Arkansas Department of Emergency Management

Arkansas’ Homeland Security & Preparedness Agency

Applicant’s Briefing

FEMA 4318-DR-AR
FEMA 4318– DR – AR

- Incident Period
  - April 26, 2017 through May 19, 2017
  - Severe Storms, Tornadoes, Straight-line Winds, and Flooding
  - PA Declaration on June 15, 2017
FEMA-4318-DR, Arkansas Disaster Declaration as of 06/15/2017

Data Layer/Map Description:
The types of assistance that have been designated for selected areas in the State of Arkansas.

All areas in the State of Arkansas are eligible for assistance under the Hazard Mitigation Grant Program.

Designated Counties:
- No Designation
- Individual Assistance
- Public Assistance
- Individual Assistance and Public Assistance

Data Sources:
FEMA, ESRI;
Initial Declaration: 06/15/2017
Disaster Federal Registry Notice: 06/15/2017
Datum: North American 1983
Projection: Lambert Conformal Conic
MapID: d704a292d06151711137dapr
Applicant Briefing Packet

– Request for Public Assistance (RPA)
  • Deadline 30 Days from declaration date
– Applicant – State Agreement
– Designation of Applicant Agent
– W-9 Form
– Direct deposit or State Agency Transfer
– PNP Questionnaire (PNPs Only)
PUBLIC ASSISTANCE GRANT PROGRAM

Reimbursement Program to eligible applicants for response and recovery activities required as a result of a disaster.
GRANTEE or SUBGRANTEE

**Recipient** – Formerly Grantee. State or tribal government that is responsible for administering Public Assistance grants. *(ADEM)*

**Subrecipient** - Formerly Subgrantee. Eligible applicant that receives a Public Assistance grant as reimbursement for performing eligible disaster work.
ELIGIBLE APPLICANTS

• State Government
• County Government
• City Government
• Certain Private Nonprofit Organizations
• Native American Tribes or Tribal Organizations
Eligible Private Nonprofit Entities

• Educational
• Medical
• Custodial care
• Fire/emergency
• Utilities (power, water, sewer, etc)
• Certain irrigation facilities
Eligible Private Nonprofit Entities Must:

- Complete PNP questionnaire to determine eligibility
PNP FUNDING LIMITATIONS

• Critical Facilities:
  – Eligible for emergency & permanent work

• Non-Critical Facilities (museums, libraries, zoos)
  – Eligible for emergency work
  – Must first apply to SBA for permanent work
Eligible Facilities

- Roads, bridges, and culverts
- Drainage and irrigation channels
- Public buildings – Schools, Courthouses, etc.
- Water, power, and sanitary systems
- Parks, baseball fields, walking trails
ELIGIBILE FACILITY REQUIREMENTS

- Damaged as a result of a declared event
- Located within a declared disaster area
- The legal responsibility of an eligible Applicant
- In active use at the time of the disaster
- Not under the authority of another federal agency
Ineligible Work

• Routine maintenance
• Pre-existing damage
• Work caused by lack of maintenance
CATEGORIES OF WORK

• Emergency (Cat A & B)
• Permanent (Cat C-G)
EMERGENCY WORK

Category A - Debris Removal
Category B - Emergency Protective Measures
EMERGENCY WORK

• Overtime Only when using salaried/force account employees
• Force Account Equipment
• Temp hire employees (all time is eligible)
• Leased Equipment w/operator
• Contract – *proper bidding procedures and competitive bidding*
<table>
<thead>
<tr>
<th>Emergency Work Labor Eligibility</th>
<th>Overtime</th>
<th>Straight-Time</th>
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</thead>
<tbody>
<tr>
<td><strong>Budgeted Employees</strong></td>
<td></td>
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</tr>
<tr>
<td>Permanent employee</td>
<td>✓</td>
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<tr>
<td>Seasonal employee working during normal season of employment</td>
<td>✓</td>
<td></td>
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<tr>
<td><strong>Unbudgeted Employees</strong></td>
<td></td>
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<tr>
<td>Essential employee called back from administrative leave</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Permanent employee funded from external source</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Temporary employee hired to perform eligible work</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Seasonal employee working outside normal season of employment</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
Category A - Debris Removal

• Eligible
  – Storm Related Debris
  – In Public Right-of-way
  – Separated at the Right-of-way/Curb
  – Stumps (More than 50% Exposed)

