Oklahoma Department of Emergency Management

Public Assistance Applicant Briefing
FEMA-4438/4453-DR-OK

Event Details

- Disaster Number: FEMA-4438/4453-DR-OK
- Incident Type: Severe Storms, Straight-line Winds, Tornadoes, and Flooding
- Declaration Dates: various
- DR 4438 – Incident Period: May 7 – June 9

  RPAs due August 15, 2019

- DR 4453 – Incident Period: April 30 – May 1

  RPAs due August 12, 2019

- Declared Categories of Work: A – G

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OEM Director / GAR: Mark Gower

Federal Coordinating Officer: Gerald Stolar

- State Coordinating Officer: Alden Graybill
- Deputy State Coordinating Officer: Michael Teague
- Federal Infrastructure Branch Director: Luis Reyes
- State Infrastructure Branch Director /

Public Assistance Officer: Michael Teague

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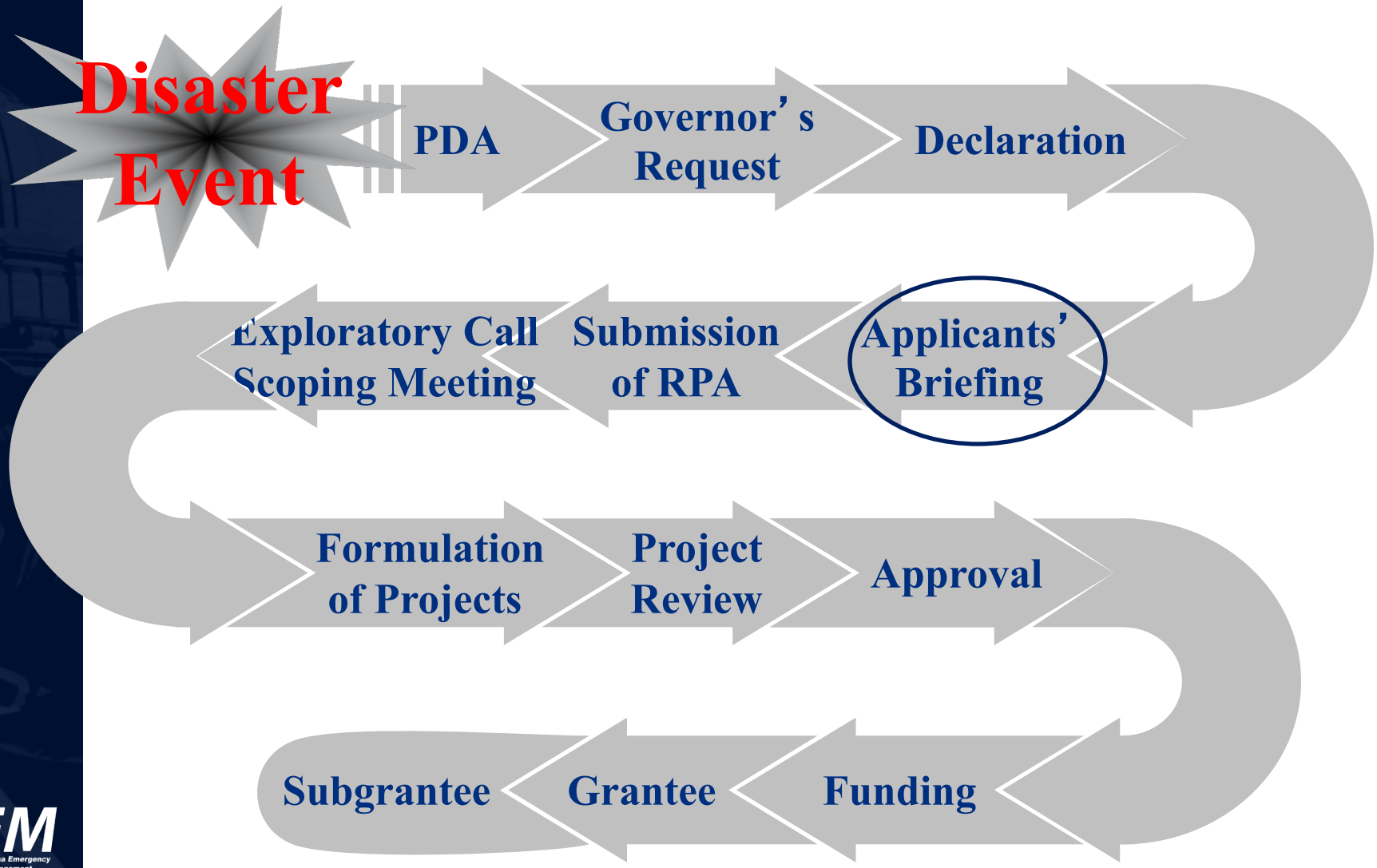
Public Assistance Disaster Assistance Process



