



DISASTER RECOVERY HANDBOOK



Prepared for the Louisiana Municipal Association

By



and



Federal Disaster Program Information Updated for March 2009

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RECOVERY HANDBOOK INSTRUCTIONS

This book is designed to be used “as is” in the spring binder or for the three-hole punch pages to be removed and inserted into a three-ring binder. Use of a binder will facilitate adding sections you may consider useful to your specific operation and to assist with updates that Allied Independent Consulting and Jones Disaster Management Group will make available periodically.

When we update the Handbook contents, we will make available for download an electronic copy of the updated materials for each Handbook purchased and registered. You will be responsible for updating the hard copy books.

We recommend that prior to use of a specific policy, rule or regulation, that you verify currency on the websites for FEMA or other referenced agencies to ensure you have the latest version. FEMA and other agencies add or correct policies, procedures, and forms as they deem necessary, and as be required because of new situations.

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Preface

The purpose of this Handbook is to inform local and State officials on the process, procedures and programs necessary for effective recovery from a natural or manmade disasters. This original version of this document was initiated in 1991 by Art Jones (Jones Disaster Management Group) and Brett Kriger (Allied Independent consulting) as a State Disaster Recovery Manual for the Louisiana Office of Emergency Preparedness. It contained the latest information as of the publication date regarding recently implemented changes to available Federal supplemental assistance programs especially designed for local disaster officials. Over the years the Recovery Manual has continued to evolve. The Federal Disaster Act of 2000 and the creation of the Department of Homeland Security resulted in additional changes. The goal of this expanded and updated handbook is to increase the ability of State and local officials to expeditiously respond to and recover from all disaster events requiring Federal Supplemental Assistance.

As public officials, you are most familiar with the demographics, political structure, geographical area, and areas vulnerable to any disaster in your community. We are a conduit through which relevant information can be obtained and introduced to the appropriate lines of communication in order to enhance your recovery process. We take our role to reach, educate, and inform our constituents on all matters, including those of disaster recovery, very seriously.

The information in this Handbook has now been organized and formatted by Brett Kriger and can be used to supplement existing plans, or as a reference for developing disaster recovery guidance to meet your specific needs and we would like to work as your partner to assist you and your community. Mr. Kriger also participated in the original development of the Handbook that can now be more easily accessed and updated to suit the needs of the users.

Many of the forms that have to be submitted by applicants to gain reimbursement from FEMA for project eligibility determination and approval must now be submitted electronically in a standardized digital format on a compact disk (CD). FEMA initiated the distribution of these CDs to eligible applicants following Hurricanes Gustav and Ike in the fall of 2008, and began requiring their use for all applicant submissions. This new approach does not change the information required or basic content of previously approved manual forms, but does represent a different method for the applicant to process documentation for Public Assistance damages following a Presidential Disaster Declaration. The information necessary for complying with FEMA's new procedure is included on the disk (available from FEMA) and summarized in Part II of the Handbook.

Disaster recovery is a complex and lengthy process, with your success heavily dependent on preparation and planning, and we would like to help in the areas in which you may need supplemental assistance.

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AIC & JDMDG

**PART 1: DAMAGE ASSESSMENT AND REQUESTING
ASSISTANCE**



1. Damage Assessment and Requesting Assistance

1.1 Sequence of Events

This section describes the events and the sequence of those events that should be planned for when an emergency or disaster event occurs. Federal and State procedures are based on the local applicant being prepared to implement their response as described below.

1.1.1 Immediate Actions

1. Emergency Situation Anticipated / Disaster Event Occurs
2. Implementation of Local Emergency Plan / Advise State EOC
 - a. Notify Governor's Office and appropriate State Emergency Management Agency of Local Activation and intent to declare a State of Emergency
 - b. Continue local Emergency Operations - Evacuation, Shelter etc.
 - c. Initiate document management system for all emergency personnel, overtime, equipment, supplies and expenditures of any kind used for the disaster.
 - d. Establish separate disaster filing system for this situation.
 - e. Fax Local Disaster Emergency to State Emergency Management Agency.

ATTN: Operations / Distribution to (1) Director (2) Recovery Section for file-Action (3) Process request for State Declaration within 30 days

3. Damage Assessment by:
 - a. Local Government (separate Individual & Public Assistance teams)
 - b. State / Local Teams
 - c. Joint Federal Emergency Management Agency (FEMA) / State / Local Teams

1.1.2 Disaster Request Processing

1. Governor's Request:
 - a. Based on results of the Damage / Impact Assessments and request for assistance by a local government, the Governor sends a formal letter to the President through the FEMA Region requesting either a Major Disaster or Emergency Declaration.
 - b. Damage Assessments continue.
 - c. The Federal Response Plan (FRP) is implemented with a Federal Declaration
2. The President Authorizes a Declaration
 - a. FCO - Federal Coordinating Officer appointed by the President
 - b. SCO - State Coordinating Officer appointed by the Governor
3. Federal - State Agreement is executed between the Governor and the designated FEMA Regional Director or their designee. The Agreement states:

- a. The understandings including a description of the incident and the incident period,
- b. Commitments,
- c. The conditions for assistance under which FEMA disaster assistance shall be provided,
- d. Binding obligations imposed on FEMA, States, their local governments, and private nonprofit organizations in the form of conditions for assistance which are legally enforceable;
 - a. No FEMA funding will be authorized or provided until the Agreement has been signed (except when FEMA deems necessary to begin the process of providing essential emergency services or housing assistance under the Individuals and Household Program.
 - b. A Federal-State meeting is normally conducted to review these items.

1.1.3 Disaster Programs Announcement

1. Individual Assistance (IA) Program Initiated (with a IA Declaration) (State IHP Option)
 - a. Disaster Recovery Centers (DRCs) established in locations coordinated by the State and FEMA with help from the local officials.
 - b. FEMA Toll Free Disaster Hot line opened (1-800-462-9029)
2. Public Assistance (PA) Program Initiated (with a PA Declaration)
 - a. Federal / State Inspector Team Briefing
 - b. Applicant Meetings scheduled for Public Officials / Request for Public Assistance Forms (RPAs) submitted
 - c. Kickoff meeting with the applicants scheduled by the FEMA Public Assistance representatives.
 - d. Joint FEMA / State Damage Inspection Teams dispatched by State
 - e. Project Worksheets (PWs) written for all damage

1.1.4 Disaster Programs Implementation

1. Project Application
 - a. PWs completed for all reported eligible damage
 - b. FEMA / State review of all completed Project Worksheets
 - c. Funds allocated by Congress and transmitted to the State (Grantee)
 - d. Payment issued by State
2. Completion of All Approved Work
 - a. Applicant documents all eligible work
 - b. Once all work is completed, the P.4 Project Listing Form is signed and returned
3. Final Inspection / Project Closeout
 - a. Large Projects - Inspected by FEMA / State Team
 - b. Small Projects - Inspection by State Inspector
 - c. Final payment/retainage made to applicant

- d. State Office prepares / submits to FEMA Region final report

1.2 Damage Assessment Team

The best resource for disaster recovery is prior preparation and close coordination with between local and State Officials once a disaster event happens. The Disaster Recovery Manual and other Local and or State disaster publications will provide important information to you.

Damage Assessment occurs in two areas - Assessment of homes/businesses (Individual Assessment) and assessment of infrastructure (Public Assistance). Communities need to be prepared.

1.2.1 Before State / FEMA Assessment Teams Arrive.

Locals perform a rapid assessment by surveying both areas as mentioned above. Typically, people used for this effort have included individuals with familiarity in assessment of homes and businesses, i.e. human services officers, building inspectors and tax assessors. Individuals who can be utilized for infrastructure losses may include city/parish engineers, council members, department heads or managers from departments such as public works or utilities etc.

Based on the assessments, local governments should perform the following:

- Prepare maps locating damages
- Secure large capacity vehicles for damage assessment teams. The vehicles should be able to accommodate up to six passengers.
- Assign a capable local representative able to determine scope of work to each team who is familiar with the damages, i.e. public works director for assessment of infrastructure losses or a human services officer for damages to homes and businesses.
- A local representative will need to accompany the assessment teams throughout the parish and cities, serving as a liaison with each jurisdiction.
- Determine the percent of insurance coverage for the impacted homes/businesses
- A Public Property Site Assessment Worksheet (FORM) should be utilized along with a map in local assessment of infrastructure losses.

The importance of the initial local assessment cannot be over emphasized. Since speed and accuracy are essential in obtaining the maximum amount of help in the shortest amount of time, established workable procedures and properly trained personnel should be in place beforehand.

1.2.2 After State / FEMA Teams Arrive

- Teams will meet with local officials first to discuss the current disaster situation.
- Teams will break into the two assessment groups (IA and PA) and review damages by looking at maps and discussing losses with local team representatives.
- Teams will begin surveying worst affected areas and slowly move to less damaged areas as time allows.
- Teams will return to the original or pre-identified location to discuss the assessments and to debrief local elected officials.

1.2.3 Damage Assessment Team Activities

- County/Parish
- Municipal
- American Red Cross
- Civil Air Patrol
- State
 - ▶ Emergency Management
 - ▶ State Police
 - ▶ National Guard
 - ▶ Insurance Department
 - ▶ Department Of Agriculture
 - ▶ Department Of Transportation
 - ▶ Natural Resources

Two Purposes Of Damage Assessments

Human (Potential Casualties)

1. Property (Homes, Businesses, Public Infrastructures)

(Must Be: Timely, Accurate, Consistent, & Yield Vital Information For)

- Local EMS To Direct Emergency Resources
- Governor To Direct State Response
- Volunteer Agencies To Direct Resources
- Emergency Public Information & Media Information
- Governor To Process Request For Federal Assistance

Damage Assessment Teams Must:

- Maintain Communication With State EOC
- Be Self Contained
- Conduct Thorough Assessments
- Report Unsafe Conditions To State EOC
- Identify Critical Facilities And Public Needs
- Assess Life-Threatening Situations
- Do Not Discuss Work With Media Or Public
- Do Not Comment On Potential Assistance
- Distribute Recovery Brochures If Available And Appropriate
- Maintain Accurate Records And Provide Timely Reports To The State EOC



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SAMPLE

**PRELIMINARY DAMAGE ASSESSMENT WORKSHEET
INDIVIDUAL ASSISTANCE (IA)**

INSPECTOR _____ PG _____ OF _____

COUNTY _____ TYPE DISASTER _____

DATE ____ / ____ / ____ LOCATION _____

TOTALS	SINGLE FAMILY	MOBILE HOMES	MULTI FAMILY	BUSINESSES
DESTROYED (48") FLOODING				
DESTROYED - STRUCTURAL				
MAJOR (25-48") FLOODING				
MAJOR - STRUCTURAL				
MINOR - FLOODING				
MINOR - STRUCTURAL				
AFFECTED - FLOODING				
AFFECTED - STRUCTURAL				
% INSURANCE - FLOODING				
% INSURANCE - STRUCTURAL				
TOTAL - FLOODING				
TOTAL - STRUCTURAL				



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SAMPLE PA PRELIMINARY DAMAGE ASSESSMENT FORM

KEY FOR DAMAGE CATEGORY (Use appropriate letters in the "category" blocks below)				
A. DEBRIS CLEARANCE		D. WATER CONTROL FACILITIES		G. OTHER
B. PROTECTIVE MEASURES		E. BUILDINGS AND EQUIPMENT		PAGE
C. ROAD SYSTEMS		F. PUBLIC UTILITY SYSTEM		_____ of _____.
SITE NO.	CATEGORY	LOCATION (Use map location, address, etc.)		
DESCRIPTION OF DAMAGE				
IMPACT		INSURANCE	% COMPLETE	COST ESTIMATE
SITE NO.	CATEGORY	LOCATION (Use map location, address, etc.)		
DESCRIPTION OF DAMAGE				
IMPACT		INSURANCE	% COMPLETE	COST ESTIMATE
SITE NO.	CATEGORY	LOCATION (Use map location, address, etc.)		
DESCRIPTION OF DAMAGE				
IMPACT		INSURANCE	% COMPLETE	COST ESTIMATE
NOTES				



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INDIVIDUAL AND PUBLIC ASSISTANCE DAMAGE ASSESSMENT CHECKLIST

(To Prepare for State and/or Federal Inspectors)

In order to expedite the damage assessment process, applicants should take the following steps before the arrival of the State and Federal assessment team(s):

1. __ Mark the location of each damage location / site on a suitable map and develop a route of travel to each site. Segregate damage/work activities into either IA or PA damages and if PA, select one of the seven categories of work, listed on the PA PDA Form (page 10) of this Handbook. All IA and PA damage sites should be identified by the applicant before the inspectors arrive.
2. __ Ensure that the person designated to accompany the survey team is knowledgeable of the repairs already made and the location of all other damage sites which need to be repaired/surveyed.
3. __ **FOR PA:** Have photographs, site sketches or drawings of each damage site available for the inspectors (especially where work has already been performed).
4. __ **FOR PA:** Compile a detailed breakdown of labor (including fringe benefits), equipment, and material costs for each location where work has been completed or is in progress. While a variety of forms can be used to summarize these items, the format chosen must document the type and location of work performed on a daily basis.
5. __ **FOR PA:** Record force account equipment use in a manner compatible with the FEMA Schedule of Equipment Rates. Keep damaged equipment and parts for review and inspection by the survey team.
6. __ **FOR PA:** List equipment, materials or inventory lost as a result of the disaster. Provide copies of estimates, bids, purchase orders, invoices, inventory records or other substantiating evidence to verify loss values or replacement cost.
7. __ **FOR PA:** Be prepared to describe to the inspectors which sites will be repaired by contract and those which will be repaired by force account. If a contractor's estimate/bid has been received, have it available for the inspectors.
8. __ Provide inspectors with policy information on insurance coverage and any proceeds received or anticipated. The insurance information is an important part of the both Individual (IA) and Public Assistance (PA) damage assessment process and should be obtained when possible from homeowners and applicants.

1.3 General Flood Damage Assessment Guidelines

The initial estimates for the teams conducting a Preliminary Damage Assessment (PDA) for flooding of residential type property (ownership undetermined) are based on the following guidance from FEMA:

- **Affected**– If the living unit, porch, carport, garage, etc., was damaged but in the inspector’s judgment the living unit is still habitable, the Affected category should be used.
- **Minor**–Minor damage is when the home is damaged and uninhabitable, but may be made habitable in a short period of time with home repairs. Any of the following:
 - Can be repaired within 30 days
 - Has more than \$100 (or more than program minimum) of eligible habitability items and has less than \$10,000 (or less than program maximum) of eligible habitability items under the Disaster Housing Program, Home Repair Grant
 - **Has less than 50% damage to structure**
- **Major**–Major damage is when the home has sustained structural or significant damages, is uninhabitable and requires extensive repairs. Any of following may constitute major damage.
 - Substantial failures to structural elements of the residence (e.g., walls, floors, foundation)
 - Damage to the structure that exceeds the Disaster Housing Program Home Repair Grant maximum (\$10,000)
 - General exterior property damage that exceeds the Disaster Housing Program Home Repair Grant maximum (e.g., roads and bridges, wells, earth movement, and other imminent danger situations.)
 - **Has more than 50% damage to structure**
 - Damage that will take more than 30 days to repair
- **Destroyed**–Destroyed is used when there is a total loss or damage to such an extent that repairs are not economically feasible. Any one of the following may constitute a status of destroyed: (Should be obvious)
 - Structure is not economically feasible to repair
 - Structure is permanently uninhabitable
 - Complete failures to major components of structure (e.g., foundation, walls, roof)
 - Unaffected structure that will require demolition as a result of the disaster (e.g., floodplain)

1.4 Significant Flood Depth Factors

Single Family/Multi-Family Homes (Include in notes length of time structure was flooded, velocity, clean/dirty flood water, etc.)

- Affected 0-6 inches
- Minor 6-18 inches (Electrical, insulation)
- Major 18-48 inches
- Over 48 inches – requires further investigation

- Destroyed

Mobile Homes (Include in notes the variables as above, as well as the age and make of the mobile home)

- Affected - Ground level to within 12 inches of bottom board
- Minor – Within 12 inches of bottom board to 3 inches above floor level
- Major 3-12 inches above floor level
- Over 12 inches – requires further investigation
- Destroyed

1.5 Debris Damage Assessment

In the beginning of a disaster operation, including Preliminary Damage Assessments, that involves either widespread or the potential for large-scale debris removal operations, the DAMAGE ASSESSMENT team members must provide a clear picture of the severity and magnitude of the impact the debris generated by the disaster will have on the following areas:

- Immediate debris priorities (hours)
- Short term (days)
- Initial recovery (weeks)
- Long term recovery (months)

1.5.1 Tools Available to Help

Assessing the Situation: An objective assessment of the overall situation is essential to establishing control of the operation from the beginning. The initial assessment is crucial in the decision making process. Things to consider may include the following:

- Geographical size of the disaster
- Types of debris
- Extent and scope of debris removal operations
- Potential staging areas / reduction sites
- Terrain issues or concerns
- Potential haul distances
- Environmental concerns
- Local capabilities

1.5.2 Debris Management Operations

1. Estimating Volumes: There is no magic formula or method for estimating volumes of debris, which can make it a difficult process for many involved. FEMA, USACE, State, local jurisdictions and contractors will all likely be involved in estimating debris and may all derive different estimates. More important than reaching an exact estimate is establishing perimeters for the volume of debris and cutoff dates for the

removal operations. Things to consider may include:

- Types of disaster related debris
- Durations for residential curbside disposal and pickup
- Potential demolitions
- Reduction conversion factors

2. Prioritizing: Based on the assessment of the overall situation, priorities should be established relative to the specific circumstances of the event and the disaster operation. Things to consider may include the following:

- Health and safety concerns
- Staffing requirements
- JFO / State / Local concerns
- Geographic / economic concerns
- Local capabilities / recent disaster history

3. Mission Assignments: Avoid the tendency to delegate the responsibility of managing the debris operation to individuals in charge of a mission assignment, who may not be familiar with FEMA eligibility criteria. The FEMA Public Assistance Officer (PAO) is ultimately responsible for the operation and should rely on the debris management team to ensure all parties know the limits of eligible debris removal, and provide the day-to-day contact and monitoring of the mission assignment. Routinely verify that the eligibility criteria are being met. Status reports from the mission assignment should be prepared on a scheduled basis (minimally once per week).

4. Monitoring Programs: The monitoring program is essential and should consider more than simply placing "spotters" at the dump sites. This program should entail whatever the situation dictates and may be used in the following ways:

- Verifying eligible scope of work
- Identifying environmental / historic concerns
- Reporting / documenting debris operation quantities and expenditures
- Liaison with contractors / local field representatives
- Report productivity / efficiency

5. Debris Management Plan: Designing and implementing an immediate plan of attack to address the debris situation may be invaluable to the success of a specific operation. Periodic review and revisions of the plan during the ongoing operation may be necessary. Reviewing existing debris management plans may help in identifying areas that require adjustment or clarification. Things to consider in a debris management plan may include:

- Define overall scope of project
- Identify priorities for opening critical emergency routes
- Develop phases of operation based on priorities
- Identify special areas of concern (safety/environmental)
- Identify existing resources / contractors (pre-negotiated and available)

- Identify additional resources needed for operation
- Haul distances / staging areas / reduction sites
- Define limits and goals to determine the end of the operation
- Disposal methods / options

7. Contract Review: The debris management team should be available to review bid procedures and contract proposals for applicants to help identify areas of concern, which may lead to costs that are not reimbursable under FEMA criteria. Areas of concern may include:

- Non-competitive bids
- Excessive unit prices and tipping fees
- Excessive hourly labor charges / equipment rates
- Volume estimates (not to exceed clauses should be considered)
- Scope of work / areas of work / duration of work Federal / State laws and local procedures

8. Records / Reports: Tracking, recording and reporting information from a debris operation is essential for reimbursement and may include:

- Areas of work
- Volumes removed
- Weigh tickets / monitoring logs
- Costs involved
- G.I.S. mapping / postings

9. Project Worksheet Development: The debris management team should work with Public Assistance Coordinators (PACs) and applicant's to ensure the Project Worksheets are prepared in a way to ensure accountability. Recognizing all of the other areas covered in this guide, the Project Worksheets should easily capture the information concerning the specific debris operations. The scope of work may follow an awarded contract, but may also be used to tighten the perimeters of the project and establish reporting requirements.

1.6 Requesting Assistance

First Consideration

Following the initial assessment process and while the damage information is being collected, several events must happen if disaster assistance is being contemplated.

An analysis of the disaster situation must first be made to determine what kind and how much outside assistance (if any) is needed. The preliminary analysis is normally the result of at least one of the following five damage situations:

1. Damage that only requires local resources in order to satisfy the needs. Local Declaration only.
2. Damage primarily to individual homes that may require the implementation of specific individual assistance programs. Local and State Declaration required. (IA)

3. Damage to public property such that may require the implementation of specific public assistance programs. Local and State Declaration required. (PA)
4. Damage to businesses that may cause loss of revenue. Local and State Declaration required. (SBA)
5. Damage primarily to agricultural interest. County Agent notification required.

Second Consideration

Once it has been determined that supplemental assistance beyond the capabilities of the local government will be required as a result of one or more of the **five damage situations**, a local Disaster Emergency must be declared in accordance with (IAW) Local and State Emergency Management Laws. A cover letter accompanying the Local Declaration should explain:

- What happened?
- What specific area(s) is affected?
- Scope and magnitude of the damage and impact to the community.
- That damage is of such severity and magnitude that effective response is beyond the capability of local emergency services to handle.
- That outside assistance is needed to alleviate damage, loss, hardship, and suffering caused by the disaster occurrence.
- Nature and type of assistance being sought.

Third Consideration

If sufficient damages have been documented, and if the decision is made at the local level to request supplemental assistance, the following actions must happen:

1. Contact the State Emergency Operations Center (EOC), and forward copies of all damage estimates and other requested information to the EOC.
2. Once the Local Declaration has been made, a copy should be forwarded to the EOC as quickly as possible. The document must also be recorded with the local Clerk of Court in order to be valid. This can be accomplished the next normal work day.
3. During this period of time, it is important to maintain effective communications between local and State officials and to initiate the Preliminary Damage Assessment (PDA) inspection process so that all eligible damage claims are documented.
4. If the PDA inspection is made and it reveals that sufficient damages exist to warrant further action, a request to the FEMA Region will be made to provide a Federal Inspector(s) to accomplish a Joint PDA with State and local inspectors.
5. Joint PDA inspections will be conducted in order to determine if the preliminary damage estimates will support a request for Federal assistance. All options for assistance will be explored and a letter for the Governor's signature will be prepared and once signed, dispatched to:
 - FEMA for a Presidential Disaster Declaration for Individual Assistance or Public Assistance.
 - Small Business Administration for a request for a SBA Loan Declaration.
 - Federal Home Loan Bank (FHLB) if other assistance is not available.
 - USDA for either :

- Farm Service Agency (FSA) loans
- Rural Development (RD) loans
- Should the State's request for Federal assistance be denied, the decision may be appealed within 30 days of the date of the denial letter. The appeal must contain new information that would likely have a significant impact on the decision.
- If separate declarations are sought for either SBA or USDA assistance, each program will conduct their own on-site review of the disaster declaration request.

1.7 Recovery Phase of a Disaster Event

Joint coordinated actions by federal, state and local levels are necessary to facilitate disaster recovery. Recovery is both Individual and community and involves all aspects of the many Federal and FEMA Programs you are familiar with. Below are some 13 key items to help each Emergency Management Official accomplish their job. There are many sources for disaster recovery information including information in local or State publications. Please seek any and all available data sources you can during the recovery phase.

- a. This phase is a joint effort between the federal government represented by FEMA, the state government and representatives from the affected jurisdictions.
- b. The Governor has requested and the President has issues a Presidential Disaster Declaration at which time the National Response Plan is implemented and the following actions occur:
 - (1) FEMA and the State establish the Joint Field Office (JFO); the President appoints the Federal Coordinating Officer (FCO); the Governor appoints the Governor's Authorized Representative (GAR) and the State Coordinating Officer (SCO):
 - (a) JFO

A temporary federal facility established locally to coordinate federal assistance to the affected jurisdictions and to act as a central focal point for federal, state, local and tribal executives; it will remain open as long as needed to support recovery activities; it will not be closed until a joint decision on the matter is made by the FEMA Region Director and the Governor's Authorized Representative (GAR).
 - (b) FCO

The federal officer appointed to manage the federal resources in support of the state and local governments
 - (c) GAR

The individual appointed by the Governor to execute all necessary documents for disaster assistance programs on behalf of the state and local recipients in connection with the incident; responsible for state compliance with the FEMA-State Agreement
 - (d) SCO

Designated by the Governor to coordinate state and local disaster assistance efforts with the federal government
 - (2) FEMA, State Officials and the local government(s) determine if and where Disaster Recovery Centers (DRC) are needed.
 - (3) FEMA and the State SCO coordinate with the local jurisdiction(s) to conduct the Applicant's Briefing for Public Assistance.

