Applicant's Briefing

FEMA

SOUTH DAKOTA
DEPARTMENT OF PUBLIC SAFETY
prevention protection enforcement

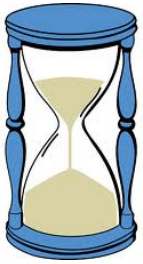
FEMA-4125-DR-SD

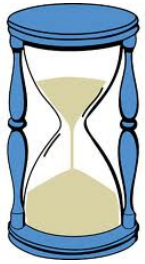
Declaration Date

June 28, 2013

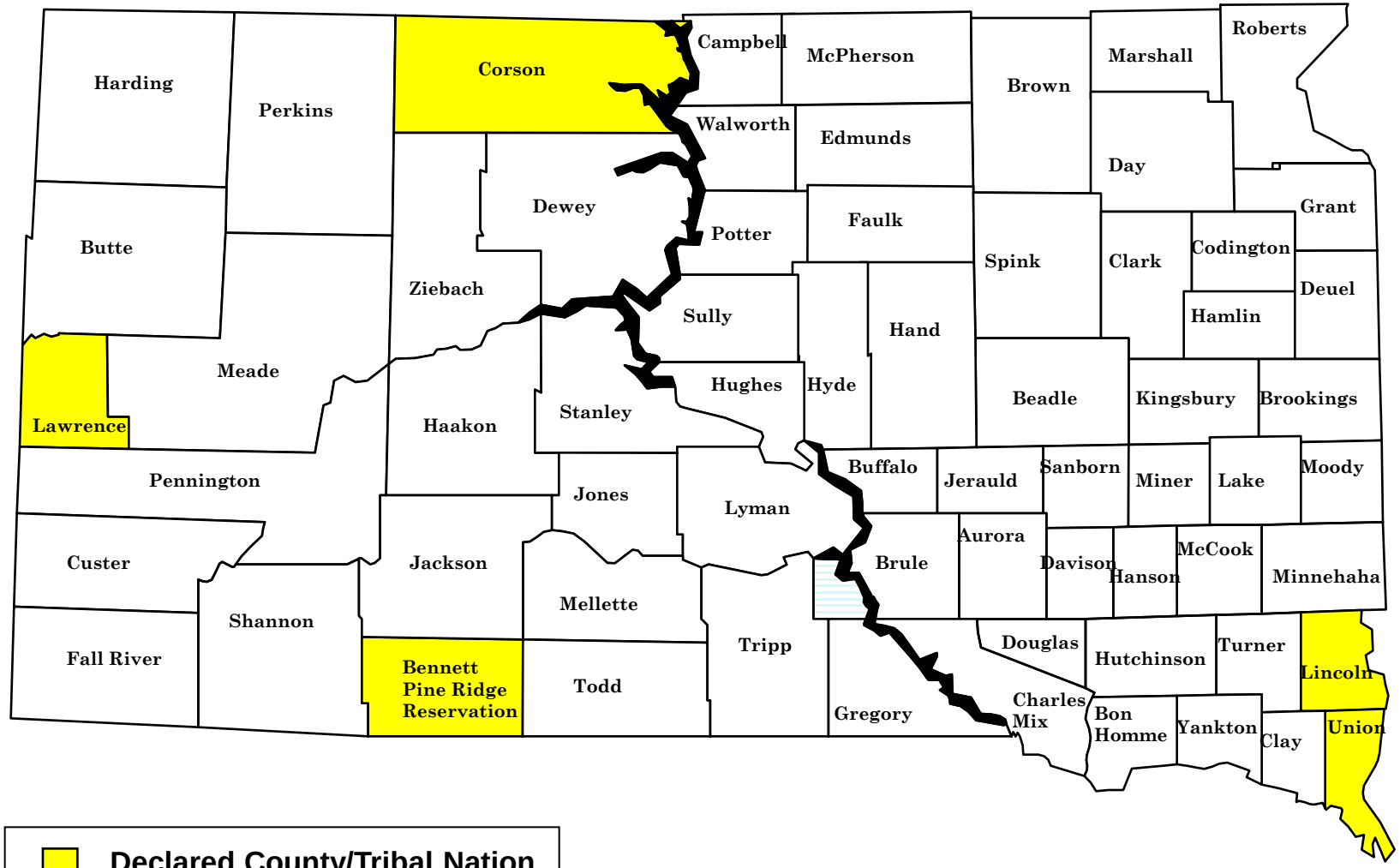
Incident Period

May 24– May 31, 2013





DR-4125 Declared Counties



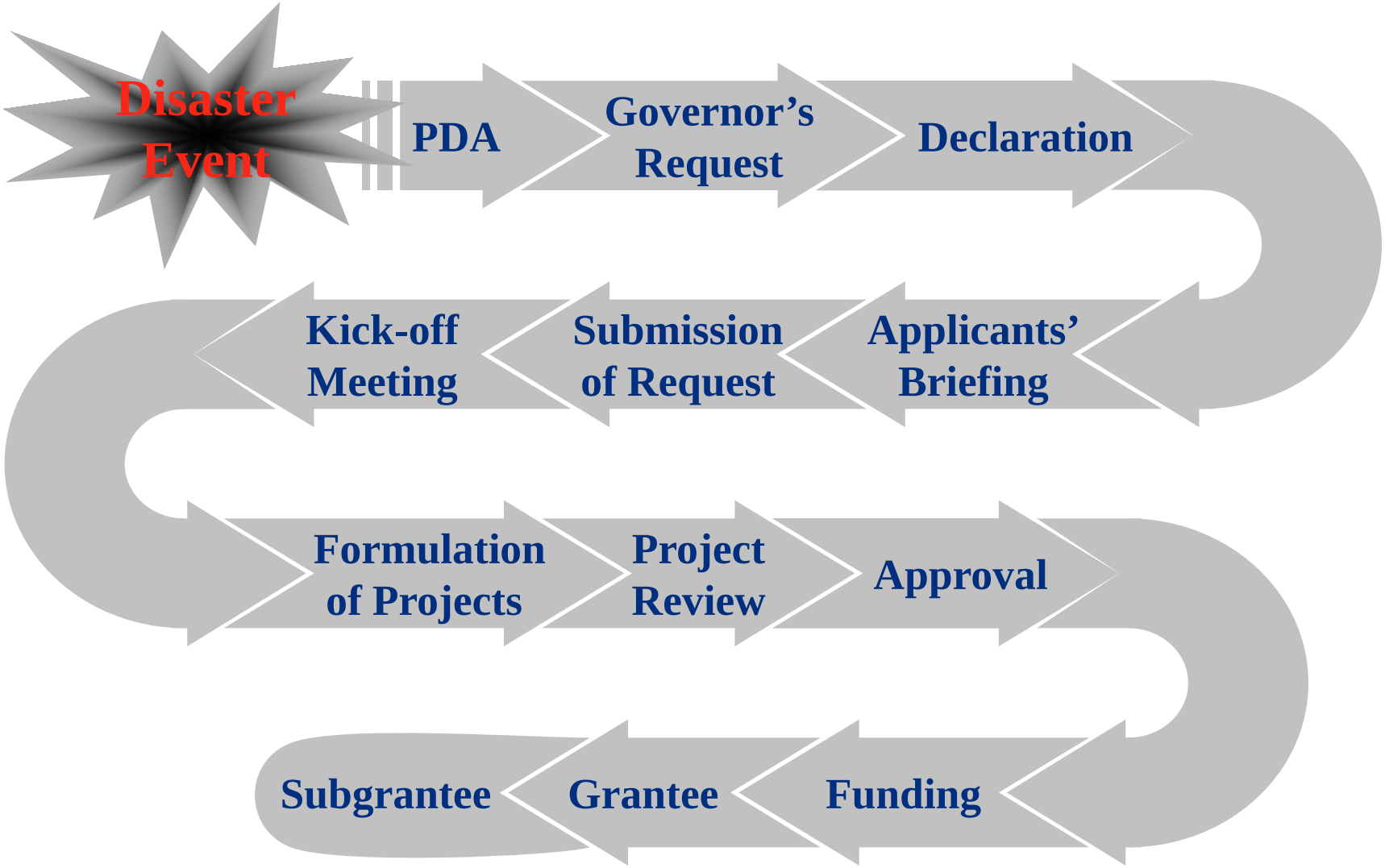
Declared County/Tribal Nation

Incident Period: May 24-31, 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

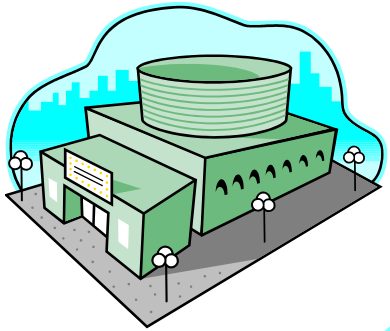
Emergency Medical Care

Utility- Power, Water, Sewer, WWTP, Communications

Educational Institutions

Private Non-Profit Entities

Non-Critical



Senior Citizen Day 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:

June 28, 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:

June 28, 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:

