

# Applicant's Briefing



# FEMA

# FEMA-4180-DR-NY

**Declaration Date**

**July 8<sup>th</sup>, 2014**

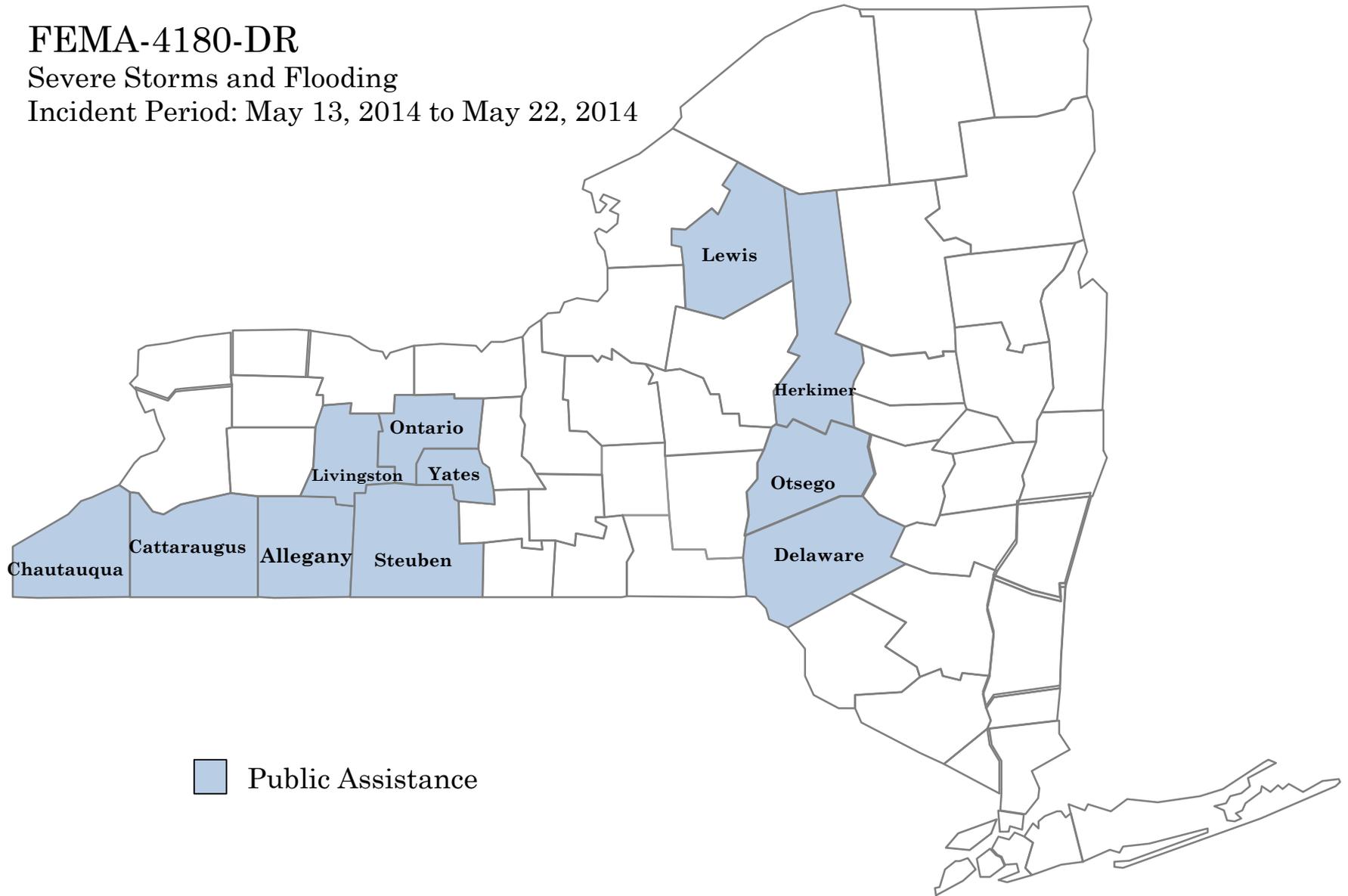
**Incident Period**

**May 13 - May 22, 2014**

# FEMA-4180-DR

Severe Storms and Flooding

Incident Period: May 13, 2014 to May 22, 2014