- (4) It is the responsibility of the State PAO to conduct the Applicant's Briefing. At the briefing, the Applicant is educated on the Public Assistance process. The Applicant will prepare a Request for Public Assistance (RPA) which outlines the damage that the Applicant suffered.
- (5) The Applicant appoints an agent. This agent is the Applicant's point of contact and is the only person on behalf of the Applicant who can request funds. It is desirable that the agent be a person who is knowledgeable about the damage sites and the work that needs to be done. The agent represents the local jurisdiction on the Damage Survey Report team.
- (6) The Kickoff Meeting is conducted by the FEMA Public Assistance Coordinator (PAC). The purpose of this meeting is more fully detail the role and requirements of FEMA and the State in the recovery process and to begin the development of the Applicant's Project Worksheets (PWs). A State Applicant Liaison (SAL), who is the Applicant's advocate, will also attend and participate in the development of the Applicant's PWs.
- (7) FEMA and the State work with the Applicant on hazard mitigation and insurance requirements for further information on these topics).
- (8) FEMA and the State will approve/disapprove the PW. There are three steps which take place at this time:
 - (a) 1st review by Applicant, FEMA PAC and State PA Representative is to make sure all damages are included and review for comments.
 - (b) 2nd review is by FEMA Quality Control / Quality Assurance (QC/QA) Section at the JFO.
 - (c) 3rd step is that FEMA obtains the Congressional obligation of the funds for the grant distribution to the Grantee
- (9) The funds become a grant once they are obligated by FEMA and are managed by the Grantee Grants Administrator (GA). The Applicant then executes on the project.
- (10) Once the project has begun, the Applicant may request reimbursement for incurred expenses. The request for reimbursement must be supported by proper documentation. During the remainder of the process, the GA assures that all the proper documentation is collected and is reviewed for compliance with all appropriate state and federal laws and regulations and the scope of work as outlined in the PW. The GA works closely with the Applicant, the QA/QC and finance departments to assure that a successfully completed project results in the Applicant receiving proper reimbursement.
- (11) On a quarterly basis, the Applicant is required to submit a report on the status of all projects until completion.
- (12) Appeals.
 - (a) The Applicant has the opportunity to appeal any FEMA decision. There are two levels of appeal, the first to the FEMA Regional Director (RD) and the second to the Executive Associate Director (EAD) at FEMA headquarters.
 - (b) Common appeal issues:
 - (1) The Applicant is declared ineligible
 - (2) The facility, work or project is determined eligible for disaster assistance
 - (3) Estimated costs are contested
 - (4) A time extension is not granted
 - (c) The Applicant is responsible for initiating the appeal by sending a letter to the Grantee outlining the grounds for appeal and sending it with all documentation to the attention of the SCO or a designated individual.

- (d) The appeal must be sent to the Grantee within 60 days upon the applicant receiving notice of the action being appealed
 - (e) The Grantee acts as the Applicant's advocate and prepares a written recommendation on the merits of the appeal.
 - (f) The recommendation of the Grantee must be submitted to the FEMA Regional Director within 60 days from receipt of the applicant's appeal letter.
 - (g) The Regional Director usually issues a decision within 90 days. If the appeal is denied by the Regional Director, the applicant has 60 days from notice of the denial by the Regional Director to submit a second appeal to the Grantee, who in turn has 60 days from receipt of the applicant's letter to submit the appeal to the Executive Associate Director, Response and Recovery Directorate, FEMA who will generally issue a decision within 90 days.
 - (h) The above time frames may be extended if additional information is found during the appeal process.
- (13) Closeout: Once a project is completed, audits are conducted and final payment adjustments are made, if necessary. Additional information on the audit process is explained later in this booklet.

1.8 Local Emergency Declaration Letters - Samples

The following pages contain sample declaration formats for:

- Local Disaster Emergency
- Local Economic Emergency and Dangerous Situation
- Local Emergency Situation



Jones Disaster Management Group

DATE

LOCAL DISASTER EMERGENCY

(Sample)

WHEREAS, the (County / City) _____ of _____ (County) is presently faced with a emergency due to _____

beginning ___ / ___ / ___ and continuing until present, and the (County / City) of _____ declares a State of Emergency in accordance with the provisions of the State Emergency Management Law, and wishes to utilize its resources to the fullest extent; and

NOW THEREFORE, BE IT RESOLVED BY (COUNTY / CITY) _____

Of _____ (STATE), convened in (Regular / Emergency) session On ___ / ___ / ___, that it does hereby declare that under the authority of the (CITY APPROPRIATE State Law), a state of disaster exist in _____

CERTIFICATE

I the undersigned, do hereby certify that the above is a true and correct copy of resolution adopted by the _____ (STATE), convened in (Regular / Emergency) session convened on the ___ / ___ / 200__.

(Name) _____
(Title) _____



Jones Disaster Management Group

SAMPLE LETTER/if needed

(LETTERHEAD)

Date

Honorable

Governor of (STATE)

c/o State Emergency Management Agency

ADDRESS

Subject: Local Economic Emergency and Dangerous Situation

Dear Governor:

With the extreme amount of rainfall which fell in (specify area) during (specific period of time), this County is currently facing severe economic losses.

Our current estimates indicate crop losses will exceed \$9,000,000. The Figures reflect heavy losses in vegetables (\$4 million) with over five million dollars lost in sorghum, wheat and hay.

A large number of individuals have been laid off from work as a result of heavy rainfall. It is estimated by the State Employment Commission that 550 people are out of work because of the rain. The largest numbers of unemployed workers are in farm/ranch related occupations with another large number in the construction field.

The road situation in the County have been affected to such an extent by the rains that we have a number of families stranded as a result of impassable roads and water crossings. It is estimated that road and crossing damage will exceed \$500,000.

Governor, as the Local Chief Elected Official, I am officially requesting that the County be declared a disaster area for both State and Federal programs that would be available to the declared disaster areas.

It is my belief the damages to the roads in the county due to the rain and flooding constitutes a serious safety hazard. Governor, the County does not have local funding and resources available to make the needed repairs and to provide the citizens with effective relief.

Your assistance in this emergency matter, as it affects the safety and health needs of the citizens of this County, would be appreciated.

Sincerely,

Chief Elected Official



Jones Disaster Management Group

SAMPLE LETTER/ if needed

(LETTERHEAD)

Date

Honorable

Governor of (State)

c/o State Emergency Management Agency

ADDRESS

Subject: Local Emergency Situation

Dear Governor:

Please consider this a request from this County for Small Business Administration (SBA) loans based on flooding which occurred throughout the area during (specific time).

Some businesses were flooded to a depth of four feet and have suffered economic losses which will devastate their ability to survive and continue to support their respective communities with their services. A few of the businesses so affected are Wayside Express, Southside Grocery and Seafood Market, Crowfoot's Restaurant, Mike's Ice House, Topside Boat Storage, Acme Real Estate, and Riverside Mall Properties.

The accompanying Disaster Damage Report reflects that economic damage to businesses alone exceeds \$3,000,000.

Your assistance in obtaining a Small Business Administration Loan declaration so that individuals and businesses can low-interest disaster loans at reasonable interest rates is vital to our recovery effort. Your assistance with this important matter will be greatly appreciated.

If any additional information is needed, please contact me at my office.

Sincerely,

Chief Elected Official

PART 2: FEDERAL DISASTER ASSISTANCE



2. Federal Disaster Assistance

2.1 Federal Programs Overview

The Federal Government provides public agency and individual assistance for natural and manmade disasters in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 100-707, signed into law November 23, 1988; amended the Disaster Relief Act of 1974, PL 93-288. This Act constitutes the statutory authority for most Federal disaster response activities especially as they pertain to FEMA and FEMA programs.

Once the initial disaster actions to establish possible eligibility for FEMA Supplemental Assistance, the President reviews the disaster information and makes a determination as to whether the disaster has caused sufficient damage to require federal aid. If so, the president will declare the situation a major disaster and release federal resources to assist the communities in the recovery effort.

Once the declaration is made, the Department of Homeland Security through the Federal Emergency Management Agency (FEMA) coordinates the numerous federal recovery programs for the disaster area. Then, in cooperation with State and local governments, FEMA establishes a Joint Field Office (JFO) to oversee and support the entire operation. In conjunction with the State, FEMA also establishes Disaster Recovery Centers (DRCs) in the disaster areas to assist in administering the Individual Assistance programs.

The Disaster Recovery Center concept has evolved from the original Disaster Application Center (DAC) operation. The DRC provides additional "direct follow-up" assistance to disaster victims by enabling the individual applicant to personally establish contact with the different agencies providing assistance.

There are two main avenues through which federal assistance is administered:

- **The Individual Assistance Program** for grants, loans, temporary housing, food, etc. These programs are long term recovery actions for individuals, families and small businesses.
 - The American Red Cross (and other voluntary agencies) frequently will normally be on the scene first administering such emergency short term assistance as food, clothing, bedding, and shelter.
 - The entire effort is conducted cooperatively by the Federal, State and local governments and voluntary organizations. The intent is to help those people who have been affected by the disaster.
- **The Public Assistance Program** for the repair to public property such as the courthouse, city hall, community centers, parks, recreation center, etc. These programs are for public service type applicants such as cities, counties, Indian tribes, and eligible private-nonprofit agencies.

2.1.1 Federal/State Action

Once the Presidential Disaster Declaration is received, the Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) and the State Emergency Management Agency move immediately to coordinate disaster assistance programs.

As covered in Part II of this Handbook, assistance is provided through the Individual Assistance and Public Assistance Programs. Both programs are administered cooperatively by the Federal Coordinating Officer

(FCO) and the State Coordinating Officer (SCO) and respective staffs once the Joint Field Office (JFO) is opened.

The JFO serves as the administrative center for the recovery effort and coordinates all Federal and State efforts with the local officials.

Initial operations at the JFO will focus on the delivery of information relating to the Individual Assistance Programs and the establishment of additional facilities in or near the areas of worst damage called Disaster Recovery Centers. These additional facilities will operate only long enough to process claims for individuals, families and businesses in that particular area and will augment the toll-free telephone registration operation. Federal, State and local officials will coordinate the necessary actions to ensure the disaster registration information is available to every citizen in the declared disaster area.

Once the JFO has established the satisfactory operation of the Individual Assistance Programs, the actions for the implementation of the Public Assistance and Hazard Mitigation Programs will be initiated. All field actions for the Public Assistance Program will be coordinated through the JFO.

The JFO remains open until disaster assistance activities can be supported by local, State and Federal offices. The FCO and SCO staffs will scale down during the recovery process depending on the requirements of the disaster situation. The JFO will not be closed until a joint decision on the matter is made by the appropriate FEMA Region Director and the Governor's Authorized Representative (GAR).

2.1.2 Local Action

Local city and county government officials are responsible for making the recovery from a disaster situation. All recovery efforts should be initiated at the local level. In the process of working this task through there are five basic steps:

1. A fairly accurate damage assessment must be made to determine the extent of the disaster damage.
2. An analysis of the damage must be performed to determine the kind and quality of supplemental assistance needed.
3. A request for assistance for resources outside of the community must be prepared and submitted appropriately to the governor through the State Emergency Management Agency.
4. The recovery effort must be directed and guided in the best interest of the community.
5. Locate an adequate facility to house one or more Disaster Recovery Centers. This facility will be secured by FEMA and staffed with the coordinated efforts of FEMA and the State.

Detailed information on damage assessment, requesting assistance, individual assistance, public assistance, hazard mitigation, public information and documentation of work are covered in sections of this Handbook.

2.1.3 Joint Field Office (JFO)

Once a Presidential Disaster Declaration has been authorized, the JFO is established in the vicinity of the disaster area or as close as possible. The facility is obtained by FEMA with the assistance of the GSA and houses the FCO and SCO staffs. When a small disaster that does not require the activation of a large staff to support a JFO, a smaller Field Operations Facility may be opened when agreed to by local, State and FEMA officials. The JFO will probably function in the same location the entire time the Individual and Public Assistance programs are being administered. This procedure differs from that of the DRC, which

operate for a limited period of time, then close or move to another location to serve other individual applications for assistance.

Overall supervision and guidance of all assistance programs is accomplished from the JFO. The JFO also provides an operating location for Federal and State operations and include disaster functions such as:

- All activated Federal Emergency Support Functions (ESFs)
- Temporary Housing (TH),
- Public Information (PIO),
- National Flood Insurance Program coordination(NFIP),
- Community Relations (CR),
- Disaster Housing Operations (DHOPS) mission,
- Federal Assistance to Individuals and Households Program (IHP),
- Public Assistance (PA),
- Hazard Mitigation (HM),
- Administrative and financial support for federal disaster program workers,
- Disaster worker employee office,
- American Red Cross,

In a situation where the damage area covers a large geographical area, there may be a need for supplemental JFO or Area Field Office (AFO) to support work in other areas. In this case, a satellite office will be established to operate in a limited capacity to extend the efficiency of JFO/AFO operations throughout the entire disaster area.

2.1.4 The Federal Coordinating Officer and Staff

The Federal Coordinating Officer (FCO) is appointed by the President for each disaster and coordinates the Disaster Assistance activities of all Federal agencies including the FEMA regional activities of the region in which the disaster occurred. The FCO and staff are located in the JFO.

A cadre of professional Disaster Assistance Employees (DAEs) have been designated by FEMA and will in most situations staff the FCO positions.

In the performance of duties the FCO is responsible for the overall recovery efforts including:

- Determining the types of assistance that are most urgently needed.
- Rendering assistance to those who need it as quickly as possible.
- Gathering all Federal agencies that have disaster assistance programs and coordinating their activities.
- Staffing the JFO/and support facilities in addition to the DRCs with required representation of Federal agency personnel.
- Coordinating the efforts of private relief organizations, such as the American Red Cross, that agree to operate under FCO supervision.
- Taking any other appropriate action to help the local population obtain all assistance to which it is entitled.

2.1.5 State Coordinating Officer (SCO) & Staff

Once the President has authorized a FEMA Disaster Declaration in accordance with the provisions of the Code of Federal Regulations, 44 CFR, Part 206.31-48, and in accordance with the provisions of the Code of Federal Regulations, 44 CFR, Part 206.41(c) the Governor shall designate a State Coordinating Officer (SCO) who shall coordinate State and local disaster assistance efforts with those of the Federal Government.

The SCO will normally reside at either the Joint Field Office (JFO) or the Field Operating Facility (FOF) depending on the size of the declared event and the type of facility required. The SCO will coordinate all State disaster assistance programs on behalf of the Governor's Authorized Representative (GAR) with the Federal Emergency Management Agency (FEMA).

Eligible disaster programs will depend on the type of disaster request by the Governor and authorized by the President, but may include any or all of the following:

- **Individual Assistance**
 - Temporary Housing Assistance
 - Federal Assistance to Individuals and Households Program (IHP)
 - Disaster Unemployment Assistance
 - Food Commodities
 - Relocation Assistance
 - Disaster Legal Services
 - Crisis Counseling Assistance
 - Community Relations (CR)
- **Public Assistance**
 - Debris Removal
 - Emergency Protective Measures
 - Restoration of Damaged Facilities
- **Hazard Mitigation**
 - Hazard Mitigation Grant Program (HMGP)
 - Flood Mitigation Assistance (FMA)
 - The SCO Staff is sized and composed according to the anticipated work load of the particular disaster assistance effort. This is normally accomplished by evaluating the number of structures damaged, the size of the geographical area and the number of people affected by the disaster. Normally the SCO Staff varies from 10 to approximately 50 workers. For very large catastrophic disaster events the number of workers will be in the hundreds.

2.2 Disaster Assistance for Individuals

When disaster strikes, the Federal Emergency Management Agency (FEMA) and the State Emergency Management Agency with assistance from each local government Emergency Management Office with eligible damages may administer a number of disaster assistance programs for individuals, families and small businesses in order to provide services to help the people through the recovery process.

Once a disaster has happened, the following are some of the factors that must be taken into consideration when it is anticipated that the damage may result in a request for a Presidential Declaration for Individual Assistance:

- The number of homes and families affected.
- What is the total impact upon the community and what affects has the disaster had upon the continued normal day-to-day life and functioning of, that community?
- What degree of insurance coverage exists among the families affected?
- Has the area or community suffered an active history of past disasters?
- What percent of the homes damaged are not primary residences, but instead the individuals secondary homes, camps or vacation homes?
- What is the pre-disaster level of unemployment, the degree of damage to the business community, how much unemployment is a direct result of the disaster, and any other economic situations that may be unique to the specific disaster event?
- Does the severity of damage create the need for a significant number of families to relocate and occupy temporary accommodations?
- Does the degree of damage exceed that which is normally expected of a homeowner or landlord to repair utilizing their own funds?
- Do the degree and severity of damage, the number of homes affected, and the estimated recovery cost of the disaster exceed the capability of the voluntary agencies to deal with?

Individual Assistance is supplemental Federal assistance provided under the provisions of the Stafford Act and The Code of Federal Regulations, Part 206, for individuals and families adversely affected by a major disaster or an emergency. Such assistance is normally provided by the Federal Government, State and local governments, disaster relief organizations, and The Small Business Administration (SBA). The types of assistance available are:

2.2.1 FEMA Housing Assistance

Housing Assistance: Housing assistance to individuals and families whose permanent homes were damaged or destroyed by the disaster. FEMA now provides a lump sum grant of \$30,300 (CPI FY 08/09) for:

- Temporary Housing up to 18 months
- Repairs needed to make a residence habitable
- Replacement
- Permanent Construction

Individual and Household Programs: Provides grants to individuals and families to meet serious disaster-related needs and necessary expenses not covered by insurance or other federal, State or voluntary agency disaster assistance programs.

2.2.2 Additional Disaster Individual Assistance Programs

- Disaster unemployment assistance
- Food Commodities
- Medical, Dental and Funeral expenses
- Personal property transportation
- Disaster Legal Services
- Crisis Counseling assistance and training

No individual or household shall receive financial assistance greater than \$30,300 with respect to a single disaster. (CPI 08/09)*

NOTE- Many cost rates changes are based on the Consumer Price Index (CPI) at the beginning of each Federal Physical year (October 1)

2.2.3 FEMA Individual Assistance Support Programs

- **Cora Brown Fund Assistance:** The purpose of this assistance is to make funds available to assist victims of natural disasters for disaster-related needs that have not been or will not be met by governmental agencies or other relief organizations. This grant would only be available after a Presidential declaration for Individual Assistance is made and would only be applicable after the individual had not been successful in obtaining assistance from any other source. Application would be made through the Governor's Authorized Representative (GAR).
- **Crisis Counseling Assistance:** The purpose of this assistance is to provide professional counseling services to victims of major disasters in order to relieve mental health problems caused or aggravated by a major disaster or its aftermath.

Available assistance will be provided by the National Institute of Mental Health, Public Health Service, and the

State Department of Health and Human Services following a Presidential declaration and when requested.

- **Disaster Housing:** The purpose of this assistance is to provide temporary housing for individuals and families displaced as a result of a disaster.

This assistance is available after the Presidential declaration of a major disaster or an emergency. Temporary housing in the form of government, private, and commercial resources; or, grants for minor repairs to owner-occupied damaged structures is provided. Temporary assistance is also provided with mortgage or rental payments for persons faced with losses of their residence because of disaster-created financial hardships.

Eligible applicants are individuals and families displaced from their homes by a disaster. Application is made at the Disaster Recovery Center (DRC).

- **Flood Insurance:** The purpose of this assistance is to enable both individuals and State and local

governments to purchase flood insurance against losses from physical damage to, or loss of, buildings and their contents as a result of floods, or flood-related mud slides, or flood related erosion.

Assistance is available to provide insurance at a reasonable rate, backed by the Federal Government, for buildings and their contents.

Eligible applicants are property owners in communities which are participating in the National Flood Insurance Program (NFIP).

People with structures or personal property in or near the floodplain should contact their local insurance agent for information and an application.

- **Food Distribution Program - Emergency Assistance:** The purpose of this program is to provide commodities for the mass feeding of eligible victims of natural disasters.

This assistance can be provided by the Food and Nutrition Service, U.S. Department of Agriculture, after a Presidential declared disaster. The intent is to distribute food commodities for mass feeding purposes in locations in which commercial food sources have been disrupted. Approval of the Secretary of Agriculture is required.

Application procedure is through the American Red Cross, Salvation Army, or other recognized local disaster feeding organization. Information is available at the DRC.

- **Food Stamp Program - Emergency Issue:** The purpose of this program is to provide emergency issuance of food stamps to victims in disaster areas where the normal channels of food distribution have been disrupted.

This assistance can be provided by Food and Nutrition Service, U.S. Department of Agriculture after a National level approval by the Food and Nutrition Service following a Presidential declared disaster. Maximum food stamp allotment size will be made for victims of natural disasters who are otherwise eligible. Application for low-income households and other eligible disaster victims is made through the local Department of Human Services Office.

- **Individual and Household Grants Program:** The purpose of this assistance is to provide grants to individuals to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster.

Eligible applicants are individuals or families with disaster related necessary expenses or serious un-met needs that cannot be met through assistance under other provisions of the Robert T. Stafford Act (PL 100-707) or from other means.

Assistance is available after the Presidential Declaration of a major disaster with a lump sum grant of \$30,300 (FY 08-09) per individual or family. This figure is adjusted each October 1, based on the Consumer Price Index (CPI).

The program is funded by FEMA and the State on a 75%/25% Federal/State cost sharing arrangement. There is no cost to the local government or to the individual applicant. If the State is an Option 1 State then FEMA manages the entire program.

Applications are taken by either of the following:

In person at the Disaster Recovery Center (DRC) by Interviewers and referred to the appropriate State Agency.

By registration through a phone call to (1-800-621-FEMA)

Eligible categories for assistance include: Housing, housing items, clothing, tools, moving expenses, transportation expenses, medical or dental expenses, and funeral expenses.

Ineligible categories for assistance include: Business loans, improvements to personal property, landscaping and financial obligations incurred prior to the disaster.

- **Relocation Assistance:** The purpose of this program is to ensure that no person otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act shall be denied such eligibility as a result of his being unable, because of a major declared disaster, to meet the occupancy requirements established by the Act.

2.2.4 Individual Assistance Normal Delivery Sequence

- VOLUNTEER AGENCIES' EMERGENCY ASSISTANCE

Except expendable items such as clothes, linens and basic kitchenware

- INDIVIDUAL AND HOUSEHOLD PROGRAM ASSISTANCE

(To include provisions for: Disaster Housing)

1. Maximum IHP Grant \$30,300 (CPI 08/09)
2. Temporary Housing up to 18 months
3. Home Repairs
4. Home Replacement
5. Permanent Construction

- SMALL BUSINESS ADMINISTRATION

Loans for individuals and businesses

- VOLUNTEER AGENCIES' - ADDITIONAL ASSISTANCE

Assistance provided with the help of many church and private-nonprofit organizations

- CORA BROWN FUND (\$2,000) MAXIMUM-

Money from this fund may be used to provide for disaster related needs that have not been met by government agencies or other organizations that address such needs

NOTE- Many cost rates change based on the Consumer Price Index (CPI) at the beginning of each Federal Physical year (October 1)

2.3 Other Agency Programs

2.3.1 American Red Cross

The purpose of assistance by the American Red Cross is to mitigate the suffering caused by a disaster, regardless of the size of the catastrophe or the number of people involved. In the event of a Presidential declaration of a major disaster, the Red Cross cooperates to the fullest extent with the Federal Coordinating Officer appointed by the President and works in coordination with State and local governments and other voluntary agencies.

Assistance available from the Red Cross is in the form of food, clothing, shelter and first aid provided through shelters, at aid and feeding stations and directly to individual families. Supplementary nursing care and blood products are distributed to hospitals and other emergency medical facilities. Welfare inquiries from outside the affected areas are also handled.

Funds or purchase orders are issued to individual families for clothing, medical care, health items, essential household furnishings, and needed occupational supplies. Also in order for families to reoccupy their homes the following items are provided: equipment, emergency housing rental, transportation, and temporary home repairs.

Information about available State and Federal aid and other resources is given to disaster victims.

Grant aid may be available for more extensive repairs or rebuilding of a home and the replacement of household goods when there is not a major disaster declaration or the family is not eligible for government benefits or such benefits are inadequate to meet essential disaster-caused needs.

Contact the local chapter of the American Red Cross or specially established disaster service centers for more information.

2.3.2 Churches

Assistance through local churches or interfaith groups is usually available for immediate needs such as food, clothing, spiritual and other personal needs. Local churches usually belong to a regional disaster assistance network that provides resources for needs within this particular region. Regional networks may be denominational, but they help the general population and can be very resourceful in meeting community needs following a disaster.

2.3.3 Department of Labor - Unemployment Assistance

The purpose of this assistance is to provide financial assistance to persons unemployed as a result of a major disaster event.

Assistance is available after the Presidential declaration of a major disaster in the form of job placement and disaster unemployment assistance which is administered through the State Employment Commission for the U.S. Department of Labor. The compensation received will not exceed the maximum amount of payment authorized under the employment compensation program for the State. Assistance may be provided until an individual is re-employed, but no longer than 26 weeks after the date of the major disaster declaration.

Eligible applicants are individuals who are unemployed as a result of a declared major disaster by the President. Application by the individual is made to the State Employment Commission at either their local office or their representative at the Disaster Recovery Center (DRC).

2.3.4 Internal Revenue Service

(Tax Information and Education)

The purpose of this assistance is to ensure that taxpayers who suffered losses receive the most current information regarding casualty loss claims and the filing of amended tax returns. Assistance is available after a Presidential disaster declaration of a major disaster or an emergency for advisory services, counseling and guidance on tax matters, including assistance in the preparation of returns. Assistance is also provided in obtaining copies of prior year returns, when necessary, to file amended returns.

Eligible applicants are the taxpayers who suffer losses as a result of a Presidential disaster declaration or emergency.