Original DR 4438 Counties Declared on 6/1/2019

Tulsa, Muskogee, and Wagoner

*limited to Cat. A and B originally

Haskell

*limited to Direct Federal Assistance

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DR 4438 Counties Declared for all Categories (RPA due August 12, 2019 or *August 30, 2019)

Adair, Alfalfa, Beaver, Beckham, Blaine, Caddo*, Canadian, Cherokee, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harper, Jackson, Kay*, Kingfisher, Kiowa*, Leflore, Lincoln, Logan, Mayes, Muskogee, Nowata, Okfuskee, Osage, Pawnee, Payne, Pittsburg, Pottawatomie, Pushmataha, Rogers, Roger Mills, Sequoyah, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward* Counties.

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DR 4453 Counties Declared for all Categories
(RPA deadline is August 12, 2019)

Alfalfa, Atoka, Bryan, Coal, Craig, Kay, Lincoln, Love, Major, Noble, Nowata, Okmulgee, Osage, Ottawa, Pittsburg, Pushmataha, Stephens, and Tillman Counties

*Additional counties may be requested

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Public Assistance (PA) Program Objective

Provide grants to eligible State and local governments, and certain private non-profits, to assist with the cost of responding to and recovering from disasters.

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Building Blocks of Eligibility

COST
reasonable, necessary

WORK
same as facility

FACILITY
legal responsibility of applicant, in damage area, direct result

APPLICANT
State and local government, federally recognized Indian Tribes, certain PNPs

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Houses of Worship

- Under a new rule in Public Assistance, Houses of Worship (HOW) may be eligible, provided the HOW has been granted tax exemption under Sections 501(c), (d), or (e) of the Internal Revenue Code of 1954.

- A House of Worship that meets the aforementioned requirements may be eligible for reimbursement of their costs under the FEMA Public Assistance program. As with any noncritical PNP, and before seeking funds from the FEMA PA program, Houses of Worship must first apply to the Small Business Administration (SBA).

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FEMA

Fact Sheet

PUBLIC ASSISTANCE: PRIVATE NONPROFIT HOUSES OF WORSHIP

The Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program provides supplemental assistance to States, Tribes, and local governmental entities, as well as certain private nonprofit (PNP) organizations (hereinafter referred to as applicants). FEMA's *Public Assistance Program and Policy Guide* (http://www.fema.gov/public-assistance-policy-and-guidance) provides comprehensive information regarding assistance that FEMA can provide and the requirements that applicants must follow in order to receive the assistance. The purpose of this Fact Sheet is to provide key information about the eligibility of PNP house of worship (HOW) applicants.

Background

FEMA announced on January 2, 2018, that PNP HOWs are eligible for disaster assistance without regard to their secular or religious nature. These changes are effective for disasters declared on or after August 23, 2017, and for applications for assistance that were pending with FEMA as of August 23, 2017, including applications on first- or second-level appeal, that FEMA has not resolved. Additionally, on

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Large vs Small Projects

Minimum amount of eligible Project Worksheets: $3200

- **Small projects**: Less than $128,900
  - Small project funding is fixed & paid as obligated, whether written on estimated or actual cost.
  - Exception: verification of actual insurance proceeds.
- **Large projects**: Greater than $128,900
  - Reimbursable on actual cost.
  - Request for Reimbursement (closeout) may be requested through ok.emgrants.com.
  - Quarterly Progress Reports.
  - Final Inspection required.

Completed Small Project Certification

- Key Points:

- For small Cat B thru G completed work projects, subrecipients may submit summary cost documentation and certify that it has met eligibility criteria in accordance with FEMA rules in place of all detailed supporting documentation (such as timesheets, work/activity orders, receipts, invoices, etc.).
- FEMA develops projects based on the certification and cost summaries provided.
- Not applicable to Cat A projects, completed work projects greater than $128,900 (large projects), or any projects with incomplete work.