## Key Personnel

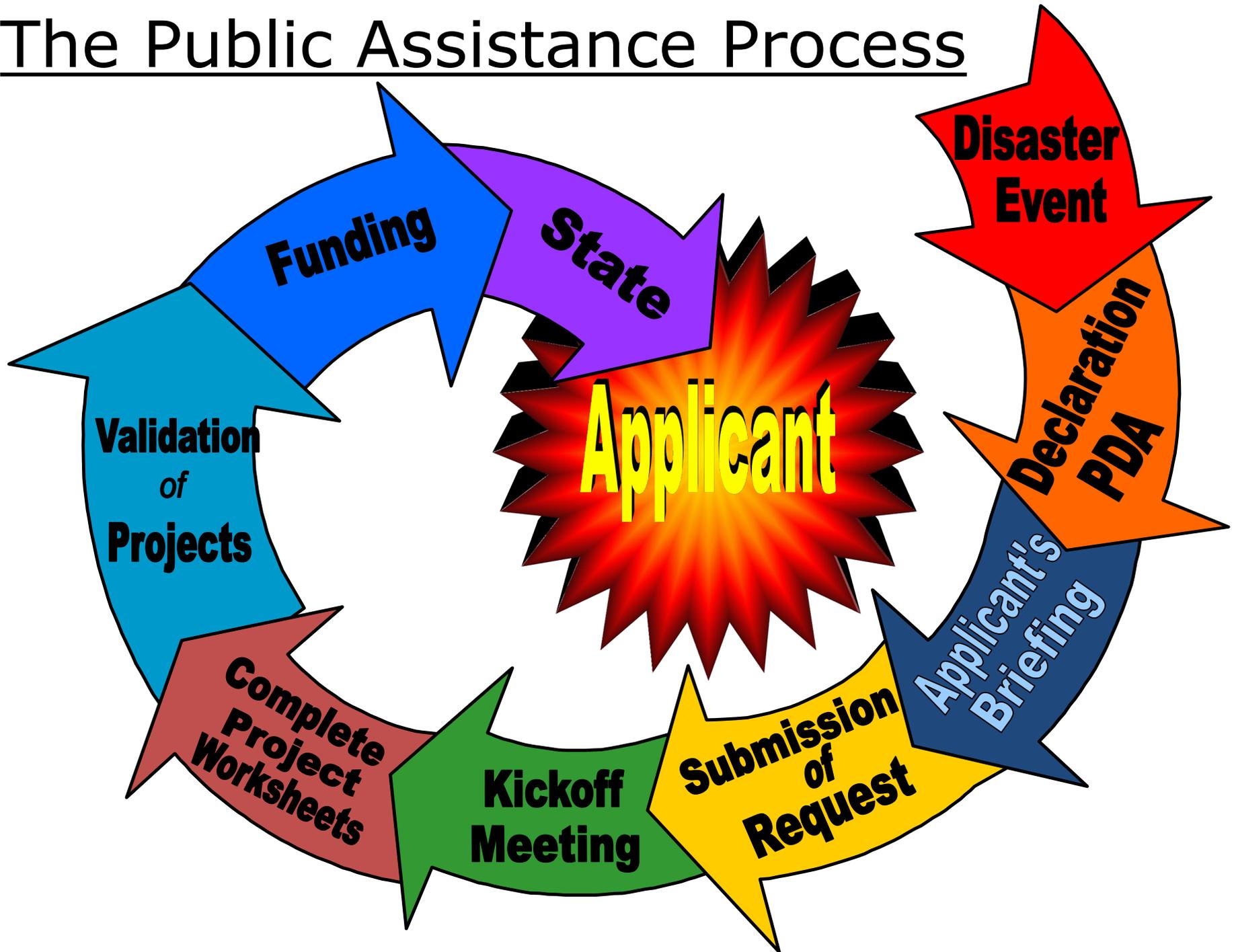
- Steven Ward  
*FEMA Federal Coordinating Officer*
- Jerome M. Hauer  
*NYS DHSES Governor's Authorized Representative*
- FEMA/ State Teams
- County Emergency Managers
- NYSOEM Regional Staff

