

MICHIGAN STATE POLICE
PUBLIC ASSISTANCE
PRELIMINARY DAMAGE ASSESSMENT (PDA)



AGENDA

Objective: Provide an overview of the preliminary damage assessment (PDA) process as it relates to the FEMA Public Assistance (PA) Grant Program.

- PA Overview/Eligibility
- PDA Expectations for PA
- Additional Considerations
- Important Points to Remember
- Next Steps
- Questions

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- FEMA makes the final decision on eligibility and funding



PUBLIC ASSISTANCE OVERVIEW & ELIGIBILITY

FEMA Public Assistance

FEMA's Public Assistance Program provides supplemental grants to state, tribal, territorial, and local governments, and certain types of private non-profits so that communities can quickly respond to and recover from major disasters or emergencies.

More detailed information can also be found in the [FEMA Public Assistance Program and Policy Guide](#).



FEMA



The program provides funding for emergency assistance to save lives and protect property, and assists with funding for permanently restoring community infrastructure affected by a federally declared incident.

The PA program also encourages protection of damaged facilities from future incidents by providing assistance for hazard mitigation measures.

PUBLIC ASSISTANCE PROGRAM

- Assists in the restoration of community infrastructure to **pre-disaster conditions**
- Provides supplemental cost **reimbursement** with specific eligibility requirements
- FEMA provides funds to the **State (Recipient)** who reimburses **eligible** applicants for eligible activities

PER CAPITA INDICATORS/PROJECT THRESHOLDS

Fiscal Year (FY)	Statewide Indicator	Countywide Indicator	Small Project Minimum	Small Project Maximum
2016	\$1.41	\$3.57	\$3,050	\$121,800
2017	\$1.43	\$3.61	\$3,100	\$123,100
2018	\$1.46	\$3.68	\$3,140	\$125,500
2019	\$1.50	\$3.78	\$3,200	\$128,900
2020	\$1.53	\$3.84	\$3,300	\$131,100

*Michigan population per 2010 Census = 9,883,640

FY 2020 Statewide Indicator for Presidential Declaration = \$15.1 million

- Updated by FEMA each fiscal year.
- Used to determine if the disaster is of a size and magnitude to warrant Federal assistance a total estimated program cost is developed and compared to the indicators.
- During joint PDA's with FEMA, FEMA validates eligible damage costs with the locals.
- Each county also has to meet or exceed it's countywide indicator in FEMA validated damage to be eligible for the program

Arenac County (population 15,899 x CI = \$61,052.16)

Gladwin County (population 25,692 x CI = \$98,657.28)

Midland County (population 83,629 x CI = \$321,135.36)

Saginaw County (population 200,169 x CI = \$768,648.96)

- Other factors include economic impacts to critical infrastructure and the number of disasters within a period of time
- Historically, these indicators are primarily what are used when FEMA makes a recommendation to the President
- During the PDA's w/FEMA, FEMA continues to validate eligible costs until the statewide and countywide indicators are met

PUBLIC ASSISTANCE ELIGIBILITY STRUCTURE



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- Four basic components of PA eligibility
- FEMA refers to these as the building blocks of an eligibility pyramid
- Each must be considered eligible beginning from the foundation “Applicant” of the pyramid
- All four must be met

**The Applicant is responsible for providing documentation to support each component.

APPLICANT ELIGIBILITY

State, Tribal, Territorial, and Local Governments

- State Agencies
- Tribes
- Counties, Cities, Townships, and Villages
- Local public authorities
- School districts
- Special districts established under state law

Certain Private Non-Profit (PNP) Organizations

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FEMA must determine if the Applicant is eligible before evaluating the Applicant's claim.

PRIVATE NON-PROFIT ORGANIZATIONS

Critical Services

Private Non-Profit (PNP) facilities that provide the following critical services are eligible for PA:

- Fire/Emergency Rescue
- Medical Treatment
- Power, Water, and Sewer Utilities
- Communications Systems
- Educational Institutions



- Upon submitting an RPA, the PNP must provide documentation substantiating the PNP is a non-revenue producing, nonprofit entity organized or doing business under State law.
- Private entities are not eligible for assistance from FEMA under Public Assistance. However, state, local, tribal, and territorial government entities may contract with private entities to carry out eligible emergency protective measures. In these cases, FEMA will reimburse the eligible applicant for the cost of eligible work, and the applicant will then pay the private entity for the provision of services.

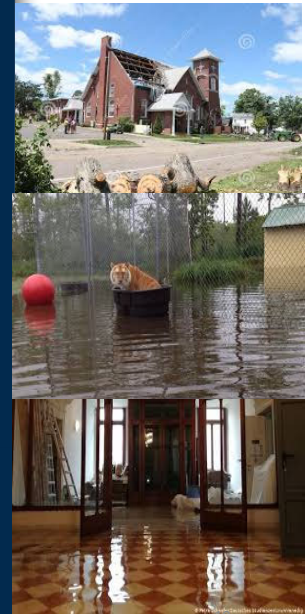
PRIVATE NON-PROFIT ORGANIZATIONS

Essential Services

PNP facilities that provide essential services are eligible for PA:

- Community Centers
- Houses of Worship
- Homeless Shelters
- Custodial Care
- Museums, Libraries, Zoos

Other facilities that provide health and safety services of a government nature



If the PNP had physical damage to property they own, then they may be eligible to apply direct.