For assistance call the Internal Revenue Service toll free tax information telephone number listed in any telephone directory (1-800) TAX-1040 or visit a Disaster Recovery Center. Tax Assistance information may include:

- Federal: The Internal Revenue Service (IRS) allows underinsured casualty losses that were suffered on home, personal property and household goods to be deducted on income tax returns. Amended returns may be filed for a previous year's filing so that disaster victims can receive a tax refund.
- State: Assistance and information on casualty loss deductions on State income tax returns can also be obtained; Department of Revenue and Taxation
- Local: Tax assessors may provide information and assistance on property tax.
- Farm Assistance: Emergency loans to farmers who were operating and managing a farm at the time of a disaster. State Department of Agriculture and Forestry
- Insurance Information: Assistance and/or counseling regarding ways to obtain copies of lost policies, file claims, settlements, etc. State Insurance Department.
- Legal assistance: Free legal services for low-income disaster victims on such matters as replacing legal documents, transferring titles, contracting problems, will probates, insurance problems, and certain landlord-related problems. Attorney General's Office.
- Social Security Benefits: Assistance in expediting delivery of checks delayed by the disaster, and assistance in applying for Social Security disability and survivor benefits. Social Security Administration.
- Veterans Benefits: Assistance in expediting delivery of information concerning:
 - Health Care
 - Financial services
 - Personnel matters
 - Supply support
 - Housing assistance
 - Food distribution
 - Technical assistance

2.3.5 Legal Services

The purpose of this assistance is to provide legal services to low income families and individuals who need assistance as a result of a major disaster event.

This service can be provided, after the Presidential declaration of a major disaster, by appropriate Federal agencies, State and local bar associations and the Young Lawyers Division of the American Bar Association.

Further information on this program may be obtained at the DRC.

2.3.6 Mennonite Disaster Service

The purpose of the Mennonite Disaster Service is to assist individuals and communities with repair and rehabilitation work following a declared disaster.

Assistance available through the Mennonite Disaster Service is for:

- General, immediate clean up and restoration of disaster locations.
- Repairs, temporary or permanent, to homes of the elderly and the under insured.
- The reconstruction and rehabilitation of residences and vital building facilities in an affected community.
- Mental health support programs in cooperation with the Mennonite Mental Health Centers.

Any disaster victim or community that has sustained damage because of a major disaster is eligible for assistance. Priority is given to the elderly, handicapped, widowed, disadvantaged minorities and impoverished.

For assistance contact the nearest office of the Mennonite Disaster Service.

2.3.7 Salvation Army

The purpose of the Salvation Army is to meet the needs of victims of natural and manmade disasters.

Assistance available through the Salvation Army is for:

- Spiritual counseling - comforting the bereaved, consoling the injured and distressed.
- Family counseling and case worker services.
- Registration and identification of victims.
- Missing persons services - locating individuals and answering inquiries from concerned relative and families.
- Medical assistance.
- Temporary shelter.
- Mass and mobile feeding - hot meals or snacks for disaster victims and emergency workers.
- Collection of donated goods for victims - according to predetermined need.
- Distribution of clothing, food, and commodities, furniture, bedding, cleaning supplies, and bibles.
- Services to emergency workers.
- Referrals - to appropriate government and private agencies for special services.
- Other services as required.

To be eligible for assistance, an individual (including disaster workers) or a community should have sustained damage as a result of a disaster occurrence. For assistance, contact the nearest office of the Salvation Army.

2.3.8 Senior Citizens Assistance

The purpose of this program is to provide assistance to Senior Citizens who have been affected by a Presidential declared disaster.

The Service is provided by the local Senior Citizen activity center which serves the host community and is activated by FEMA as a normal function of establishing the Disaster Recovery Center (DRC) structure for disaster recovery operations.

2.3.9 State VOAD – Voluntary Organizations Active in Disasters

Following a State Disaster Declaration, VOAD may coordinate unmet needs. County Directors may request assistance through the State.

2.4 Small Business Administration Programs (SBA)

Why it is necessary for disaster victims to call FEMA first, particularly if they're business owners seeking SBA assistance?

During Presidential disaster declarations, the one phone call to FEMA (1-800-621-FEMA) registers the disaster victim for assistance and provides critical information on the various forms of federal assistance available following a declared major disaster. Online registration is also available at www.fema.gov. Homeowners and renters must call FEMA to register for assistance.

Although businesses are not required to register with FEMA, SBA suggests they do so as a matter of record. Private non profits must also register, and may be eligible for assistance from FEMA for damages in excess of those covered by a disaster loan. If any further assistance might be made available to businesses, the registered businesses will already be in the FEMA system. During the registration process, disaster victims will be asked several questions about their circumstances, including their income. Most homeowners and renters will be referred to the SBA and sent disaster loan application packages. **If homeowners or renters are issued applications, they must fill out and return the applications to the SBA in order to be considered for other forms of assistance, including grants.** If the SBA declines a home loan request, or cannot make a loan for all of the disaster victim's losses, SBA will refer the applicant to FEMA to be considered for its "Other Needs Assistance" (ONA) grant program.

A Presidential Declaration automatically triggers Small Business Administration (SBA) loans to individuals and businesses. These loans are made at lower rates of interest to help disaster victims recover from the effects of the disaster. The interest rate charged varies depending on the availability of loans from other sources and other economic factors and can change at any time. The interest rates given below were in effect at the time of this publication. It is important to note that SBA loans are not automatic. To be approved, the applicant must show the ability to repay the loan. Loans over \$10,000 must be secured by collateral.

2.4.1 Types of Disaster Loans Available

A. - PHYSICAL DISASTER LOANS

These Disaster Loans are a primary source of funding for permanent rebuilding and replacement of uninsured disaster damages to privately-owned real and/or personal property. SBA's physical disaster loans are available to homeowners, renters, non-farm businesses and eligible PNP's.

1. **Home Physical Disaster Loan** amounts are limited to \$200,000 to repair/replace damaged primary residences and \$40,000 to repair/replace personal property. The amount of the actual loan is limited to the verified uninsured disaster loss. These are loans made to homeowners or renters to repair disaster related damage to primary homes or replace personal property. Refinancing of existing liens on damaged real property is also available under certain conditions. Renters are eligible for personal property loans only.

Current rates on home loans are 8% if credit is available elsewhere or 4% if credit is not available from other sources. Refinancing proceeds are loaned at the lower rate. The loan amount for Real Property Loans can be increased by up to 20% for mitigating devices for damaged real property. The amount of refinancing cannot exceed the amount loaned for real property damage and are limited to \$40,000.

Terms- The repayment period depends on the size of the loan and the repayment capability of the applicant. The Maximum term is 30 years. Loan proceeds may be used to return a structure to pre-disaster condition. With the exception of mitigating devices, loan proceeds cannot be used to upgrade or make additions. Loan proceeds may not be used to replace luxury items or recreation vehicles. Functional antiques will be replaced by modern items. Dollar limitations apply to hobby and other unnecessary items.

2. **Business Physical Disaster Loans** are limited to \$2,000,000 for real estate, inventory, machinery, equipment and all other physical losses. The amount of the actual loan is limited to the verified uninsured disaster loss. Non-profit organizations are also eligible for these loans.

Physical disaster loans are currently 8% if credit is available elsewhere and 4% if credit is not available from other sources. The current rate for non-profit organizations is 9.25% regardless of credit availability.

Terms- The applicant can be allowed up to 30 years to repay if there was no credit available from other sources. However, if credit was available from other sources, the loan must be repaid within (3) years. Loan proceeds may be used to restore land, buildings, household improvements, inventory, machinery, equipment, furniture and fixtures to pre-disaster condition. Upgrading is not authorized except to meet building codes or finance mitigation measures. Mitigation measures are limited to 20% of the loan amount and do not increase the maximum limit.

B. - ECONOMIC INJURY DISASTER LOANS (EIDLs)

These Disaster Loans help provide necessary working capital for small businesses and small agricultural cooperatives to assist them through the disaster recovery period. These loans are limited to \$2,000,000. The loan amount is calculated by the SBA and the loan is available only to small businesses that cannot provide for their own recovery from non-government sources. Maximum loan amount, physical and economic injury, to any business for specific disaster declaration will not exceed \$1,500,000.

Economic injury loans are 4% and are only available where credit is not available elsewhere.

Terms - These loans are made for a period of up to 30 years. The proceeds may be used to pay expenses, overhead and fixed-debt installments which could have been paid if the disaster had not happened.

2.4.2 Types of Declarations Available

A. - PRESIDENTIAL

When the President declares a major disaster which includes the provision of individual assistance, SBA will issue a disaster declaration making all disaster loan programs available for the declared counties. Counties adjacent to declared counties are also declared for Economic Injury Disaster Loan assistance only.

B. - ADMINISTRATIVE

The Administrator of the SBA may make a physical disaster declaration upon a written request by the

Governor, subject to the damages meeting the minimum criteria for a declaration. Once requested, the SBA determines the amount of eligible damages in a joint survey with the State. To be declared, a county must have at least **25** homes and/or businesses with uninsured losses of **40%** or more of their estimated fair replacement value or pre-disaster fair market value, whichever is less. An Economic Injury declaration always accompanies a Presidential or Administrative physical declaration.

C. - SECRETARY OF AGRICULTURE

The SBA may provide economic injury assistance for a natural disaster declared by the Secretary of Agriculture. Under these designations, the SBA makes economic injury loans available to eligible small businesses dependence on agricultural producers.

D. - GOVERNOR'S CERTIFICATION

When disaster damage is insufficient for a Presidential, Administrative or Secretary of Agriculture declaration the State may certify the disaster has caused economic injury to small businesses in the State to the extent Federal assistance is necessary. To support such a request, the State is required to provide substantiating evidence showing five (5) or more businesses in the county have sustained substantial economic loss due to the disaster. The SBA Administrator will make a disaster declaration decision based upon the information provided by the State.

2.4.3 Declaration Criteria

Application for the programs described can be made at the Disaster Recovery Center (DRC), nearest SBA office, or by calling the SBA 1-800 number listed for the disaster.

2.5 Agriculture Disaster Guidelines

I. Purpose:

To provide general guidance on the Presidential and Secretary of Agriculture Disaster Declaration and Application processes as it applies to farmers, ranchers, and aquaculture operators.

II. General:

Following either a Presidential Disaster Declaration or a Secretary of Agriculture Disaster Declaration, farmers, ranchers, and aquaculture operators may be eligible for loans and assistance programs to help them recover from the effects of a declared disaster.

If producers are unable to obtain credit elsewhere, and the event is declared a disaster by either the President or the Secretary of Agriculture, they may be eligible for:

- Farm Service Agency (FSA) (formerly FMHA) loans for physical/production losses to restore or replace damaged property.
- Emergency Conservation Program funds for erosion or debris damage to farmland.
- In addition, under a Presidential Declaration, producers may be eligible for:
 - Temporary housing.
 - Low-interest Small Business Administration (SBA) loans.

The County Emergency Board (CEB) is responsible for monitoring and assessing agricultural damage on the county level in connection with Secretarial Declarations. The CEB consists of representatives from the local Farm Service Agency (FSA), Cooperative Extension Service (CES), Natural Resources Conservation

Service (NRCS), and Rural Development (RD) Offices. In some cases, the U.S. Forestry Service (USFS), Animal and Plant Health Inspection Services (APHIS), or other USDA agencies may designate local representatives to serve on the board. The CEB provides reports to the State Emergency Board (SEB). The SEB is composed of the following agencies on the State level.

- Farm Service Agency (FSA)
- Animal and Plant Health Inspection Service (APHIS)
- Cooperative Extension Service (CES)
- Food and Consumer Service (FCS)
- Food Safety and Inspection Service (FSIS)
- Forest Service (FS)
- National Agricultural Statistics Service (NASS)
- Natural Resources Conservation Service (NRCS)
- Rural Development (RD)
- Rural Utilities Service (RUS)

III. **Disaster designations:**

Presidential Declaration:

- The Governor must make a written request to the President in accordance with the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act when on-site inspections indicate a need for either a declaration for Individual or Public Assistance. The Federal Emergency Management Agency (FEMA) is responsible for making recommendations to the President.
- If a Presidential Declaration is granted, assistance from USDA and SBA is automatically authorized.
- In the event a Presidential Declaration for Individual and/or Public Assistance is not authorized, producers suffering agricultural damages may still be eligible for assistance, provided that a Secretary of Agriculture Declaration is granted.

Secretary of Agriculture Disaster Declaration:

The Secretary of Agriculture may make a disaster declaration if there are severe production losses within a specific area which:

- The Secretary determines that there has been a 30% loss county-wide in the normal year's dollar value of a single enterprise; or
- The Secretary determines after exercising discretion, that although the conditions set forth in (a) above have not been met, the unusual and adverse weather conditions or natural phenomena have resulted in such significant production losses, or have produced such extenuating circumstances as to warrant a finding that a natural disaster has occurred. In making this determination, the Secretary may request the FSA Administrator to provide for consideration of such factors as the nature and extent of production losses; the number of farmers who sustained qualifying production losses; the number of farmers in the parish that lenders indicate they will not be in a position to finance; whether the losses will cause undue hardships to a certain segment of farmers in the county; whether damage to particular crops has resulted in undue

hardships; whether other Federal and State benefit programs, which are being made available due to the same disaster, will consequently lessen undue hardship and the demand for emergency loans; and other factors considered relevant. The Secretary will consider this information in deciding whether a natural disaster has occurred.

Designation by FSA Administrator:

The Administrator for the FSA has the authority to designate parishes as a natural disaster area when the losses are only physical. The FSA Director initiates the request.

IV. Request procedures for a secretary of agriculture designation:

- Within 24 hours of the occurrence of a natural disaster, the County Emergency Board (CEB) prepares a "Flash Report" and submits it to the State Emergency Board (SEB). This report serves as an alert to SEBs and Washington of a possible disaster situation.
- If the damage is substantial and warrants the need for implementation of programs, the SEB will require completion of the Damage Assessment Report (DAR) by the CEBs who have determined that their county has suffered qualifying losses.
- The CEB will meet and determine if the county has experienced qualifying losses. The assessment of losses will be based on the on-site inspections, knowledge of CEB members, and any other information available. Farmers, ranchers, and aquaculture operators may report any losses to any local CEB member.
- Upon receipt of DARs, the SEB will review the reports and make recommendations to the Governor. This request will be forwarded directly to the Governor's Office with copies to the State Department of Agriculture, the State Emergency Management Agency, and the Washington FSA Office. Simultaneous with the request to the Governor's office, FSA will provide damage assessment information to the National Office. If any DAR indicates that a particular county did not sustain qualifying losses, but did have individual farmers who experienced qualifying losses, the SEB will ask that the Governor request the Secretary of Agriculture to use his discretionary authority as stated in the Secretary of Agriculture Disaster Declaration.
- The Governor's request to the Secretary of Agriculture must be made within three (3) months of the last day of the disaster.
- Notification of the Designation will be made to the following:
 - Governor State Emergency Management Office
 - FSA National Office
 - FSA State Office; FSA State Director shall notify the National Congressional Delegation of the affected area of the Designation.
 - State Emergency Management Office who should notify the State Legislative Delegation.

V. NONINSURED ASSISTANCE PROGRAM (NAP):

The Noninsured Assistance Program (NAP) exists for crop losses that are not covered by the Federal Crop Insurance Program. It requires a recommendation from the County Committee and State Committee to the Administrator of the Farm Service Agency. The area affected by this disaster must be 320,000 acres or an entire county.

2.6 National Flood Insurance Program (NFIP)

- Established by Congress in 1968 to enable property owners in participating communities to purchase flood insurance to be deposited into a fund to cover eligible flooding losses in the future.
- The community must agree to adopt and enforce a floodplain management ordinance to reduce future flood risk to new construction in the floodplain.
- Flood insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating repair costs caused by floods.
- Major components of the program are:
 - Identifying and mapping flood-prone communities,
 - Requirement for communities to adopt and enforce floodplain regulations,
 - Provision for Flood insurance including mandatory purchase requirements,
 - Community Rating System (CRS)
 - Flood Mitigation Assistance (FMA) program

FEMA POLICY STATEMENT- on Market Value of Substantial Damage to Structures

FEMA issued a policy statement on September 3, 1996, to clarify FEMA's guidance on estimating market value of substantially damaged structures. If a building has been damaged to 50% of its market value (substantially damaged), the building's lowest floor must be elevated to or above the 100-year flood level in the repair and restoration process. FEMA's guidance, to use replacement cost to estimate market value, is not a request to communities that they change their rules or practices, only an option to be given by FEMA Region staff that replacement cost is another method for estimating market value that can be used if a community chooses to do so. The guidance is not to be offered when prohibited by state law.

The use of the policy by communities is in recognition of post-catastrophic settings involving widespread devastation and massive rebuilding efforts in which:

- Building reconstruction and permit demands are overwhelming.
- There is disruption in local supply and demand forces, which drives reconstruction costs to abnormally high levels.

The guidance recognizes that market value determinations by local officials are based upon a number of criteria for estimating value. There is no one, consistent standard for estimating value. Market value estimates can be derived from:

- Appraisals by professional appraisers
- Estimates of the structure's replacement cost or actual cash value
- Tax assessment property appraisals
- NFIP flood claims data
- Qualified estimates by local building department or tax assessor's office staff (a judgment call)

2.7 Public Assistance (PA)

Public Assistance is supplementary Federal Assistance provided under the Stafford Act to State and local governments or certain private, nonprofit organizations other than assistance for the direct benefit of individuals and families.

The reimbursement program provides funding on a percentage basis to eligible disaster applicants who have suffered damages as a result of a Presidential declared disaster and whose damages are within an area authorized for Public Assistance (PA). Funding under this program is limited to repairing/restoring damaged items or facilities to their pre-disaster condition and will only be provided once all other means of funding have been exhausted.

A Public Facility includes the following facilities owned by a State or local government: any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, airport, non-Federal aid road, building, structure, or park.

A Public Entity means an organization formed for a public purpose whose direction and funding are provided by one or more political subdivisions of the State.

Eligible applicants under the Public Assistance program are:

- State agencies and local governments.
- Private Non-Profit (PNP) organizations or institutions which own or operate a private nonprofit facility that provides an essential government service to the general public and has an IRS tax exemption letter or a State (PNP).
- Indian tribes or authorized tribal organizations.

Public Assistance initially is administered through the Disaster Joint Field Office (JFO) and consists of two main types of work:

- **EMERGENCY**
- **PERMANENT**

Emergency work means that work which must be done immediately to save lives and to protect improved property and public health and safety, or to avert or lessen the threat of a major disaster. The two categories of EMERGENCY WORK are:

- **CATEGORY "A" DEBRIS CLEARANCE**, on public roads and streets including rights of way, public property and private property in some cases.
- **CATEGORY "B" EMERGENCY PROTECTIVE MEASURES**, to save lives, to protect public health and safety, and to protect improved property.

Permanent work means that restorative work that must be performed through repairs or replacement, to restore an eligible facility on the basis of its pre-disaster design and current applicable standards. When evaluating Permanent work, the following considerations must be included:

1. Repair work-damages must be less than 50% of the replacement cost, replacement is allowed only if the damages are more than 50% and when the total project is cost effective and approved by FEMA;
2. Application of current standards;
3. Floodplain management evaluation; and
4. Hazard Mitigation possibilities.

The five categories of PERMANENT WORK are:

- **CATEGORY “C” ROAD AND BRIDGE SYSTEMS** include: roads, bridges and drainage components such as road bases, traffic controls, streets, culverts, shoulders, ditches, engineering and design, decking, abutments, wing-walls, approaches, piers, cross drains and low-water crossings.
- **CATEGORY “D” WATER CONTROL FACILITIES** include flood control, drainage channels, irrigation facilities, levees, dams, reservoirs, seeding and sodding in disturbed areas, man made sand dunes, bulkheads, and sea walls.
- **CATEGORY “E” PUBLIC BUILDINGS & EQUIPMENT** include restoration, replacement and relocation of buildings, supplies and equipment.
- **CATEGORY “F” PUBLIC UTILITY SYSTEMS** include public electrical, water, gas, sewer, waste treatment, and irrigation facilities.
- **CATEGORY “G” PARK / RECREATION & OTHER (PNP EXCLUDED)** include playgrounds, swimming pools, ballparks (including fences, lighting and scoreboards), cemeteries, trees, grass, and in some cases beaches.

2.7.1 PA Program Authority - 44 CFR

206.200 PUBLIC ASSISTANCE PROJECT ADMINISTRATION

A. GENERAL

B. DEFINITIONS

C. APPLICATION PROCEDURES

- Request for Public Assistance (Form 90-49) must be submitted within 30 days of area designation.
- Inspection Team prepares a Project Worksheet. Form 90-91
- Any damage not initially shown must be reported within 60 days of the first visit.
- The Worksheets will be reviewed and action taken within 45 days of the inspection, or a written statement will be provided.
- Prior to the obligation of any funds, the Grantee must submit a Form 424, 424 D.

D. FEDERAL GRANT ASSISTANCE

- Large Projects, adjusted annually based on the (CPI). \$64,200 / FY08-09.
- Improved Projects / With Grantees approval improvements can be made, but still must be restored to the pre-disaster function. Funding limited to Federal Share.
- Alternate Projects / Grantee may request when the public welfare is best served.
Only for permanent projects. Funding limited to 90% of the Federal Share. Prior to construction, the Grantee must submit the following to the RD:
 - (1) Description of the Alternate Project(s);
 - (2) Schedule of work;
 - (3) Projected cost of the project(s);

(4) Necessary Assurances to document compliance with any special requirements, i.e. (floodplain management, environmental assessment, hazard mitigation, wetlands, and insurance).

E. PROJECT PERFORMANCE

- Time extensions / Established at the date of the declaration. The Grantee may extend another 6 months beyond the declaration date for Cat A&B/or 30 months for C-G.
- Beyond this, a request must be submitted thru the Grantee to the RD and include detailed justification.
- Cost Overruns / Small Projects, subgrantees may submit an appeal within 60 days following completion of all small projects and submittal of the Final P.4.
- Cost Overruns / Large Projects, submitted to the RD thru the Grantee with sufficient documentation. Accomplished at final project close-out.

F. PAYMENT OF CLAIMS

- Small Projects / Payments issued quick as possible. Grantee must certify that all work is completed at final close-out.
- Large Projects / Payments based on percent of work completed. Grantee must make an accounting to the RD for all work.

G. APPEALS

- Subgrantee may appeal any determination issued by FEMA in writing to the Grantee within 60 days after receipt of notice of the action being appealed.

2.7.2 Public Assistance Eligibility

Applicant Eligibility

The following are eligible applicants:

- State governments
- Local governments
- Indian Tribes and Alaska Native Villages
- Private Non-Profit (PNP) facilities that provides critical services, which include power, water(including water provided by an irrigation organization or facility IAW 206.221(e)(3), sewer services, wastewater treatment, communications, emergency medical care, fire department services, emergency rescue, and nursing homes providing essential governmental type services to the general public.

PNPs not falling within the listed criteria of 206.226(b)(1) must:

- Apply with the Small Business Administration and
- Be declined for SBA Loan assistance prior to filing for FEMA assistance.

The last category of PNP facility would include community centers, libraries, homeless shelters, senior citizen centers, shelter workshops, and similar facilities which are open to the general public.

A Private Non-Profit (PNP) organization must have an IRS letter of tax exemption under Section 501 (c), (d), or (e). A State certification as a non-profit organization is no longer sufficient.

Basic Eligibility Criteria Components are: Applicant; Facility; Work; and Cost.

If an expense is incurred or an item of work is required:

- as a result of a major disaster event,
- is located within a designated disaster area,
- be the responsibility of an eligible applicant, and
- not within the authority of another Federal program, it will generally be eligible for FEMA assistance.

2.7.3 Emergency Protective Measures

- Measures to eliminate or lessen immediate threats to life, and public health and safety are eligible.
- Measures to eliminate or lessen immediate threats of damage to improved property are eligible.
- An immediate threat is from an event which can reasonably be expected to occur within one year.
- Documented Security activities of the National Guard may be eligible.
- Other activities of the National Guard or prison inmates doing eligible project work may be eligible when records document the eligible work.

Permanent Restoration

- Immediate pre-disaster design and use.
- Applicable Standards that:
 - Are in writing and adopted before project approval.
 - Apply uniformly to all similar types of facilities and work regardless of the funding sources.
 - Apply to bridge or road standards no longer in use. FEMA will defer to the local standard.
- If FEMA requires any hazard mitigation measure in the restoration, its cost for permanent work damage may be eligible for 75%-25% assistance. These measures are part of the Section 406 Hazard Mitigation Assistance.
- Replacement of a facility is eligible when it is 50% damaged. Relocation may be required and cost may be eligible, including land if the overall project is justified.
- When a facility is under construction at the time of the disaster, any part of the facility still the responsibility of the contractor will not be eligible.

2.7.4 Categories of Work for Public Assistance Eligibility – General

1. Ownership - Damaged facility is owned by a local government or eligible private non-profit organization. When a leased facility is damaged, the lease contract must specify that the applicant has repair responsibility. Attach a copy of the lease to the Project Worksheet (PW).
2. Location - The damaged facility must be located within the designated disaster area.
3. Time of Damage - The Damage had to be caused by the disaster during the incident period and did not occur before or after the official incident period.

4. Cost Minimum - Each damaged site must exceed \$1,000 in total estimated repair cost.
5. Facility Use - The facility must have been in active use when the damage occurred.
6. Insurance - Repair costs covered by insurance are not eligible. Total repair costs are reduced by the amount of insurance coverage. Deductible and depreciation are eligible.

Flood damages to an insurable structure occurring within the 100 year flood zone are reduced by the amount of flood insurance coverage or the maximum amount that would have been available if insured.

General hazard Insurance Commitment required to amount of damages when repair costs exceed \$5,000.

7. Other Federal Agencies - Damage is not eligible for FEMA funding when under other federal programs.

8. Maintenance - Normal or heavy maintenance, such as potholes, surface ruts, routine pulling of ditches, and minor gravel replacement, is not eligible. All eligible damages must exceed maintenance levels. Deferred maintenance and repairs such as rotted timber, deteriorated asphalt, leaking roofs, etc. are not eligible.