# 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



# Deadlines for Submission

## Request for Public Assistance

# 30

days after declaration for submission

## Damaged Facilities/Areas Identified

# 60

days after Kickoff Meeting

## Eligibility



# Eligible Applicants

State Agencies

County Government

City Government

Certain Private Nonprofit Organizations

Native American Tribes or Tribal  
Organizations

# Private Non-Profit Entities

Critical

Fire/Emergency – Rescue

Emergency Medical Care

Utility- Power, Water, Sewer, WWTP,  
Communications

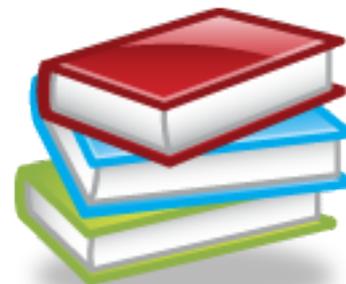
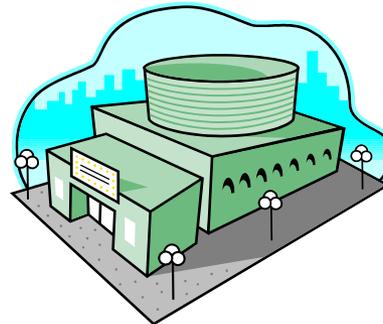
Educational Institutions



# 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.

## Eligibility



# Facility Eligibility Requirements

- ▶ Damage- result of the event
- ▶ Located within the area declared
- ▶ Legal responsibility of eligible Applicant
- ▶ In active use at the time of the disaster
- ▶ Not under authority of another federal agency *(ex. US Army Corp. of Engineer Water Treatment Facilities, FHWA Roads)*

## Eligibility



## Deadlines for Completion

From the date of declaration:

July 8, 2014

Emergency work - 6 months  
(+ 6 months by NYS)

Permanent work - 18 months  
(+ 30 months by NYS)

Further extensions require  
approval by FEMA

## 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 8, 2015**

## 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 8, 2016**



# Special Considerations



## Environmental

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



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

# Special Considerations

## Insurance

Proceeds (actual or anticipated) deducted  
from eligible project costs

FEMA requires applicants to obtain and  
maintain insurance for future disaster  
damage

# Special Considerations

## Floodplain Insurance Requirements

*If facility does not have NFIP Insurance,*

Project Worksheet (PW) **will be reduced** by amount that would have been covered by NFIP

# Special Considerations

## Special Flood Hazard Areas

Flood Hazard Area- Projects within or affecting floodplain MUST be reviewed to ensure that it meets requirements of the Executive Orders on Floodplain Management and Protection of Wetlands

Coastal High Hazard Areas – Coastal High Hazard areas and areas covered by the Coastal Barrier Resources Act require Special Considerations review

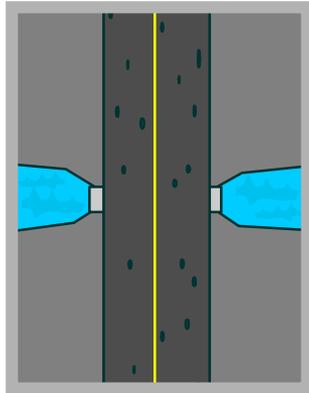
# Special Considerations

## Hazard Mitigation

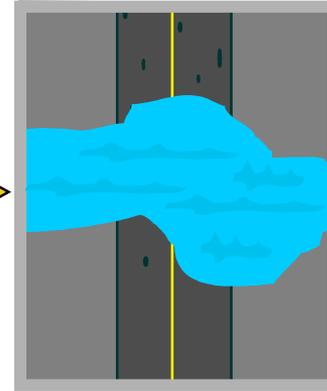
Cost effective measures that reduce the potential for damages to a facility from a future event

Only *Permanent Work* is eligible for  
Hazard Mitigation

# Hazard Mitigation Scenario

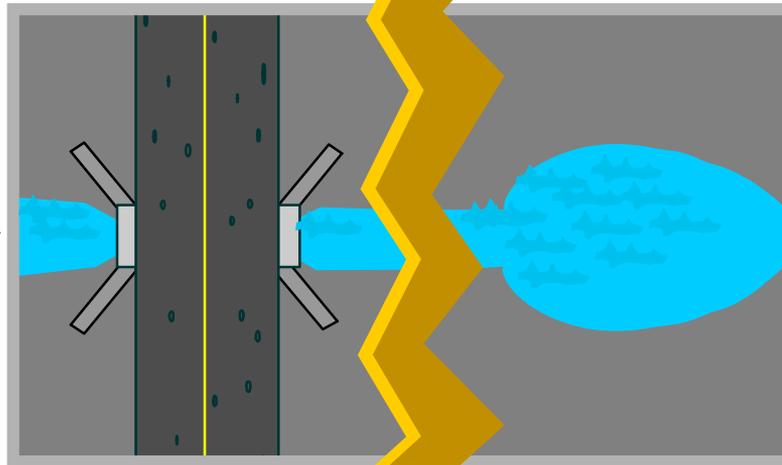
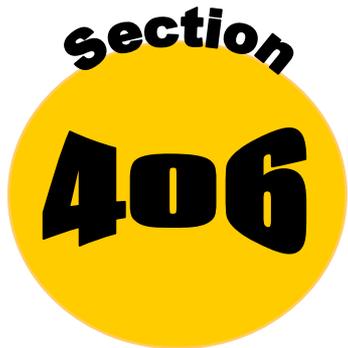