These PNP's must first apply to the Small Business Administration (SBA) for a disaster loan for permanent repair work before applying for FEMA PA.

FACILITY ELIGIBILITY

Buildings, works, systems, or equipment, built or manufactured, or an improved and maintained natural feature

- ✓ Actively used at the time of the disaster
- ✓ Legally owned, operated, and regularly maintained

- In general, a facility must be determined eligible for work to be eligible. A facility is a building, system, or equipment, built or manufactured, or an improved and maintained natural feature.
- Facilities must be proven to be maintained and in the case of a natural feature it must be shown to have an constructed improvement maintained on a regular basis.

NOTE:

- Dams must be owned by a public entity, privately owned are ineligible
- Dams that are publicly owned but leased out must provide a lease agreement (repairs may be under the jurisdiction)

EXAMPLE 1: Water distribution “system” is an example (mechanical, electrical, plumbing and other systems are components and considered part of that facility)

EXAMPLE 2: Roads, bridges, culverts that are the legal responsibility and on a regular maintenance schedule

*****Non-FHWA (Federal Highway program roads) – MAKE SURE TO SEPARATE THESE OUT!**

A natural feature is improved and maintained if it meets all of the following conditions:

- The natural feature has a designed and constructed improvement to its natural characteristics, such as a terraced slope or realigned channel
- The constructed improvement enhances the function of the unimproved natural feature
- The Applicant maintains the improvement on a regular schedule to ensure that the improvement performs as designed

WORK ELIGIBILITY

- ✓ Be disaster-related
- ✓ Be located in the designated disaster area
- ✓ Be the legal responsibility
- ✓ Not fundable by another Federal agency



****Measures to protect life, public health, and safety are generally the responsibility of state, local, tribal, and territorial (SLTT) governments; to be eligible for PA reimbursement, work must be the legal responsibility of an eligible applicant.***

Applicants will have to provide proof to FEMA

Procurement and Contracting – **MUST** follow either your agency's procurement rules OR the Federal rules in the CFR, whichever is more restrictive!!!

TYPES OF WORK

Emergency Work

- A – Debris Removal
- B – Emergency Protective Measures

Permanent Work

- C – Road and Bridge Systems
- D – Water Control Facilities
- E – Public Buildings/Equipment
- F – Public Utilities
- G – Parks, Recreational, and Other Facilities

- FEMA breaks work up by category to facilitate the process of PA funding.
- It is separated into two categories: Emergency Work, which addresses and immediate threat, and Permanent Work, which is for restoration work.

EMERGENCY WORK

Category A – Debris Removal

- Eliminates an immediate threat to life, health, and safety
- Eliminates an immediate threat of significant damage to improved property
- Ensures economic recovery of the community and provides a benefit for the community-at-large



- EGLE (formerly DEQ) requirements (i.e., Permits) must be followed
- Alternate procedure - straight time labor costs may be reimbursed
- Legal responsibility issue (private property)

FEMA has several tools on line to assist you with debris management:

- FEMA Debris Removal Fact Sheet – Tips
- FEMA Private Property Debris Removal Fact Sheet
- FEMA Debris Management Handbook, which also includes, a DEBRIS MANAGEMENT PLAN TEMPLATE

CATEGORY A – DEBRIS REMOVAL

- Removal of incident-related debris from public property and public rights-of-way (ROW)
- If residents are authorized to place incident-related debris on the ROW, costs to remove the debris may be reimbursable.

Private property debris removal considerations (may not be eligible for PA)

- Generally, the responsibility of individual property owners.
- Must prove debris is a public health hazard and an immediate threat to life, public health, or safety, or economic recovery of the community at large.
- Requires written request and FEMA approval.

****See FEMA Public Assistance: Debris Removal Tips and Private Property Debris Removal Fact Sheets**

DOCUMENT THESE ITEMS

Applicants need to document the following information to support debris removal claims:

- Quantity and type of debris:
 - Hauled to a temporary staging site
 - Reduced, including reduction method (e.g., chipped, burned)
 - Hauled to a final disposal site
 - Recycled
- Pick-up locations
- Disposal locations (temporary staging, recycling, and final disposal)
- Owned ("Force Account") equipment:
 - Type of equipment and attachments used
 - Year, make, model, size/capacity
 - Days and hours used
 - Operator name
- Contracted equipment
 - Certifications of truck size/capacity
- Labor:
 - Name
 - Days and hours worked
 - Work performed

- Applicant's legal authority to maintain the ROW AND
- provide an authorized determination that disaster-generated debris on private property is an immediate threat to life, public health, or safety, or economic recovery of the community at large.

Separating Your Debris

Debris should be placed curbside, without blocking the roadway or storm drains.

NO PICKUP ZONE
Any debris placed from the sidewalk toward your property will not be picked up.

