Applicant Briefing
for
the Public Assistance Program

FEMA-1956-DR-OR
FEMA-1956-DR, Oregon

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Jim Philpott: Lincoln & Tillamook
Doug Westermann: Crook & Douglas
The Public Assistance program

DR-1956-OR

Declared

February 17, 2011

Severe Winter Storm, Flooding, Mudslides, Landslides, and Debris Flows

Clackamas, Clatsop, Crook, Douglas, Lincoln and Tillamook

Incident Period

Overview of the Recovery Process

Emergency Response → IDA PDA → Request for Declaration → Presidential Declaration JFO established

Disaster January 13– January 21st

Emergency Response → Request for Declaration

Small Project → List of damages Project Formulation

OEM Grantee funding

Large Project Management

List of damages Project Formulation → Assigned FEMA PAC Kickoff meeting

YOU ARE HERE
The Public Assistance program

Supplemental financial assistance to local governments, state agencies, and certain private nonprofit organizations for response and recovery activities required as a result of a major disaster which has been declared by the President.

Public Assistance is a cost-share program

75% federal - 25% non-federal.
General Program Eligibility

Cost
Work
Facility
Applicant
Eligible Applicants

- State
- County
- City / Town / Village
  - Certain Private Non-Profit Organizations (PNP)
  - Other State Political Subdivisions
  - Native American Tribes and Tribal Organizations
Private Non-Profit Entities

Must submit a tax exempt certificate and organization charter or bylaws.
Private Non-Profit Entities

The following types of Critical PNP facilities are specifically eligible:

- Fire/ Emergency
- Emergency Medical
- Utility - Power, Water, Sewer
- Communications
- Education

May apply to FEMA immediately for emergency and permanent work disaster assistance.

*Critical PNPs do not have to apply to SBA*
Private Non-Profit Entities

The following are essential Non-Critical facilities:

- Museums
- Community centers
- Homeless shelters
- Shelter Facilities
- Custodial care
- Libraries
- Senior citizen / Day care centers

Non-Critical PNPs requesting reimbursement for permanent work costs must apply for a disaster loan from SBA.

This should be done simultaneously with submitting a Request for Public Assistance (RPA).

If denied, FEMA will fund eligible work.

Emergency Work is funded by FEMA.
Eligible Facilities

Eligible Facility is a building, works, system, or equipment that is built or manufactured, or an improved and maintained natural feature that is owned by an eligible applicant.
Facility Use

Legal Responsibility

Other Federal Agencies (OFAs)

Facility Use
Other Considerations

- Facility Applicant
- Alternate Use
- Under Construction
- Replacement
Cost

- Labor
- Equipment
- Materials
- Contracts
**Cost**

- Reasonable and necessary to accomplish the work
- Compliant with federal, state, and local requirements for procurement
- Reduced by all applicable credits such as insurance proceeds and salvage values

**Must have $1,000 in eligible costs**
Labor Cost...

Regular time and overtime

Compensatory time

Force Account mechanics

Foremen and Supervisors

Fringe benefits
Eligible Labor Costs

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Include travel and per diem (in accordance to labor policy) for employees performing eligible activities.
Equipment

- Performing Eligible Work - all eligible usage
- FEMA Equipment Rates or Applicants, which ever is less
- Rental - Invoice
- Auto/ Truck - Mileage or Hourly Rate
- Other equipment - Hourly Rate
- Stand-by Time Ineligible
- Intermittent Use
  - Half Day or More = Full Day
  - Less Than Half Day = Actual Hours
(PA Guide, Page 37)
Materials

• Used for eligible work
• Purchased or from stock
• Invoices, historical data or area vendor quotes
Eligible Contracts

Contracts must be reasonable cost and generally must be competitively bid in accordance to federal, state or local procurement laws for public contracting.

Note: *Davis-Bacon Act is not a requirement on FEMA Public Assistance projects.*
Eligible Contracts...

