

Applicant's Briefing



FEMA



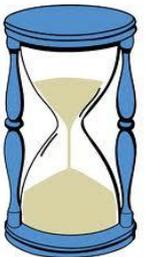
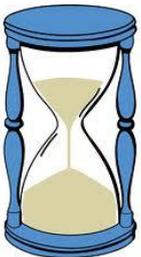
FEMA-4115-DR-SD

Declaration Date

May 10, 2013

Incident Period

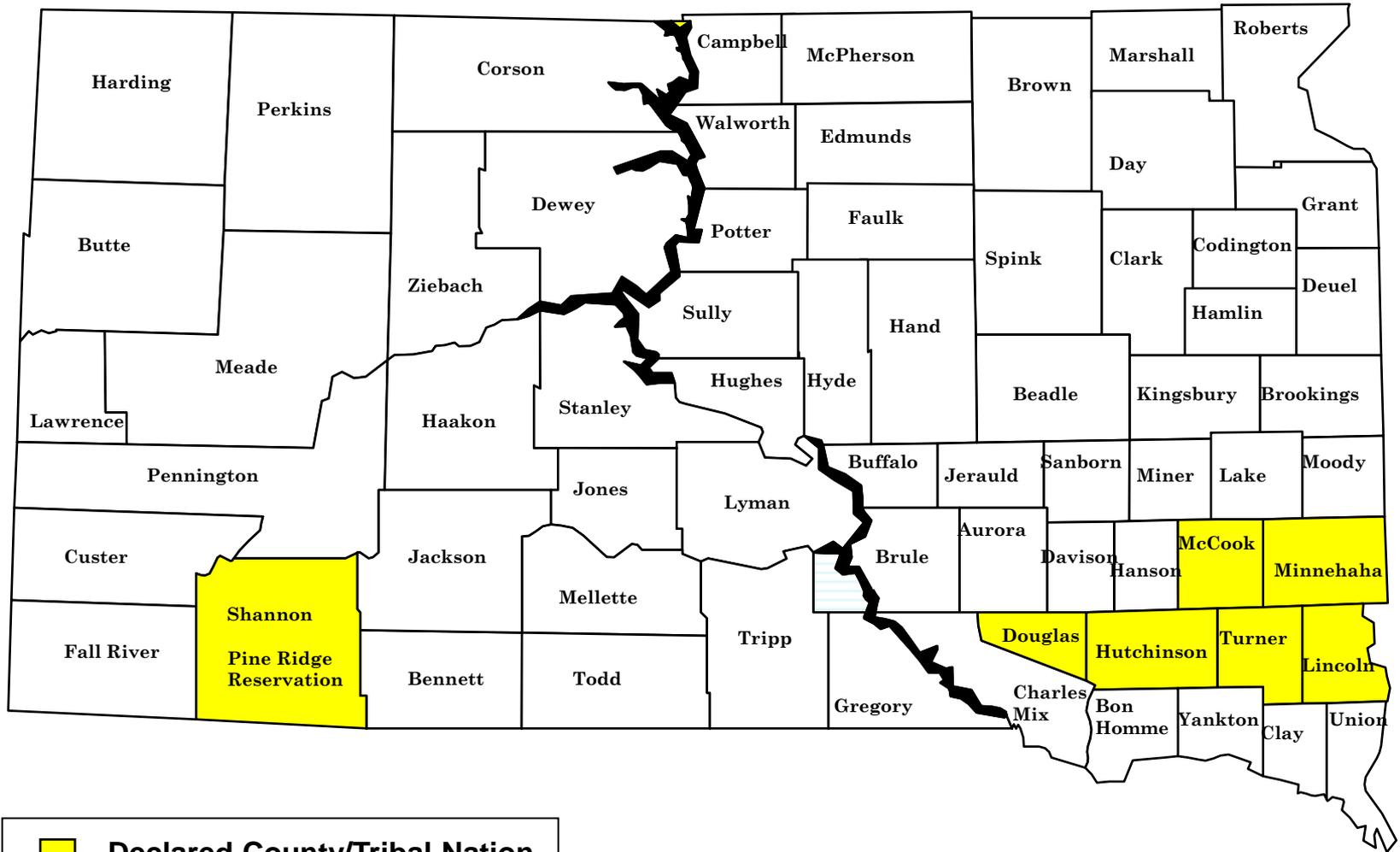
April 8th-10th 2013





FEMA

DR-4115 Declared Counties



 Declared County/Tribal Nation

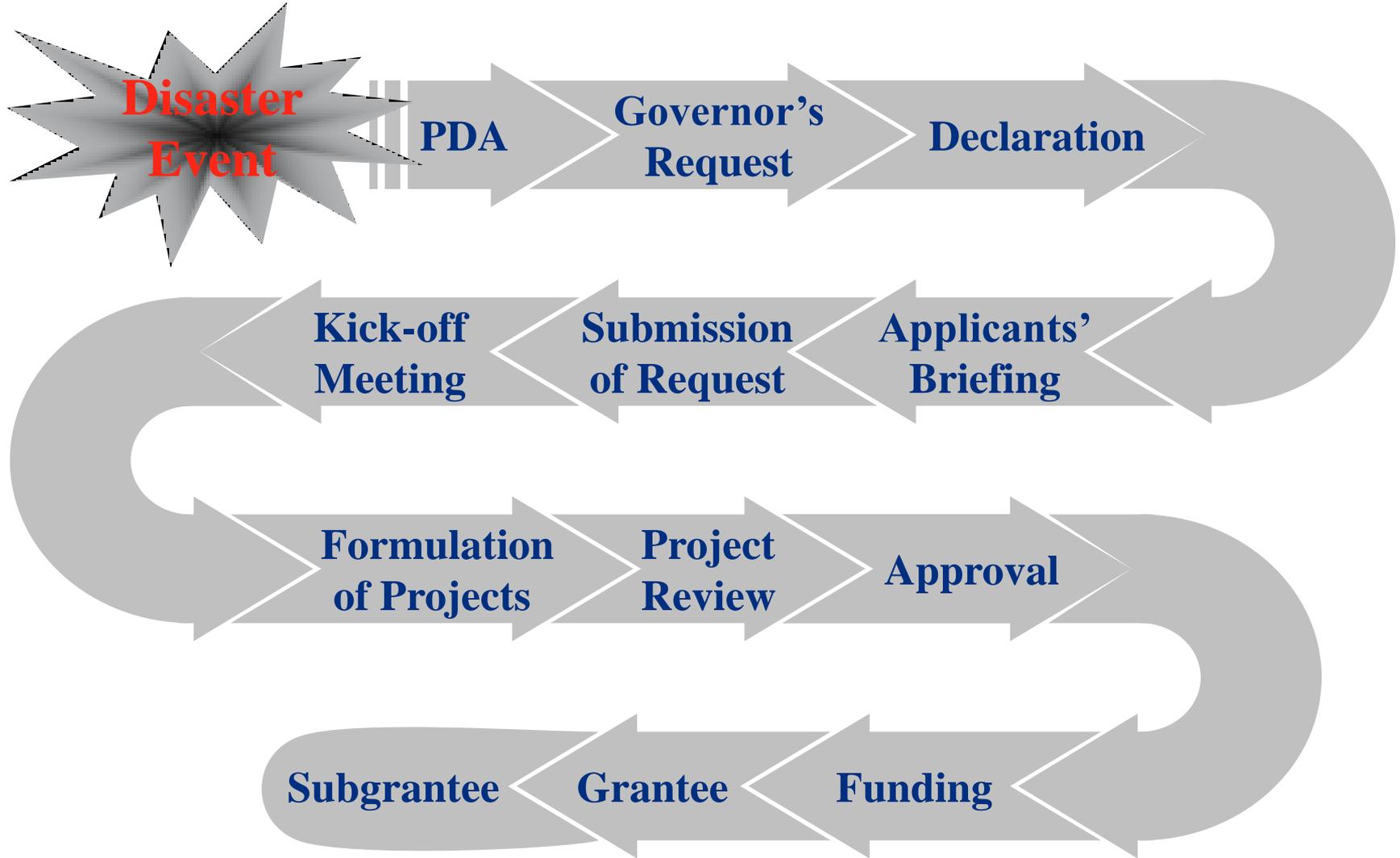
Incident Period: May 8-10, 2013

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 Governments



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

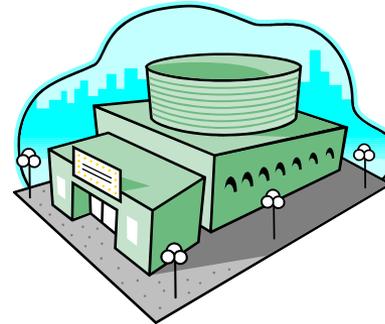
Homeless Shelters

Shelter workshops

Libraries

Rehabilitation Facilities

Community Centers



Private Non-Profit Requirements

- ▶ Completed RPA Package
 - ▶ DUNS Number
 - ▶ By-Laws
 - ▶ 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.

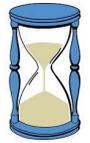