DEBRIS SEPARATION

Separate debris into the six categories shown below.

DO NOT STACK OR LEAN

Placing debris near or on trees, poles, or other structures makes removal difficult. This includes fire hydrants and meters.

UNSURE WHERE TO PLACE DEBRIS?

If you don't have a sidewalk, ditch, or utility line in front of your house, place debris at the edge of your property before the curb.



Normal Household Trash
Normal household trash and bagged debris of any kind will not be picked up with debris as part of this program. You should continue to follow your normal garbage removal schedule.



VEGETATIVE DEBRIS
• Leaves (do not put in bags)
• Logs
• Plants
• Tree branches



CONSTRUCTION & DEMOLITION DEBRIS
• Building materials
• Carpet
• Drywall
• Furniture
• Lumber
• Mattresses
• Plumbing



APPLIANCES & WHITE GOODS
• Air conditioners
• Dishwashers
• Freezers
• Refrigerators
• Stoves
• Washers, dryers
• Water heaters

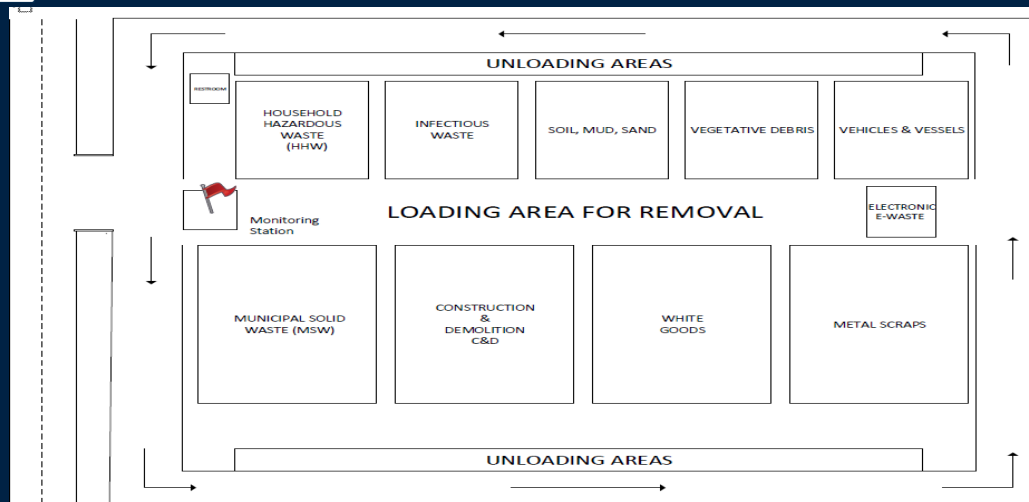


ELECTRONICS
• Computers
• Radios
• Stereos
• Televisions
• Other devices with a cord



HOUSEHOLD HAZARDOUS WASTE
• Cleaning supplies
• Batteries
• Lawn chemicals
• Oils
• Oil-based paints and stains
• Pesticides

EXAMPLE – DEBRIS STAGING AREA



EMERGENCY WORK

Category B – Emergency Protective Measures

- Saves lives
- Protects public health and safety
- Protects improved property, or
- Eliminates or lessens an immediate threat of additional damage



Examples: sandbagging, pumping, barricades for road closures or public safety, fire and law enforcement services, search and rescue, EOC-related costs

Only category separating out straight time and overtime (budgeted and non-budgeted); permanent work of roads, buildings, other facilities, etc.

PERMANENT WORK

Categories C – G

- Must repair, restore, or replace disaster-damaged facilities
- Must restore to **pre-disaster** design, capacity, and function, in accordance with applicable codes and standards
- Must be required as a result of the disaster
- Conforms to current codes and standards
- May include cost-effective hazard mitigation measures

Work required to restore a facility to its pre-disaster design (size and capacity) and function in accordance with applicable codes and standards.

CATEGORY B: FORCE ACCOUNT LABOR

Emergency Work Labor Eligibility		
Budgeted Employees	Overtime	Straight-Time
Permanent employee	☑	
Seasonal employee working during normal season of employment	☑	
Unbudgeted Employees	Overtime	Straight-Time
Essential employee called back from administrative leave	☑	☑
Permanent employee funded from external source	☑	☑
Temporary employee hired to perform eligible work	☑	☑
Seasonal employee working outside normal season of employment	☑	☑

Permanent Work Labor Eligibility		
Budgeted Employees	Overtime	Straight-Time
Budgeted Employees	✓	✓
Unbudgeted Employees	✓	✓

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For Emergency Work (Categories A-B), only overtime labor is eligible for budgeted employees. For unbudgeted employees performing Emergency Work, both straight time and overtime labor are eligible.

For permanent work (Categories C-G), both straight-time and overtime labor are eligible for budgeted and unbudgeted employees.

COST ELIGIBILITY

To be eligible for reimbursement, costs must be:

- Incurred from **eligible** work and adequately **documented**;
- **Reduced** by insurance proceeds, salvage value, or other credits;
- **Authorized and permitted** under Federal, State, Tribal, or local government laws or regulations;
- Consistent with the Applicant's **internal policies**, regulations, and procedures; and
- **Necessary** and **reasonable** to accomplish the work properly and efficiently.