Public Assistance Program & Policy Guide (PAPPG)

- Published April 26, 2018 - http://www.fema.gov/media-library/assets/documents/111781
- Guidance and Policies Merged
- Addressed Common Gaps
- Provides Clarified Guidance
- Incorporated Tools
- Superseded Documents

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Program Requirements

Application Requirements

1. FEMA Request for Public Assistance (RPA)
   - Complete online at: ok.emgrants.com
   - Or a paper copy may be scanned and emailed to: RPA@oem.ok.gov
2. W9 Tax ID Number Form (first time applicants)
3. Applicant Electronic Funds Transfer Registration
4. Schools or Educational Facilities must provide verification of accreditation or certification.

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DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
REQUEST FOR PUBLIC ASSISTANCE

O.M.B. NO. 1660-0017
Expires April 30, 2013

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 10 minutes. Burden means the time, effort and financial resources expended by persons to generate, maintain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the collection, including suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (OMB Control Number 1660-0017). You are not required to respond to this collection of information unless it displays a valid OMB number. **NOTE: Do not send your completed questionnaire to this address.**

APPLICANT (Political subdivision or eligible applicant)	DATE SUBMITTED

COUNTY (Location of Damages. If located in multiple counties, please indicate)	DUNS NUMBER

APPLICANT PHYSICAL LOCATION

STREET ADDRESS			
CITY	COUNTY	STATE	ZIP CODE

MAILING ADDRESS (If different from Physical Location)

STREET ADDRESS			
POST OFFICE BOX	CITY	STATE	ZIP CODE

Primary Contact/Applicant's Authorized Agent	Alternate Contact
NAME	NAME
TITLE	TITLE
BUSINESS PHONE	BUSINESS PHONE
FAX NUMBER	FAX NUMBER
HOME PHONE (Optional)	HOME PHONE (Optional)
CELL PHONE	CELL PHONE
E-MAIL ADDRESS	E-MAIL ADDRESS
PAGER & PIN NUMBER	PAGER & PIN NUMBER

Did you participate in the Federal/State Preliminary Damage Assessment (PDA)? ☐ YES ☐ NO

Private Non-Profit Organization? ☐ YES ☐ NO

If yes, which of the facilities identified below best describe your organization? _____

Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: "... any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." "Other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety safety services of a governmental nature. All such facilities must be open to the general public."

Private Non-Profit Organizations must attach copies of their Tax Exemption Certificate and Organization Charter or By-Laws. If your organization is a school or educational facility, please attach information on accreditation or certification.

OFFICIAL USE ONLY: FEMA - _____ -DR- _____ - _____ FIPS# _____ DATE RECEIVED _____

Application Requirements PNP

Private Non-Profits

FEMA Request for Public Assistance (RPA)

1. W9 Tax ID Number Form (first time applicants)
2. IRS Ruling Letter (501c) or Oklahoma Secretary of State letter to show eligibility.
3. PNP Facility Questionnaire.
4. Articles of Incorporation or By-laws.
5. Applicant Electronic Funds Transfer Registration.

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DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY

PNP FACILITY QUESTIONNAIRE

O.M.B. NO. 1660-0017
Expires December 31, 2011

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Public reporting burden for this form is estimated to average 30 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC, 20472, Paperwork Reduction Project (1660-0017). **Please do not send your completed survey to the above address.**

FEMA and State personnel will use this questionnaire to determine the eligibility of specific facilities of an approved Private Non-Profit (PNP) organization (See 44 CFR 206.221). Owners of critical facilities (i.e., power, water (including providing by an irrigation organization or facility, if it is not provided solely for irrigation purposes), sewer, wastewater treatment, communications and emergency medical care) can apply directly to FEMA for assistance for emergency work (debris removal and emergency protective measures) and permanent work (repair, restore or replace a damaged facility). Owners of non-critical facilities can apply directly to FEMA for assistance for emergency work, but must first apply to the U. S. Small Business Administration (SBA) for assistance for permanent work. If the owner of a non-critical facility does not qualify for an SBA loan or the cost to repair the damaged facility exceeds the SBA loan amount, the owner may apply to FEMA for assistance.