9. Negligence - Damage was not caused by negligence of applicant.

10. Idle Equipment Time - Not eligible. Actual working time of equipment is what counts and not that it was sitting at a job site all day. Equipment hours are compared to operator hours and amount of repair to be accomplished.

11. Salary - Regular salary is only eligible for Category C-G work items and not eligible for Category A and B work items. Administrative personnel are usually not eligible. Overtime and compensatory time are eligible in accordance with the established policy of the applicant. Compensatory time is eligible at regular rates, but must be a part of the official timekeeping system. Fringe benefits on force account labor are eligible when the salary is eligible, and are based on a percentage of direct labor. Fringe benefits will be different for regular and overtime. Volunteer labor is not eligible. When using FEMA equipment rates, do not include mechanic's time; equipment rates include maintenance costs.

12. Private Nonprofit facilities – To be eligible, all private nonprofit facilities must be owned and operated by an organization meeting the definition of a private nonprofit organization as per 44 CFR, Part 206.221(f): ***“any nongovernmental agency or entity that currently has:***

- An effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under sections 501(c), (d)m or (e) of the Internal Revenue Code of 1954, or
- Satisfactory evidence from the State that the non-revenue-producing organization or entity is a nonprofit one organized or doing business under State law.”

13. Facilities serving a rural community or unincorporated community or unincorporated town or village. To be eligible for assistance, a facility not owned by an eligible applicant, as described in Part 206.222, must be owned by a private nonprofit organization; and provide an essential governmental service to the general public. Applications for these facilities must be submitted through a State or political subdivision of the State.

14. Mobilization and Demobilization of equipment brought to and returned from a project site are eligible costs.

2.7.5 Public Assistance Project Category Descriptions

CATEGORY A

DEBRIS REMOVAL (IAW 44 CFR, Part 224)

1. Debris on Public Property - Eligible debris removal activities include the clearance of: Trees and

woody debris; Building wreckage; Sand, mud, silt and gravel; Vehicles; and Other disaster-related material,

2. Debris on Private Property - Eligible for removal if it presents a safety or health hazard (such as fire or insect infestation). Ineligible under most other conditions. Normally requires the owner to move the debris to the Right-of-way (ROW) and a Hold Harmless agreement.
3. Debris on Federal Aid System (FAS) roads - Eligible for removal if FHWA is not active early in the disaster.
4. Garbage Pickup - Cutoff date is the end of the Period of Incidence. After that date only the material exceeding the average garbage pickup volumes is eligible. Only disaster generated debris is eligible. Routine garbage pickup is not eligible.
5. Idle equipment Time - Idle or standby time is not eligible. Total equipment hours should be compared to actual personnel hours.
6. High Paid Personnel - Specialists such as electricians should not be paid to remove debris. Their hours can be used with an average pay rate of all other workers expected to be performing that type of work.
7. Compensatory Time - If compensatory time is given in place of overtime, then that policy stands and overtime is not eligible. Compensatory time may be claimed for eligible overtime work, but it must be a part of the official timekeeping system.
8. Mechanics - Time is not eligible. Equipment rates include costs.
9. Tree Stumps and Root Systems - The removal is not eligible.
10. Demolition of Public and Private Buildings - The buildings must be beyond repair. Private buildings must pose an immediate safety hazard.
11. Removal of Emergency Levees - These costs are eligible only when the levees are removed to open roads or when in the public interest.
12. Trees - Standing dead or dying trees and trimming of trees are not eligible. Hand labor for picking up small branches is not eligible.

Debris Removal

Removal of debris from public and private lands and waters may be eligible when it is necessary to: Many States have additional: **web site information**

- Eliminate immediate threats to life, public health and safety, on public or private property.
- Eliminate immediate threats of significant damage to improved public or private property.
- Ensure economic recovery of the affected community to the benefit of the community at large.
- When debris is being removed from private property, clearance of the entire lot except for areas used for crops and livestock is eligible.
- Mitigate the risk to life and property by removing substantially damaged structures and associated appurtenances as needed to convert property acquired through a FEMA hazard mitigation program to uses compatible with open space, recreation, or wetlands management practices. Such removal must be completed within two years of the declaration date, unless FEMA extends this period.
- Debris removal from private property. When it is in the public interest for an eligible applicant to remove debris from private property in urban, suburban and rural areas, including large lots,

clearance of the living, recreational and working area is eligible except those areas used for crops and livestock or unused areas.

- No assistance will be provided directly to an individual or private organization or to an eligible applicant for reimbursement of an individual or private organization, for the cost of removing debris from their own property.

CATEGORY B

EMERGENCY PROTECTIVE MEASURES

1. Emergency Protective Levees - These levees are eligible when built to protect life and property. Work by individuals to protect their own homes is not eligible.
2. Sandbagging and Emergency Pumping - This expense is eligible. Bags furnished by the Corps of Engineers at a price are reimbursable. Pumping of private property is eligible only if pumping is widespread.
3. Safety Barricades and Signs - This equipment and time is eligible. If the equipment is reusable, then salvage should be taken.
4. Health and Safety Hazards - Removal of health and safety hazards is eligible. Items include draining trapped water, pumping of basements, and emergency access to private homes. Vector control must be pre-approved by Federal Health Service and FEMA.
5. Temporary Repairs - Emergency work such as a road detour at a damage location, emergency repair to levees, temporary roof repairs to public buildings, rental of temporary facilities for public employees, and bypass at sewer breaks are eligible. Most temporary repairs costs in Categories C-G will be included with permanent work.
6. Fixed Pumps - Costs of fixed pump operations (labor, pumps, power) are eligible. Emergency pumping status will cease at flood stage. Repair of damages to such facilities will be under Category D. Do not deduct 3 year average costs.
7. Personnel Time - Regular time is **not** eligible for police, firemen, and other disaster responders. Overtime is eligible if compensatory time is not an established policy and personnel are involved directly in disaster operations in the field. Personnel **not** directly involved in disaster operations are not eligible. Volunteer labor is not eligible. Reserves are eligible for overtime if the established policy is to pay them for overtime. Fringe benefits on force account labor are eligible for overtime hours. A copy of the applicants Policy will be required.
8. Food and Shelter - Eligible when provided by the subgrantee for victims.
9. Idle Equipment Time - Not eligible. Actual equipment working time is what counts and **not** the time it is just sitting at a job site. Equipment and Personnel hours should be compared to ensure accuracy.
10. Vehicle Damage - Vehicles damaged or destroyed during search and rescue operations are eligible for repairs. Repairs caused by extraordinary use in search/rescue and flood fighting are eligible. Eligible cost of repairs may not exceed the depreciated value of the equipment. (Normal maintenance costs are not eligible.) If an applicant desires to replace a piece of damaged or destroyed equipment with new or better equipment, the FEMA assistance will normally be limited to the lesser of the following:
 - The cost of repairs above less any insurance recovery.
 - The Blue Book retail value of equivalent equipment which is readily available within a reasonable time and distance.
 - Equipment damage will be included with Category E items.

IN GENERAL: Actions taken by applicants before, during, and after a disaster to save lives, protect public health and safety, and prevent damage to improved public and private property. Emergency communications, emergency access and emergency public transportation costs may also be eligible.

EXAMPLES OF ELIGIBLE CAT B ITEMS:

- Warning devices (barricades, signs and announcements)
- Search and rescue
- Emergency Medical Care
- Security in disaster area (police and guards)
- Construction of emergency temporary levees
- Provision of shelters or emergency care
- Activation of State or local EOCs/
- Sandbagging
- Bracing / shoring damaged structures
- Provision of food, water, ice and other essential needs
- Emergency repairs to protect facilities from further damage
- Emergency demolition
- Removal of health and safety hazards

OTHER TYPES OF EMERGENCY WORK:

- Emergency Communications
- Emergency Public Transportation
- Building Inspection
- Snow Removal

CATEGORY C

ROAD SYSTEMS

1. Repairs and Replacements - The damage must be directly related to the disaster. It cannot be a pre-existing condition nor caused by an event after the official period of incidence. Repairs to structures must be made when less expensive than replacement unless the structure is damaged greater than 50%.
2. Road Repairs - On gravel roads, the base need not be damaged to be eligible for major gravel replacement. Loss of gravel must be evident. Potholes and rutted surfaces are not eligible.
3. Maintenance - Routine and heavy maintenance is not eligible. Potholes and surface ruts are maintenance items and not eligible.
4. Paving - Loss of paved surfaces is eligible. Alligator (cracked) surface is a sign of normal deterioration and is not eligible.
5. Standards - Bridge and road standards that have been formally adopted and are in practice, or adopted and placed in effect prior to project approval by the applicant, are eligible. The standards must apply to work accomplished with applicant funds and not limited to that work receiving state and/or federal aid. Attach a copy of the standards and the council meeting minutes approving the standards to the Project

Worksheet.

6. Necessary Facilities - Facilities that are functional prior to the disaster and necessary to the community and local government are normally eligible.
7. On-system Facilities - Facilities funded by other federal agencies, such as the Federal Highway Administration, are not eligible.
8. Aesthetics - Aesthetic features are not eligible if they have no functional value. However, in some instances, limited landscaping may be eligible.
9. Scheduled Replacement - Facilities are not eligible if scheduled for replacement within the next 24 months.
10. Culvert Washouts - Replace in-kind. Cleaning is routine maintenance. Look for hazard mitigation opportunities. Low water Crossings are eligible.

CATEGORY D

WATER CONTROL FACILITIES

1. Levees and Dams - FEMA Representatives write the PW, not the applicants. Reviewers will check with the Corps of Engineers (COE) and the Natural Resources Conservation Service (NRCS), formerly known as Soil Conservation Service (SCS), and if the damage falls within their authority, it is not eligible.
2. Drainage Channels - Restore to pre-flood hydraulic capacity. The COE may be involved in some flood channels (not eligible). Manmade channels must show evidence of routine maintenance. Appropriate supporting documentation and statements should be included with PW.
3. Natural Streams - Only debris that is foreign to that stream and constitutes an immediate threat to life and property is eligible. Usually, silt, sand, and boulders are not eligible. Debris located near bridges may be cleared upstream for 200 feet and downstream for 100 feet. Debris removal is a Category A item.
4. Seeding and Sodding - Seeding is to be used in disturbed areas only. Sodding is to be used only in areas of high erosion that have been disturbed.
5. Siltation - Amounts of siltation in catch basins and channels should be reduced by an amount that would ordinarily be expected since the last documented maintenance. A reservoir that has a remaining capacity which is several times the amount of debris that could be expected as a result of a major storm is not eligible for siltation removal. When it is documented that a portion of the siltation is the responsibility of the applicant, and a percent portion of the siltation was the result of the disaster, FEMA will encourage the applicant to return the facility to design standard. This means that both FEMA and the applicant will pay the respective portions to return the facility to design. If 75% of a catch basin remains available, cleaning is not eligible.
6. Dunes - Only manmade dunes that have been properly maintained are eligible.
7. Shore Facilities - Bulkheads and sea walls are eligible if not covered under another Federal program.
8. Irrigation Facilities and Pumping Stations - Maintenance records or surveys must be provided to show the pre-disaster capacity. Facility must also have had a regular clearance schedule to be considered an actively used and maintained facility.

CATEGORY E

PUBLIC BUILDINGS AND EQUIPMENT

1. Restoration - Buildings are to be restored to pre-disaster design capacity and function, in accordance with current codes and standards, if the estimated damages are less than 50% of the replacement cost.



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2. Replacement - If the estimated repair cost exceeds 50% of the estimated replacement costs and the applicant chooses to replace the facility, the replacement costs are eligible.
3. Relocation - If the building is totally destroyed by a flood, then relocation from the flood plain must be studied.
4. Use and Occupancy - The building must be in use prior to the disaster. If only part of the building was occupied at the time of the disaster, then the replacement will be made at the reduced size.
5. Extensive Damages - Repairs are eligible when the building is structurally sound and feasible to repair. If not, the building should be replaced.
6. Insurance - Inquire as to insurance presently in force. Insurance coverage pays first. Deductibles and depreciation are eligible. If repair costs exceed \$5,000, a general hazard Insurance Commitment will be required equal to the amount of damages. Repair costs for flood damages occurring to buildings and/or contents within the 100 year flood zone will be reduced by the amount of flood insurance coverage or the maximum amount that would have been available if insured. Each structure is considered to be independent project.
7. Equipment - Office equipment and furniture should be replaced with used or surplus. Repair if feasible.
8. Supplies - Consumable supplies replaced to pre-disaster quantities.
9. Vehicles - One (1) PW may be completed for all damaged vehicles. Special equipment such as two-way radios is eligible. Blue book prices should be used and salvage taken. Check for comprehensive insurance.
10. Grounds - Damage to grounds around a building requires a separate PW.
11. Cleaning - For buildings with light damage, cleaning and painting is eligible.
12. Worship Facilities - Primarily for worship buildings are not eligible.

CATEGORY F

PUBLIC UTILITIES

Utilities include: Water treatment plants and delivery systems; Power generation and distribution facilities including generators, substations and power lines; and Sewage collection systems and treatment plants.

1. Electrical Facilities - Restore to pre-disaster condition in the most economical manner. Extra pole structures are sometimes necessary to restore the pre-storm function when erosion or other factors have destroyed stream banks and other right-away areas where ground clearance must be maintained over longer distances. Repair of electrical distribution systems should be made with the same general type and size that previously existed. Repair or replacement of applicant owned measuring meters is eligible if damaged by the disaster.
2. Sewer Collapse - Ground subsidence should be obvious.
3. TV Inspection - Limited TV inspection is eligible when damage is apparent such as ground subsidence, backup or stoppage. Use of TV inspection to search for problems is not eligible. TV inspection must be approved in advance by FEMA.
4. Cleaning - Cleaning of sewer lines is eligible only when necessary to restore adequate functioning of the system in specific reaches, and when the blockage is directly related to the disaster.
5. Revenues - Loss of revenues is not eligible. Added costs or charges for providing regular utility services are not eligible.

6. Loss of Inventory - Loss of water purchased by eligible applicants is an eligible cost if such loss can be documented as having been caused by a break in a water line(s) as a result of a declared disaster, and the costs of the water **have not been or will be** passed on to the consumer.
7. Emergency Hookups - Cost of emergency hookups such as tapping the water system of an adjoining community until normal facilities are operable is an eligible cost under Category B.
8. How to become an eligible applicant - Facilities either (1) Belonging to a public entity, or (2) Serving a rural community or unincorporated town or village, or (3) Classified as private nonprofit (PNP) operation, and owned and operated by an organization meeting the definition of a private nonprofit organization in accordance with the provisions of 44 CFR, Part 206.221(f). The regulation states that a PNP means any nongovernmental agency or entity that currently has: (a) An effective ruling letter from the U.S. Internal Revenue Service, granting a tax exemption under the sections 501(c), (d) or (e), or (b) Satisfactory evidence from the State that a non-revenue producing organization or entity is a nonprofit one organized or doing business under State law.

CATEGORY G

PARKS, RECREATIONAL, & OTHER

1. Trees - Trees cannot be replaced on public property even when they have a functional value. In circumstances requiring erosion control measures, technical assistance should be requested.
2. Grass - Disturbed areas can be reseeded to restore to the pre-disaster condition. Sodding will not be used except in rare cases where erosion control is essential.
3. Damage Estimates - Each specific structure or damaged location within a park does not require its own Project Worksheet (PW). Similar work projects may be lumped together into one PW.
4. Beaches - To be eligible, a beach must have been engineer designed, constructed, and regularly maintained in accordance with a nourishment plan prior to the disaster. Include documentation with the PW. Permanent restoration of the sand on natural beaches is not eligible. Emergency work under Category B may be eligible on an improved beach in accordance with the provisions of 44 CFR, Part 206.226(i):
 - The beach was constructed by the placement of sand (proper grain size) to a designed elevation, width, and slope, and
 - A maintenance program involving periodic re-nourishment of sand must have been established and adhered to by the applicant.
5. Park Sites - Each specific structure or damaged site within a park does not require its own PW. Restoration of publicly owned recreational facilities damaged by a declared disaster that do not fit another category of damage, will be placed under Category G. Eligible publicly-owned facilities include: playground equipment, swimming pools, bath houses, tennis courts, boat docs, piers, picnic tables and golf courses.
6. Exclusions - Some operations and applicants that do not provide health and safety services of a governmental nature are not eligible for damages in this category. To be eligible, facilities must be open to the general public. Public facility means those owned by a State or local government and include: any flood control; navigation; irrigation; reclamation; public power; sewage treatment and collection; water supply and distribution; watershed development; airport facility; non-federal aid street or highway; and any other public building, structure, or system, including those used for educational, recreational, or cultural purposes, or any park.

2.7.6 Section 406 – PA – Hazard Mitigation

According to the FEMA Public Assistance Guide (FEMA 322) Section 406 Hazard Mitigation measures consist of work that is above and beyond the work required to return the damaged facility to its pre-disaster design. Upgrades required to meet current codes and standards, however, are not considered hazard mitigation measures for the purposes of the PA Program and have different eligibility criteria. Under the PA Program, these elements can only be applied to the damaged element of a facility. For example:

If floodwaters inundate a sanitary sewer, blocking manholes with sediment and damaging the manholes, cost-effective mitigation to prevent blockage of the damaged manholes in future events may be eligible. However work to improve any undamaged manholes that are not part of the system is not eligible.

For hazard mitigation measures to be approved, the measures must be reviewed by FEMA staff to ensure eligibility, technical feasibility, environmental and historical compliance, and cost effectiveness. The following considerations may affect the costs determination:

- HM measures may amount to up to 15% of the total eligible cost of the eligible repair work on a particular project.
- Certain HM measures may be determined to be cost-effective as long as the mitigation measure does not exceed the cost of the eligible repair work.
- For measures that exceed the costs of eligible repair work, the applicant must demonstrate through an acceptable benefit/cost analysis that the measure is cost effective.

The following list includes examples of some Section 406 mitigation measures:

- Relocation of facilities from hazardous locations:
 - Roads and Bridges
 - Utilities
 - Buildings
- Slope stabilization to protect facilities:
 - Placement of riprap
 - Installation of cribbing or retaining walls
 - Installation of soil retention blankets
- Protection from high winds:
 - Installation of shutters to protect windows
 - Installation of hurricane clips
 - Strengthening anchoring and connections of roof-mounted equipment
- Floodproofing of buildings:
 - Use of flood-resistant materials
 - Elevation of mechanical equipment and utilities
 - Elevation of buildings
- Flood protection of bridges and culverts:

- Use clear spans instead of multiple spans
- Installation of cut-off walls or headwalls on culverts
- Installation of riprap
- Seismic protection:
 - Bracing of overhead pipes and electrical lines
 - Anchoring non-structural elements such as parapets and veneers
 - Bracing interior walls and partitions
- Protection of utilities:
 - Use of disaster-resistant materials for power poles
 - Anchoring fuel tanks to prevent movement
 - Elevation of equipment, control panels, and electrical service to prevent flood damage

2.7.7 Management and Administration of Public Assistance Work

The primary responsibility for managing approved public assistance Projects Project Worksheet Reports (PWs) rest with the applicant (Subgrantee). However, to ensure that the administration and management of those projects can be closed-out on a timely basis, the State (Grantee) shall monitor all program activities for compliance.

To assist applicants with the documentation processing of their Public Assistance Projects, FEMA created and distributed a CD beginning with Hurricanes Gustav and Ike in late 2008. The CD contains Applicant Instructions and easy to follow menu guidance that enable the Applicant to open the excel spreadsheet and enter their project information. The applicant is able to accomplish the following:

- Request for Public Assistance (RPA)
- Project Worksheet (PW) including: Applicant Information, Damage Description, Scope of Work, Project Costs, Special Considerations, Cost Summary Records for Force Account labor-Equipment-Materials, Rental Equipment, Contracts, Fringe Benefits and Payroll Data.
- 406-Hazard Mitigation Proposals
- Repetitive Loss Statement
- Location Maps (Including FIRMETTES when located in the Floodplain)
- Photo Sheets that allow the insert of pictures
- Direct Administration Costs
- PNP Facility Questionnaire
- Exit Briefing Summary

This work may require assistance of the FEMA Project Specialist or a Public Assistance Representative to begin the data entry selections. This is new and designed to help capture all the valid project data and to expedite the process.

The Subgrantee must maintain acceptable disbursement and accounting records to document and support work performed along with the cost incurred on each approved project. Each project PW shall have a

folder to document the amounts claimed. In order to help organize the information needed to develop the PWs, the items listed on the next several pages, should help develop each project.

SPECIFIC DOCUMENTATION REQUIRED

1. **FORCE ACCOUNT** - When the Subgrantee uses its own equipment and materials to repair and/or restore the damaged facility or utility back to its pre-disaster condition. The records that should be included with the Project include:

a. **Employees** – Overtime (including police and fireman) hours while performing eligible work must be shown. Regular time is not eligible for Category A and B work. Employer's fringe benefits rate must be reduced to writing and computation shown. Eligible supervision costs are generally limited to working foreman level. If overtime is paid to management or salaried employees, these payments must be in accordance with a written policy that is in effect prior to the disaster. *Note: (Compensatory time is eligible, but the policy must be in writing and in effect prior to the disaster)* Claims should contain:

- (1) Name-
- (2) Disaster Job Classification- (Laborer, driver, etc.)
- (3) Hours Worked- (Hours each day including dates)
- (4) Total Hours- (Total daily/weekly)
- (5) Rate of Pay- (Without fringe Benefits)
- (6) Total earnings- (Include paycheck number)
- (7) Fringe Benefit %- (Computed from formula)

b. **Equipment** - Claims for the use of Force Account equipment on eligible disaster work must be documented on a schedule similar to that of the payroll and supported by work orders or equipment logs. Employees names can be used with equipment they exclusively used as a record of equipment time. Each piece of equipment must be identified as follows:

- (1) Type of Equipment- (complete description)
- (2) Equipment Reference Number-
- (3) Dates / Number of Hours Used- (List by day used)
- (4) Total hours used-
- (5) Applicant or FEMA Rates- (whichever are less)
- (6) Total Cost-

c. **Materials** - Claims must be broken down by Project. The unit cost of material used from inventory must be supported by the invoice covering original purchase, applicants' stock or inventory card showing how the average price used was calculated. Only the actual unit cost paid will be reimbursed. New materials purchased must have a supporting invoice and identified as to the Project referring to the scope of work. The invoice records should contain the following:

- (1) Vendor-
- (2) Description-
- (3) Quantity-
- (4) Unit Price-

- (5) Total Price-
- (6) Date Purchased-
- (7) Check Number- (if for a single item)
- (8) Date used- (including if item was purchased or used from stock)

Note: *Costs must be reasonable and necessary to accomplish eligible work. Be in compliance with federal, state, and local laws and regulations. That all credits must be deducted such as: insurance proceeds, salvage, and purchase discounts. Claimed costs must not duplicate benefits from other federal agencies or programs.*

2. CONTRACTS - This mechanism is used normally when a Subgrantee does not have the necessary local resources to accomplish the approved "Scope of work" (SOW). Contract costs incurred for approved eligible projects may include: Architect and Engineering services necessary for the eligible work. Actual eligible cost under the terms of cooperative agreements between Federal, State and Local governments are eligible. Preference should be given to local contractors when possible. The Subgrantee must comply with 44 CFR Part 13 and 14 and applicable OMB Circulars referenced in Part 13 and competitive bidding must be used when required. Contracts under \$10,000 will be in compliance with local requirements and those in excess of \$10,000 will use competitive bidding. Those projects which are done by contract should have the following information:

- (1) Copies of the Request for Bids-
- (2) Bid Documents-
- (3) Bid Summaries-
- (4) Contracts-
- (5) Invoices-
- (6) Daily Inspection logs-
- (7) Issued checks- (include copies of each)

Changes in the project scope of work Scope of Work (SOW) must be pre-approved by State and or FEMA, or they may become ineligible.

3. OTHER REQUIREMENTS - Documentation needed to support costs incurred from sources other than the Subgrantee, or other political subdivisions for materials, equipment and services. Invoices covering materials must describe the materials furnished, date furnished, where and/or how the material was used, quantity and unit cost, total cost of each item, and total amount of invoice applicable to the approved categories and Projects.

Only the unit cost to the supplier, with only handling and delivery added, will be paid. Earned cash discount (payment made without discount date indicated on invoice) must be deducted from the total of the invoice. Only the net amount may be claimed. The Subgrantee must show on each invoice the date and amount paid, check or warrant number, or other evidence of cash payment.

Volunteer labor and equipment are not eligible costs unless approved by FEMA.

Invoices from other political subdivisions covering rental of publicly owned equipment (FEMA schedule of rates apply), materials, and labor must have the same details required for Force Account records.

Equipment rented from a private owner, vendor, etc., the Subgrantee must indicate on the invoice where and/or how the equipment was used. A copy of the rental agreement must be on file to support the Subgrantee claim along with the following:



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- (1) Type of Equipment-
- (2) Date(s) used-
- (3) Hours used-
- (4) Rate per hour- (Indicate with/without operator)
- (5) Total cost-
- (6) Vendor-
- (7) Invoice Number-
- (8) Date Paid-
- (9) Amount Paid-
- (10) Check Number-

The completion deadlines are:

Debris clearance	6 Months
Emergency Work	6 Months
Permanent Work	18 Months

The Grantee may authorize/impose lesser deadlines if appropriate and may also extend grant extensions should extenuating circumstances exist or if unusual project requirements are beyond the control of the Subgrantee. All requests for time extensions must be submitted in accordance with the provisions of 44 CFR, Part 206.204(d) to the State Director, with complete justification to support the request and should reach the State a minimum of forty (40) days prior to the original project completion deadline. Request for extensions are the responsibility of the Subgrantee.