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To be eligible, Costs must be:

- Directly tied to the performance of eligible work;
- Adequately documented;
- Reduced by credits, such as insurance proceeds or salvage value;
- Authorized and not prohibited under Federal, State, Tribal, or local government laws or regulations;
- Consistent with the Applicant's internal policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the Applicant; and
- Necessary and reasonable to accomplish the work properly and efficiently.



PRELIMINARY DAMAGE ASSESSMENT (PDA)

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The PDA process is a mechanism used to determine the impact and magnitude of damage and the resulting unmet needs of individuals, businesses, the public sector, and the community. Information collected is used by the state as a basis for the governor's request and by FEMA to document the recommendation made to the President in response to the governor's request.

With the support of the state, tribe, or territory, local governments first conduct initial damage assessments (IDA) to determine if they require federal support. Once SLTT governments determine their capability to respond to or recover from the event is exceeded, the state, tribe, or territory requests a joint PDA with FEMA.



FEMA



It paints a picture of the damages and impacts sustained as the result of a disaster.

Damage Assessment – PA Factors

To determine need for Federal assistance:

1. Estimated cost of assistance
2. Localized impacts
3. Insurance coverage in force
4. Hazard Mitigation
5. Recent multiple disasters
6. Assistance available from other agencies



Documentation is REQUIRED to validate costs!!!

Factors assessed to determine need (44 CFR 206.48):

1. Estimated cost of assistance
2. Localized impacts
 - *Capturing the impact that lost or damaged infrastructure had on the jurisdiction is essential.
 - *At times extraordinary concentrations of damages that might warrant Federal Assistance even if the per capita indicator is not met, which is why documenting impacts is so important
3. Insurance coverage in force
4. Hazard Mitigation
 - *FEMA considers the extent to which in-place hazard mitigation projects contributed to the reduction of disaster damage
 - *EXAMPLE an existing building code or HM likely reduced the cost of repairs
5. Recent multiple disasters
 - *FEMA considers other emergencies or disasters made by the Governor or President
6. Available assistance from other agencies

Documentation is REQUIRED to validate costs!!!!

Local (Initial) Damage Assessment

Assessment for PA – Specialized survey of public infrastructure conducted by technical subject matter experts

- Map damage locations
- Take photographs
- Estimate costs for work to be completed by location and category of work
- Obtain bills, invoices, and receipts for eligible work completed
- Deduct anticipated insurance proceeds
- Review procurement policies

✓ **COMPLETE and ORGANIZED Documentation**

✓ **ENTER Damage and Impacts into MI CIMS**

Local Damage Assessment for PA:

- Mark damage locations on a map and provide GIS coordinates
- Take photographs of the damage
- Estimate costs for work to be completed by location and category of work
- Obtain bills, invoices, and receipts for eligible work completed
- Review insurance policies and deduct any anticipated insurance proceeds from costs
- Review contracting procurement policies to ensure they meet federal requirements

PRELIMINARY DAMAGE ASSESSMENT (PDA)

- Step 1 – Identify Potential Applicants and Damaged Facilities
- Step 2 – Document Damage, Work, and Cost
 - By Category
 - Labor (Force Account)
 - Equipment (Force Account)
 - Leased Equipment
 - Materials/Supplies

Step 1 – Identify Potential Applicants and Damaged Facilities (including eligible critical infrastructure PNPs such as hospitals, nursing home facilities, schools, etc.)

Step 2 – Document Damage, Work, and Cost

DAMAGE ASSESSMENT – PA

FEMA PA Templates Available:

- Damage Inventory
- Cost Summary Roll-Up
 - Fringe Benefits
 - Labor
 - Equipment
 - Materials
 - Rental Equipment
 - Contracts

FEDERAL EMERGENCY MANAGEMENT AGENCY				
COST SUMMARY ROLL-UP				
APPLICANT		FPA REF NO.		DISASTER
#REF!	#REF!	#REF!	#REF!	#REF!
CATEGORY	CLAIM COST	COMMENTS (FEMA USE ONLY)		ELIGIBLE COSTS
FORCE ACCOUNT LABOR REGULAR TIME	#REF!			#REF!
FORCE ACCOUNT LABOR OVERTIME	\$ -			\$ -
FORCE ACCOUNT EQUIPMENT	\$ -			\$ -
MATERIALS	\$ -			\$ -
RENTAL EQUIPMENT	\$ -			\$ -
CONTRACTS	\$ 1,900.45			\$ 1,900.45
DIRECT ADMINISTRATIVE COSTS	\$ -			\$ -
TOTAL	#REF!			#REF!

I certify that the above information was transcribed from timesheets, payroll records, equipment log, invoices, stock records or other documents which are available for audit.

Certified by: _____ Date: _____

#REF!
Applicant's records have been reviewed and found correct with the exceptions as noted.