Facility Eligibility Requirements

- ▶ 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 Completion



From the date of the declaration:

May 10, 2013

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



Deadlines for Submission



Request for Public Assistance

30

days after disaster declaration date:

May 10, 2013

Damage Must be Identified Within

60

days after FEMA's Kickoff Meeting

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:

November 10, 2013







W:096 46° 24.03"
N:043 99° 23.03"



W:096 30° 11.63"
N:043 43° 12.58"



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:
November 10, 2013**







Small or Large Project???



Annually updated, \$67,500 is the FY 13 threshold amount

Small Projects

- Based on Estimate or actual costs written in Project Worksheet
- 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
- 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

- Requested within 12 months after Kick-off Meeting
- **Reduced to 90%** of Approved federal cost share for government entities
- **Reduced to 75%** of Approved federal cost share for PNP entities
- Facility abandoned- must be rendered secure
- Cannot have 406 (PA) mitigation funding
- All parts of project will be 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

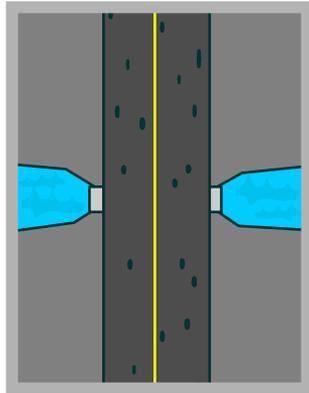
Special Considerations

Hazard Mitigation

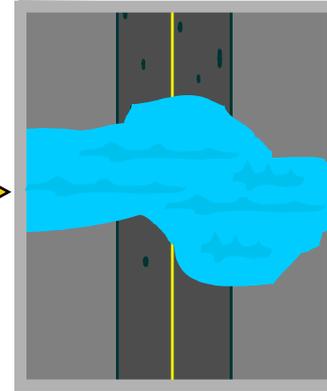
- Cost effective measures that reduce the potential for damages to a facility from a future event
- Optional

Only Permanent Work is eligible for
Hazard Mitigation

Hazard Mitigation Scenario

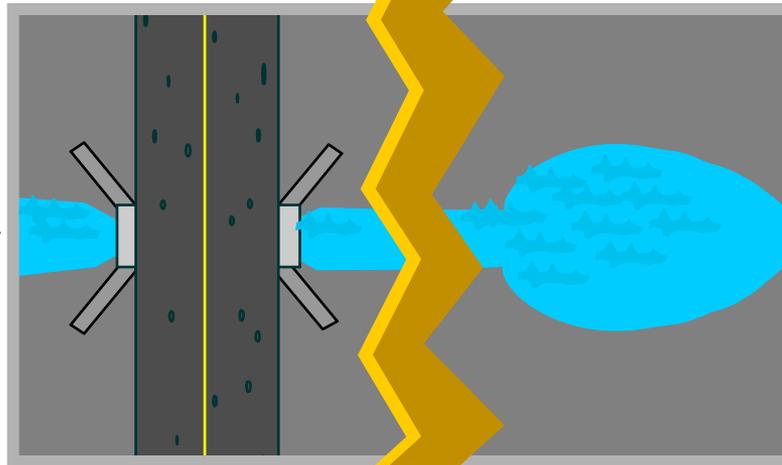
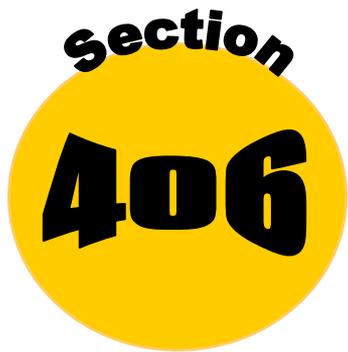