Cost overruns may occur during the execution of approved work, the Subgrantee may find project costs are exceeding the approved project estimates. Such cost overruns normally fall into three categories:

- (1) **Variations in the unit price(s)**
- (2) **Change in the scope of Eligible Work**
- (3) **Delays in completion of Eligible Work**

The **Subgrantee** is responsible for evaluating each cost overrun and, when justified, submits a request for additional funding through the State Director, to the FEMA Regional Director (RD) in accordance with the provisions of 44 CFR, Part 206.204(e). All requests shall contain sufficient documented justification to support the eligibility of all claimed work and costs. Normally, a review will not be conducted for an individual small project. When a Subgrantee discovers a significant overrun related to the final cost for all Small Projects, the Subgrantee may submit an appeal for additional funding within sixty (60) days following the completion of all its Small Projects. This appeal should be included with the applicant's submission of the final signed P.4.

The **Grantee** shall review the material submitted, make such additional investigations as necessary, and forward the request to the FEMA Regional Director with the grantee's recommendation. When such a request is made, the Subgrantee should be prepared for a complete project audit of all Small Projects.

Documentation of Work

Proper documentation of disaster recovery expenditures is necessary for work to be eligible for Federal funds. Properly maintained records will help to avoid unnecessary difficulties in receiving those funds and assist with the close-out process.

Generally, record keeping should include not only the specific documents to be identified herein, but also photographs and sketches for additional clarity.

There are specific limitations in applying for Federal disaster grants and for completing eligible restoration work. These items will be explained at the Applicant's Briefing. Proper record keeping will provide a means for identifying the need for time extensions and supplemental funds. Cost overruns and the need for time

extensions beyond the normal time allowance must be directed in writing to the Governors Authorized Representative (GAR).

Each applicant should establish a file system for all disaster related work. A separate file should be created for each Project Worksheet (PW) and should include all supporting documents associated with the work project.

It is essential to begin record keeping as soon as possible. If pre-disaster protective measures are taken, initiate this action immediately. If not, begin with the onset of a disaster. Some examples of documents that should be filed for contract work are:

- Project Worksheet (PW)
- Request for bid
- Bid documents
 - Contracts
 - Invoices submitted by the Contractor
 - Authorization for check issuance
 - Copies of checks issued in payment

For applicant's own forces (force account) the Project file folder should contain:

- Project Worksheet (PW)
- Daily Activity Reports
- Applicant's extracts from payrolls, with any cross-reference needed to locate original documents.
- A Schedule of equipment used on the job with daily time sheets, if claimed.
- Summary of Daily Activity Reports (such as Weekly or Biweekly)
- Invoices, Warrants, and Checks issued and paid for materials and supplies used
- Inventory withdrawal forms for items taken from stock (inventory).

All Project file folders should contain a summary or worksheet that lists, with brief description, the individual costs which make up the total claimed cost. The record keeping discussed here is offered as a suggestion and is presented to give an idea of the kinds of records that will be required during recovery from a Presidential Disaster Declaration.

If the applicant prefers to use their own system, it may be acceptable **if the records are tied to specific projects**. In order to be eligible for reimbursement, records must apply to and be identifiable as within the scope of work of a particular Project.

Establishing a record keeping system will provide an audit trail of expenditures and provide the documentation the reviewers and/or auditors will need to recommend prompt reimbursement of eligible recovery costs. Incomplete or improper records can lead to either partial or total loss of potential reimbursement funds.

As work is completed in the various categories, the Applicant is responsible for the completion of the Project Listing Report (P.4), and providing the report to the GAR. Once the State Public Assistance Officer (PAO) confirms the applicant has completed the required work, the PAO will contact the applicant in order to schedule a "final close-out inspection" visit with the applicant. During the visit with the applicant, a final inspection of each of the work projects listed on the P.4 will be conducted. Once the final inspection has been completed, all outstanding claims associated with the Project will be satisfied by FEMA.

During the period of time that the applicant is completing the repair of the Project item(s), a Quarterly Report will be provided to the PAO every three months until the work items on the P.4 Listing are completed and the Final P.4 is provided to the GAR. The Quarterly report is an unsigned copy of the P.4 that indicates the current status of each Project in the comments section.

Small Projects less than \$64,200/CPI-FY 08-09 may not require a Federal or State final inspection unless there is a significant cost overrun (normally at least 10% of all Small Projects will be reviewed). In order to process a claim for a potential small Project overrun, all Small Projects must be completed, listed on the P.4, and inspected by State representatives. Each Large Project will be inspected by a State and/or FEMA inspector.

The value for Large/Small Projects will change each October 1st based on the CPI.

FILING

It may be some time after the disaster before Project Worksheets (PWs) are prepared and provided to the applicant. In the meantime, emergency work must be accomplished. The problem is how do you keep a separate record of expenditures for each Project when you do not know what each Project will cover? One proven way is to establish, immediately after the disaster, a separate folder for each emergency work project that must be accomplished prior to receipt of the approved project application (this would include the reviewed PROJECT). If you have washout damage on three (3) streets that must be repaired immediately, establish (3) separate folders.

For building repairs (such as repairing roofs to prevent further rain damage), establish a folder for each building street location. In other words, set up a folder for each individual site damaged and one for each vehicle and building damaged.

Eventually, the reviewed Project Worksheet Reports will be provided to each applicant. At this time the applicant make sure that all work items related to the particular Project are included in a single location file. All expenditures of wages, supplies and equipment on each Project must have appropriate supporting documentation. Missing and or lost documentation will result in reduced funding amounts. In accordance with FEMA guidelines, all requests for damage reimbursements must be supported by documented evidence. The applicant always maintains the **original copy!**

EACH PROJECT FOLDER SHOULD CONTAIN:

- Pictures
- Invoices
- Daily Activities Reports
- Materials from Stock (copy of inventory on hand at time of disaster)
- Rental / Lease Agreements
- Contract Documents
- Detailed Insurance Information
- Field copy of Project Worksheet and attachments
- Approved Project

FRINGE BENEFIT ANALYSIS

EXAMPLE CALCULATIONS

John Smith works for the city, and makes \$20,800 per year. He receives 2 weeks vacation per year, and the city has 9 paid holidays. The City pays an amount equal to 5% of his salary into a retirement system. The City also pays 7.65% of his salary to FICA (Social Security) and 1.30% for unemployment. The City pays \$303.33 per month as its portion of Smith's insurance. (Divide the monthly amount paid by the City by 173.33 hours per month to determine cost per hour; in this instance, $\$303.33/173.33 = \$1.75/\text{hr}$). Because of his job, the City must pay the \$7.50 per \$100 earned into Workman's Compensation. Fringe Benefits for **REGULAR TIME** are calculated as follows:

- Best pay rate would be $(\$20,800/2080 \text{ hrs}) = \10.00
- The amount of fringe benefit for vacation would be:
 - $80 \text{ hours vacation}/2080 = 3.85\%$
- The amount of fringe benefit for holiday time would be:
 - $9 \text{ days} \times 8 \text{ hours} = 72 \text{ hours}/2080 = 3.46\%$
- Retirement paid by city = 5%
- Social Security = 7.65%
- Unemployment = 1.30%
- Insurance paid by City = $\$1.75/\$10.00 = 17.5\%$
- Workman's Comp = $\$7.50/\$10.00 = 7.5\%$; no adjustment factors.

SUMMARY:

○ VACATION	3.86%
○ HOLIDAY PAY	3.46%
○ RETIREMENT	5.00%
○ SOCIAL SECURITY	7.65%
○ UNEMPLOYMENT	1.30%
○ INSURANCE	17.50%
○ WORKMAN'S COMP	<u>7.50%</u>
TOTAL	<u>46.26%</u>

THE PERCENTAGE OF FRINGE BENEFITS FOR **REGULAR TIME** IS **46.26%**.

To determine the percentage of fringe benefits for overtime, subtract the percents calculated for vacation (3.85%), Holiday pay (3.46%) and insurance (17.5%). **Overtime** fringe benefit would be **21.45%**. (If retirement is based solely on regular salary, that percentage also should be subtracted)

IMPORTANT RECORD KEEPING FORMS

There are numerous Forms and Documentation that must be completed and maintained in order to support the work accomplished supporting the particular eligible Public Assistance (PA) Project. These forms may change as well as some of the supporting documentation requirements and will be reviewed during the Kickoff Meeting with each Applicant.

- **Project Worksheet – FEMA Form 90-91**

This report is designed to organize expenses and relate those expenses to a particular Project. The instructions are located on the back of the form. These forms are available upon request from the State, FEMA or your IEM representative.

- **Project Worksheet – Damage Description and Scope of Work Continuation Sheet**
- **Project Worksheet – Photo Sheet**
- **Project Worksheet – Maps and Sketches Sheet**
- **FEMA Form 90-128: Applicant Benefits Calculation included Regular and Overtime Fringe Benefit Rate Sheet / Instructions**
- **Force Account Labor Summary Record / Instructions**
- **Force Account Equipment Summary Record / Instructions**
- **Materials Summary Record / Instructions**
- **Rented Equipment Summary Record / Instructions**
- **Contract Work Summary Record / Instructions**
- **Special Considerations Questions**
- **Public Assistance Appeal Procedure**
- **Project Listing (P.4)**
- **Request for Public Assistance (RPA) FEMA Form 90-49:**
- **Final Inspection / Review and Audit**
- ***Small and Large Project amounts are based on the Consumer Price Index (CPI) and are subject to change.**

2.7.8 P.4 (Project Listing Report)

1. **QUARTERLY REPORTS.** Each applicant is required to provide the State, either: **(1)** an unsigned copy of each P.4 Report indicating the current status towards completion of each Project listed on the P.4 (use the comments section), or **(2)** in cases when all Projects have been completed and all bills paid, a final P.4 Report, is to be submitted. Once the Final P.4 for all supplements are received (this may be 1 or more), the State will schedule a formal closet review audit and report the results the results to the appropriate FEMA Region.

2. Multiple payments to an applicant usually result when there are many Projects that represent a large number of damaged sites and single large damage claims. Each subsequent payment is called a **supplement**. The sequential numbering system used for supplements starts with the first one called **ZERO (0)**. The second payment would be SUPPLEMENT (1); the third would be SUPPLEMENT (2), etc.

3. A **P.4** (Project Listing Report) is provided with each payment supplement listing which approved Projects are being paid and other data concerning the status of completion of the Project. The P.4 document is organized with specific information extracted from each Project. See Sample P.4 (Project Listing Report) Below:

SAMPLE P.4 (PROJECT LISTING REPORT)

PW #	VSN	PKG#	CAT	WORK ACCOMP BY	PROJECT COMP DT	APPROVED PW AMOUNT	% COMP AT INSP	ACTUAL COMPTD	AMT. CLAIMED BY APPLICANT	COMMENTS
130	0	11	A	Contract	01/01/09	\$26,400.00	100	///	\$	
131	0	11	A	Force Act	03/01/03	\$68,000.00	50	///	\$	

SUPPLEMENT #: 48356

PROJECT TITLE: REPAIR & REPLACE DAMAGED CEILING

DAMAGED FACILITY: CITIZEN HIGH SCHOOL

DAMAGE LOCATION: CITIZEN, (NAME OF STATE)

PROJ DESCRIPTION: DAMAGED CEILING TILE DUE TO ROOF LEAKS PRIOR TO ROOF REPAIR.

INSURANCE COVERED ROOF REPAIRS. REPAIRS APPROVED BY REGION VI.

PROJECT WAS COMPETITIVELY BID. LOW BID WAS \$65,000.00.

4. There are only two applicant entries and a comments section for each Project that must be completed. The applicant must fill in the **ACTUAL DATE OF COMPLETION** and the **ACTUAL DOCUMENTED COST OF COMPLETION**. (The cost of completion is the summation of all ELIGIBLE expenses to complete the scope of work on each Project, and it is called the "amount claimed".) If the work is partially completed, terminated, abandoned, or awaiting approvals etc. please note status in the comments section. When the work is completed, write the word "**completed**" in the comments section. (See sample above.)

Note:

1. Quarterly P.4 reports are not signed, but are dated.
2. Final P.4 reports are signed and dated and can be submitted anytime.

ALL RECORDS MUST BE MAINTAINED ON FILE WITH THE APPLICANT FOR A PERIOD OF 3 YEARS FROM THE DATE OF GRANTEE CLOSE-OUT AUDIT REVIEW.

REVIEW AND AUDIT

AUDIT AND INVESTIGATIONS

In accordance with 44 CFR, Part 206.16, FEMA or State auditors, the GAR, the FEMA Regional Director (RD) or their duly authorized representatives, may inspect any books, documents, papers, and records of any person relating to any activity undertaken or funded under the Stafford Act.

AUDIT COSTS

In accordance with the provisions of 44 CFR, Part 14.2, Appendix A (16) Audit Costs, The costs of audits made in accordance with the provisions of OMB Circular A-133 are allowable charges to Federal assistance programs in accordance with the provisions of OMB Circular A-87.

SUMMARY

All approved Project Worksheets (PWs) listed on the Project Application Listing (P.4) are subject to random State or Federal audits for a period up to three years beyond the official close-out of the applicant by the Grantee (State).

Large Projects which are equal to exceed the CPI amount of that year should anticipate an audit during the 3 year period of time. Small Projects may be audited on a random basis. The dollar amount identifying a large Project amount changes annually with the Consumer Price Index (CPI).

All Projects should be reviewed by representatives from either State Office or FEMA and some projects may be selected for review by the Office of the Inspector General (OIG). It is important to initiate accurate record keeping procedures as soon as the work is initiated on any project.

2.7.9 Public Assistance Appeal Procedure

Should a disagreement occur concerning any aspect of disaster assistance, an appeal process is available for higher review and possible reconsideration of the situation. Some areas of possible conflict are:

- Funding eligibility
- Work eligibility
- Allowable time limits
- Cost overruns
- Technical or complex projects

2.7.10 Applicant (Subgrantee) Actions

The subgrantee may, after reaching a decision to appeal a certain item or action:

- May appeal any determination previously made related to Federal assistance for the applicant. The appeal procedure requires the applicant to make a written request directly to the Governor's Authorized Representative (GAR) explaining the problem and giving any appropriate justification for the appeal. The applicant may ask for reconsideration under the Appeal Procedure established in the Code of Federal Regulations, Part 206.206. Only two appeals are permitted.
- This request for an appeal must be made within 60 days after the subgrantee has received notice of the action being appealed. The appeal must be in writing and contain detailed information supporting the cause for the appeal action.
- If needed information is not available at the time, the applicant (subgrantee) shall (within the 60 day period), notify the GAR in writing of their intention to appeal and follow-up with the required documentation within the prescribed time limits. The appeal must identify specific line item(s) or the specific matter concerned and include copies of reference material not otherwise available to the FEMA Regional Director.
- For appeals involving highly technical issues, the applicant should request through the GAR, appropriate independent evaluations by a person or technical groups with the technical expertise in the subject of the appeal under consideration.

2.7.11 Grantee Actions

The Governor's Authorized Representative (GAR) shall, after receipt of an appeal from a subgrantee or applicant:

- Review the material submitted from the applicant,
- Request such additional investigations as necessary,
- Forward the appeal package with a specific written recommendation to the FEMA Regional Director within 60 days.

FEMA REGIONAL DIRECTOR (RD) ACTIONS

Upon receipt of an appeal from the Grantee, the FEMA Regional Director shall:

- Review the material submitted,
- Make such additional investigations as deemed appropriate,
- Within 90 days following the receipt of an appeal, the RD shall notify the Grantee, in writing, as to the disposition of the appeal, or,
- Request additional information from the Grantee.
- Within 90 days following receipt of such additional information, the RD shall notify the Grantee, in writing, of the disposition of the appeal.

2.7.12 Second & Final Appeal

If the RD denies the first appeal, the subgrantee may submit a second appeal in the following manner:

- Within 60 days of the receipt of the notice of denial by the RD,
- By letter, the applicant may submit a second appeal request through the GAR and RD,
- The Associate Director (AD) shall render a determination on the appeal within 90 days following receipt of the appeal or shall make a request for additional information.
- Within 90 days following the receipt of such additional information, the AD shall notify the grantee, in writing, of the disposition of the appeal.
- For appeals involving highly technical issues, the AD, may request for independent scientific or technical assistance.

2.8 Hazard Mitigation Grant Program

During post-disaster recovery operations, mitigation can be an important issue in reducing or preventing future losses. This is an opportune time to stress this phase of the Emergency Management cycle because the recent danger and damages of recent disasters are still fresh on people's minds. Once again, major damage has occurred and the rebuilding and repair phase is taking place. This is an ideal situation for mitigation activities such as elevation, removal, replacement, and flood-proofing or the strengthening of in-place structures. In flood situations, upgrading and enforcing existing building codes and ordinances to restrict building activity in floodways and floodplains can be implemented as effective and inexpensive measures.

To be most effective, mitigation must be planned. This means, plan for a disaster before the disaster happens and to prepare for situations which might happen in your particular jurisdiction. By planning ahead, you place yourself in an excellent position to make maximum use of Hazard Mitigation opportunities that may become available because of damages suffered during the disaster. For example, if your county qualifies for disaster assistance under the Public Assistance Program, you can submit a mitigation project for consideration and possible funding under the auspices the Hazard Mitigation Grant Program (HMGP). This is a 75% Federal / 25% non-federal cost share program for which you can prepare procedures well before a disaster event, so you'll be ready when an event does occur.

Hazard mitigation is a function that requires the coordination of a variety of multi disciplined on-going activities. The local Emergency Management Director is responsible for the overall emergency management program. The local Director should designate a Hazard Mitigation Coordinator (HMC), who serves as the single manager/coordinator for this important function. The HMC is encouraged to organize a Hazard Mitigation Team (MHT).

Once the local program is established, it is essential to communicate the needs of the community to the State Hazard Mitigation Officer (SHMO). The SHMO will work closely with the local officials and FEMA in order to foster an effective Hazard Mitigation Program.

The HMT normally consists of representatives of the local government, but may also include knowledgeable representation from industry and the private sector. The HMT provides a pool of local experience with a wide variety of skills that may be needed to achieve effective mitigation objectives. Team members should be selected by the HMC, who also serves as team leader and functional manager. The HMT organization provides the flexibility to involve all team members in the problem solving process or to involve only those team members that possess specific skills needed to work on a hazard specific problem.

You may refer to the Hazard Mitigation Planning Guidance for State and local Governments (FEMA publication, DAP-12, as amended) and the Hazard Mitigation Desk Reference that can provide guidance necessary to develop your local Hazard Mitigation Team and local plan. By determining personnel and material resources in advance, coordination during post-disaster recovery can function more smoothly. Also, by deciding team members and responsibilities prior to a disaster event, strategies for different elements of your mitigation planning can be determined before a disaster even happens. For instance, if your community floods every year, why not put the Mitigation team to work figuring out ways to reduce or eliminate the problem? Who can help? How do you pay for all of these measures? Is there any Federal / State / Local / Industry money available? Properly used, the Local Hazard Mitigation Team can be of great benefit to the entire community during the decision-making process, both pre-disaster and especially post disaster periods.

New mitigation opportunities such as Pre Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA) will enhance existing mitigation measures and open new ideas that will strengthen the Mitigation Program and keep it as an issue that has a great deal of potential to save lives and money. How well it works is up to the community and how people really care about saving lives and in the long-term, reduction of property damage.

Each State must have a FEMA approved State Hazard Mitigation Plan (SHMP), and each local community should have an approved local Hazard Mitigation Plan. Since 2000, there have been a number of changes incorporated into the Hazard Mitigation Programs and the opportunity for local applicants to capture available mitigation funds will depend on your ability to apply the measures and recommendations in the State and local plans into proposed mitigation activities. In addition, each disaster event produces new mitigation opportunities and for this reason proper planning, coupled with commitment and coordination, is the key element to effective hazard mitigation management.

2.8.1 Federal Grant Responsibility

The current provision under section 404 of the Stafford act makes federal funds available to grantees following a disaster. The portion of total federal assistance shall not exceed 15% of the estimated federal assistance provided for both public and individual assistance once the state has received FEMA approval of the State Enhanced Hazard Mitigation Plan. FEMA may contribute up to 75% of the projects approved costs measures. The maximum 15% amount is s been reduced to 7.5% for grantees that do not have an approved enhanced plan.

2.8.2 State Responsibilities

1. Identify and select projects consistent with the State 409 long-range plan;
2. State will establish procedures and priorities consistent with the following:
 - a) Measures that best fit the overall plan for development;
 - b) Measures that, if not taken, will have a severe detrimental impact;
 - c) Measures that will have the greatest potential impact on reducing future disaster losses;
 - d) Measures designed to accomplish multiple objectives including damage reduction, environmental enhancement, and economic recovery when appropriate;
3. Appoint a Hazard Mitigation Officer;
4. Have an approved Administrative Plan.

2.8.3 Eligibility

1. Eligible applicants:
 - a. State and local governments;
 - b. Private Non-Profit organizations;
 - c. Indian Tribes;
2. Minimum Project Criteria:
 - a. Conformance with the long-range 409 State Plan;
 - b. Beneficial impact upon the disaster area;
 - c. Conformance with 44 CFR, Part 9, Floodplain Management and protection of wetlands, and 44 CFR, Part 10, Environmental consideration;
 - d. Projects that merely identify or analyze hazards or problems are not eligible, there must be an assurance the project will be completed;
 - e. Must be cost-effective and substantially reduce the risk of future damage, hardship, loss or suffering resulting from a major disaster;
 - f. Must be able to demonstrate that the project addresses a repetitive problem or significant risk to public health and safety;

- g. Must ensure that the project will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impact to the area if future disasters were to happen;
 - h. Must have been determined to be the most practical, effective, and environmentally sound alternative;
 - i. The project must consider long-term changes to the area and contribute to the long-term solution in the area.
3. Types of Projects:
- a. structural hazard control or protection;
 - b. Construction that will result in protection;
 - c. Retrofitting of facilities;
 - d. Acquisition or relocation;
 - e. Development of State or local mitigation standards;
 - f. Development of comprehensive hazard mitigation programs with implementation as an essential component;
 - g. Development or improvement of Warning systems.
4. Duplication of Programs:

Section 404 Mitigation funds cannot be used as a substitute or replacement for other Federal programs except in limited circumstances.

5. Packaging of Programs:

Section 404 Mitigation funds may be packaged or used in combination with other funds when appropriate.

2.8.4 Project Identification and Selection

1. Identification is the responsibility of the State IAW the Administrative Plan.
2. Selection Criteria consistent with Part 206.435:
 - a. Measures that best fit within the overall plan;
 - b. Measures that, if not taken, will have a severe detrimental impact;
 - c. Measures that have the greatest potential impact on reducing future disaster losses.

2.8.5 Application Procedures

1. Within 60 days of the disaster declaration, the GAR will notify FEMA in writing of its intent to participate or not participate.
2. Upon identification of mitigation measures, the GAR will submit its section 404 Application to the FEMA Region Director. The application must include a Standard Application Form (424), an Assurance for Construction (424 D), and a narrative statement.
3. Applications may be amended IAW the Code of Federal Regulations.

2.8.6 State Administrative Plan

1. Minimum Criteria:
 - Designation of the responsible State Agency;
 - Identification of a State Hazard Mitigation Officer;
 - Determination of staffing requirements;
 - Establishment of procedures to manage the program.

2. The plan should become part of the State's overall emergency response or operations plan and revised to meet current policy guidance. Funds cannot be awarded until the State Administrative Plan is approved.

2.8.7 Summary of Subgrantee Responsibilities for Managing HMGP / PDM / FMA Programs

Section 1 - GRANT MANAGEMENT

SUBGRANTEE PERSONNEL NEEDS - Prior to assigning or hiring personnel or contracting for specialized assistance, the chief elected official and/or another appropriate employee of the subgrantee should thoroughly review this information. This will help to identify the tasks involved and determine the skills that are necessary to effectively administer the project and ensure compliance with applicable laws and regulations. It is our recommendation, due to the nature of the program, that professional personnel (e.g. accountants, lawyers, engineers, and grant managers) be consulted. It is important that the subgrantee's elected officials and chief administrator maintain direct involvement in all facets of grant and project management since the subgrantee is contractually responsible for the success of the project and for compliance with grant requirements.

Section 2 - FINANCIAL MANAGEMENT

It is normally the policy in each State that grants be implemented in a cost effective manner with appropriate financial controls in place to minimize waste and prevent fraud. Financial records shall be established with sufficient detail to reasonably document the expenditure of all funds.

Section 3 – PROCUREMENT

Provides guidance for the procurement process for Hazard Mitigation Grants. Detailed documentation is required and the procurement must be IAW existing policies during program implementation.