- Access forms and templates through FEMA Grants Portal or me
- FEMA Consolidated Resource Center has advised that documentation is validated quicker if using these forms or similar tracking to separate out into labor, equipment, materials, contracts (but not mandatory to use FEMA's forms)
- Documentation is key for Public Assistance

PRELIMINARY DAMAGE ASSESSMENT – PA TEAMS

Required Documentation:

- ✓ Map of entire affected area, marking sites if possible
- ✓ Work completed documentation or all actual costs incurred
- ✓ Force account labor, equipment, and supply documentation from the internal systems that establish the basis for costs claimed
- ✓ Budget information
- ✓ For debris costs, actual documentation or estimate of reasonable costs
- ✓ Insurance policy
- ✓ Videos, still photos or diagrams, especially for Emergency Work

The more comprehensive the documentation provided, the more beneficial the results of the PDA.

Local and tribal representatives should be prepared to provide all disaster documentation as described below:

- For work completed, documentation for actual costs incurred is ideal.
- For force account costs (labor, equipment, or supplies), be prepared to provide all documentation from the jurisdiction's internal systems that establish the basis for the costs claimed.
- For debris costs incurred, be prepared to provide actual cost documentation. For any remaining debris costs anticipated, be prepared to provide an estimate of costs based on some reasonable estimating methodology.
- For all public damages claimed, applicable insurance policy coverage must be provided. Each jurisdiction should have their risk management contact available to answer questions concerning the jurisdiction's insurance coverage. They should also have a complete copy of the jurisdiction's insurance policy available for review.
- Any videos, still photos and diagrams, especially for Emergency Work should be provided for each site or facility, if available.
- For all costs based on estimates, provide the estimating methodology or cost basis used.



PUBLIC ASSISTANCE ADDITIONAL CONSIDERATIONS

Procurement under Exigency or Emergency Circumstances

Emergency: an unexpected and unusually dangerous situation that calls for immediate action or an urgent need for assistance or relief. E.g. threat to life, public health or safety, improved property, and/or some other form of dangerous situation.

Exigency: something that is necessary in a particular situation that requires or demands immediate aid or action.

[Procurement Disaster Assistance Team \(PDAT\)](#) online provides tools and resources

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Emergency: an unexpected and unusually dangerous situation that calls for immediate action or an urgent need for assistance or relief. E.g. threat to life, public health or safety, improved property, and/or some other form of dangerous situation.

- Example: A severed power line remains live and is dangling near an apartment building. If not addressed immediately, this live wire poses a risk of igniting the building on fire or causing bodily harm. The emergency would not extend to repair and restoration of the city's power lines beyond resolution of this limited dangerous situation.

Exigency: something that is necessary in a particular situation that requires or demands immediate aid or action.

- Example: Augusta, GA using a noncompetitive procurement in advance of The Masters Golf Tournament to remove debris blocking the roadways. If not removed immediately, the debris threatened to force cancellation of this major economic activity for the region. The exigency only existed up until the day that the tournament started. Full and open competition was required for procurements after the commencement of the tournament.

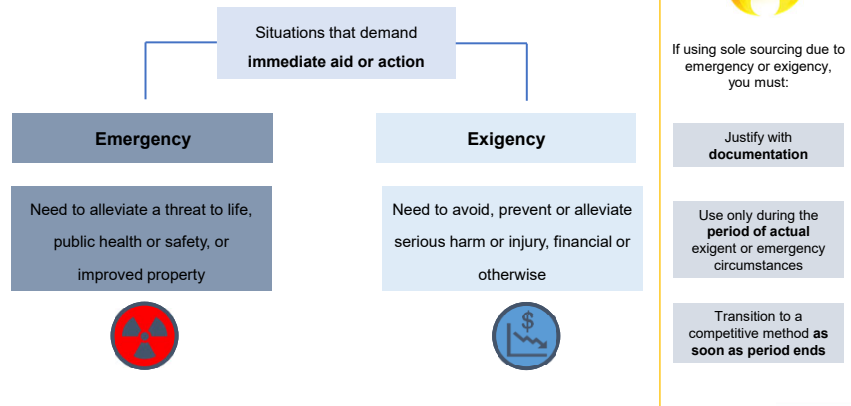
For more information please see the *Fact Sheet: Procurement Under Grants Conducted*

Under Exigent or Emergency Circumstances

Procurement Disaster Assistance Team (PDAT) web site has many resources regarding procurement including:

- 36-minute video tutorial to help you understand how to properly contract during emergency and exigent circumstances
- Fact Sheets regarding Procurement
- Key points on how to avoid the top 10 Procurement Under Grants Mistakes

Sole-Source Procurement E&E



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During the immediate exigent or emergency period, there may be a limited time period eligible for sole-source procurement.

- The use of an exception to full and open competition is limited and only permissible during the period of actual exigency or emergency. Once this period ends, the non-state applicant must transition to a procurement compliant with the requirements of full and open competition.