FEMA finds four methods of procurement acceptable:

1. Small purchase procedures
2. Sealed bids
3. Competitive proposals
4. Non-competitive proposals (Sole Source)

Can only be used when the award of a contract is infeasible (normal means) and the following apply:

(1) Item is only available single source
(2) An emergency exists
(3) After solicitation, competition insufficient
Eligible Contracts...

- Incurred for eligible work only
- Ineligible Contracts - Cost Plus a percentage
- Debarred or suspended contractors - https://www.epls.gov/
Categories of Work

**Emergency Work**
Categories A and B

6 month Completion Deadline

**Permanent Work**

18 month Completion Deadline

Categories C, D, E, F, and G

*Start Date is the Declaration date of 02/17/11*
Emergency Work

Necessary to eliminate the immediate threat to lives, public health and safety and to protect improved property

- **Category A** – Debris Removal
  clearance, removal, storage, disposal

- **Category B** – Emergency Protective Measures
  Temporary emergency repairs, SAR, EOC, shelters, sandbagging, bracing/shoring damaged structures and other activities to protect life, health, safety and protect improved property
Federal Emergency Management Agency
Response and Recovery Directorate Policies

Donated Resources # 9525.2
- Offset the cost of the non-Federal share
- Category A and B only
  - Volunteer Labor
  - Donated Equipment
  - Donated Materials

Labor Costs, Emergency Work # 9525.7
- Only Overtime & OT benefits are eligible
- Temporary employees (disaster direct hire) straight and OT rate eligible
- Contract costs are eligible

Mutual Aid Agreements for Public Assistance and FMAGP #9523.6
Donated Resources

- All donated resources being claimed must be documented (who, what, when, where and how)
- Eligible Donated Resources may be claimed only by the applicant that has received the donation
- Eligible donated services can only be actual working time for protective efforts in Category A or B.
- Valued of labor at same rate as paid workers for similar work
- Equipment record the same as force account equipment (use FEMA equipment rates)
- Materials value at purchased or current commercial rate
Permanent Work Category C - G

- Any activity that must be performed to restore a damaged facility
  - Design
  - Function
  - Capacity

Damages consist of a 6 FT horizontal crack running in the grout line as indicated by the yellow arrows.

It should be noted that while this building does have the potential to be listed on the National Historic Register, it is NOT listed.
Permanent Work
Categories C - G

Category C - Road and Bridge Systems
Category D - Water Control Facilities
Category E - Public Buildings/Equipment
Category F - Public Utilities
Category G - Other (Parks, Recreation)

18 Month Completion Deadline

Contact State immediately to request time extension
Special Considerations

Special considerations are issues other than program eligibility that could affect the scope of work and funding of a project. These issues include:

- Insurance
- Floodplain Management
- Hazard Mitigation
- Environmental Protection
- Historic Preservation and Cultural Resources
Hazard Mitigation Scenario

Pre-disaster

Disaster damage

Larger culvert with concrete wing-walls

New upstream retention pond
Part 404

- Hazard Mitigation Grant Program
- Priority emphasis projects for this disaster
  - Public facilities
  - Partnership with Part 406 mitigation (undamaged components) where possible
  - Identified early-on during PA (within 60-days of the Kickoff Meeting)
  - Taking advantage of FEMA’s resources to identify, write-up, review and determine eligible Part 404 project activities
  - Implementation within one year preferred
- Dennis Sigrist - State Hazard Mitigation Officer
HOW YOU CAN HELP!

• Make the Inspection Team aware of any known sensitive environmental issues when a Project is being written
• Don’t hesitate to call the responsible agency for clarification or information
• Make all environmental information available
• Consider mitigation (Part 406)
• Keep good records (maintain all correspondence with regulatory agencies)
Types of Projects

SMALL PROJECTS

LARGE PROJECTS

ALTERNATE PROJECTS

IMPROVED PROJECTS
Small Project or Large Project?