Pre-disaster



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 50 years old but important to local, state, or national history

Requires special consideration under the National Historic Preservation Act

## Eligibility



## 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:** Permanent employees  
OT eligible, temporary employees  
regular and OT eligible.

**Permanent Work:** All regular and OT  
labor eligible

Also travel and per diem for employees performing  
eligible activities

## Donated Resources

A credit can be applied towards the local cost share for both Volunteer Labor and Donated Equipment

### Volunteer Labor:

- Rate is the same as either paid employees within an applicant's organization or, if none, similar work done by a local paid organization.
- Value of Volunteer Labor =  
(Determined Labor Rate) \*  
(Number of Volunteer Hours)

### Donated Resources:

- Rate is determined by local rates (if established) or FEMA equipment rate.
- Value of Donated Resources =  
(Determined Equipment Rate) \*  
(Number of Equipment Hours)

Donations credit capped at non-federal share of emergency work

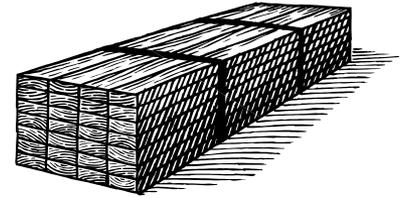
# Procurement

**Must comply with **ALL** federal, state, and local procurement requirements**

- **DHS OIG Audits are paying particular attention to ensuring Minority and Women Owned Businesses are sought during bid process (see link)**
- **44 CFR part 13, OMB Circular A-87, A-102, A-133 and 41 U.S.C. 403(11) all provide guidance regarding procurement and audit**
- **Declaring an State of Emergency solely to suspend procurement procedures is a red flag for any audit.**

<http://esd.ny.gov/mwbe.html>

## Materials



Purchased or stock

Used for eligible work

Need invoices, historical data or area  
vendor quotes



## Contracts

- All contracts incurred for eligible work are reviewed by FEMA-State teams; includes rental equipment
- Prefer competitively bid with fixed-procurement procedures.

## Contracts

### 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 are acceptable BUT:

- Should only be used for emergency "hot spots" (early debris rights-of-way clearance)
- MUST have a cap and MUST be monitored
- Accepted for 70 hours of work

## Ineligible Contracts

- Cost-plus percentage of cost
- “Contingent upon FEMA reimbursement”
- Contract with a debarred contractor



[http://www.labor.ny.gov/workerprotection/  
publicwork/PDFs/debarred.pdf](http://www.labor.ny.gov/workerprotection/publicwork/PDFs/debarred.pdf)

# Project Worksheet

*The PW Requires:*

**Damage description and location list  
with actual or estimated costs**

**A *comprehensive* scope of work  
necessary to repair disaster damage.  
(all considerations should be looked at before  
finalizing estimate)**

**A SPECIAL CONSIDERATIONS  
SHEET**

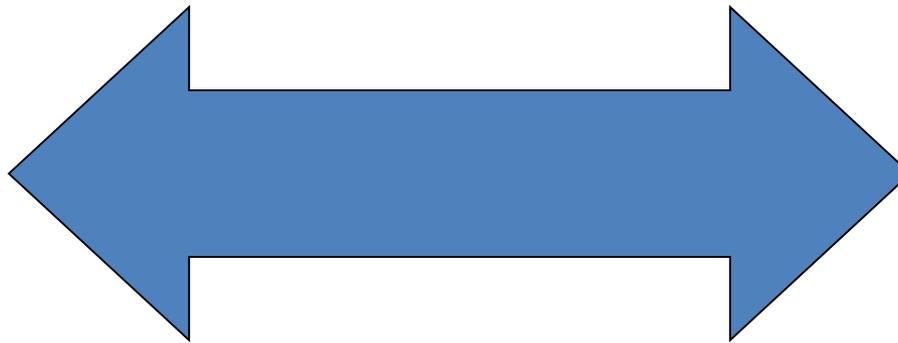
**Identifying all special  
consideration issues.**