Section 4 – STATUTES

- COPELAND "ANTI-KICKBACK" ACT PROVISION - As stated in 24 CFR part 85.36
- "DAVIS-BACON" ACT PROVISION - As stated in 24 CFR Part 85.36
- TERMINATION PROVISION - As stated in 24 CFR Part 85.36 b.
- ACCESS TO RECORDS AND RECORD RETENTION CLAUSE - In general, all official project records and documents must be maintained during the operation of this project and for a period of three years following close out.
- CONTRACT WORK HOURS AND SAFETY STANDARD ACT - Contracts awarded by grantees and sub grantees in excess of \$2,000 for construction contracts and in excess of \$2,500 for other contracts which involve the employment of mechanics or laborers shall comply with Section 103

and 107 of the Contract Work Hours and Safety Standard Act (40 USC 327-330) as supplemented by Department of Labor Regulations contained in 29 CFR Parts 3, 5 and 5a

- CLEAN WATER, CLEAN AIR, EXECUTIVE ORDER (E.O.) 11738 AND EPA REGULATIONS PROVISION - This agreement is subject to the requirements of the Clean Air Act, as amended, 42 USC 1857 et seq., the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq. and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended from time to time.
- LOBBYING CLAUSE - Required by Section 1352, Title 31, U.S. Code
- NONDISCRIMINATION CLAUSE- Section 109, Housing and Community Development Act of 1974 No person in the United States shall on the ground of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.
- AGE DISCRIMINATION ACT OF 1975, AS AMENDED –
- LEGAL REMEDIES PROVISION - As stated in 24 CFR Part 85.36 –
- EXECUTIVE ORDER 11246 CLAUSE –
- SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED
- Nondiscrimination on the Basis of Handicap –

Section 5 - URA AND RELOCATION ASSISTANCE

APPLICABILITY OF THE URA - The Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) mandates that property owners receive just compensation for their property and relocation assistance from Federal acquisition programs. The URA also sets specific time limits and places other requirements on the acquiring agency. There is an exception to the provisions of the URA for voluntary transactions that meet the specific criteria found in 49 CFR Part 24.101(a). This exception requires that the acquiring agency (subgrantee) inform the property owner in writing:

Section 6 – ACQUISITION

BASIC PARAMETERS - An HMGP acquisition project is voluntary for all parties involved.

Section 7 – DEMOLITION

The FEMA Public Assistance (PA) Program can provide reimbursement for at least 75% of the eligible costs relating to the demolition of structures acquired under HMGP.

Section 8 – ELEVATION

ELIGIBILITY - Property owners must meet established elevation criteria to be eligible for HMGP elevation funds for their home:

Section 9 - REQUESTING HAZARD MITIGATION GRANT FUNDS - (Draw Downs)

Each State is the primary grantee of the funds processed through Smartlink and will follow FEMA's regional requirements and procedures for processing and reporting disbursements of these funds to the Subgrantee. The State administers the Hazard Mitigation Grant Program and will disburse funds in accordance with State and Federal regulations.

2.9 Contracts

You must ensure your contracts comply with applicable state and local legal regulations and are reviewed by your designated contract official. Your contracts must also reflect the provisions listed in **this section under Contract Provisions**. If your standard contracts meet the requirements of these provisions, the clauses need not be repeated.

2.9.1 Contract Types

You must decide which type contract is appropriate given the circumstances of each purchase. You may use your standard contract types for contracts under your FEMA grant. Contract types include:

- **Fixed price contracts.** Fixed price contracts are used when there will likely be effective competition based on a complete product description and clear plans and specifications. There should not be any significant technical or engineering unknowns. The contractor must furnish the goods or services for the fixed price, and so assumes significant risk. Profit is not stated or negotiated separately.
- **Cost reimbursable contracts.** You should use a cost reimbursement contract when it is not feasible to award a fixed price contract. The contractor's cost and profit must be negotiated separately. Often, the contractor must satisfactorily complete only the amount of work equivalent to the estimated cost to qualify for the negotiated profit; the contractor may not complete the entire project. Thereby, the contractor assumes less risk than under a fixed price contract. Alternatively, you may negotiate a cost reimbursable contract which includes a ceiling which may not be exceeded but which requires completion of the work. In this situation, the risk to the contractor is increased.
- **Cost Plus Type Contracts Prohibited.** Percentage of construction cost and cost plus a percentage cost contracts provide an incentive for the contractor to increase costs in order to increase profit. These contract types must not be used.

2.9.2 Construction Contract Bonds

You must ensure FEMA's interest in construction or facility improvement contracts under grants is adequately protected. You must at least meet the following minimum standards:

- For construction or facility improvements contracts which are \$100,000 or less, unless your grant indicates otherwise, you may follow your own requirements relating to bid guarantees, performance bonds, and payment bonds. The grant will include a term and condition advising you of any additional FEMA requirements if required by statute.
- For construction or facility improvements contracts which exceed \$100,000, unless FEMA authorizes different limits or requirements, you must require:
 - Bidders to provide a bid guarantee equivalent to five percent of the bid price. The bid guarantee may be a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid to ensure the bidder will accept award of a contract if you accept the bidder's bid.

- Successful bidders to provide a performance bond for 100 percent of the contract price to ensure fulfillment of the contractors' obligations under the contract.
- Successful bidders to provide a payment bond for 100 percent of the contract price. A payment bond ensures payment as required by statute to all persons supplying labor and material under the contract.

2.9.3 Grant Recipient Purchasing Methods

You must determine the purchasing method (examples below) and contract type that best fits your needs and circumstances.

2.9.4 Small Purchase Method

Small purchase is a relatively simple and informal method for purchasing supplies, equipment, and services that do not cost more than \$100,000. (Your organization may have lower small purchase limits in its procedures. If so, follow those limits.)

Generally, you should review catalogs or contact three or four organizations **which can provide goods or services meeting your needs** and obtain price quotes. You should select the lowest priced item or service which meets your requirements. You must, of course ensure:

- The employee selecting the offer does not have a conflict of interest with any of the organizations contacted.
- You make it possible for and encourage disadvantaged businesses to provide offers, to the extent possible.
- The offer is not from a debarred or suspended person.
- You clearly document why you selected other than the lowest priced supply, equipment, or service, if this is done.
- You keep files of the purchase, including the list of organizations contacted and the prices of each.
- You do not need to obtain bid or performance bonds for small purchases.

2.9.5 Sealed Bid or Formally Advertised Purchasing Method

For purchases with an estimated price of more than \$100,000, the sealed bid purchasing method is generally preferable to other methods if the successful bid can be determined based mostly on price. Under this method, you must advertise for firm-fixed-price proposals or bids from organizations and firms able to do the work. You then award the contract (lump sum or unit price) to the responsible bidder whose bid conforms to the terms and conditions of the solicitation and is the lowest in price.

Sealed bidding is feasible if:

- You have a complete, adequate, and realistic specification or purchase description.
- It is likely there are two or more responsible bidders willing and able to compete for the contract.

- The purchase will result in a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If you use the sealed bidding method, you must:

- Advertise to the public an invitation for bids allowing potential bidders sufficient time to prepare bids before the public bid opening. Advertisements should be published in newspapers of general circulation, the Commerce Business Daily, trade journals, and your purchasing web sites. They may also be sent to contractors who are likely to be interested in providing the goods or services.
- The advertisement must make clear that any or all bids may be rejected if there is a sound documented reason. The advertisement must contain:
 - **A clear, accurate description of the technical requirements for the supplies, equipment or service to be purchased.**
 - **Requirements which the bidder must meet and all other factors you will use to evaluate bids or proposals.**
 - **A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.**
 - **The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitation.**
 - **The acceptance, to the extent practicable and economically feasible, of supplies, equipment, or service dimensioned in the metric system of measurement.**
 - **Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.**
 - **Take steps to involve disadvantaged businesses (see section on Disadvantaged Business Utilization), including sending known firms the advertisement requesting bids.**
 - **Before bid opening, ensure none of the bidders are debarred, suspended, or otherwise excluded. If any are, reject those bids before opening them.**
 - **Publicly open bids at the time and place announced in the advertisement.**
 - **Award a fixed price contract to the lowest responsive and responsible bidder.**
 - **Include, in the signed contract, the appropriate contract provisions. (See CONTRACT PROVISIONS in this section).**
 - **If the contract is for construction work, require the contractor to provide appropriate bid, performance, and payment bonds when the contract is signed.**

If you award the contract award to the lowest responsible bidder for a fixed price and there is more than one bidder, no further price or cost review is required.

2.9.6 Competitive Proposal Purchasing Method

When it is not appropriate to use the sealed bidding method (i.e., the award cannot be made based primarily on price) for purchases exceeding \$100,000, the next most preferred method is generally called the competitive proposal method. Under this method, you will use factors such as capability of the bidder, relationship of the proposed work to your needs, the qualifications of the bidder's staff, the availability of necessary resources, the likelihood of the bidder's success, and the price. The contract will normally be a fixed price or a cost reimbursement type contract.

If you choose to select a contractor using the competitive proposal method, you must:

- **Publicly advertise for proposals** identifying the nature of supplies, equipment, or services needed, the evaluation factors and their relative importance, a preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.
- **Take steps to involve disadvantaged businesses**, including sending known firms the advertisement requesting offers.
- **Develop a system for conducting technical evaluations** of the proposals to select the successful bidder.
- **Using the evaluation system and the criteria in the advertisement, select the responsible firm whose proposal is most advantageous**, with price and other factors considered.
- **Include the appropriate contract provisions in the signed contract. (See Appendix A.)**
- **If the contract is for construction work, require the contractor to provide appropriate bid, performance, and payment bonds** when the contract is signed.
- **If the contract award is not for a firm-fixed price, conduct a cost review to ensure the price is reasonable.** Your contractor must furnish estimated cost information, stating profit separately, to allow you to complete the review.

To obtain architectural/engineering (A/E) professional services, you may use a qualifications-based form of the competitive proposal method. The difference between this method and the normal competitive proposal method is that, after you open bids, you may evaluate competitors' qualifications and select the most qualified competitor, subject to negotiation of fair and reasonable compensation. Price is not a selection factor. You then negotiate a price with the most qualified firm. If you cannot reach agreement on price with that firm, reject the bid and open negotiations with the next most qualified firm. In other respects, this method is similar to the competitive proposal method and you must conduct a cost review before agreeing on price.

2.9.7 Non-Competitive Negotiation or Sole Source Purchasing Method.

The noncompetitive negotiation purchasing method is appropriate when none of the other methods are appropriate based on the circumstances. This method should be used sparingly in unusual circumstances. Appropriate circumstances include if:

- You determine the item or service is available only from one source. The fact that you have a long standing relationship with a contractor does not mean the item or service is available from only one source.
- You determine public exigency or emergency will not permit a delay resulting from competition.
- You request and obtain FEMA approval to use the noncompetitive proposal method for some other reason.
- In response to an advertisement for bids or proposals, only one bidder responds.

You must conduct a cost review of noncompetitive proposals. **In evaluating whether a sole source purchase is justified your cost review should consider the contractor's charges for similar work.**

You **should** contact the FEMA project officer before using the non-competitive proposal purchasing method. **FEMA will include a term and condition in grants where purchases may exceed \$100,000 requiring you to contact the project officer before making sole source purchases.** The project officer will likely instruct you to submit the proposed contract and related information, including cost information provided by the bidder and your justification for the non-competitive purchasing method utilized to obtain the bid.

2.9.8 Contract Provisions

You must ensure your contracts are sound and complete under applicable state and local law. Your contracts must also reflect the provisions required by federal law and FEMA regulations which are listed below. To the extent these requirements are met by provisions in your standard contracts, they need not be repeated.

1. **Remedies** – Contracts in excess of \$100,000 must include administrative, contractual, and legal remedies for use in cases in which contractors violate or breach contract terms. The contract must also make clear the remedial actions which you may take.
2. **Termination** – Contracts in excess of \$100,000 must explain the conditions under which you may terminate them for your convenience, in event of a contractor's failure, or in event of event beyond the control of the contractor; the process for bringing about the termination; and the basis for settlement.
3. **Equal Employment Opportunity** – Construction contracts in excess of \$10,000 must require compliance with Executive Order 11246, "Equal Employment Opportunity," as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR Part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

4. **Copeland "Anti-Kickback" Act** (18 U.S.C. 874 and 40 U.S.C. 276c) – Construction contracts which exceed \$100,000 must require compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act prohibits contractors from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled.

5. **Contract Work Hours and Safety Standards Act** (40 U.S.C. 327-333) –

(a) Construction contracts which exceed \$100,000 or other contracts that involve the employment of mechanics or laborers which exceed \$2,500 must require compliance with sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under section 102 of the Act, each contractor must compute the wages of every mechanic and laborer on the basis of a standard 40 hour work week. If a mechanic or laborer works more than 40 hours in a week, the contractor must pay the worker at a rate of not less than one and ½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week.

(b) Construction contracts which exceed \$100,000 must provide that no laborer or mechanic may be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. (This requirement does not apply to the purchase of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.)

6. **Rights to Inventions** – Experimental, developmental, or research work contracts must provide for both your and FEMA's rights in any resulting invention (see 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements").

7. **Access to Records** – Negotiated contracts which exceed \$100,000 must allow you, FEMA, the Comptroller General of the United States, or any of their duly authorized representatives, access to any books, documents, papers and records of the contractor directly pertinent to your contract for the purpose of making audits, examinations, excerpts and transcriptions

8. **Debarment and Suspension** – Contracts which exceed \$100,000 must prohibit contractors from awarding subcontracts to persons (individuals or organizations) listed on the Excluded Parties Listing System (EPLS) which is found at: <http://www.epls.gov/>.

9. **Energy and Environmental Conservation.** – Contracts must require contractors to give preference, to the extent practicable and economically feasible, to products and services that conserve natural resources and protect the environment and are energy efficient (30.44(a)(3)(vi)).

10. **Byrd Anti-Lobbying Amendment** (31 U.S.C. 1352) – Contractors who apply or bid for a contract of more than \$100,000 must file a certification that it will not and has not used Federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining your grant. The contract must also require that any subcontractor who applies or bids for subcontract in excess of \$100,000 must provide a similar certification to the next

higher tier contractor or subcontractor. Contractor and subcontractors must also disclose any lobbying with non-Federal funds in connection with obtaining the grant. Each contractor or subcontractor must forward any disclosures from tier to tier up to the recipient.

FACT SHEET: Procurement with Federal grant funds

FEMA's purchasing guidance and requirements are designed to ensure that what you buy you get at a reasonable price in a fair and openly competitive way. Many organizations which receive FEMA grants have their own purchasing requirements and systems. If you have your own system which meets the minimum standards of the FEMA regulations as explained in this guidance, you may use that system. If your system does not meet FEMA's minimum requirements you may amend the system to meet FEMA requirements, but, in any event, **you must conduct your purchasing in accordance with the minimum FEMA requirements**. FEMA grantee/subgrantee procurement requirements are at 44 CFR Part 13.36.

RESPONSIBILITY

You are responsible for the settlement and satisfaction of all contractual and administrative issues arising out of contracts under your grant. FEMA such issues as disputes, claims, protests of award, source evaluation or other matters of a contractual nature.

CODE OF CONDUCT

You must have written standards of conduct which apply to employees involved in the award and administration of contracts for supplies, equipment, and services. The code must ensure that:

- Your employee, officer or agent does not participate in the selection, award, or administration of a contract under an FEMA grant if the employee, any of the employee's family members or partners, or an organization which employs or is about to employ any of these persons, has a financial or other interest in the organization selected for the contract. This would be an inappropriate conflict of interest.
- Your employee does not solicit or accept gratuities, favors, or anything of monetary value from your contractors. You may, however, set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
- If any of your employees violate the code, the code must make them subject to disciplinary action.

COMPETITION

- **You must, to the maximum extent practicable, ensure open and free competition** in your purchasing

COST AND PRICE REVIEW

Your purchasing system must ensure the cost or price of your supplies, equipment, and services is reasonable. You do this by conducting a cost or price analysis for each procurement action which you must document in your files.

- Price analysis includes the comparison of price quotations submitted, market prices, bid prices for firm fixed price contracts or similar information.
- Cost analysis is the review and evaluation of each element of cost to determine reasonableness.

DISADVANTAGED BUSINESS OPPORTUNITY

You must make positive efforts to use disadvantaged businesses, including small businesses, minority-owned firms, women's business enterprises, and firms in labor

DEBARMENT AND SUSPENSION

You must ensure you do not award a contract to any person (organization or individual) debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs. You must also ensure your contractor does not award a subcontract to any person debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs.

You can find the list of debarred, suspended, and excluded persons at:

www.epls.gov.

RECORDS

You must maintain records that detail the history of each purchase. For purchases which exceed \$100,000, these records must include the rationale for the method of procurement, the reason you selected the contract type, your justification for lack of competition when competitive bids or offers are not obtained, the reasons for contractor selection or rejection, and the basis for the contract price, including documentation of required price and cost analyses.

PART 3: GLOSSARY



3. Glossary

ACT

The Federal Disaster Relief Act of 1974, Public Law 93-288, as amended, and the Disaster Act of 2000.

AGRICULTURAL STABILIZATION and CONSERVATION SERVICE (ASCS)

An agency of the Federal government under the Department of Agriculture which concerns itself with soil conservation measures and certain types of agricultural assistance.

BASE FLOOD ELEVATION (BFE)

The highest elevation of the water level in a 100 year flood event.

COST ESTIMATING FORMAT (CEF)

The CEF is a forward pricing model that estimates the total cost of repair for large projects by using standard industry practices of estimating costs. Includes costs, such as design and contingencies.

DESIGNATED AGENT

An individual designated by local government resolution to execute, for and on behalf of the local jurisdictions, all necessary claims, assurances, and agreements to support its disaster project application for federal financial assistance.

DETAILED DAMAGE ASSESSMENT (DDA)

A more complete and comprehensive joint FEMA/State/local damage assessment.

DISASTER

The occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause; including fire, flood, earthquake, wind, storm, wave action, oil spill, or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, or other public calamity requiring emergency action.

DISASTER / EMERGENCY

This is declared by executive order or proclamation of the governor if it is found that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. This declaration activates the disaster response and recovery aspects of the state, local, and inter jurisdictional disaster emergency plans applicable to the political subdivision or area in question. It is also authority for the deployment and use of any personnel to which the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available.

DISASTER JOINT FIELD OFFICE –(JFO)

A temporary facility established in the disaster area to serve as the field headquarters for emergency managers and as a focal point for disaster operation, direction, coordination, and information. It houses the FCO and the SCO as well as their respective staffs.

DISASTER RECOVERY CENTER (DRC)

A temporary facility established in the disaster area with staffing to provide initial and follow-up claims assistance for disaster victims. Similar to a DAC.

DISASTER UNEMPLOYMENT ASSISTANCE (DUA)

A program under the Department of Labor to provide financial assistance to persons unemployed as a result of a Major disaster.

EMERGENCY

The occurrence of any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mud slide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the State which requires State and/or Federal emergency assistance to supplement local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS (EMPG)

A program which provides federal matching funds to State and local governments for emergency management support in management, planning and operations.

EMERGENCY PREPAREDNESS COORDINATOR (EPC)

An assistant to the Emergency Preparedness Director to whom the director has given authority to act in the director's behalf in carrying out Emergency Management responsibilities throughout the director's political jurisdiction.

EMERGENCY OPERATIONS CENTERS (EOCs)

State Emergency Operations Center (State EOC)

The central point of contact for statewide disaster communications and related operations.

Local Government Emergency Operations Center (Local EOC)

The central point of contact for disaster communications and related operations within the local government's jurisdiction. The local EOC is normally located within the city or county as an individual jurisdiction's EOC. It may be a combined city/county EOC. It is the location from which local government officials function in directing disaster operations and maintaining communication with the State EOC.

EMERGENCY FLOOD INSURANCE PROGRAM

(Emergency Program.) The first level of participation by a flood prone community in the National Flood Insurance Program (NFIP). During this phase the community operates its Floodplain Management Program using a Flood Hazard Boundary Map (FHBM). Policy rates are standard regardless of where the property is located in the participating jurisdiction but policies have upper financial restrictions.

EMERGENCY WORK

That work done immediately during or after a disaster to save lives and to protect and preserve property, public health and safety; and, to provide temporary facilities to restore essential public services. Category A - Debris Removal and Category B - Emergency Protective Measures on the Project Worksheet (PW) Report are for Emergency Work.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

An agency of the federal government which has the mission of reviewing ongoing and planned activities which could foul the environment.

FARM SERVICE AGENCY (FSA)

Formerly the Farmers Home Administration (FmHA). An agency of the federal government under the Department of Agriculture which concerns itself with recovery and rehabilitation, following agriculturally related disasters.

FEDERAL COORDINATING OFFICER (FCO)

A Federal official appointed as such by the President for each major disaster and is responsible for making an initial appraisal of the types of assistance most urgently needed and be rendering federal disaster assistance as expeditiously as possible. This is done by bringing together all federal agencies, establishing a field office at the disaster scene with the required representation by federal agency personnel and taking any other appropriate action in cooperation with the State Coordinating Officer (SCO) in the fulfillment of their responsibilities.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

An agency of the Federal government which is dedicated to coordinating the response of federal agencies in a concerted application of federal disaster assistance to States and local governments in need.

FEMA – STATE DISASTER ASSISTANCE AGREEMENT

A letter originated in the Federal Emergency Management Agency regional office and jointly signed by the Regional Director and the State Governor. This letter outlines the provisions and stipulations of the disaster assistance that will be administered.

FLOOD INSURANCE CLAIMS OFFICE (FICO)

This office is set up in a disaster area to handle the claims and appraisals when more than approximately 500 flood insurance claims are expected.

FLOODPLAIN ADMINISTRATOR (FPA)

The person designated by the appropriate Mayor or Chief Elected Official in a flood-prone community who is responsible for making floodplain determinations for construction sites, issuing building permits for floodplain construction and other floodplain management activities.

FORCE ACCOUNT

The applicants own labor, materials or services provided.

GENERAL SERVICE ADMINISTRATION (GSA)

A federal agency which provides building and utility support for disaster joint field offices and disaster recovery centers.

GOVERNOR'S AUTHORIZED REPRESENTATIVE (GAR)

The person named by the Governor in the FEMA-State Assistance Agreement to execute on behalf of the State all necessary documents for disaster assistance and to evaluate and transmit local government, eligible private nonprofit facility and State agency request for assistance to the FEMA Regional Director following a major disaster or emergency declaration.

HAZARD MITIGATION

Any action taken to eliminate or reduce the long-term risk to human life and property from natural or technological hazards.



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HAZARD MITIGATION COORDINATOR

The local government official appointed by the appropriate Mayor or Chief Elected Official to act in their behalf in the coordination of all Hazard Mitigation activities.

HAZARD MITIGATION PLAN

A plan prepared within 180 days following a presidential declared disaster. Preparation of this plan is a function of the State Hazard Mitigation Officer.

HAZARD MITIGATION TEAM

A team of people designated by the appropriate Mayor or Chief Elected Official for the purpose of providing Technical Hazard Mitigation Assistance as required by community officials in their pursuit of damage mitigation construction and reconstruction practices.

IMMEDIATE NEEDS FUNDING (INF)

INF is an advance of eligible disaster grant funds to assist applicants in paying for immediate needs that may require payment in the first 30 to 60 days. The amount available based on 50% of the federal share of the cost of emergency work in the PDA.

INDIVIDUALS AND HOUSEHOLDS PROGRAM (IHP)

Individual and Family Grant Program replaced by the Federal Assistance to Individuals and Households Grants are made to meet essential disaster related necessary expenses or serious needs of individuals or families adversely affected by a major disaster in those cases where such individuals or families are unable to meet such expenses or needs from other means. This assistance is financed on a 25 % State / 75 % Federal basis.

INSURANCE CONCEPT

Federal law requires that prior to distributing disaster recovery funds, insurance coverage's are to be deducted from the eligible cost of repair. Insurable facilities that are not insured or are underinsured must be given additional review by FEMA

JOINT FIELD OFFICE (JFO)

A temporary facility established in the disaster area to serve as the field headquarters for emergency managers and as a focal point for disaster operation, direction, coordination, and information. It houses the FCO and the SCO as well as their respective staffs.

LOCAL DISASTER/EMERGENCY

A local disaster emergency may be declared only by the official governing body of a political entity. The effect of this declaration is to activate the response and recovery aspects of any and all applicable local and inter-jurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under the local declaration.

LOWEST FLOOR

The lowest floor including basement of the lowest enclosed area of a structure.

MAJOR DISASTER

A major disaster means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mud slide, snow-storm, drought, fire, explosion or other catastrophe in any part of the United States or its territories which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under Public Law 93-288.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

The law which establishes a national environmental policy by providing a legal framework for federal agencies to consider the effects of proposed work or actions. NEPA and related laws establish a decision making process rather than authorizing an outcome. The process must be completed prior to obligating funds and beginning work.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

A program run by the federal government to improve floodplain management, to reduce disaster costs and to provide low cost flood insurance for flood-prone areas.

NATIONAL HISTORIC PRESERVATION ACT (NHPA)

Requires federal agencies to consider what effects their actions may have on historic properties. Further requires the review by the State Historic Preservation Officer (SHPO) on all projects involving structures of a historic nature.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

A federal agency under the U.S. Department of Commerce which concerns itself with weather observations and reporting. NOAA is the parent organization of the NWS.

NOTICE OF INTEREST – see REQUEST FOR PUBLIC ASSISTANCE

Form to be completed by applicants requesting Public Assistance Funding from FEMA.

ONE HUNDRED YEAR FLOOD

A flooding condition which has a 1% chance of occurring each year. The 100 year flood level is used as the base planning factor for NFIP floodplain management purposes.

PERMANENT WORK

Terminology used to refer to the Public Assistance Categories C through G items.

PRELIMINARY DAMAGE ASSESSMENT (PDA)

The PDA is used to determine the impact and magnitude of damage cause by a disaster event. PDA teams identify immediate needs funding during this initial survey. Up to 50% of the federal share of emergency work found within 3 days is eligible.

PUBLIC ASSISTANCE

That part of the emergency or major disaster relief program in which the federal government supplements the efforts and available resources of state and local governments to restore certain public facilities or services to pre-disaster condition once a disaster has happened. Public Assistance includes emergency assistance, debris removal, community disaster loans, and the permanent repair, restoration or replacement of public and designated private nonprofit facilities damages or destroyed by a major disaster.