1. Name of PNP Organization
2. Name of the damaged facility and location
3. What was the primary purpose of the damaged facility
4. Is the facility a critical facility as described above? ☐ Yes ☐ No
5. Who may use the faciltiy
6. What fee, if any, is charged for the use of the faciltiy
7. Was the facility in use at the time of the disaster? ☐ Yes ☐ No
8. Did the facility sustain damage as a direct result of the disaster? ☐ Yes ☐ No
9. What type of assistance is being requested?
10. Does the PNP organization own the facility? ☐ Yes ☐ No
11. If "Yes" obtain proof of ownership; check here if attached. ☐
12. Does the PNP organization have the legal responsibility to repair the facility? ☐ Yes ☐ No
13. If "Yes", provide proof of legal responsibility; check here if attached. ☐ Yes ☐ No
14. Is the facility insured? ☐ Yes ☐ No
15. If "Yes", obtain a copy of the insurance policy; check here if attached. ☐

Additional information or comments:

CONTACT PERSON	DATE

What does the Request for Public Assistance (RPA) accomplish?

- Notifies FEMA and the State of an applicant's intent to apply for PA Program.
- Names the applicant's Point of Contact (POC) and Alternate POC.
- Includes full mailing address.
- Used to initiate the scheduling of Recovery Scoping Meetings (RSM).

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NEW PA Delivery Model

NEW PA Delivery Model

- **Exploratory Call**

- Occurs Prior to Recovery Scoping Meeting (RSM)
- FEMA Program Delivery Manager (PDM) & State PA Staff:
  - Discuss damages with applicant to facilitate RSM & establish damage inventory and prioritize projects.
  - Applicants will have access to a damage inventory template in the new PA Grants Portal.
  - Identify Special Considerations Issues: environmental, historic, 406 mitigation, insurance.
  - Identify appropriate Applicant staff to attend RSM, i.e., public works, finance, risk manager, response/recovery staff.

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Recovery Scoping Meeting (RSM)

- Completed work:
  - Review work by project.
  - Prepare summary sheets: Labor, Equipment, Materials, Contracts, Rented Equipment (per project).
- Work to be Completed:
  - Identify all sites.
  - Provide cost estimates.
- Documentation:
  - Insurance policies, personnel/OT policies, mutual aid agreements, codes & standards, document the contract and procurement process, invoices/receipts.

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Recovery Scoping Meeting (RSM)

- The new PA Grants Portal will be the primary access point between FEMA, the Applicant, the State, and others involved in project formulation to provide greater project visibility.

- Create organizational profile to include primary and secondary PA contacts and all staff that need to be in the loop.

- Assign roles within Portal to organizational staff.

- Upload damage inventory and all related documents.

- Communicate formal or informal project change requests, receive and respond to FEMA's requests for information.

- Update other important info: facility location information, photographs, maintenance records, codes/standards and more.

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Eligibility

NOTE – Each entity must apply and represent itself

- A town or city may not be represented by the county – exceptions may apply.
- A School District may not be represented by a town or county, they will be their own applicant.

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Basic Work Eligibility

If costs are incurred or an item of work is required:

- As a result of a **Declared** Event
- Work Is within **Designated** Disaster Area
- Work Is the **Responsibility** of the Applicant
- Not within the **Authority** of another Federal Program

It may be eligible

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Categories of Damage

Emergency Work

Permanent Work

PA Work Categories

Emergency Work

- A: Debris Removal
- B: Emergency Protective Measures

Permanent Work

- C: Roads & Bridge Systems
- D: Water Control Facilities
- E: Buildings and Equipment
- F: Utilities
- G: Parks, Recreational and Other

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Category A - Debris Removal

- **Phase I (response)**

- Clearance of debris that hinders immediate life-saving actions and poses an immediate threat to public health and safety.
- *On any road or road system

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Category A - Debris Removal

- **Phase II (recovery)**

- Removal & disposal of debris that hinders the orderly recovery of the community and poses less immediate threats to health and safety.
- *Applicant must have legal responsibility for road/right-of-way
- *Waved landfill tipping fees are not eligible for FEMA reimbursement.