December 28, 2013

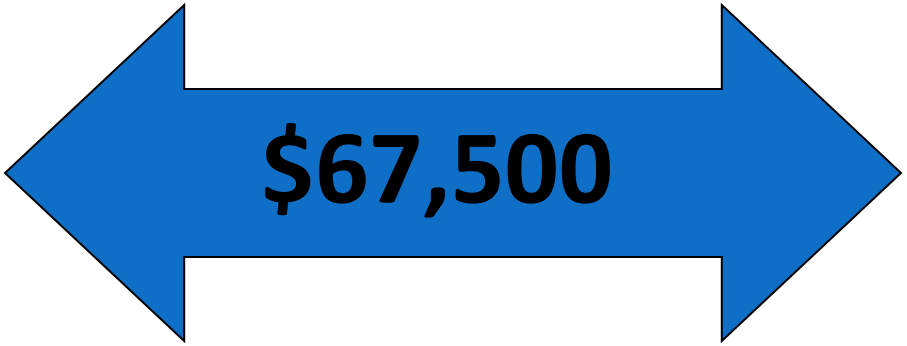
Permanent Work

- 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:
December 28, 2014

Small or Large Project???

SMALL



LARGE

Annually updated, $67,500 is the FY 11 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
- 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 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
- **90%** of Approved federal cost share for government entities
- **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

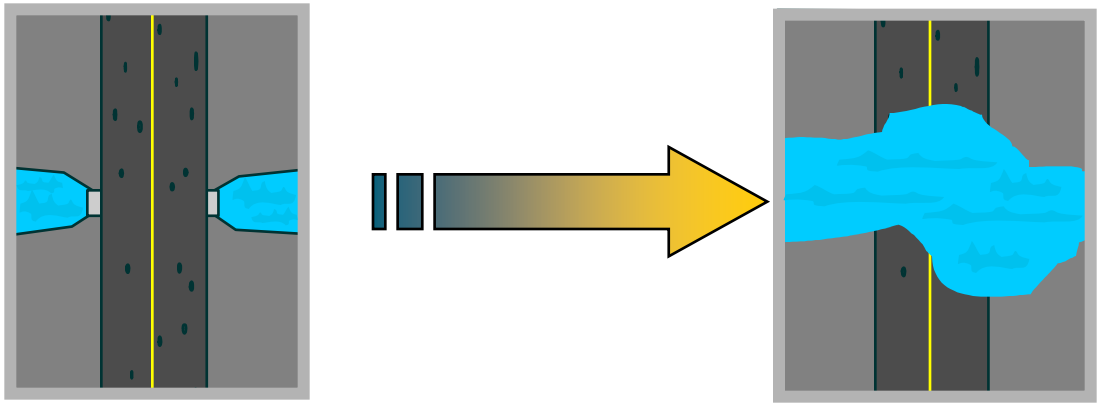
Special Considerations

Hazard Mitigation

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

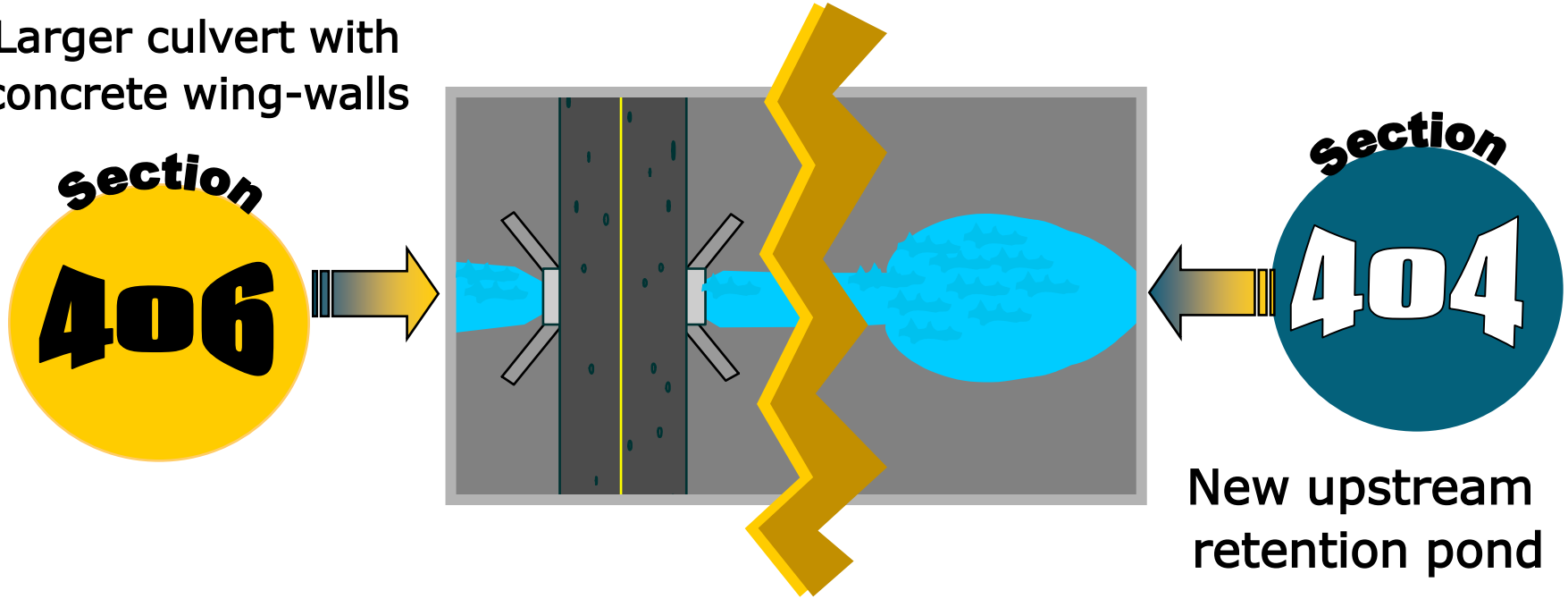
Only *Permanent Work* is eligible for Hazard Mitigation