Annually updated, $63,900 is the FY 2011 threshold amount.
Small Projects

Federal cost-share for a small project is paid upon Project Worksheet approval and Payment Request submittal.
Large Project Payments

- Project payment is based on actual eligible cost
- Applicants report status on project quarterly
- If applicant expects cost overrun or change in scope of work – must contact OEM for concurrence/ approval ASAP
Improved Projects

With State/ FEMA approval, the applicant may restore pre-disaster function, and make improvements (for which the applicant is financially responsible.)

Will require FEMA environmental review

Before

After

SCHOOL

SCHOOL
Alternate Projects

Funds used for a project other than repair of the damaged structure:

Must receive FEMA & State prior approval
And will require environmental review
Reduced to 90% of federal share (PNP 75% of federal share), or actual cost of alternate project, whichever is less.
Project Completion Timeframes

- Start date ............ February 17, 2011
- Debris removal .... 6 months
- Emergency work ... 6 months
- Permanent work ... 18 months

Notify the State immediately if a time extension may be required.
FEDERAL EMERGENCY MANAGEMENT AGENCY
REQUEST FOR PUBLIC ASSISTANCE

O.M.B. No. 3067-0151
Expires April 30, 2001

PAPERWORK BURDEN DISCLOSURE NOTICE

The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the forms.

You are not required to respond to this collection of information unless a valid OMB control number is displayed in the upper right corner of the forms. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (3067-0151).

NOTE: Do not send your completed form to this address.

APPLICANT (Political subdivision or eligible applicant.)
City of Popular

COUNTY (Location of Damages. If located in multiple counties, please indicate.)
Gotham County

STREET ADDRESS
1300 Main Street

CITY
Popular

STATE
OR

APPLICANT PHYSICAL LOCATION

MAILING ADDRESS (If different from Physical Location)

STREET ADDRESS

POST OFFICE BOX

CITY

STREET ADDRESS

CITY

STATE

ZIP CODE

ZIP CODE

NAME
Joe Smith

NAME
Laura Wolf

TITLE
City Engineer

TITLE
City Planner

BUSINESS PHONE
(555)555-5555

BUSINESS PHONE
(444)444-5454

FAX NUMBER
(555)555-1212

FAX NUMBER
Same

HOME PHONE (Optional)
(555)123-4567

HOME PHONE (Optional)
(555)234-6789

CELL PHONE
(555)501-1111

CELL PHONE
(555)501-2222

E-MAIL ADDRESS
jsmith@popular.com

E-MAIL ADDRESS
Lwolf@popular.com

PAGER & PIN NUMBER
(555)312-1312

PAGER & PIN NUMBER
(555)312-6789

Did you participate in the Federal/State Preliminary Damage Assessment (PDA)?

☐ Yes ☐ No

Did you participate in the Federal/State Preliminary Damage Assessment (PDA)?

Private Non-Profit Organization?

☐ Yes ☐ No

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

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

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

Official Use Only: FEMA- ________________________-DR- ________________________- FIPS # ________________________ Date Received:

REPLACES ALL PREVIOUS EDITIONS.
The first step in requesting Public Assistance

1

Applicant submits Request for Public Assistance

The Request for Public Assistance will be submitted to the state
Steps to Getting Assistance

Applicants’ Briefing

Request for Public Assistance

Assignment of Public Assistance Coordinator (PAC)

Kickoff Meeting

Contract between OEM and the Applicant (Applicant becomes Subgrantee)

Complete Project Worksheets

State disbursement of grant funds
Project Worksheet (PW)

Damage description and location list with actual costs

PW will include a comprehensive scope of work describing actions taken.
(all considerations should be looked at before finalizing estimate)

The PW Requires

SPECIAL CONSIDERATIONS SHEET
Each PW addresses special considerations such as Environmental Historical Preservation (EHP), floodplain & insurance.
The Project Worksheet and supporting documents

List of Damages or Expenses

Procurement Policies

Insurance Policies

Labor Mgmt contracts

Contracts
  Engineering
  Rentals
  Contractors
  Legal responsibility

Maps & Photos

List of Damages or Expenses

Regulatory Correspondence Permits
Public Assistance (PA) Process...