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Category A - Debris Removal

- Mission Assignments
  - Direct Federal Assistance (DFA)
  - Technical Assistance
- PA Debris Pilot Program – extended thru June 27, 2020
  - Straight and Overtime are eligible
  - Debris Plan incentive has been discontinued
  - Normal procedures apply for time extensions

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Category A
Debris Removal

Examples of INELIGIBLE debris removal activities include:

- Removal of debris from an applicant's:
- unimproved property or undeveloped land.
- pre-disaster sediment from engineered channels.
- a natural channel unless the debris poses an immediate threat of flooding to improved property.
- from Federal lands or facilities that are the authority of another Federal agency.

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Project Monitoring

- Applicant must monitor for eligible debris locations & quantities removed.
- May use Force Account, temporary hires, or contract labor..
- Extremely important for reimbursement.
- Monitor at all pick-up / disposal locations.
- Document eligible pick-up locations.
- Document quantities (Cubic Yards or Tons).
- Load ticket system to quantify each load & track from point of pickup to Debris Management Site (DMS) or landfill, quantities reduced at DMS, and loads hauled from DMS to final disposal.
- Monitor in tower at DMS to quantify loads coming in & verify trucks are empty upon departure from DMS.
- Be sure to monitor your monitors (if using contract monitors).

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Category B
Emergency Protective Measures

- **Temporary Repairs -** Emergency work such as road detours at damaged locations, emergency repair of levees, temporary roof repairs to public buildings, building stabilization, mold remediation and rental of temporary facilities for public employees are all potentially eligible.

- **Personnel Time**
  - Force account labor is eligible based on your established pay policy
  - NOTE: Regular time is not eligible for Emergency Work

- **Equipment Time**
  - Equipment time is eligible (generally must have an operator)
  - Standby time <u>may be</u> eligible starting January 1, 2016 (pg 25 PAPPG)
  - Mobilization / Demobilization of Equipment is eligible

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Donated Resources

- Third Party donated resources are eligible to offset the non-federal portion of the cost share.
- Donated resources must apply to actual eligible emergency work. For example: Debris removal on public property, Filling Sand Bags, Shelter Operations.
- Must keep details of who worked, where, how long, etc.
- FEMA and the State will work together to establish the hourly rate for volunteer services.

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Permanent Work (Cat C-G)

- **Repair, restoration, or replacement of damaged or destroyed facilities, based on:**
  - Pre-disaster design, function and capacity
  - Current codes and standards

  Can include consideration of:
  - Cost-effective 406 Hazard Mitigation opportunities
  - Repair versus replacement, whichever is the most cost effective
  - Relocation

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Category E
Buildings and Equipment

- Restoration - Return to pre-disaster design in accordance with current codes & standards.
- Flood Relocation - If totally destroyed by flood, then relocation from the flood plain will be reviewed.
- Deductibles and Depreciation will be evaluated per your policy.
- Supplies - Replace to pre-disaster quantities.
- Vehicles including equipment - Project is written less insurance, using Blue Book Value.

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Category C

Roads and Bridges

- Given the potential for disaster recovery activities to impact cultural resources, such as undiscovered archeological sites and buried Native American cultural items adjacent to roadways in the State of Oklahoma, eligible applicants located within the Counties designated eligible for Public Assistance under the major disaster declaration(s) (FEMA-4438-DR-OK & FEMA-4453-DR-OK) are advised to adhere to the following best practices when repairing roadway(s) damaged by severe storms and flooding, occurring May 07, 2019 to June 09, 2019, and April 30, 2019 to May 01, 2019.

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Category C – Continued

- These best practices were mutually developed in coordination with the Oklahoma Emergency Management (OEM), Oklahoma State Historic Preservation Office (SHPO), Oklahoma Archeological Survey (OAS), and Federal Emergency Management Agency (FEMA). Please note these best practices are not federal requirements but recommendations for avoiding and minimizing harm to cultural resources, thus streamlining the review process for the project and limiting the likelihood that additional archaeological investigations will be required prior to approval.

Category C – Continued

- Ensure all road repair activities or work are performed in a manner that substantially conforms to the pre-disaster design, footprint and/or right-of-way and is approved in the project scope of work. Work performed beyond the pre-disaster design and footprint prior to FEMA review and approval may jeopardize your eligibility for federal funding.

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Category C – Continued

- Avoid the use of reclaimed fill from areas adjacent to or within the damaged area of the roadway (e.g. bar ditches, drainage ditches, or right-of-way). Ensure all fill comes from a clean ‘approved’ fill borrow site (a site with a state issued permit).