Important Considerations:

- The applicant needs to document the justification for using an emergency or exigency exception. The justification must be fact-based. Even if procurement by a noncompetitive proposal was necessary initially due to an exigency or emergency, that exception is not indefinite. Once that exigency or emergency ends, the applicant should transition to a competitively awarded contract when competition becomes feasible.
- In some cases a state, local, or tribal law allows for the waiver of procurement requirements when an emergency is declared; however, those laws only allow for the waiver of the applicable state, local, or tribal procurement rules. An applicant must still abide by the Federal procurement standards under 2 C.F.R. sections 200.317 through

When does the exigency or emergency exception apply and for how long?

Use of the public exigency or emergency exception *is only permissible during the actual exigent or emergency circumstances*. Exigency or emergency circumstances will vary for each incident, making it difficult to determine in advance or assign a particular time frame when noncompetitive procurements may be warranted. Exigent or emergency circumstances may exist for two days, two weeks, two months, or even longer in some cases. Non-state entities must ensure that work performed under the noncompetitively procured contracts is specifically related to the exigent or emergency circumstance in effect at the time of procurement. Importantly, because the exception to competitive procurement is available only while the exigent or emergency circumstances exist, non-state entities should, upon awarding a noncompetitive contract, immediately begin the process of competitively procuring similar goods and services in order to transition to the competitively procured contracts as soon as the exigent or emergency circumstances cease to exist.

FEMA may review a non-state entity's justification that exigent or emergency circumstances warrant an exception to competitive procurement. If the agency determines that exigent or emergency circumstances did not exist or did not preclude a non-state entity from adhering to competitive procurement requirements, FEMA may disallow all or part of the non-state entity's cost related to the contract or take other actions permitted by statute and regulation. (See 2 C.F.R. § 200.338).

What documentation is required to support the use of the exigency or emergency exception?

While FEMA approval is not required for a non-state entity to use noncompetitive procurement proposals under the emergency or exigency exception, non-state entities must document and provide justification for the use of the exigent or emergency exception. A list of elements that non-state entities may wish to include as part of their written justifications can be found at the end of this Fact Sheet. The justification must be included in the non-state entity's records for each FEMA award, subaward, or project

Non-state entities must comply with the following requirements even when exigent or emergency circumstances exist:

- The non-state entity must complete a cost or price analysis to determine that the cost or price of the contract is fair and reasonable if the contract exceeds or is expected to exceed the Federal simplified acquisition threshold (2 C.F.R. § 200.323(a) and (b)).
- Contracts exceeding the Federal simplified acquisition threshold must include the Federal bonding requirements if the contract is for construction or facility improvement (2 C.F.R. § 200.325).

Procurement Under E&E

If sole-sourcing under the E&E exception, non-state entities MUST:

- Include required contract clauses (also applicable to states)
 - ❖ 2 C.F.R. § 200.326 & Appendix II
- Follow time and materials contract requirements, if applicable
 - ❖ 2 C.F.R. § 200.318(j)
- NOT enter into cost-plus-percentage-of-cost contracts (prohibited)
 - ❖ 2 C.F.R. § 200.323(c)
- Award contract to a responsible contractor
 - ❖ 2 C.F.R. § 200.318(h)
- Follow documentation, oversight, conflict of interest requirements
 - ❖ 2 C.F.R. § 200.318



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Non-state entities must comply with the following requirements even when exigent or emergency circumstances exist:

- Contracts must include the required contract clauses (2 C.F.R. § 200.326 & Appendix II) (also applicable to states).
- Use of time and materials contracts must comply with 2 C.F.R. § 200.318(j).
- The use of cost-plus-percentage-of-cost contracting is prohibited (2 C.F.R. § 200.323(c)).
- Contracts must be awarded to a responsible contractor (2 C.F.R. § 200.318(h)).
- The non-state entity must follow documentation, oversight, and conflict of interest requirements among other general procurement requirements in 2 C.F.R. § 200.318. If a conflict of interest is unavoidable due to the exigent/emergency circumstances, the non-state entity must explain that in the procurement documentation.

Use of Pre-Awarded/Pre-Existing Contracts during E&E



If the pre-awarded/pre-existing contract is not in compliance with the federal procurement requirements, it may still be possible to use the contract for the duration of the E&E

FEMA recommends that **non-state entities:**

- Review the requirements applicable during E&E and **take actions to modify pre-awarded or pre-existing** contracts where applicable
- **Justify the use of a sole-sourced contract** with suggested documentation



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What if the non-state entity wants to use a pre-awarded or pre-existing contract in an exigency or emergency and that contract does not comply with the Federal procurement requirements?

If a pre-awarded or pre-existing contract is not in compliance with the Federal procurement requirements (e.g., the contract was not fully and openly competed (*see* 2 C.F.R. §§ 200.319, 200.320), the six affirmative socioeconomic contracting steps were not completed (2 C.F.R. § 200.321), there is a conflict of interest involved (2 C.F.R. § 200.318)), it may still be possible to use the contract for the duration of the exigency or emergency. FEMA recommends that non-state entities review the list of procurement requirements above and take actions to modify pre-awarded or pre-existing contracts where applicable. In addition, non-state entities must prepare the appropriate documentation to justify the use of a noncompetitively procured contract.