• Not Eligible
  – Private Property (case by case, FEMA approval)
  – Unimproved Public Property
  – Demolition
  – Concrete Slabs
  – Commercial Property
  – Routine Garbage/Trash Pickup
Examples

– Search & Rescue
– Safety Barricades & Signs
– Security Forces
– Health & Safety Hazards
– Emergency Protective Levees
– Sandbagging & Emergency Pumping
– Food & Shelter – When provided by the applicant
DONATED RESOURCES
(Policy # 9525.2)

In-Kind Match

• Applies to the Non-Federal Share of Emergency Work Only (A & B)
• Credited at $10/hr
• List of volunteers names, record of hours worked, work site, description of work for each volunteer, and equivalent information for equipment and materials.
DONATED RESOURCES

Donated Equipment:

• Reimbursed by hour using FEMA Equipment Rates

• For Donated Resources to be Eligible:
  • Must be properly documented
  • Must be doing eligible work
PERMANENT WORK

Category C – G

Restore a damaged facility to its pre-disaster design, function, and capacity in accordance with applicable codes and standards.
Permanent Work Categories

Category C: Roads and Bridges
Category D: Water Control Facilities
Category E: Buildings, Contents and Equipment
Category F: Utilities
Category G: Parks, Recreational, and Other
Category C

Not eligible:

- Permanent repairs to Federal-aid roads (FHWA)
- Private and homeowners’ association roads
- Maintenance items
FHWA ER Program

- Know your designated federal aid routes
- Maps are available from AHTD
- Will not be covered by FEMA for permanent repairs
- FHWA Threshold = $700,000

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Staff Maintenance Engineer
Emergency Management Liaison Officer
Arkansas State Highway and Transportation Department
Phone: 501-569-2467
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Category D

Typical facilities include:
Dams and reservoirs
Drainage and irrigation channels/facilities
Levees/dams/flood channels
May be Eligible for FEMA Public Assistance:

1. Emergency and permanent repairs
2. Debris Removal
3. Placement and removal of flood fighting measures (sandbags)
4. Dewatering of areas behind levees if there is an immediate threat to public health and safety, or improved property

*See FEMA Policy 9524.3 for specifics*
Category E

Typical facilities include:
Schools, hospitals, jails, courts, and other buildings
Building contents and systems
Equipment and vehicles
Category F

Typical facilities include:
Water distribution systems
Power generation and distribution
Waste water facilities
Communications

Not eligible:
Lost revenue
Increased operating expenses due to disaster
Category G

Typical facilities include:
- Public recreational facilities
- Public cemeteries
- Improved and maintained beaches
- Other

Not eligible:
- Trees and ground cover, regardless of purpose
- Natural features
- Private non-profit owned parks and recreational facilities
ELIGIBLE COSTS / Cat C-G

• Regular and Overtime + fringe benefits

• Materials

• Applicant owned equipment
  – FEMA Cost Codes (Updated 2016)

• Rented equipment

• Contract costs incurred for eligible work, including engineering/design services
Codes and Standards

Five criteria:

1. Apply to the repair/ restoration work
2. Appropriate to pre-disaster use
3. Be reasonable, in writing, and formally adopted and implemented prior to the declaration
4. Apply uniformly to all such facilities
5. Be enforced
406 Hazard Mitigation

• Cost effective action taken to prevent or reduce the threat of future damage (upsizing culverts, etc)

• Applies to permanent work only

• May be proposed by all parties

• Failure to complete mitigation may result in a loss of funding
Costs

• Must be reasonable and necessary

• Must comply with standards for procurement

• No duplication of benefits
Eligible Costs

- Force Account Labor
- Applicant Owned Equipment
- Materials
- Rental Fees
- Donated Resources
- Direct Administrative Cost (DAC)
- Contracts
DIRECT ADMINISTRATIVE COSTS (DAC)

• **Examples**
  
  • Site Visits, Gathering and Processing Documents
  
  • Directly related to a Project Worksheet
  
  • Documented costs only
CONTRACT WORK

• Ensure
  – Reasonable cost
  – Full and Open Competition

* Adequate Opportunities to small businesses, minority-owned firms, and women’s business enterprises
Contracts

Eligible if:

• Properly procured through local, State, and Federal procedures
• Adequate Opportunities to small businesses, minority-owned firms, and women’s business enterprises

Competition:

• Full and open competition is required
• May use prequalified lists of firms, but ensure: a) List is current; b) Has enough qualified sources for competition; and c) Bidders are allowed to qualify during solicitation period.
Contracts (cont’d)

Acceptable types:

• Lump Sum - clearly defined scope and total price
• Unit Price - item by item basis and cost determined per unit
• Cost + Fixed Fee - contractor fee added into price
• Time and Materials:
  – Must include a ceiling amount on the price
  – Not exceed initial 70 hours
    – Solicit a new contract for remaining work using a competitive process
  – Should be avoided
Contracts (cont’d)

Prohibited by FEMA:

- Noncompetitive Contracts
- Cost + percentage of cost

Discouraged by FEMA:

- “Piggyback contracting” - occurs when an applicant has disaster related work performed by another jurisdiction’s contractor. New work has not been competitively bid.
CONTRACT WORK

Avoid

– Noncompetitive contracts
– Cost plus percentage of cost
– Payment contingent upon federal reimbursement
– Conflicts of interest
– Excessive Costs
– Grantee or sub-grantee profit
– Debarred or Suspended Contractors

* www.sam.gov
Project Worksheet (PW)

- Captures eligible damages and provides the scope of work
- Ensure that the “local” representative is part of the formulation Team. (Group Effort)
- Review before signing!
- Any changes to the approved PW must be submitted to ADEM for review and FEMA approval

- Minimum PW amount = $3,050

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SMALL OR LARGE PROJECT?

$123,100

Arkansas’ Homeland Security & Preparedness Agency
TYPES OF PROJECTS

Small Projects – less than $123,100
Large Projects – $123,100 and above
Improved Projects – must request
Alternate Projects – must request

REMEMBER

Failure to submit request to the state could result in loss of funds
IMPROVED PROJECTS

• Applicant may make improvements
  – Applicant is financially responsible for improved costs above and beyond the cost to return to pre-disaster condition

• Replacing a 2 bay fire department with a 4 bay

*Failure to submit request to the state could result in loss of funds
ALTERNATE PROJECTS

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

– Must first be requested from state

– Must receive prior approval from FEMA

– May Require environmental assessment

– 10% reduction of FEMA funding from original project estimate
Change in Scope of Work

• Additional damage is discovered during construction
• Change orders
• Engineering reports
  – Has to be approved prior to work being performed

*Failure to submit request to the state could result in loss of funds
SPECIAL CONSIDERATIONS for WORK

Environmental Requirements
Threatened & Endangered Species
Historic Preservation
Special Flood Hazard Areas
Hazard Mitigation
Insurance
ENVIRONMENTAL REVIEW

Requires compliance with all Environmental and Historic Preservation Laws.

Environmental review helps expedite compliance with Federal, State and Local laws.

Examples – USACE 404/Nationwide, ADEQ Burn/STAA, and SHPO
HISTORICAL PRESERVATION

• Have any historical issues identified prior kickoff meeting

• Property eligible for listing on the National Register of Historic Places requires special consideration under the National Historic Preservation Act.

• **DO NOT** disturb/dig the ground unless permit/approval came from the State Historical Preservation Officer (SHPO).

• Obtain all permits as necessary.
INSURANCE REQUIREMENTS

• Actual or anticipated insurance proceeds will be deducted from the eligible project costs for facilities that are insured.

• All applicants are required to obtain and maintain insurance coverage on all insurable facilities, as a condition of Public Assistance funding.

• Additional specific requirements will be applied to all flood damaged facilities located within the Special Flood Hazard Area.
EMMIE

- Follow the progress of each PW
- Review process
- Mitigation eligibility
- Types of permits/conditions required
- When the funds awarded

* Encourage applicants to register
Sandy Recovery Improvement Act of 2013

• Public Assistance Alternative Procedures for Debris Removal (Cat A Only)

• Public Assistance Alternative Procedures for Permanent Work (Cat C-G)
Alternative Procedures for Debris Work

- To participate in these procedures, all debris projects must be included
  - **Accelerated Debris Removal** - Increased Federal Cost Share according to completion date (85%, 80% and 75%)
  - **Recycling Revenues** – Retain the income received from recycled debris for approved purposes
  - **Force Account Labor** - Reimbursing base and overtime wages
  - **Debris Management Plan** - Incentives to have a debris management plan (2%)

