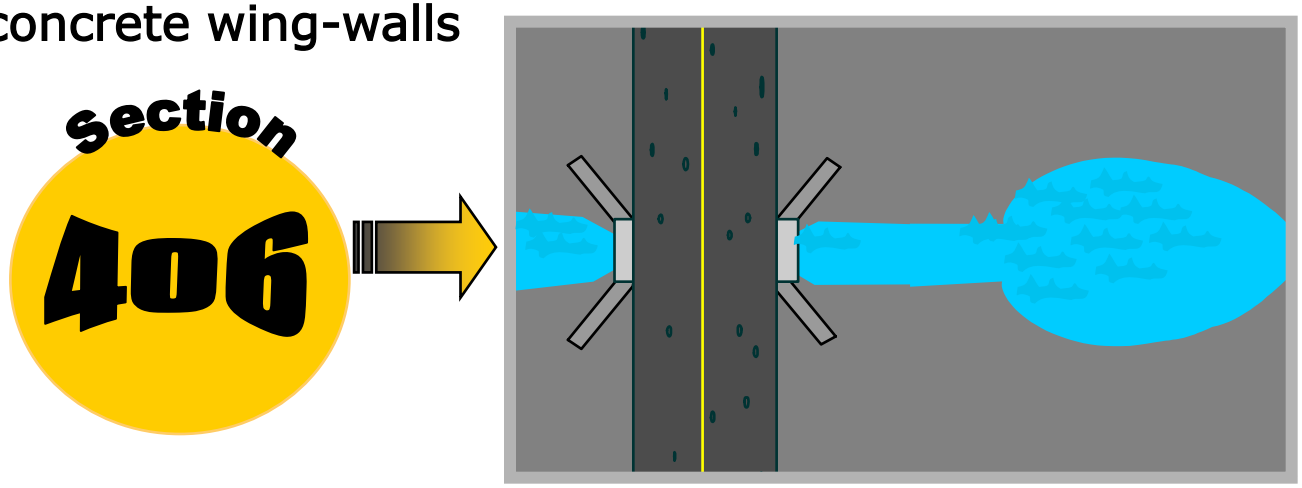
Hazard Mitigation Scenario



Pre-disaster

Disaster damage

Larger culvert with concrete wing-walls



Special Considerations

Historic Preservation

- Listing on the National/State Register of Historic Places
- Buildings, landscapes, archaeological sites, or even bridges and water treatment plants
- Not necessarily old but important to local, state, or national history
- Requires special consideration under the National Historic Preservation Act
- Will be reviewed by FEMA if 50 years or older
- Special construction practices may be placed on a PW if deemed Historical

Regulatory Offices

FEMA

U.S. FISH & WILDLIFE SERVICE

US Army Corps of Engineers®

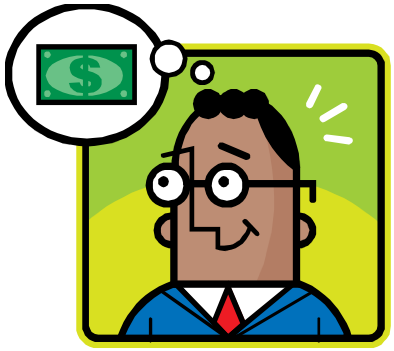
South Dakota Department of Environment & Natural Resources

Protecting South Dakota's tomorrow...today!

SOUTH DAKOTA STATE HISTORICAL SOCIETY

DEPARTMENT OF TOURISM

Cost



- Reasonable and Necessary
- Complies with federal, state and local laws & regulations
- Insurance proceeds and purchase discounts must be deducted

Equipment

- Perform eligible work
- Auto/Truck – mileage or hourly rate
- Other equipment- hourly rate
- Stand-by time ineligible

- Intermittent Use
  - Half day or more = full day
  - Less than half day = actual hours

Equipment Rates

- FEMA rates are used for determining project costs (estimating & comparing)
- Local rates are used - If different than FEMA and established prior to the disaster

8701	Truck, Flatbed	Maximum Gvw	25000 lb	to 275		hour	$22.00
8702	Truck, Flatbed	Maximum Gvw	30000 lb	to 300		hour	$25.00
8703	Truck, Flatbed	Maximum Gvw	45000 lb	to 380		hour	$43.00
8730	Truck, Garbage	Capacity	25 cy	to 255		hour	$47.00
8731	Truck, Garbage	Capacity	32 cy	to 325		hour	$55.00
8800	Truck, Pickup				Transporting people.	mile	$0.50
8801	Truck, Pickup		½ ton			hour	$14.00
8802	Truck, Pickup		1 ton			hour	$20.00

Labor

- *Force Account Labor plus Fringe Benefits*
  - Emergency Work: All OT eligible, temporary employees regular time eligible. All regular employee time ineligible.
  - Permanent Work: Regular and OT eligible