PUBLIC INFORMATION OFFICER

The person who has been designated to collect and disseminate coordinated disaster related information to the media and general public.

REQUEST FOR PUBLIC ASSISTANCE (RPA)

The initial applicant application for Public Assistance funding eligibility. The request must be submitted within 30 days of the disaster declaration.



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SPECIAL CONSIDERATIONS

Issues that must be considered before federal grant money can be obligated to repair or restore damaged facilities. They may include items such as: flood and general insurance, hazard mitigation, historic, and environmental issues.

STATE COORDINATING OFFICER (SCO)

The individual designated by the Governor in the State / Federal Agreement to serve as on-scene representative for the State to work in concert with the Federal Coordinating Officer in administering State and Federal assistance to disaster victims in accordance with the appropriate Federal and State Guidelines and Policies.

STATUTORY EXCLUSIONS (SE)

Statutory exclusions provided under the Stafford Act which provides exclusions from review under NEPA for certain types of response and recovery activities. Emergency work is excluded, as is clearance of roads and construction of temporary bridges, demolition of unsafe structures, and reduction of immediate threats to life, property and public health and safety. 44 CFR, Part 10.8(c)

TEMPORARY HOUSING PROGRAM (THP)/REPLACED BY DISASTER HOUSING PROGRAM (DH)

The federal program which provides emergency or temporary accommodations to individuals or families made homeless by an emergency or a major disaster. The federal share is 100%.

VALIDATION OF SMALL PROJECTS

Since the applicant will be determining eligibility and costs on small projects, a validation of at least 20% of all small projects will be accomplished to confirm the costs.

REFERENCES

A. Contained in this Handbook

* **Code of Federal Regulations cross-reference** for 44 CFR, January 2009/Part 5

* **SBA Disaster Damage Survey and Declaration Procedures**. March 2002/Part 2.4.2

B. External

* **Cost Code Listings**. Updated by year or disaster event/obtain from FEMA Region

* **www.fema.gov/r-n-r/pa008.htm**

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PART 4: CHECKLISTS AND REFERENCES



4. Checklists and References

4.1 Requirements for Subgrantees to Receive Reimbursement

The State Grantee has a legal obligation and right to function as the grantee agency receiving federal funds from the Federal Emergency Management Agency (FEMA) at the time of and subsequent to declared disasters. The grantee, also has the legal obligation and duty to coordinate the reimbursement payments to all subgrantees who are eligible for assistance pursuant to the Stafford Act, 42 USCA §5121.

The Grantee is responsible for ensuring that all federal funds, which flow from FEMA to the State once a Presidential Disaster for Public Assistance is authorized by the President. Funds are expended for eligible expenses in accord with the Stafford Act, federal regulations, as well as policies and directives of FEMA. Many States have developed a *Disaster Recovery Guide / Manual* that provides the federal and state requirements for reimbursement of eligible expenditures to subgrantees. The following information establishes the procedures that must be followed along with the required documentation that must be submitted in order for the Grantee to reimburse subgrantees.

Responsibilities of Subgrantee

The subgrantee must access forms and submit Requests for Reimbursement and supporting documentation in order to receive reimbursement, if possible to do so.

The following is an example of documentation that must be submitted to the Grantee prior to receiving supplemental federal assistance from FEMA:

- W-9 Form;
- Designation of Applicant's Agent Form;
- Assurances Document Form.

Public officials requesting FEMA assistance must have knowledge of the public assistance funding requirements of FEMA for public assistance grant payments. All Project Worksheets (PW) shall be completed in accordance with federal law, state law, and disaster specific guidance and directives. Once a PW has been obligated, the reimbursement request process may begin. Obligated PWs will not initiate the payment process and only the submission of Reimbursement Request Forms shall initiate the payment process.

Documentation for all large projects (projects in excess of \$64,200) (CPI for 08-09) as defined at 44 CFR 206.203(c) must be submitted to the Grantee to initiate payment processing. In order for the Grantee to initiate payment, subgrantees must submit the appropriate Expense Reimbursement Request Forms (May vary from State to State. The Reimbursement Request and supporting documentation must be submitted as requests are made for payment:

1) Force Account Labor (FAL):

- Accurately completed FAL Summary Records (See Attachment A);
- Applicant Benefits Calculations Worksheet; and Pre-disaster overtime policy.

2) Force Account Equipment (FAE):

- Accurately completed FAE Summary Records (See Attachment B) (Total equipment hours for each piece of equipment utilized shall not exceed total hours charged for equipment operator's time.);

- Evidence that equipment rates in existence prior to the disaster were used if such rates are lower than FEMA approved rates or FEMA approved rates if pre-disaster rates are higher than FEMA rates.

3) Materials:

- Accurately completed Material Summary Records (See Attachment C) (Only fuel costs not claimed through equipment usage rates in FAE shall be included on Materials Summary Records.);
- Itemized invoices and/or receipts for all items including, but not limited to, clear descriptions of items purchased (e.g., serial numbers, or other identifying information), costs, dates, vendors, and invoice/receipt numbers; and Documentation indicating that either state or federal procurement regulations, whichever are applicable, were followed or a legally acceptable explanation as to why applicable state or federal procurement regulations were not followed, including, but not limited to, copies of request for proposals (RFPs), summaries of responses to RFPs, price quotes, and bid tabulations.

4) Rental Equipment:

- Accurately completed Rental Equipment Summary Records;
- Itemized invoices and receipts for all items including, but not limited to, clear descriptions of items purchased/rented (e.g., serial numbers, or other identifying information, costs, dates, vendors, and invoice/receipt numbers;
- Copies of all rental agreements/contracts; and
- Documentation indicating that either state or federal procurement regulations, whichever are applicable, were followed or a legally acceptable explanation as to why applicable state or federal procurement regulations were not followed, including, but not limited to, copies of RFPs, summaries of responses to RFPs, price quotes, and bid tabulations.

5) Contract Work:

- Accurately completed Contract Work Summary Records (See Attachment E);
- Copies of all agreements/contracts;
- Itemized invoices and/or receipts for all items reported, including, but not limited to, clear descriptions of work performed, dates of work performed, costs incurred, invoice dates, vendor descriptions, and invoice/receipt numbers;
- Itemized invoices and receipts for all items including, but not limited to, clear descriptions of items purchased (e.g., serial numbers, or other identifying information, costs, dates, vendors, and invoice/receipt numbers; and
- Documentation indicating that either state or federal procurement regulations, whichever are applicable, were followed or a legally acceptable explanation as to why applicable state or federal procurement regulations were not followed, including, but not limited to, copies of RFPs, summaries of responses to RFPs, price quotes, and bid tabulations.

All supporting documentation for funds received pursuant to this agreement for small or large projects will be retained for a period of review not less than three years following closeout by the Grantee and will be available during this period for review and inspection by state and federal auditors.

Responsibilities of Grantees

Maintain and provide up to date disaster management data to subgrantees.

Review the documentation of subgrantees in a timely manner.

Contact subgrantees as to any deficiencies in the submitted documentation and assist subgrantees in correcting those deficiencies.

- 1) Communicate in a timely manner to subgrantees any changes in the Stafford Act, Code of Federal Regulations (CFR), or disaster specific policies and directives, which may affect subgrantees documentation requirements.
- 2) After receiving the documentation described above, in (1) through (5) of the section titled "Responsibilities of Subgrantee", the Grantee will disburse to subgrantees those shares of federal funds for the eligible costs for projects after receipt of said Federal funds.

4.2 Applicant Checklist – Sample

REQUESTING DISASTER ASSISTANCE CHECKLIST

STEP 1: Contact the appropriate Local Emergency Management Office.

STEP 2: Local Emergency Management Official will respond to the emergency request and when supplemental assistance from the State is required, they will contact the State.

STEP 3: The State may respond to the local request and may request supplemental assistance from the appropriate FEMA Region as necessary.

STEP 4: The State and FEMA may dispatch Damage Assessment Teams to confirm the severity and magnitude of the emergency or disaster and to confirm the need for additional supplemental assistance (Direct Federal Assistance) from other Federal Agencies.

STEP 5: Once a Presidential Disaster for Public Assistance is authorized, eligible applicants may apply by completing the Request for Public Assistance Form.

DAMAGE ASSESSMENT CHECKLIST

- **Finish Lifesaving Tasks**
- **Activate Damage Assessment Team**
- **Fill out and forward to Grantee (Preliminary Damage Assessment information)**
- **Locate Budget information**
- **Refer to Handbook, Part I, "Damage Assessment and Requesting Assistance"
(To prepare for State/FEMA damage inspections)**

Before the arrival of the damage inspectors, applicants should take the following steps in order to expedite the damage survey and information collection process.

- Prepare a list of work performed and facilities damaged as a direct result of the disaster. This list should segregate work damages into those categories identified on the Request for Public Assistance (RPA) Form. Applicants should be sure to include both work that has been completed and that work not yet completed.

- Mark the location of each damage site or area where disaster related costs were experienced on a map and develop a route of travel to each site. All damage sites should be identified by the applicant before the inspection team arrives.
- Have photographs of each damage site available for the damage review team.
- Ensure the person designated to accompany the damage survey team has knowledge of repairs already accomplished and those that still need to be done, as well as knowledge of the location of all damage locations.
- Be prepared to give the survey team a detailed cost breakdown of personnel, equipment and materials for all completed work. While a variety of forms can be used to summarize these items, the format selected must document the type and location of work performed.
- Be prepared to describe to the inspection team which sites will be repaired or reconstructed by contract and those which will be repaired by local force account resources. If a contractor's estimate has been received, have it available for the inspectors. If damaged facilities are to be rebuilt to conform with new codes, specifications or standards, be prepared to provide inspectors with copies of the specifications, local resolutions, ordinances, etc., which require upgrading of facilities. Have information relating to insurance coverage available for the damage survey team such as copies of insurance policies and the amount of any insurance settlement received.

RECORD KEEPING CHECKLIST

Document all disaster work so that proper claims can be made for appropriate reimbursement.

Applicant maintains **ALL** original records. Copies provided to FEMA.

Keep sketches and photographs of damage.

Keep damaged equipment and parts for review and inspection by survey teams.

Stay within the time limits in applying for assistance and completing projects.

Establish and label a file for each Project Worksheet (PW). Place original documents there or establish a cross reference identifying where the original is being kept and keep the cross reference document in the PROJECT file. Include a summary or worksheet itemizing the total costs.

When disaster work must be contracted, follow the existing State and local regulations and suggested guidelines.

Contact the Governor's Authorized Representative (GAR) or the person designated to answer questions or for assistance.

Follow State Guidelines for all disaster related correspondence provided to the Grantee.

Refer to "Management & Administration of Public Assistance Work" located in the Public Assistance Section.

Complete disaster damage records and cost documents for all FEMA approved work must be maintained for a period of at least three (3) years after the project has been closed- out by the State.

Ask questions!

PROJECT WORKSHEET AND PROJECT DOCUMENTATION SUPPORT

Obtain and Maintain on file all original copies of all Project Documentation including the

[Allied Independent Consulting](#) & [Jones Disaster Management Group](#)

following:

- **PW** (Project Worksheet)
 - Review & Confirm Applicant Number
 - Confirm Location & Scope of Work
 - Check each Project & Category
 - Project Description
 - Estimated Cost of proposed work
 - Flood plain management/ Haz Mit
 - Status
 - Review expected completion dates for each Category.
 - All work must be done prior to the completion date; any extension must be requested prior to the **completion date**.
 - Maintain Separate Files of each of the following:
 - EACH PROJECT
 - CONTRACTS,
 - INVOICES,
 - BIDS (including Rate Schedules, Notices etc),
 - Insurance Data and Correspondence
 - .Applicant ID and Project Number should be on all correspondence
- **P.4. (PROJECT LISTING)** (One method to accomplish Quarterly Report)
 - a. A **P.4** will be provided to each Applicant when Federal funding allocation is received.
 - b. Applicant **Must** provide a **QUARTERLY REPORT** each quarter and using a u-signed copy of the **P.4** is one method to accomplish this action. This report must contain the current status of each project.
 - c. Applicant **Must** provide the signed original **P.4** to the **Grantee** following Completion of all projects on each P.4.
 - d. Supplemental P.4's will be issued for each Supplement.

You must FILL IN the **ACTUAL DATE COMPLETED** and the **AMOUNT CLAIMED BY APPLICANT** (Enter the amount actually expended for the PW) for each PROJECT listed on the P.4, as well as any **COMMENTS** you may have.
- **Application for Federal Assistance (Form 424)**
- **Request for Taxpayer Identification Number (W-9)**
- **Assurances Certification (Form D)**
- **Large Projects** may be reviewed Quarterly by **Grantee**. May include an inspection of the work location and review of all cost documents.
- **Cost Adjustments (LARGE PROJECTS)** must be reported to the State Public Assistance Officer (PAO) as soon as it is determined the project will exceed the PROJECT Estimate.
- **Cost Adjustments (SMALL PROJECTS)** must be reported to the State (PA) within **45 days** after the last Small Project is completed. All P.4's must be completed/reviewed by FEMA

/State Inspection Team prior to any additional payment processing.

- **Additional Damage must be reported** within **60 days** from the **date** the State/Federal Team departed local jurisdiction. **DATE** / ____ / ____ / ____
- **Appeals** may be filed on any decision rendered by FEMA. The appeal must be processed through the **GRANTEE** and forwarded to **FEMA** Region within **60 days** of the decision being appealed in accordance with 44 CFR, Part 206.206
- **Audits** In accordance with 44 CFR, Part 14.2 any applicant receiving over \$25,000.00 but under \$100,000.00 in **Total** assistance that elect not to have an organization wide single audit must have grant or contract audit. Any applicant receiving over \$100,000.00 must have an organization wide single audit. All Large Projects for this disaster will be audited. Copies of **ALL** Audit Reports must be provided to the Grantee.
- **APPLICANT'S FIRST QUARTERLY REPORT DUE** / ____ / ____ / ____
- **SPECIAL NOTE:** All information concerning this project is subject to **State** and **Federal** Audit for three (3) years beyond close out of this Grant application.

PUBLIC INFORMATION CHECKLIST

- Develop a Public Information Officer (PIO) position in the Emergency Management Plan.
- Locate a qualified individual to perform the PIO function before the disaster occurs.
- Establish a media center for reporters, with electricity, telephone and access to the damaged area.

THE PIO SHOULD:

- Get to know local media and methods of operations.
- Coordinate with the Chief Elected local Official, as appropriate and other agency heads to assure that proper information is released to the media and to the public.
- Work with news media to assure proper content of outgoing information.
- Perform as rumor control, tracking down sources and making corrections.

AVAILABLE MEDIA SOURCES ARE:

- Television, Radio (AM and FM), Newspaper, Posters, Speeches, Announcements at gatherings such as churches, schools, clubs, etc.

LOCAL EMERGENCY MANAGEMENT CONCERNS:

- Flood Insurance
- Floodplain determinations
- Hazard Mitigation
- Building and Repair permitting requirements
- Disaster Recovery Centers (DRCs)

- General status of recovery efforts
- Management of paperwork to support disaster cost

4.3 Bridge Replacement/Repair

When an inspection team determines that a bridge should be replaced or repaired, the following items shall be included in or attached to the Project Worksheet (PW):

1. Bridge Survey Form (90-53)
2. Photographs - Take a minimum of (4) photographs to indicate conditions upstream, downstream, of the superstructure and substructure. Also, as needed, take close-up view of damaged piling, stringers, etc.
3. Sketch - Attach a simple hand-drawn sketch of the old bridge to indicate spans, abutment backwalls, wingwalls, etc., unless the old bridge is totally destroyed.
4. Bridge Inspection Record - Obtain a copy of the latest Bridge Inspection Record from the State Department responsible for Transportation.
5. Computation Sheet - Show development of estimated quantities and unit prices.
6. Site Preparation - Estimate cost of site preparation, such as structural excavation, damaged timber removal, etc.
7. Removal - Include an estimate for the cost of removal of the old bridge and/or portions thereof.
8. Salvage - Determine estimated salvage value of the old bridge, if appropriate.

NOTE: In some cases, the applicant may offer to remove the old bridge for its salvage value; in such cases, appropriate comments to that effect must be shown on the PW.

4.4 Debris Management

Debris removal is the clearance, removal, and/or disposal of items such as trees, sand, gravel, building components, wreckage, vehicles, and personal property. Public Assistance funds are available to eligible applicants for debris clearance, removal and disposal operations. Eligible applicants include State and local governments, Indian tribes, and certain private nonprofit organizations. In order to be eligible for FEMA funding, the debris removal work must:

- Be a direct result of a Presidential declared disaster;
- Occur within the designated disaster area; and
- Be the responsibility of the applicant at the time of the disaster.

In addition, debris removal work must be necessary to:

- Eliminate an immediate threat to lives, public health and safety;
- Eliminate immediate threats of significant damage to improved public or private property; or
- Ensure the economic recovery of the affected community to the benefit of the community-at-large.

Examples of eligible debris removal activities include:

- Debris removal from a public right-of-way to allow the safe passage of emergency vehicles; and
- Debris removal from public property to eliminate health and safety hazards.

Examples of ineligible debris removal activities include:

- Removal of debris, such as tree limbs and trunks, from an applicant's unimproved property or undeveloped land;
- Removal of pre-disaster sediment from engineered channels;
- Removal of debris from a natural channel unless the debris poses an immediate threat of flooding to improved property;
- Removal of debris from Federal lands or facilities that are the authority of another Federal agency or department, such as Federal-aid roads, USACE navigable waterways, and NRCS canals. See Public Assistance Fact Sheet 9580.202, Debris Removal Authorities of Other Federal Agencies, for a description of these authorities.



SAMPLE DEBRIS MANAGEMENT PLAN – 09

Subgrantee

Current Date

Mission

To facilitate and coordinate the removal, collection, and disposal of debris following a disaster, to mitigate against any potential threat to the health, safety, and welfare of the impacted citizens, and expedite recovery efforts in the impacted area, and address any threat of significant damage to improved public or private property.

Situation

Natural and man-made disasters precipitate a variety of debris that includes, but is not limited to, such things as trees, sand, gravel, building/construction materials, vehicles, personal property, etc.

The quantity and type of debris generated from any particular disaster is a function of the location and kind of event experienced, as well as its magnitude, duration, and intensity.

The quantity and type of debris generated, its location, and the size of the area over which it is dispersed directly impacts the type of collection and disposal methods used to address the debris problem, associated costs incurred, and the speed with which the problem can be addressed. In a major or catastrophic disaster, may have difficulty in locating staff, equipment, and funds to devote to debris removal, in the short as well as long term. Private contractors play a significant role in the debris removal, collection, reduction, and disposal process. The debris management program will be based on the waste management approach of reduction, reuse, reclamation, resources recovery, incineration, and landfilling, respectively.

ORGANIZATION AND CONCEPT OF OPERATIONS

The Department of Public Works is responsible for the debris removal function. The Department of Public Works (DPW) will work in conjunction with designated support agencies utility companies, waste management firms, and trucking companies, to facilitate the debris clearance, collection, reduction, and disposal needs following a disaster. DPW will be responsible for removing debris from the public right-of-way. Only when it is deemed in the public interest will DPW remove debris from private property. DPW will further stage equipment in strategic locations locally as well as regionally, if necessary, to protect the equipment from damage, preserve the decision maker's flexibility for employment of the equipment, and allow for the clearing crews to begin work immediately after the disaster. Because of the limited quantity of resources and service commitments following the disaster, will be relying heavily on private contractors to remove, collect, and manage debris for reuse, resource recovery, reduction, and disposal.

Using private contractors instead of government workers in debris removal activities has a number of benefits. It shifts the burden of conducting the work from _to the private sector, freeing up government personnel to devote more time to their regularly assigned duties. Private contracting also stimulates local, regional, and State economies impacted by the storm, as well as maximizes State and local governments' level of financial assistance from the Federal government. Private contracting allows the State and its political subdivisions to more closely tailor their contract services to their specific needs. The entire process (i.e., clearance, collection, transporting, reduction, and disposal, etc.) or segments of the process can be contracted out.

The Public Works Department will also develop and maintain a list of approved contractors who have the capability to provide debris removal, collection, and disposal in a cost effective, expeditious, and environmentally sound manner following a disaster.



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STAFF DEVELOPMENT & RESPONSIBILITIES

The Government is responsible for the developing a debris management plan and shall select a “Debris Manager” to supervise a “Debris Management Staff”. The staff shall be comprised of personnel to perform:

1. Administration

Function: Housekeeping, supplies, equipment, funding, accounting.

2. Contracting and Procurement

Function; Bidding requirements, forms, advertisements for bids, instructions to bidders, contract development.

3. Legal

Function: Contract review, right of entry permits, community liability condemnation of buildings, land acquisition for temporary staging and reduction sites, land acquisition for disposal sites, insurance.

4. Operations

Function: Supervision of government and contract resources, and overall project management.

5. Engineering

Function: Detailed damage assessment, identification of project tasks, assignments of tasks, preparation of estimates, plans, specifications, and recommendation of contract award.

6. Public Information Specialist

Function: Coordinate press releases, contacts with local organizations, individuals, and media; and public notices for debris removal and disposal contracts. The staff shall coordinate with all State and Federal agencies responsible for disaster response and recovery operations. The staff will be assigned the task of:

- Assembling to develop a Debris Management Plan.
- Developing an analysis and debris management capability
- Discourage development in hazardous zones.
- Develop public information and education programs.
- Train personnel in debris management techniques.
- Maintain pre-disaster maps, blueprints, photos and other documents.
- Make a list of critical facilities (streets, roads, and bridges).
- Identify non-government groups that could assist.

CONTRACT AND COOPERATIVE AGREEMENTS

Sample contracts with a menu of services and generic scopes of work will be developed by the attorney’s Office prior to the disaster to allow the jurisdiction to more closely tailor its contracts to its needs, as well as expedite their implementation in a prompt and effective manner.

The will be responsible for managing the debris contract from project inception to completion. Managing the debris contract includes such things as monitoring of performance, contract modifications, inspections, acceptance, payment, and closing out of activities. is encouraged to enter



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into cooperative agreements with other State agencies and local governments to maximize public assets. The development of such agreements must comply with the guidelines established in their agency procurement manual. All State agencies and local governments that wish to participate in such agreements should be identified prior to the development and implementation of the agreement.

The three types of contracts required are the:

1. **Time and Materials Contract.** Will be limited to the first 72 hours of operation and only after all State and local equipment has been committed. The price for equipment applies only when the equipment is operating, the can terminate the contract at its convenience, and the does not guarantee a minimum number of hours.
2. **Lump Sum Contract.** The price of the work is fixed unless there is a change in the scope of work to be performed. Lump sum contracts will be calculated on either the "area" method or the "pass" method. The lump sum contract shall only be used when the scope of work is clearly defined and the areas of work can be specifically quantified.
3. **The Unit Price Contract -** the most accurate account of actual quantities removed and requires field inspectors to eliminate contractor fraud. All contractor trucks must be measured. Requires load tickets identifying truck number, contract number, contractor's name, date, time departed site, and estimated volume.

The Attorney's Office has drawn-up sample contracts and these contracts are attached to this plan as an annex.

_____ has established Mutual Aid Agreements with the following entities to provide assistance with debris removal in the event of a disaster resulting in copious amounts of debris:

- 1.
- 2.
- 3.

These agreements include utilization of personnel, equipment, temporary landfill sites, emergency services, and law enforcement.

_____ has further identified certain volunteer (VOAD), State and Federal agencies ready to assist. These agencies include Civic Clubs, Church organizations, Salvation Army, State Department of Transportation, National Guard, scrap dealers, and U.S. Department of Labor. These VOAD organizations will be coordinated by the State.

SITE SELECTION

Debris storage and reduction sites will be identified and evaluated by interagency site selection teams comprised of a multi-disciplinary staff familiar with the area. A listing of appropriate local, State, and Federal contacts will be developed by the appropriate agencies to expedite the formation of the interagency, multi-disciplinary site selection teams.

Initially, debris will be placed in temporary holding areas, determined before the onset of the disaster, until such time as a detailed plan of debris collection and disposal is prepared. This is not anticipated until after the local traffic has been restored. Temporary debris collection sites should be readily accessible by recovery equipment and should not require extensive preparation or coordination for use. Collection sites will be on public property when feasible to facilitate the implementation of the mission and mitigate against any potential liability requirements. Activation of sites will be under the



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control of the Director of Public Works, and will be coordinated with other recovery efforts through the emergency operations center.

Site selection criteria will be developed into a checklist format for use by these teams to facilitate identification and assessment of potential sites. Criteria will include such factors of ownership of property, size of parcel, surrounding land uses and environmental conditions, and transportation facilities that serve the site. A site selection priority list is attached as an annex to this plan.

The following is a list of temporary holding sites:

- 1.
- 2.
- 3.

DEBRIS REMOVAL PRIORITIES

The debris removal process must be initiated promptly and conducted in an orderly, effective manner in order to protect public health and safety following a major or catastrophic event. To achieve this objective, the first priority will be to clear debris from key roads in order to provide access for emergency vehicles and resources into the impacted area. Key roads in are identified as follows:

- 1.
- 2.
- 3.

The need and demand for critical services will be increased significantly following a disaster. Therefore, the second priority that debris removal resources will be assigned is providing access to critical facilities pre-identified by State and local governments. Critical facilities in have been identified as:

- 1.
- 2.
- 3.

The third priority for the debris removal teams to address will be the elimination of debris related threats to public health and safety. This will include such things as the repair, demolition, or barricading of heavily damaged and structurally unstable buildings, systems, or facilities that pose a danger to the public. Any actions taken to mitigate or eliminate the threat to the public health and safety must be closely coordinated with the owner or responsible party. If access to the area can be controlled, the necessary actions can be deferred.