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Category C – Continued

- When possible, avoid blading and grading. The use of clean fill, capping, and compaction methods are strongly encouraged for all road repair activities or work.

- Avoid any new ground disturbance during road repair activities or work.

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Category C – Continued

- Ensure all equipment, material staging areas, and access roads occur on hard topped surfaces within the existing right-of-way. Avoid the development of new or temporary staging areas and access roads.

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Category C – Continued

- If pulling sediment from ditches, ensure work does not go below pre-disaster level.

- Questions and inquires of this guidance may be emailed to:

  FEMA-R6-EHP@fema.dhs.gov

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Category E
Buildings and Equipment

- Restoration - Return to pre-disaster design in accordance with current codes & standards.
- Flood Relocation - If totally destroyed by flood, then relocation from the flood plain will be reviewed.
- Deductibles and Depreciation will be evaluated per your policy.
- Supplies - Replace to pre-disaster quantities.
- Vehicles including equipment - Project is written less insurance, using Blue Book Value.

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Category F
Utilities

- **Electrical** - Restore to pre-disaster design, function, capacity in the most economical manner.
- **Underground Utilities** - Damage should be obvious. Limited Inspection by remote camera may be eligible but must be approved in advance.
- **Cleaning** - Only eligible when necessary to restore proper functioning of the system in specific reaches.
- **Revenues** - Loss of revenue is **NOT ELIGIBLE**
- **Loss of Inventory** - Is **ELIGIBLE** when it can be documented

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Category G
Parks, Recreational and Other

- **Tree replacement** - **NOT ELIGIBLE**
- **Grass** - Normally **NOT ELIGIBLE**
- Public Park facilities and structures may be eligible.
- Beach erosion is eligible on engineered and maintained beaches.

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406-Hazard Mitigation (Cat C-G)

Section 406 Hazard Mitigation

Mitigation under the Public Assistance programs…

- Any cost effective measure which will reduce the potential for damage to a facility from a disaster event.
- Must be approved prior to construction.
- Only applies to the damaged element of the facility.
- *Must be cost effective.*
- Applies ONLY to permanent work categories A-G.

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Section 406 Hazard Mitigation

Possible Suggestions for Hazard Mitigation

- Properly secure roof mounted equipment.
- Install impact resistant glass or shutters.
- Increase culvert size (H&H Study Required).
- Elevate roadways / sub road bed reinforcement.
- Design bridges for greater flood magnitudes.
- Elevate electrical/other building components.

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Types of Projects

Small Projects (Cat A-G)

- Upon completion of all small projects:
  - State final validation and program review. 44 CFR 206.203(c)(2).
- "Federal payment shall not be reduced if all funds are not spent to complete work; however failure to complete a project may require the Federal payment to be refunded."
  44 CFR 206.205(a)

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PA Alternative Procedures

- Section 428 of the Stafford Act authorizes several significant changes to the way FEMA may deliver assistance through the PA program for Debris Removal and for Permanent Work (Categories C-G).

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PA Alternative Procedures

428 Permanent Work (Large Projects Only)

- Allows grants based on **fixed estimates**; applicant accepts responsibility for actual cost over-runs above estimate; applicant can use excess funds for FEMA-approved purpose
- Consolidation of multiple permanent work PW's across categories
- 406 Hazard Mitigation funding is included in fixed amount
- Eliminates 10% reduction for "Alternate Projects"
- FEMA will accept the mutually agreed upon certified cost estimates prepared by applicants' licensed engineers

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PA Alternative Procedures

428 Permanent Work (Large Projects Only)

- All large permanent work projects will be formulated for participation in the Alternative Procedures.
- Applicant conducts final concurrence in Grants Portal for the scope of work and cost estimate.
  - At this time the applicant has 30 days to accept or decline fixed cost offer for that project.
  - If offer is not accepted or rejected within 30 days, it will be processed using standard procedures.

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Final Inspection and Close Out

Final Inspections and Program Reviews

Will Be Conducted…

- On all applicants.
- Large projects require a 100% closeout.
  - Must submit documentation to OEM within 60 days of work competition.
  - OEM must conclude closeout within 180 days of project completion.
- Small projects receive a random validation sampling of 20%.