Also travel and per diem for employees performing eligible activities

Donated Resources

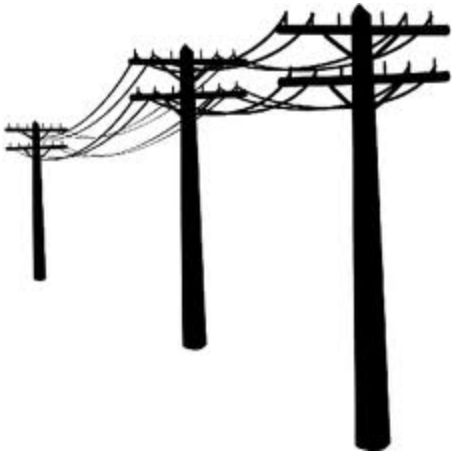
Volunteer Labor:

- Rate for volunteer labor is the same rate (plus reasonable fringe benefits) paid for similar work within applicant's organization.
- If applicant has no employees performing similar work the rate is equal to those ordinarily performing work in same labor market
- Determination value of volunteer labor:(Labor rate x Total number of volunteer labor hours)

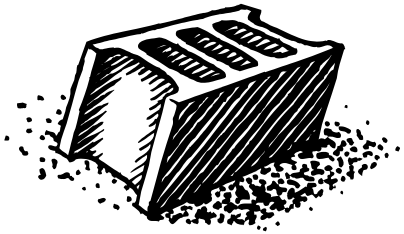
Donated Equipment:

- Determination value of donated equipment:(Number of hours each piece of equipment in use x FEMA's equipment rate)
- Donations credit capped at non-federal share of emergency work (may apply toward certain portions of community's non-federal share of recovery costs)

Materials



- Purchased or stock
- Used for eligible work
- Need invoices, historical data or area vendor quotes



Contracts

- All contracts incurred for eligible work reviewed on a case by case basis by PAL-PAC teams; including rental equipment

- Competitive, fixed-procurement procedures are preferred
- Lump sum contracts are acceptable
  - easy to monitor when the scope of work is well defined; requires minimum labor for monitoring; quantities do not have to be documented
- Time and material contracts should only be used for
  - emergency “hot spots” early debris rights-of-way clearance MUST HAVE a cap and must be monitored generally accepted for first 70 hours of actual work and then need to be converted to a lump sum contract.

- SDCL 5-18A-3 Methods of Awarding Contracts

- 2 CFR part 200.317-323 Procurement

Ineligible Contracts

- Cost-plus percentage of cost
- Contingent upon FEMA reimbursement

- Contract with a debarred contractor
  - www.sam.gov

Funding

Federal Share	**75%**
State Share	**10%**
Applicant Share	**15%**

Direct Administrative Costs

Costs must be identified on each specific PW

Payment Process

- Project Worksheet is written, approved and obligated by FEMA
- The Federal and State share of funding for each project is calculated.
- Payment information is sent to applicant via mail.
- SDOEM request payment information to SD Auditor's Office.
- SD Auditor's Office sends check to applicant.
- For additional information please refer to OEM's payment policy.

Payment Notification

- Sent to applicant's agent when FEMA approves or denies a project
- Includes payment information, deadlines and auditing requirements
- Includes a copy of the obligated Project Worksheet (PW); review carefully
- Starts time clock for appeal of any FEMA decision (**60 days** from date of notification)

Appeals

Any determination related to Federal assistance may be appealed.

Must be filed with the State within ***60 days*** of the notice of the action being appealed.

Audits

- A-133 audit required if an applicant has received over $750,000 of Federal funds

- Common Audit findings:
  - Not having a debarment and suspension policy
  - Lack of internal controls

  - Audit Tips from OIG for disaster funds

What's Next?

- Submit completed RPA Package, DUNS Number and State/Applicant Agreement. Not considered an applicant until all documentation is submitted. If there is not enough damage to meet the $3,040 threshold submit the No Damage Certification.
- PAL-PAC Team available to meet on-site
- Applicant meets with team at kickoff meeting - projects are scoped out in preparation for estimating
- Damage MUST BE identified within **60 days of Kickoff Meeting**

What info is needed?