ENVIRONMENTAL & HISTORIC PRESERVATION (EHP)

All FEMA projects must comply with applicable Federal, state, and local environmental and historic preservation (EHP) laws

- EHP Review is done prior to funding to ensure compliance with applicable Federal laws.
- Modification, expansion, or mitigation of existing facilities may require more extensive EHP Review.
- FEMA projects must comply with all applicable laws and regulations including:
 - National Environmental Policy Act (NEPA)
 - Endangered Species Act (ESA)
 - Clean Water Act (CWA)
 - Clean Air Act (CAA)
 - 44 CFR Parts 9 and 10



FLOODPLAIN AND WETLAND MANAGEMENT

Any project within or affecting the floodplain or wetlands must be reviewed to ensure it meets the requirements of several Federal laws and Executive Orders, to include:

- EO 11988 Floodplain Management
- EO 11990 Protection of Wetlands
- Clean Water Act (CWA)
- Coastal Zone Management Act (CZMA)

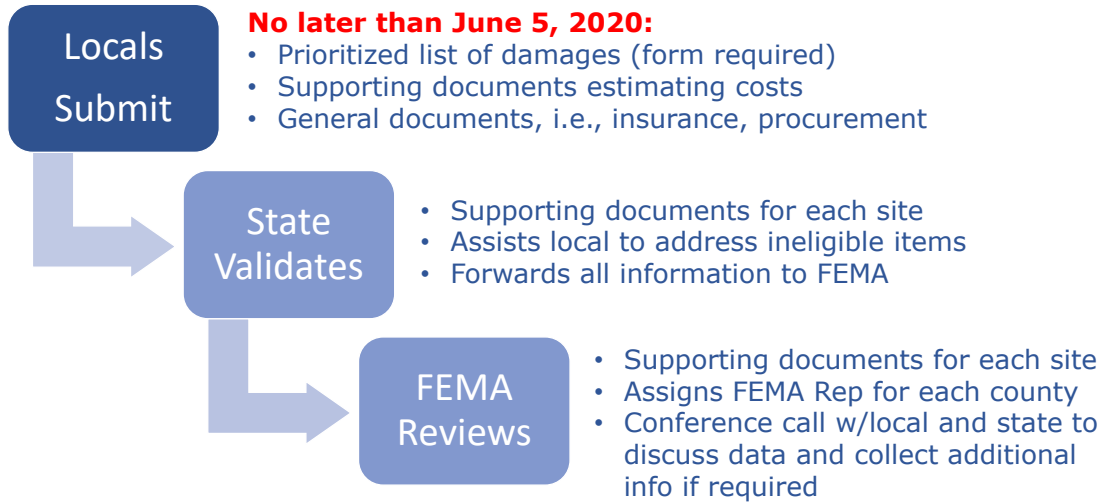


For staging areas for debris operations, please be consider EHP when choosing sites, as this could affect FEMA PA eligibility and reimbursement.



PUBLIC ASSISTANCE NEXT STEPS

DOCUMENTATION NEXT STEPS

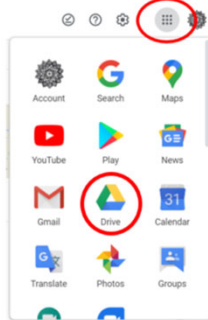


- Locals submit prioritized list of damages (form required)

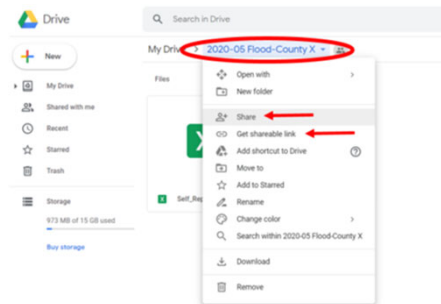
NEXT STEPS – GOOGLE DRIVE

Sharing Files Using Google Drive

1. Log into your Google Account and click on the button with all the dots in the top right to access the different Google components. Click on "Drive".



Once you have all the files you want to send uploaded you will share it with MSP/EMHSD. Click your Folder name near the top of your screen and a dropdown menu will appear.



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ALL documentation will be submitted in Google Docs (instructions on our web site at www.Michigan.gov/emhsd (at the left click mid-Michigan flooding)

If you do not already have a Google Drive the document will walk you through the process to create one.

It will also instruct you how to upload files into your Google Drive and to share them with MSP/EMHSD PA staff.