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Recap - Force Account Labor

- Provide a copy of personnel policy and a sample of time sheets.
- Category B: overtime only.
- Categories A, C-G: regular & overtime (Cat A = SRIA Pilot).
- Fringe benefits are eligible.
- Overtime is paid based on personnel policy.
- Reassigned employees paid at their regular rate of pay.
- Overtime and regular time is eligible for temporary employees hired for the disaster.

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Recap - Force Account Equipment

- Applicant-owned equipment.

- FEMA Schedule of Equipment Rates
- Generally includes fuel and maintenance.
- An exception may apply for borrowed equipment.

Materials

- Newly Purchased (for disaster work).
- Taken from applicant's inventory?

Keep all invoices, receipts, inventory control registers, maintenance records, etc. for the duration of the time you work the event – start to finish.

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Direct and Indirect Management Costs

Administrative costs incurred in the management of Public Assistance grants may be reimbursed up to 5% of the total of all project worksheets.

- Labor, equipment, materials, etc. to conduct initial inspection, prepare & submit PW documentation, and conduct interim/final inspections are examples of reimbursable administrative costs.
- Track costs project-specific.

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Project Worksheets (PW)

Project Worksheets (PW)

- Used to document eligible damages, scope of work, and cost estimate.
- Special considerations could affect the scope of work (e.g., environmental, flood plain, historical, insurance).
- Insurance requirements – obtain and maintain.
- Identify 406 Hazard Mitigation opportunities.

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Damage Description

- The cause of damage
- Description of the facility
- Description of damaged elements of the facility
- Dimensions of the damaged elements

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Scope of Work

- Completely describe repairs (or replacements) necessary to restore facility to original design, function, and capacity.
- Specify and include required code and standard upgrades.
- Descriptions should include actions needed (repair, replace, remove, etc.) with quantifiable dimensions (size, length, capacity), and descriptive terms (pole type and size, conductor material).
- Address special considerations: environmental, historic, insurance, floodplain, hazard mitigation, and archeological matters.
- The Scope of Work is the basis for the cost estimate.

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Cost Overruns: Large Projects

- Advise the State of anticipated cost over-runs on any large project before or at the time of the over-run.
- Cost overruns may be the result of variations in unit prices, changes in the eligible scope of work, delays in timely starts or completion of work.
- Submit sufficient information to support the eligibility of all claimed work and costs for each large project and provide updates via your quarterly report.

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Cost Overruns: Small Projects

- Applicants may appeal for a “net” small project cost overrun within 60 days of completing all small projects and the “net” is 10% or greater
- Must **document** all work for all small projects to receive consideration for a “net” small project cost adjustment

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Environmental

Environmental Considerations

Numerous environmental laws and regulations need to be complied with in order to receive ANY Federal funds:

- National Environmental Policy Act (NEPA)
- Endangered Species Act
- Coastal Zone Management Act
- EO 11988 Floodplain Management
- EO 11990 Wetlands Protection
- Clean Water Act (Section 404)
- Clean Air Act

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Environmental Considerations

Immediately following a disaster, applicants can complete work in accordance with FEMA policy guidance. The most common are:

- Emergency Actions (e.g. search and rescue, emergency care, issues of life safety)
- Debris Removal (not necessarily disposal or storage/staging)
- Building Stabilization

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Environmental Considerations

However, before the following actions can be taken, these actions must be considered:

- Debris disposal (other than to a permitted landfill).
- Any project affecting a threatened, endangered, or proposed species.
- Any project affecting a wetland.
- Any project affecting a floodplain.

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Environmental Considerations

When addressing any of these considerations…

- The applicant will be responsible for providing as much information as they can to FEMA and OEM in a timely manner in order to satisfy environmental laws and regulations.
- The applicant is responsible for **compliance with and obtaining all County, State, and Federal regulations permits, approvals or licenses, including the completion of the Section 106 process or Federal funding may be jeopardized.**

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Historic Considerations

When receiving federal funds for any structure, historic considerations are taken into account.

Section 106 looks at:

- Is the structure older than 45 years? If yes, then…
- Is the damaged facility on or eligible for listing on the National Register of Historic Places? If yes, then…
- Will the proposed repairs or reconstruction change pre-disaster conditions? If yes, then….
- NHPA will need to be satisfied.