Pre-disaster



Disaster damage

Larger culvert with
concrete wing-walls



New upstream
retention pond

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



**US Army Corps
of Engineers®**



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





Labor

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

Also travel and per diem for employees performing eligible activities

Donated Resources

Volunteer Labor:

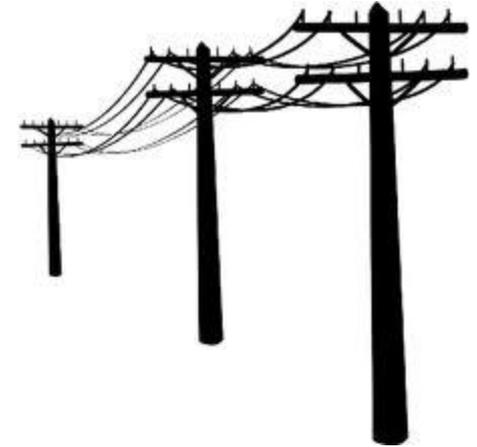
- Rate for volunteer labor is the same rate (plus reasonable fringe benefits) paid for similar work within applicant's organization.
- If applicant has no employees performing similar work the rate is equal to those ordinarily performing work in same labor market
- Determination value of volunteer labor: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

Ineligible Contracts

- Cost-plus percentage of cost
- Contingent upon FEMA reimbursement
- Contract with a debarred contractor
 - www.sam.gov



Audits

- A-133 audit required if an applicant has received over \$500,000 of Federal funds
- Common Audit findings:
 - Not having a debarment and suspension policy
 - Lack of internal controls



Project Worksheet

Damage description and location list
with actual or estimated costs

PW will include a *comprehensive* scope of
work necessary to repair disaster
damage.

(all considerations should be looked at before
finalizing estimate)

The PW Requires

A SPECIAL CONSIDERATIONS SHEET
Identifying all special consideration
issues.

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
- Applicable codes and standards
- Hazard Mitigation Proposals
- Insurance Policies



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.
- Audits – All applicants must meet OMB A-133 circular Audit requirements or funding may be jeopardized.

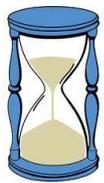
Payment Notification

- 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.

Funds are Lost if Applicant's Don't:

- ... ask questions
- ... obtain FEMA pre-approval when changing the scope of work
- ... obtain required permits
- ... follow contract procedures
- ... perform work as described in the approved PW
- ... ensure administrative continuity
- ... keep complete, clear and accurate records
- ... **remain aware of the PA program deadlines**



\$

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 \$1,000 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**



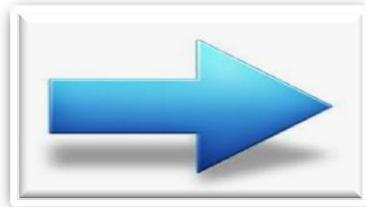
SDOEM Contact Info

South Dakota Office of
Emergency
Management

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Pierre, SD 57501

Phone: (605) 773-3231

Fax: (605) 773-3580



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Tyler Steen - LPCS

<http://oem.sd.gov/>

Additional Information

- ▶ SDOEM's Website <http://oem.sd.gov/>
- ▶ FEMA's Website www.fema.gov/
- ▶ FEMA Policy Digest No. 321
- ▶ FEMA Public Assistance Guide No. 322
- ▶ FEMA Applicant Handbook No. 323
- ▶ US Fish and Wildlife Topeka Shiner Recommendations
- ▶ DUNS Number Information

Questions