Hazard Mitigation Scenario



Pre-disaster **Disaster damage**

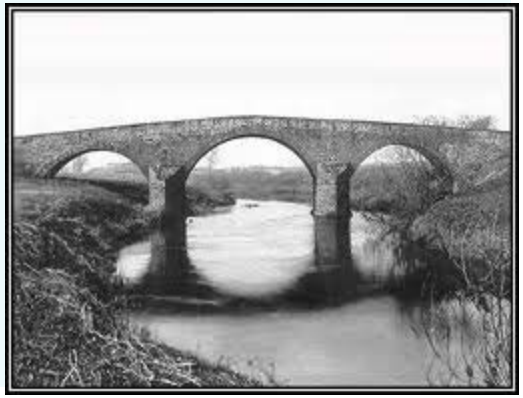
Larger culvert with concrete wing-walls



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

U.S. FISH & WILDLIFE SERVICE

US Army Corps of Engineers®

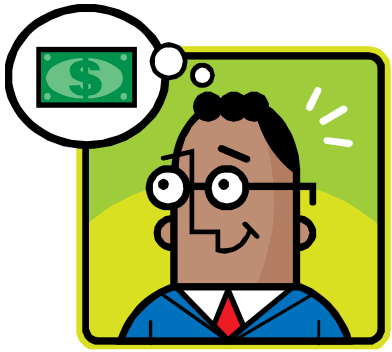
South Dakota Department of Environment & Natural Resources

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

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:

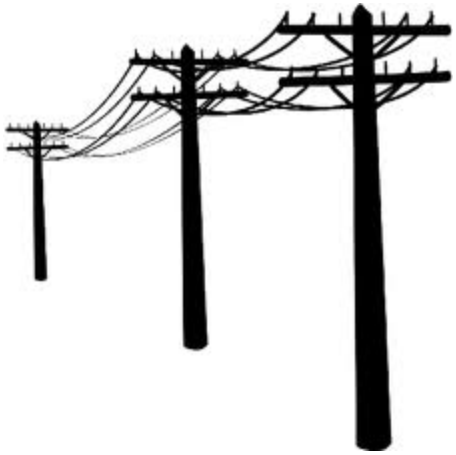
- Rate for volunteer labor is the same rate (plus reasonable fringe benefits) paid for similar work within applicant's organization.
- If applicant has no employees performing similar work the rate is equal to those ordinarily performing work in same labor market
- Determination value of volunteer labor:(Labor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

Donated Equipment:

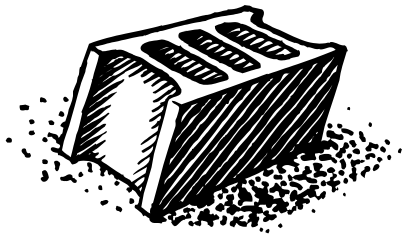
- Determination value of donated equipment:(Number of hours each piece of equipment in use x FEMA's equipment rate)
- Donations credit capped at non-federal share of emergency work (may apply toward certain portions of community's non-federal share of recovery costs)

5TH ANNUAL
RAPID CITY TRIATHLON
20 SPONSORS 10
RCS

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

118 W Capitol Ave

Pierre, SD 57501

Phone: (605) 773-3231

Fax: (605) 773-3580

Jack Dokken - PAO

Doug Gorham- LPCS

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
- Environmental and Historical Concerns Statement

Questions