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Insurance Considerations

- Does the damaged facility or item of work have insurance coverage and / or is it an insurable risk?
- Is the facility in located in the Flood Plain (Flood Insurance)?
- Previous uninsured losses?

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Local Responsibility

- Prepare a list of work performed by location including GPS coordinates.
- Provide photographs etc. as required to document damages and completed work.
- Document damage type and dimensions.
- Ensure the “local” expert participates in formulating the project or is part of the formulation team.

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Local Responsibility

- Be able to provide complete cost breakdown.
- Determine if sites will be repaired by either force account or contract.
- Have copies of appropriate ordinances, insurance, permits, payroll records, maintenance records, etc.
- With any disagreement, be able to provide a statement of non-concurrence.

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Managing the Grant, Procuring Services, and Audits

Documentation

- Applicants must establish a project file, for each project, containing all documentation pertaining to this project.
- Document every action taken.
- Follow applicable Federal procurement regulations.
- Retain documents for all approved work, including costs incurred and claimed as part of the Administrative Allowance.

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Documentation

Basic Checklist for Each Project

- ❑ Completed Project Worksheet
- ❑ Completed Special Considerations Questions form

- ❑ Estimated and actual costs
- ❑ Force account labor
- ❑ Force account equipment
- ❑ Rented equipment
- ❑ Materials and purchases
- ❑ Insurance information

- ❑ Photographs of damage, work underway, work completed

- ❑ Environmental and/or historic alternatives and hazard mitigation opportunities considered for large, improved or alternate projects
- ❑ Environmental Review Documents

- ❑ Records of donated goods and services

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Time Limits

- Important deadlines for 30 & 60 day limits associated with the RPA & Recovery Scoping Meeting (RSM) meetings as well as “normal” appeals. (44 CFR 206.206(c).)

  Work completion deadlines

  - Emergency Work 6 Months
  - Debris Removal 6 Months
  - Permanent Work 18 Months

- Time Extensions: The State has the authority to extend emergency work (categories A and B) by six months and permanent work (categories C – G) by 30 months for extenuating circumstances.

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Appeals - Process

- 1st Appeal - Submitted to the Regional Administrator
- Applicants must file an appeal with the State within 60 days of receipt of a notice of the action that is being appealed.
- The State evaluates and makes recommendations, then forwards the appeal to the Region within 60 days of its receipt from the Applicant.
- 2nd Appeal - Submitted to FEMA Headquarters via OEM
- If the first appeal is denied by the Region, the Applicant may submit a second appeal to FEMA Headquarters via OEM but only with the information originally submitted in the first appeal

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Federal Procurement Guidelines

Acceptable Contracts

Lump Sum	Work within prescribed boundaries; clearly defined scope and total price
Unit Price	Work done on an item-by-item basis with cost determined on a unit basis
Cost plus Fixed fee	Lump sum or unit price contract with a fixed contractor fee added into the price
Time & Materials	Now says – **"limited to a reasonable time based on circumstances during which a definitive clear scope of work could not be identified" You MUST be able to justify!**

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Methods of Procurement

- Acceptable debris contract types
  - Unit Price (cubic yard, ton, etc.)
  - Lump Sum (must document debris quantities)
- Check for debarred contractors (EPLS)
  - www.sam.gov – Excluded Parties List System
- Document your procurement process (compliant with local, state, and federal requirements, whichever is most restrictive)

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Methods of Procurement

Time/Materials and Cost Plus

T & M is only to be used under very specific conditions:

1) Allowed for "cut & toss" emergency clearance; (don't use T&M to remove, reduce, haul or dispose of non-emergency debris)
2) When no other possible alternative exists
3) Contingency Contracts

Cost Plus (AKA "Cost Plus Percentage of Cost") is never allowed under any circumstances under Federal law.

- Cost analysis is required ***(2 CFR 200.323(a)***

Putting The Pieces Together

Audit Issues

Audits

Single Audit Act:

- This act requires grant recipients expending **$750,000** or more in Federal funds in a fiscal year to perform a single audit: 2 CFR 200.501(a-b)
- Send to: single.audit@oem.ok.gov

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Audits

- Grant recipients must maintain financial and program records for at least three years from closure of the grant. *(2 CFR 200.333(a-e)*

QUESTIONS?

Public Assistance Section

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Oklahoma Emergency Management

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This presentation is available at:
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