- List of Damages, Procurement Policies, Labor Management Contracts, Maps, Photos
- List of paid staff, regular and OT hours – dates and times, & Fringe Benefits info, Personnel pay policy
- List of equipment used, hours of operation – dates and times, miles driven, other records
- List of materials and supplies used
- Copies of any contracts used for this event with proof of payment if available
- Applicable codes and standards
- Hazard Mitigation Proposals
- Insurance Policies

Subgrant Application - FEMA Form 90-91

Note: The Effective Cost Share for this application is 75%

FEDERAL EMERGENCY MANAGEMENT AGENCY

PROJECT WORKSHEET

DISASTER					PROJECT NO.	PA ID NO.	DATE	CATEGORY
FEMA	4115	-	DR	-SD	U1FQA01	000-U1FQA-00	06-26-2013	B

APPLICANT: SOUTH DAKOTA HIGHWAY PATROL	WORK COMPLETE AS OF: 05-29-2013 : 100 %
Site 1 of 1	
DAMAGED FACILITY: Emergency Protective Measures	COUNTY: Statewide

LOCATION: PA-08-SD-4115-PW-00040(0): 118 West Capitol Avenue, Pierre, SD 57501	LATITUDE: 44.369636	LONGITUDE: -100.35245

DAMAGE DESCRIPTION AND DIMENSIONS:

PA-08-SD-4115-PW-00040(0):

During the incident period of April 8 through April 10, 2013, a severe winter storm damaged the power distribution grid throughout eastern/southeastern portions of the state. Due to the excessive accumulation of snow and ice, road conditions and downed power lines increased public safety concerns throughout the area. As the immediate threat to public health and safety of South Dakota's citizens was identified, the SD Highway Patrol was utilized to assist in emergency efforts throughout Douglas, Hutchinson, Lincoln, and Minnehaha counties.

The GPS coordinates recorded in this PW were taken from the SD Dept. of Public Safety located in Pierre, SD.

SCOPE OF WORK:

PA-08-SD-4115-PW-00040(0):

Work Completed:

Force Account Labor and Force Account Equipment was utilized by the SD Highway Patrol to respond to emergency calls (traffic accidents, debris in roadways and downed power lines), to monitor/report road conditions (helping decide when and where road closures should occur), to provide traffic control (downed power lines across roadways, power companies working in roadways and traffic accidents blocking roadways) and the manning of road blocks.

Highway Patrol employees worked a total of 1,954 hours performing outlined emergency relief efforts. Of this recorded time, 70 are overtime hours and are eligible for reimbursement. Fringe benefits are also included within the cost of these OT hours. The total FA Labor cost is $2,383.49.

FA Equipment costs included the usage of 25 police vehicles. FEMA Cost Code 8072 ($0.60 per mile) was utilized, as historically documented in previous disasters, to calculate the sum of 6,403 miles totaling $3,841.80.

The Subgrantee is also claiming, within this Project Worksheet, a total of $684.00 for the meal allowances of 26 employees during emergency relief efforts. See "Meal Expense Record" and "State Meal Allowance" attached.

(06/21/2013) Pursuant to DAP9525.9, Subgrantee chose NOT to claim any direct administrative costs for this project. (Elizabeth Wilson/Project Specialist)

Does the Scope of Work change the pre-disaster conditions at the site? ☐ Yes ☑ No	Special Considerations included? ☑ Yes ☐ No
Hazard Mitigation proposal included? ☐ Yes ☑ No	Is there insurance coverage on this facility? ☑ Yes ☐ No

PROJECT COST

ITEM	CODE	NARRATIVE	QUANTITY/UNIT	UNIT PRICE	COST
1	0000	Work Completed	0/LS	$ 0.00	$ 0.00
2	9007	Labor	1/LS	$ 2,383.49	$ 2,383.49
3	8072	Automobile, Police - to 250 hp- 2010 - Equipment Sched	6403/MI	$ 0.60	$ 3,841.80
4	9001	Contract	1/LS	$ 684.00	$ 684.00
5	9903	No Direct Administrative Costs	1/LS	$ 0.00	$ 0.00
				TOTAL COST	$ 6,909.29

PREPARED BY Elizabeth Wilson	TITLE PAC Crew Leader	SIGNATURE
APPLICANT REP. Mary Walter	TITLE Business Manager	SIGNATURE

Funds are Lost if Applicant's Don't:

… ask questions

… obtain required permits per your REC report - ACE, GFP, SHPO, TPO

… remain aware of the PA program deadlines

… follow contract procurement procedures

… perform work as described in the approved PW

… obtain FEMA pre-approval when changing the scope of work

… keep complete, clear and accurate records, this also helps with certifying the work was completed.

SDOEM Contact Info

South Dakota Office of
Emergency Management

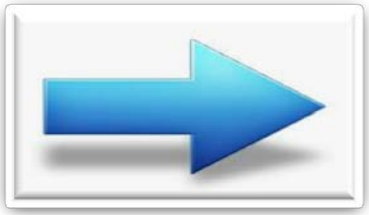
118 W Capitol Ave

Pierre, SD 57501

Phone: (605) 773-3231

Fax: (605) 773-3580

http://oem.sd.gov/



Jack Dokken-MRBM
Doug Gorham- LPCS
Tyler Steen - LPCS

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Questions