DEBRIS CLASSIFICATION

To facilitate the debris management process, debris will be segregated by type. It is recommended that the categories of debris established for recovery operations will be standardized. The County **should** adopt the categories established for recovery operations by the U.S. Army Corps of Engineers following Hurricane Andrew. Debris removed will consist of two broad categories (clean wood debris and construction and demolition (C&D) debris. Most common hurricane-generated debris will consist of 30% clean woody material and 70% C&D. Of the 70% mixed C&D it is estimated 42% will be burnable but require sorting, 5% will be soil, 15% will be metals, and 38% landfill.

Definitions of classifications of debris are as follows:

- **Burnable Materials:** Burnable materials will be of two types with separate burn locations:
- **Burnable Debris:** Burnable debris includes, but is not limited to, damaged and disturbed trees; bushes and shrubs; broken, partially broken and severed tree limbs; and bushes. Burnable debris consists predominately of trees and vegetation. Burnable debris does not include garbage or construction and demolition material debris.
- **Burnable Construction Debris:** Burnable construction and demolition debris consists of non-creosote structural timber, wood products, and other materials designated by the coordinating agency representative.
- **Non-burnable Debris:** Non-burnable construction and demolition debris includes, but is not limited to, creosote timber, plastic, glass, rubber and metal products, sheet rock, roofing shingles, carpet, tires, and other materials as may be designated by the coordinating agency. Garbage will be considered non-burnable debris.
- **Stumps:** Stumps will be considered tree remnants exceeding 24 inches in diameter; but no taller than 18 inches above grade, to include the stump ball. Any questionable stumps shall be referred to the designated coordinating agency representative for determination of its disposition.
- **Ineligible Debris:** Ineligible debris to remain in place includes, but is not limited to, chemicals, petroleum products, paint products, asbestos, and power transformers.

Any material that is found to be classified as hazardous or toxic waste (HTW) shall be reported immediately to the designated coordinating agency representative. At the coordinating agency representative's direction, this material shall be segregated from the remaining debris in such a way as to allow the remaining debris to be loaded and transported. Standing broken utility poles, damaged and downed utility poles and appurtenances, transformers and other electrical material will be reported to the coordinating agency representative. Emergency workers shall exercise due caution with existing overhead and underground utilities and above ground appurtenances, and advise the appropriate authorities of any situation that poses a health or safety risk to workers on site or to the general population.

Debris classifications developed and used by the Corps of Engineers in Hurricane Andrew recovery.

ESTIMATING DEBRIS QUANTITIES

The formula for estimating debris quantity (Q) is:

$$Q=H(C)(V)(B)(S)$$

H (Households)=Population/3 (3 persons per household)

C (Category of Storm)=Factor (See table below)

V (Vegetation Multiplier)= Factor (See table below)

B (Commercial Density Multiplier)= Factor (See table below)

S (Precipitation Multiplier)= Factor (See table below)

Hurricane Category	Value of " C " Factor
1	2 CY
2	8 CY
3	26 CY

4	50 CY
5	80 CY
<u>Vegetative Cover</u>	Value of "V" Multiplier
Light	1.1
Medium	1.3
Heavy	1.5
<u>Commercial Density</u>	Value of "B" Multiplier
Light	1.0
Medium	1.2
Heavy	1.3
<u>Precipitation</u>	Value of "S" Multiplier
None to Light	1.0
Medium to Heavy	1.3

Once the amount of debris has been estimated, the County/Parish will require temporary storage sites the size of which can be determined by taking the following factors into consideration:

1. The debris pile shall be stacked to a height of no more than 10 feet.
2. 60% usage of the land area will be devoted to roads, safety buffers, burn pits, household hazardous waste, etc.,.
3. 10 foot stack height = 3.33 yards
4. 1 acre = 4,840 square yards (sy)
5. Total volume per acre = 4,840 sy/ac x 3.33y = 16,133 cy/ac.

Using the above assumptions, the estimate of total debris from any hurricane will be within 30% plus or minus of the actual amount of debris accumulated.

We have estimated that under the worst scenario, e. g. a Category 5 hurricane, heavy vegetation cover, heavy commercial density, and heavy precipitation, the amount of acres needed for a temporary landfill is 3,352 acres. The calculation (assuming a population of 500,000) is as follows:

$$Q = H(C)(V)(B)(S)$$

$$Q = 166,667 \times 80 \times 1.5 \times 1.3 \times 1.3$$

$$Q = 33,800,068 \text{ cy of debris.}$$

$$33,800,068 \text{ (cy of debris) / 16,133 (cy/ac)} = 2,095 \text{ acres of debris.}$$

$$2,095 \text{ acres} \times 1.66 \text{ (60\% more area needed for roads, etc.)} = 3,352 \text{ acres.}$$

Note: To help visualize what 33,800,068 cy of debris looks like, picture a building occupying

1 acre. 1,000,000 cy of debris would create a stack 62' high on one acre. That building would be 2,046 feet high or approximately 200 stories high.

DEBRIS DISPOSAL AND REDUCTION

Once the debris is removed from the damage sites, it will be taken to the temporary land fills. The three methods of disposal are burning, recycling, and grinding/chipping.

Grinding and chipping will be utilized as a viable reduction method. Grinding and chipping reduces the volume on a 4 to 1 ratio. For grinding and chipping to be feasible, 25% of volume remaining must have some benefit or use.

The three primary burning methods are open burning, air curtain pit burning, and incineration. Controlled open burning is a cost-effective method for reducing clean woody debris in rural areas. Burning reduces the volume by 95%, leaving only ash residue to be disposed of. Air curtain pit burning substantially reduces environmental concerns. The blower unit must have adequate air velocity to provide a "curtain effect" to hold smoke in and to feed air to the fire below. Portable Incinerators use the same methods as air curtain pit systems. The only difference is that portable incinerators utilize a pre-manufactured pit in lieu of an onsite constructed earth/limestone pit.

Metals, wood, and soils are prime candidates for recycling. Most of the non-ferrous metals are suitable for recycling. Specialized contractors are available to bid on disposal of debris by recycling if it is well sorted.

SITE CLOSE-OUT PROCEDURES

Each temporary debris staging and reduction site will eventually be emptied of all material and be restored to its previous condition and use.

Before activities begin ground and aerial photos will be taken, important features such as structures, fences, culverts, and landscaping will be noted. Random soil samples will be taken as well as water samples from existing wells. The site will be checked for volatile organic compounds.

After activities begin, constant monitoring of air quality and soil and water samples will take place. Photo, maps, and sketches of the site will be updated and fuel spills will be noted.

At close-out final testing of soil, water, and air quality and compared to original conditions. All ash will be removed and any remediation actions will be taken.

DEBRIS MANAGEMENT ACTIONS

The Debris Management Plan is separated into four stages:

1. Normal Operations

- Develop local and regional resource list of contractors who can assist local governments in all phases of debris management.
- Develop sample contracts with generic scopes of work to expedite the implementation of their debris management strategies.
- Develop mutual aid agreements with other State agencies and local governments, as appropriate, following guidelines established in agency procurement manual.
- Identify and pre-designate potential debris storage sites for the type and quantity of debris anticipated following a catastrophic event.
- Pre-identify local and regional critical routes in cooperation with contiguous and regional jurisdictions.
- Develop site selection criteria checklists to assist in identifying potential debris storage sites.

- Identify and coordinate with appropriate regulatory agencies regarding potential regulatory issues and emergency response needs.
- Develop the necessary right of entry and hold harmless agreements indemnifying all levels of government against any potential claims.
- Establish debris assessment process to define scope of problem.
- Develop and coordinate pre-scripted announcements with the Public Information Office (PIO) regarding debris removal process, collection times, temporary storage sites use of private contractors, environmental and health issues, etc.

2. Increased Readiness

(A natural or man-made disaster is threatening the local area)

- Review and update plans, standard operating procedures, generic contracts, and checklists relating to debris removal, storage, reduction, and disposal process.
- Alert local departments that have debris removal responsibilities ensuring that personnel, facilities, and equipment are ready and available for emergency use.
- Relocate personnel and resources out of harm's way and stage in areas where they can be effectively mobilized.
- Review potential local, regional, and debris staging and reduction sites that may be used in the response and recovery phases in the context of the impending threat.
- Review resource listing of private contractors who may assist in debris removal process. Make necessary arrangements to ensure their availability in the event of the disaster.

3. Response

- Activate debris management plan, coordinate with needs assessment team.
- Begin documenting costs.
- Coordinate and track resources (public and private).
- Establish priorities regarding allocation and use of available resources.
- Identify and establish debris temporary storage and disposal sites (local, regional).
- Address any legal, environmental, and health issues relating to the debris removal process.
- Continue to keep public informed through the PIO.

4. Recovery

- Continue to collect, store, reduce, and dispose of debris generated from the event in a Cost-effective and environmentally responsible manner.
- Continue to document costs.
- Upon completion of debris removal mission, close out debris storage and reduction sites by developing and implementing the necessary site restoration actions.
- Perform necessary audits of operation and submit claim for Federal assistance.



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SAMPLE DEBRIS PLAN ANNEX

(Items to be included in Debris Plan)

Table of Contents

Sample:	Notice to public
Sample:	Mutual Aid Agreement
Sample:	Intergovernmental Emergency Mutual Aid Agreement
Sample:	Time and Material Contract
Sample:	Lump Sum Contract
Sample:	Unit Price Contract
Sample:	Right of Entry Agreement
Sample:	Site Selection Priority List

EXAMPLE DEBRIS AID, CONTRACTS & ROE AGREEMENT - Appendix

A	EXAMPLE - MUTUAL AID AGREEMENT
B	EXAMPLE - TIME / MATERIAL CONTRACT
C	EXAMPLE - LUMP SUM CONTRACT
D	EXAMPLE - UNIT PRICE CONTRACT
E	EXAMPLE - RIGHT OF ENTRY AGREEMENT



PART 5: APPENDICES



5. Appendices

Appendix A: Mutual Aid Agreement

SAMPLE

THIS AGREEMENT, entered into this _____ day of _____ by the participating parties hereto:

WHEREAS, each of the parties hereto desires to furnish mutual aid to each other in the event of a disaster, for which neither party might have sufficient equipment and personnel to cope, and;

WHEREAS, such mutual aid agreements are authorized by (Site Statutory Authority). NOW THEREFORE, the parties do mutually agree as follows:

ARTICLE I- TERM

This agreement shall commence at 12:01 a.m. on _____ and continue through _____ subject to the right of each party to terminate sooner as provided herein.

ARTICLE II- SERVICES

In the event of a disaster that requires aid of equipment and personnel beyond that which each party is able to provide for itself, all parties hereto agree that at the request of any party Hereto the others will loan such equipment and personnel as the respective officials of the lending jurisdiction, in their discretion, shall determine can reasonably be spared at the time without placing their o community in jeopardy.

Since time is of the essence during emergencies as herein referred to. the authority to dispatch equipment and personnel or call for aid in accordance with the terms and conditions of this agreement shall be delegated specifically to the chief official or acting chief official of the parties hereto.

The lending party shall be responsible for the delivers' of said equipment and personnel to the location specified by requesting party.

Upon arrival at said location, the officer in charge of the said equipment and personnel shall report to the officer in charge at the location of the disaster, who shall assume full charge of all operations at a disaster or emergency location.

All equipment and personnel loaned hereunder shall be returned upon demand of the lending party or when released by the requesting party upon the cessation of the emergency.

ARTICLE III - PAYMENT

No charge shall be assessed for services rendered by any party hereto.

ARTICLE IV - WAIVER OF CLAIMS

Each party hereto hereby waives all claims against the other for compensation for any loss, damage. personal injury or death occurring in consequence of performance of either party, their agents or employees hereunder.

ARTICLE V - TERMINATION

This Agreement may be terminated by either party upon at least thirty (30) days prior written notice to the other.



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ARTICLE VI- INTEGRATION

This Agreement contains the entire understanding between the parties. and there are no understandings or representations not set forth or incorporated by reference herein. No subsequent modifications of this Agreement shall be of any force or effect unless in writing signed by the parties.

ARTICLE VII- COMPLIANCE WITH LAWS

In the performance of this Agreement. each party shall comply with all applicable Federal. State. and Local laws, rules, and regulations.

SIGNATURES OF AGREEING OFFICIALS

THIS CONTRACT IS DULY SIGNED BY ALL PARTIES HERETO:

Entity (City, County, Town. etc.)

_____ Seal Contractor (Include
Address. City. State)

by _____

the Principal of the Firm



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Appendix B: Contracts Sample - Time & Materials

SAMPLE

ARTICLE 1:

Agreement between Parties

This contract is made and entered into on this the ____ day of 20__ by ____ and ____ between the city/County of _____ hereinafter called the ENTITY and _____ Hereinafter called the CONTRACTOR.

ARTICLE 2:

Scope of Work

This contract is issued pursuant to the Solicitation and Procurement on ____ 20__ For ____ the removal of debris caused by the sudden natural or man-made disaster of ____ To ____ 20__. It is the intent of this contract to provide equipment and manpower to remove all hazards to life and property in the affected communities. Clean-up, demolition, and removal will be limited to:

- 1) that which is determined to be in the interest of public safety and
- 2) that which is considered essential to the economic recovery of the affected area.

The work shall consist of the provision of equipment and labor to clean-up and remove debris as directed by the ENTITY.

ARTICLE 3:

Schedule of Work

Time is of the essence for this debris removal contract.

Notice to proceed with the Work: The Work under this contract will commence on ____ 20__. The equipment will be used for 100 hours, unless the ENTITY initiates additions or deletions by written change order. Based upon unit prices of equipment and labor, no minimum or maximum number of hours is guaranteed.

ARTICLE 4:

Contract Price

The hourly rates for performing the work stipulated in the contract documents, which have been transposed from the low bidder's bid schedule, are as follows:

Equipment/Machine/Operator Mobilization. Hourly Rate, Demobilization Cost Manufacturer, Model

ARTICLE 5:

Payment

The Contractor shall submit certified pay requests for completed work. The Entity shall have 10 calendar days to approve or disapprove the pay request. The Entity shall pay the Contractor for his performance under the contract within 20 days of approval of the pay estimate. On contracts over 30 days in duration, the Entity shall pay the Contractor a pro-rata percentage of the contract amount on a monthly basis, based on the amount of work completed and approved in that month. The Entity will remunerate the Contractor within 30 days of the approved application for payment, after which interest



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will be added at a rate of _____ per annum. Payments shall be subject to a retainer of _____ on each payment. Retainer shall be released upon substantial completion of the work.

Funding for this contract is authorized pursuant to Public Law of the State of _____ and _____ (local statute or ordinance)

ARTICLE 6:

Change Orders

If the scope of work is changed by the Entity. The change in price and contract time will be promptly negotiated by the parties, prior to commencement of work.

ARTICLE 7:

Contractors Obligations

The Contractor shall supervise and direct the Work, using skillful labor and proper equipment for all tasks. Safety of the Contractor's personnel and equipment is the responsibility of the Contractor. Additionally, the Contractor shall pay for all materials, equipment, personnel, taxes and fees necessary to perform under the terms of the contract.

Any unusual, concealed, or changed conditions are to be immediately reported to the Entity. The Contractor shall be responsible for the protection of existing utilities, sidewalks, roads, building, and other permanent fixtures. Any unnecessary damage will be repaired at the Contractor's expense.

ARTICLE 8:

Entity's Obligations

The Entity's representative(s) shall furnish all information, documents and utility locations necessary for commencement of Work. Costs of construction permits and authority approvals will be borne by the Entity. A representative will be designated by the Entity for inspecting the work and answering on-site questions.

THIS CONTRACT IS DULY SIGNED BY ALL PARTIES HERETO:

Entity (City, County, Town, etc.)

_____ Seal Contractor (Include Address. City. State

by _____

Principal of the Firm

SIGNATURES OF AGREEING OFFICIALS

THIS CONTRACT IS DULY SIGNED BY ALL PARTIES HERETO:

Entity (City, County, Town, etc.)

_____ Seal Contractor (Include Address. City. State

by _____

Principal of the Firm



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Appendix C: Contracts Sample - Lump Sum Contract for Debris Removal

SAMPLE

ARTICLE 1:

Agreement Between Parties

This contract is made and entered into on this the ____ day of _____ 20__ by and between the city/County of _____ hereinafter called the ENTITY and _____ hereinafter called the CONTRACTOR.

ARTICLE 2:

Scope of Work

This contract is issued pursuant to the Solicitation and Procurement on _____ 20__ for the removal of debris caused by the sudden natural or man-made disaster of _____ to _____. 20__. It is the intent of this contract to provide equipment and manpower to remove all hazards to life and property in the affected communities. Clean-up, demolition, and removal will be limited to 1) that which is determined to be in the interest of public safety and 2) that which is considered essential to the economic recovery of the affected area.

The Work shall consist of clean-up, or demolition and removal as outlined in the specifications, on drawings and on block sector maps attached to the invitation for bid number _____

ARTICLE 3:

Schedule of Work

Time is of the essence for this debris removal contract.

Notice to proceed with the Work: The Work under this contract will commence on _____ 20__. Maximum allowable time for completion will be _____ calendar days, unless the Entity initiates additions or deletions by written change order. If the Contractor does not complete the work within the allotted time, liquidated damages will be assessed in the amount of _____ per day.

ARTICLE 4:

Contract Price

The lump sum price for performing the work stipulated in the contract documents is

ARTICLE 5:

Payment

The Contractor shall submit certified pay requests for completed work. The Entity shall have 10 calendar days to approve or disapprove the pay request. The Entity shall pay the Contractor for his performance under the contract within 20 days of approval of the pay estimate. On contracts over 30 days in duration, the Entity shall pay the Contractor a pro-rata percentage of the contract amount on a monthly basis, based on the amount of work completed and approved in that month. The Entity will remunerate the Contractor within 30 days of the approved application for payment, after which interest will be added at a rate of _____ per annum. Payments shall be subject to a retainer of _____ on each payment. Retainer shall be released upon substantial completion of the work.

Funding for this contract is authorized pursuant to Public Law of the State of _____ and _____ (local statute or ordinance)



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ARTICLE 6:

Change Orders

If the scope of work is changed by the Entity, the change in price and contract time will be promptly negotiated by the parties, prior to commencement of work.

ARTICLE 7:

Contractors Obligations

The Contractor shall supervise and direct the Work, using skillful labor and proper equipment for all tasks. Safety of the Contractor’s personnel and equipment is the responsibility of the Contractor. Additionally, the Contractor shall pay for all materials, equipment, personnel, taxes and fees necessary to perform under the terms of the contract.

Any unusual, concealed, or changed conditions are to be immediately reported to the Entity. The Contractor shall be responsible for the protection of existing utilities, sidewalks, roads, building, and other permanent fixtures. Any unnecessary damage will be repaired at the Contractor’s expense.

ARTICLE 8:

Entity’s Obligations

The Entity’s representative(s) shall furnish all information, documents and utility locations necessary for commencement of Work. Costs of construction permits and authority approvals will be borne by the Entity. A representative will be designated by the Entity for inspecting the work and answering on-site questions.

THIS CONTRACT IS DULY SIGNED BY ALL PARTIES HERETO:

Entity (City, County, Town, etc.)

_____ Seal Contractor (Include
Address. City. State

by _____
the Principal of the Firm



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Appendix D: Contracts Sample - Unit Price Contract for Debris Removal

SAMPLE

ARTICLE 1:

Agreement Between Parties

This contract is made and entered into on this the ____ day of ____ 20____, by and between the city/County of _____ hereinafter called the ENTITY and _____ hereinafter called the CONTRACTOR.

ARTICLE 2:

Scope of Work

This contract is issued pursuant to the Solicitation and Procurement on _____ 20____ . for the removal of debris caused by the sudden natural or man-made disaster of _____ to _____ 20____. It is the intent of this contract to provide equipment and manpower to remove all hazards to life and property in the affected communities. Clean-up, demolition, and removal will be limited to 1) that which is determined to be in the interest of public safety and 2) that which is considered essential to the economic recovery of the affected area.

The Work shall consist of clean-up, or demolition and removal as outlined in the specifications, on drawings and on block sector maps attached to the invitation for bid number _____

ARTICLE 3:

Schedule of Work Time is of the essence for this debris removal contract.

Notice to proceed with the Work: The Work under this contract will commence on _____ 20____. Maximum allowable time for completion will be _____ calendar days, unless the Entity initiates additions or deletions by written change order. Subsequent changes in cost and completion time will be equitably negotiated by both parties pursuant to applicable State law. Liquidated damages shall be assessed at \$ /calendar day for any days over the approved contract amount.

ARTICLE 4:

Contract Price

The unit prices for performing the work stipulated in the contract documents, which have been transposed from the low bidder's bid schedule, are as follows:

Quantity Unit of Measure Description Unit Cost Total

Subtotal _____

Cost of Bonds _____ Grand Total _____

Debris shall be classified as one of the following units: cubic yards, each, square foot. Lineal foot. Gallon. Or an approved unit measure applicable to the specific material to be removed.

ARTICLE 5:

Payment

The Contractor shall submit certified pay requests for completed work. The Entity shall have 10 calendar days to approve or disapprove the pay request. The Entity shall pa the Contractor for his performance under the contract within 20 days of approval of the pay estimate. On contracts over 30



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days in duration. The Entity shall pa the Contractor a pro-rata percentage of the contract amount on a monthly basis, based on the amount of work completed and approved in that month. The Entity will remunerate the Contractor within 30 days of the approved application for payment. After which interest will be added at a rate of _____ per annum. Payments shall be subject to a retainage of _____ on each payment. Retainage shall be released upon substantial completion of the work.

Funding for this contract is authorized pursuant to Public Law of the State of _____ local statue or ordnance

ARTICLE 6:

Claims. If the Contractor wishes to make a claim for additional compensation. For work or materials not clearly covered in the contract, or not ordered by the Entity as a modification to the contract, he shall notify the Entity in writing. The Contractor and the Entity will negotiate the amount of adjustment promptly; however, if no agreement is reached. A binding settlement will be determined by a third part acceptable to both Entity and Contractor under the auspices of applicable State law.

ARTICLE 7:

Contractor’s Obligations

The Contractor shall supervise and direct the Work, using skillful labor and proper equipment for all tasks. Safety of the Contractor’s personnel and equipment is the responsibility of the Contractor. Additionally, the Contractor shall pay for all materials, equipment, personnel, taxes and fees necessary to perform under the terms of the contract.

Any unusual, concealed, or changed conditions are to be immediately reported to the Entity. The Contractor shall be responsible for the protection of existing utilities, sidewalks, roads, building, and other permanent fixtures. Any unnecessary damage will be repaired at the Contractors expense.

ARTICLE 8:

Entity’s Obligations

The Entity’s representative(s) shall furnish all information, documents and utility locations necessary for commencement of Work. Costs of construction permits and authority approvals will be borne by the Entity. A representative will be designated by the Entity for inspecting the work and answering and on-site questions.

The Entity shall designate the public and private property areas where the disaster mitigation work is to be performed. Copies of complete “Right of Entry” forms, where they are required by State or local law for private property, shall be furnished to the Contractor by the Entity. The Entity shall hold harmless and indemnify the Contractor judgments and awards alleged to have been caused by services rendered under this contract for disaster relief work unless such claims are caused by the gross negligence of the Contractor, his subcontractors, or his employees.

The Entity will terminate the contract for failure to perform as specified, or for default by **the Contractor.**

ARTICLE 9:

Insurance and Bonds

The contractor shall furnish proof of Worker’s Compensation Coverage. Automobile Liability Coverage, and Comprehensive General Liability Insurance (Premises-Operations, Personal Injury. etc., as deemed necessary by the Entity).

Surety: The Contractor shall deliver to the Entity fully executed Performance and Payment Bonds in the amount of 100% of the contract amount, if required by the specifications or general or special



conditions of the contract. The Entity will reimburse the Contractor for the costs of the bonds, the costs of which will be included in the base bid.

THIS CONTRACT IS DULY SIGNED BY ALL PARTIES HERETO:

Entity (City, County, Town, etc.)

_____ Seal Contractor (Include
Address. City. State

by _____

the Principal of the Firm



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Appendix E: Right of Entry Agreement

SAMPLE

I/We, the owner(s) of the property commonly identified as _____ (street) _____ State _____ of _____ (city/town) _____ (County) do hereby grant and give freely and without coercion, the right of access and entry to said property to the County/City of _____ its agencies, contractors, and subcontractors thereof, for the purpose of removing and clearing any or all storm-generated debris of whatever nature from the above described property.

It is fully understood that this permit is not an obligation to perform debris clearance. The undersigned agrees and warrants to hold harmless the City/County of _____ State of _____ its agencies, contractors, and subcontractors, for damage of any type whatsoever, either to the above described property or persons situated thereon and hereby release, discharge, and waive any action, either legal or equitable that might arise out of any activities on the above described property. The property owner(s) will mark any storm damaged sewer lines, water lines, and other utility lines located on the described property.

I/We (have / have not (will / will not _____ received any compensation for debris removal from any other source including SBA, ASCS, private insurance, individual and family grant program or any other public assistance program. I will report for this property any insurance settlements to me or my family for debris removal that has been performed at government expense. I am fully aware that an individual who fraudulently or willfully misstates any fact in connection with this agreement shall be subject to a fine of not more than \$10,000 or imprisoned for not more than one year or both. For the considerations and purposes set forth herein. I hereby set my hand this _____ day of 20_____.

Witness _____

Owner _____

Telephone No. and Address

Witness _____

Owner _____

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6. 44 CFR Cross Reference - Index

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