## What info is needed for a PW?

- List of Damages
  - Procurement Policies
  - Labor Management Contracts
    - Maps
    - Photos
  - List of paid staff, regular and OT hours – dates and times
    - Fringe Benefits info
- 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

## Small or Large Project???

SMALL



LARGE

**\$120,000**

Annually updated, \$120,000  
is the FY 14 threshold amount

## Small Projects

Based on Estimate written in  
Project Worksheet

Paid upon Project Worksheet  
approval

\*Minimum PW cost is \$3,000

## Large Projects

- Paid based on % completed

- Final payment –

Based on actual documented approved costs

- Progress Payments –

Requested up to 75% of original approved project estimate

- Quarterly Report Requirement-

Update of work completed due to DHSES every quarter for life of project

## Improved Projects

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

# Alternate Projects

- Requires pre-approval by FEMA
- 75 – 90% of Approved federal cost share
- Facility abandoned- must be rendered secure
- Cannot have 406 (PA) mitigation funding
- All parts of project review for Special Considerations

## Funding

Federal Share 75 %

Non-Federal Share 25 %

### Direct Administrative Costs

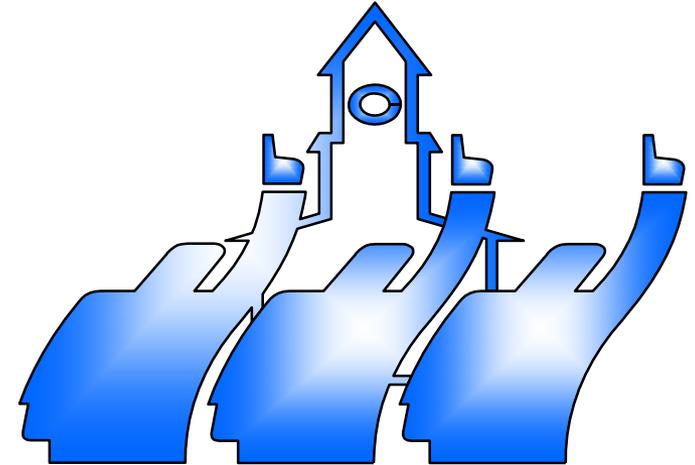
*Costs must be identified on each specific PW*

# Project Notification Folder (DHSES "Blue Book")

- Sent to applicant's agent when FEMA approves a project
- Includes a copy of the obligated Project Worksheet (PW); review carefully
- Starts time clock for appeal of any FEMA decision
- Includes the Project Completion P-4 form that needs to be *signed and returned* to Disaster Assistance Officer *at completion of work*

## Appeals

Any determination related to Federal assistance may be appealed.



The time limit for appeal submission is 60 days from receipt of written notice of the action which is being appealed.

## Funds are Lost if Applicant's Don't:

- ... ask questions
- ... obtain FEMA pre-approval to change 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 # etc.

**\*\*\*Not considered an applicant until all documentation is submitted\*\*\***

- DUNS # website:

<http://fedgov.dnb.com/webform/pages/CCRSearch.jsp>

OR call 1-866-705-5711

- Submit completed RPA package to:  
NYS Division of Homeland Security & Emergency Services  
John Grubsick

[John.Grubsick@dhSES.ny.gov](mailto:John.Grubsick@dhSES.ny.gov)

or by fax: 518-322-4984

- Applicant meets with team at kickoff meeting - projects are scoped out in preparation for estimating



## Additional Information

- ▶ Your FEMA/ State Team (1<sup>st</sup> Point of Contact)
- ▶ DHSES Applicant Handbook
- ▶ DHSES Website ([www.dhses.ny.gov](http://www.dhses.ny.gov))
- ▶ FEMA's Website ([www.fema.gov](http://www.fema.gov))
- ▶ FEMA Policy Digest No. 321
- ▶ FEMA Public Assistance Guide No. 322
- ▶ FEMA Applicant Handbook No. 323
- ▶ County Emergency Managers



# DHSES

DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES

Andre

Jerome M. Hauel



# NYS DHSES Contact Info

## RECOVERY SECTION

State Campus Bldg. 22, Suite 101  
1220 Washington Ave, Albany, NY 12226

(518) 292-2293

Fax Number: (518) 322-4984

[www.dhses.ny.gov](http://www.dhses.ny.gov)

After the Joint Field Office closes...

DAO – James Casey (518) 292-2392

[James.Casey@dhSES.ny.gov](mailto:James.Casey@dhSES.ny.gov)