Project Worksheet (PW) Development and Approvals

Local, State and FEMA personnel write up losses

PW is entered into EMMIE by FEMA data entry clerk

PW is reviewed by various sections

FEMA PA

State PA

EHP

Mitigation

Insurance

Final FEMA PA Review

PW Approved

Grantee Notifies Subgrantee

Subgrantee Request Payment
Time Limits

Important Deadlines

• Applying for a Public Assistance Grant
  Applicant must submit a Request for Public Assistance within 30 days of the designation of the declared disaster area.

• Identifying and Formulating projects
  Applicant must identify damages within 60 days of the Kick-off meeting.
Funding
FEMA PA Grantee Funding Process

- FEMA
- State Grantee
  (OREGON EMERGENCY MANAGEMENT)
- County Subgrantee
- City Subgrantee
- PNP Subgrantee
Oregon Emergency Management Infrastructure Contract (Public Assistance Contract)

In order to pass-through FEMA Public Assistance funds, Oregon Emergency Management (OEM) must have a signed agreement with the applicant.
Grantee Funding process....

- Upon approvals/obligation of Project Worksheet (PW) OEM will send a package of approved PW(s) with instructions on how to initiate payment and close out the PW

Important .....  
- Notify OEM immediately before work starts with scope changes, time extensions and cost increases that deviate from the FEMA approved Project Worksheet
Payments

Payments can be made directly to a local government investment pool account.
Small Project Payments

The final payment on small projects is based on estimates and is made shortly after project approval.

Submit payment request forms for each approved Project Worksheet (PW).

Payment will be processed.
Large Project Payments

Final payment for large projects is based on actual eligible final costs submitted with payment request.

Payment request forms can be submitted for progress payments, or a single payment request form can be submitted after the project is completed.

A final inspection may be conducted on the site and documentation is required.
Direct Administrative Cost

The subgrantee may claim costs incurred for the administration of a Project Worksheet.

Direct administrative costs include costs that can be tracked, charged and accounted for directly to a specific project (Project Worksheet), such as staff time to complete field inspections and preparation of the Project Worksheet.
Accurate records of expenses must be maintained.
Summary Records to Assist in Organizing Project Documentation

- Force account labor summary record
- Force account equipment summary record
- Materials summary record
- Rented equipment summary record
- Contract work summary record

These forms are available on OEM’s website at:

Single Audit Act

• If your organization receives $500,000 or more of federal grant money in a fiscal year, your financial statements must be audited as required by OMB Circular A-133.

• Records are to be kept for 6 years after final payment or final audit, whichever is later.
APPEALS

- Must be submitted within **60 days** after notification of a decision regarding assistance.
- FEMA must render a decision within **90 days** following receipt of all related information.
- Regional Administrator will notify the GAR in writing of the disposition.
- Subgrantees will receive written notification from the GAR.
- Only two appeals are allowed!
The Request for Public Assistance (RPA), FEMA form 90-49, is available at this briefing.

The RPA is also available on OEM’s Website at:


RPA should be submitted today if possible, or faxed to OEM.

Oregon Emergency Management
FAX : (503) 373-7833

Questions or Concerns, Please Contact Julie Slevin,
State Public Assistance Officer at:
Tel. 503.378.2911, ext.22235 or Email: julie.slevin@state.or.us
RPA Requires DUNS #

The RPA form requires a Federal DUNS #. The DUNS # is distinct for your jurisdiction. Please contact your jurisdiction’s financial officer who can provide you with that number.

When received, please email the DUNS number to Denise Choin at Denise.E.Choin@state.or.us. The DUNS number must be received before any federal assistance can be administered.