The file name for each file uploaded should begin with the number you assign within your damage inventory spreadsheet, i.e., 1_

NEXT STEPS – POTENTIAL PA APPLICANTS

By **June 5, 2020**, submit the following information:

- List of damaged sites in order by priority and highest estimate
***Assign each site a number for file naming
- Detailed description of damages for each
- Bills, invoices, and receipts for eligible work completed
- Photos for each damaged site or a representative sample of photos
- Labor policy in effect at the time of the incident
- Maintenance records for each facility
- Insurance policies (deduct anticipated insurance proceeds)
- Procurement policies and pertinent contracts and MOAs

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By **Friday, May 29, 2020**, provide a list of affected jurisdictions with names and contact information to the State Public Assistance Officer at MSP-EMHSD-DisasterPA@Michigan.gov

- DO NOT forget to include the number you assigned to the damaged site in your summary

DAMAGE SUMMARY LIST (REQUIRED FORM)

Applicant Name:																
Applicant County:																
Applicant Point of Contact Name:																
Applicant Point of Contact Phone:																
Applicant Point of Contact Email:																
Category	Name of damage/facility	Address 1	Address 2	City	State	Zip	Latitude	Longitude	Describe Damage	Primary Cause of Damage	Approx. Cost	% Work Complete	Labor Type	Has received PA grant(s) on this facility in the past?	Priority Number	Applicant priority

No lump sum amounts (cannot determine how amounts was arrived at)

DAMAGE SUMMARY LIST (REQUIRED FORM)

- Basic information
- Category - drop-down list of FEMA PA Categories
- Name of damage/facility
- Primary address

Applicant Name:		
Applicant County:		
Applicant Point of Contact Name:		
Applicant Point of Contact Phone:		
Applicant Point of Contact Email:		
Category	Name of damage/facility	Address 1

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The first five fields at the top are the basic contact information of the applicant.

The Category field is a drop-down list of the FEMA PA work categories.

Then you will add the name of damage/facility as well as the primary address.

DAMAGE SUMMARY LIST (REQUIRED FORM)

Address 2	City	State	Zip	Latitude	Longitude	Describe Damage

- Enter address 2 (if applicable), city, state, zip, latitude and longitude
- Describe Damage by providing a detailed description to that facility or site; be sure to include dimensions, materials, and the size or capacity, if applicable

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Address 2

City, State, Zip

Latitude/Longitude

Provide a detailed description of the damage to that facility or site; be sure to include damage dimensions, materials, and the size or capacity of damaged facility elements if applicable.

DAMAGE SUMMARY LIST (REQUIRED FORM)

- Primary Cause of Damage – drop-down list
- Approx. Cost – include only eligible costs (exclude FHWA roads, anticipated insurance proceeds, etc.)
- % Work Complete
- Labor Type – choose from drop-down list (see list tab for acronym list)
- Has received PA grants in the past for this facility, yes or no option
- Priority Number – the number YOU assign to each
- Applicant Priority – drop-down list (low, medium, high, urgent)

Primary Cause of Damage	Approx. Cost	% Work Complete	Labor Type	Has received PA grant(s) on this facility in the past?	Priority Number	Applicant priority

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Labor Types:

- Mutual Aid - MAA
- Mission Assigned - MA
- Memorandum of Understanding - MOU
- Force Account - FA
- Contract - C
- Force Account & Contract - FA/C
- Donated Resource - DR

NEXT STEPS – MSP/EMHSD

- Reviews submitted disaster information for completeness and potential eligibility issues
- Forwards disaster information to FEMA Region V, PA staff for FEMA validation of eligible costs



NEXT STEPS – FEMA REGION V

- Reviews submitted disaster information for completeness, deducting PA ineligible costs
- Works with MSP/EMHSD and the applicant to verify information via conference call, email, etc.
- Completes Schedule A to summarize eligible costs per potential applicant
- Notifies MSP/EMHSD if the information submitted meets the criteria for recommendation of a Presidential disaster declaration

FACT SHEETS & GUIDANCE

Below is a list of FEMA Fact Sheets and Guidance:

1. FEMA Public Assistance: Debris Removal Tips Fact Sheet
2. FEMA Public Assistance: Private Property Debris Removal Fact Sheet
3. FEMA Fact Sheet: Procurement Under Grants Conducted Under Exigent or Emergency Circumstances
4. The federal procurement under grant rules are found at [2 C.F.R. §§ 200.317-200.326](#)
5. Public Assistance Program and Policy Guide (PAPPG)

IMPORTANT POINTS TO REMEMBER

1. Federal Highway Roads (FHWA) should NOT be included in road repair estimates
2. Anticipated insurance proceeds should be deducted from estimates
3. Photos must be provided as PDAs must contain visual confirmation of damage information for the damage to be considered valid
4. List of sites with hardest impacted areas with most extensively damaged sites listed first (Damage Summary List Form)
5. Provide a detailed description of the damage to that facility or site; be sure to include damage dimensions, materials, and the size or capacity of damaged facility elements if applicable
6. No lump sum amounts (cannot determine how amounts was arrived at)
7. Remember to follow local and federal procurement rules
8. DOCUMENT, DOCUMENT, DOCUMENT!!!



Contact Information

Ms. Tiffany Vedder

State Public Assistance Officer

Tel: 517-284-3944

Cell: 517-599-5333

veddert@michigan.gov

Ms. Marisela Shellenbarger

Deputy Public Assistance Officer

Tel: 517-284-3949

Cell: 517-512-9676

shellenbarger@michigan.gov

Sara MacRae, PEM

State Individual Assistance Officer

Tel: 517-284-3960

Cell: 517-512-4143

macraes@michigan.gov

Public Assistance Mailbox: MSP-EMHSD-DisasterPA@Michigan.gov

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We look forward to working with you!