- Sub-recipient may elect to use one or more of the procedures
Alternative Procedures for Permanent Work

• Projects to be written on the basis of fixed estimates.
• Elimination of 10% reduction for alternate projects.
• Allows for consolidating multiple facilities into a single project.
• Allows the use of excess funds for approved projects.
• Panel available for estimates as requested (required for estimates > $5 million.)
APPLICANT RESPONSIBILITIES

• Get your packet submitted ASAP
• Participate in Exploratory Call
• Prepare for Kickoff Meeting
• Have all damages identified
• Aware of any mitigation projects
PUBLIC ASSISTANCE FUNDING PROCESS

Where is our money?
Documentation

- Establish and Maintain your records.
- Create a file for each project.
- Records **Must** be retained for 3 years after the entire disaster is closed.
- PA Grant Reimbursement Workbook
FEMA 4318 – DR – AR

• FUNDING
  – 75% Federal funds
  – 25% Applicant funds
SMALL PROJECT PAYMENTS

- Federal cost share is paid upon Project Worksheet (PW) approval/funds awarded.
- Actual Costs or Based on Estimates
- Overruns **NOT** allowed
- Small Project netting/appeal

- Quarterly Reports must be submitted for each project not complete. (October 1 – January 1 – April 1 – July 1)
LARGE PROJECTS

• Federal cost share will be paid based on work completed
  – Applicant will submit **PA Grant Reimbursement Workbook** along with all supporting docs; state reviews, inspects & pays 75% of costs submitted.
  – Advances from State (Not to exceed 25% of Federal Share)

• Quarterly Reports must be submitted for each project not complete. *(October 1 – January 1 – April 1 – July 1)*
PROJECT MONITORING & INSPECTIONS

• Final inspections will be conducted on all large PWs once ADEM is notified that work is complete.

• 20% of all small PWs will be inspected once the applicant has submitted a request for state share payment.

• Monitoring visits will occur throughout the life of the project as deemed necessary by ADEM.
GRANT CLOSEOUT FORM

• Grant Closeout Form (Original is required)
  • All work has been completed according to the Scope of work
  • All Federal Funds have been paid (small and large PWs)
  • All necessary site monitoring & inspections have been completed by ADEM
REQUIRED AUDIT

Single Audit

• A non-Federal entity that expends $750,000 or more in Federal awards during that entity’s fiscal year must have a single audit or program-specific audit conducted for that year. You are required by law to submit a copy of your audit to ADEM within a year after receipt of federal funds.
TO AVOID LOSS OF FUNDING

Obtain all permits and clearances before you start construction/repairs for the following special considerations!!!

Information in: Green Sheet
APPEALS

Any determination related to Federal assistance may be appealed.

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

Much easier to fix a problem while FEMA is here.
DECLARATION DATES

• Declared: June 15, 2017

• RPA submitted by: July 15, 2017 (Can’t begin process until RPA is received and approved)

WORK COMPLETION DATES

• (Category A & B) 6 months from Dec Date – 12/15/17

• (Category C thru G) 18 months from Dec Date – 12/15/18

• Extension of time for project completion must be requested from ADEM
What to Expect Next

• Exploratory Call
• FEMA Kick-Off Meeting
• Prepare to take FEMA to damaged sites
• Prepare to obtain any documents FEMA may ask for
  • Very important to make copies of anything and everything you give FEMA.
  • Just because you gave them to FEMA doesn’t mean ADEM will ever see them. FEMA and ADEM are separate entities and each have own requirements.

• Once PWs are written, still have to go through review process before being awarded
County Assignments
April 26, 2017 and May 19, 2017, Tornadoes, Straight-line Winds, and Flooding
FINAL REMINDERS

• Submit Packets ASAP
• Prepare for FEMA Kick-Off Meeting
• Be prepared to accompany FEMA on site visits
• Get documentation organized
• Proper Procedures for contracting
• Obtain all necessary permits prior to working
• Work Completion Dates and Extensions
• PA Grant Reimbursement Workbook (Website)
• Grant Closeout Request
Jodi Lee

Anna Pool

Ali Rye

Kiara Sykes
ADEM
Attn: Recovery Branch
Bldg. 9501
Camp JT Robinson
N. Little Rock, AR 72199

501-683-6700
501-683-7892 (Fax)

http://www.adem.arkansas.gov
In Doubt or have Questions

CALL US or EMAIL

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