

# **APPLICANT BRIEFING**

**February 8-9, 2013**

**Severe Winter Storm, Snowstorm and Flooding**



**Massachusetts Emergency Management Agency  
Federal Emergency Management Agency**

# Major Disaster Declaration

DECLARATION NUMBER: FEMA-4110-DR-MA

DECLARATION DATE: April 19, 2013

STORM INCIDENT PERIOD: February 8-9, 2013

## TYPES OF AUTHORIZED DISASTER ASSISTANCE:

1. Assistance for eligible emergency work and the repair or replacement of disaster-damaged facilities under the FEMA Public Assistance Program: All 14 counties
2. Snow assistance only in the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Suffolk and Worcester
3. Statewide Hazard Mitigation under Section 404

# FEMA Public Assistance (PA) Program

FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Non-Profit (PNP) organizations.

Funding is cost shared at a federal share of no less than 75% of eligible costs.

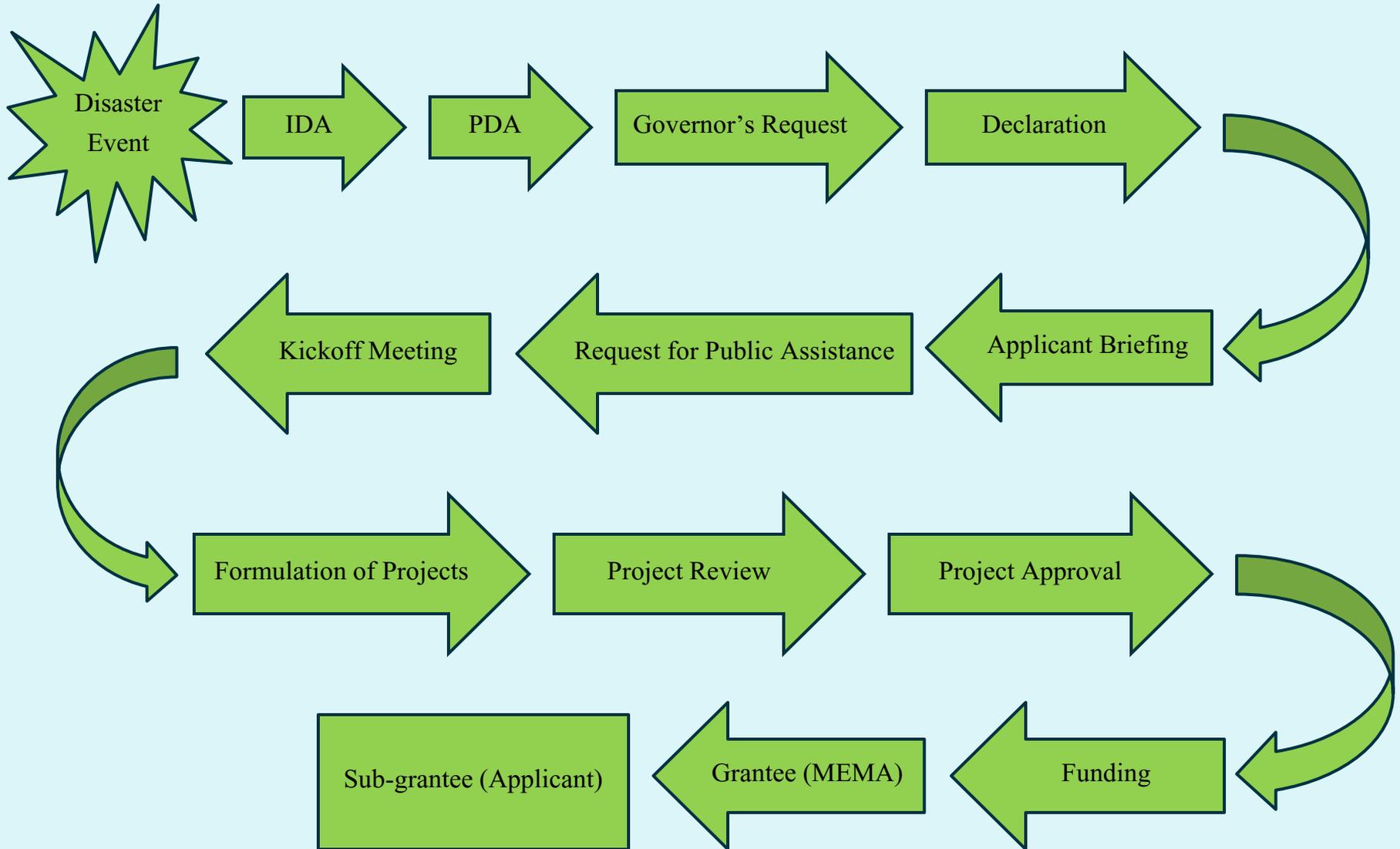
# FEMA, State and Local Partnership

FEMA is responsible for managing the Program, approving grants, and providing technical assistance to the State and Applicants.

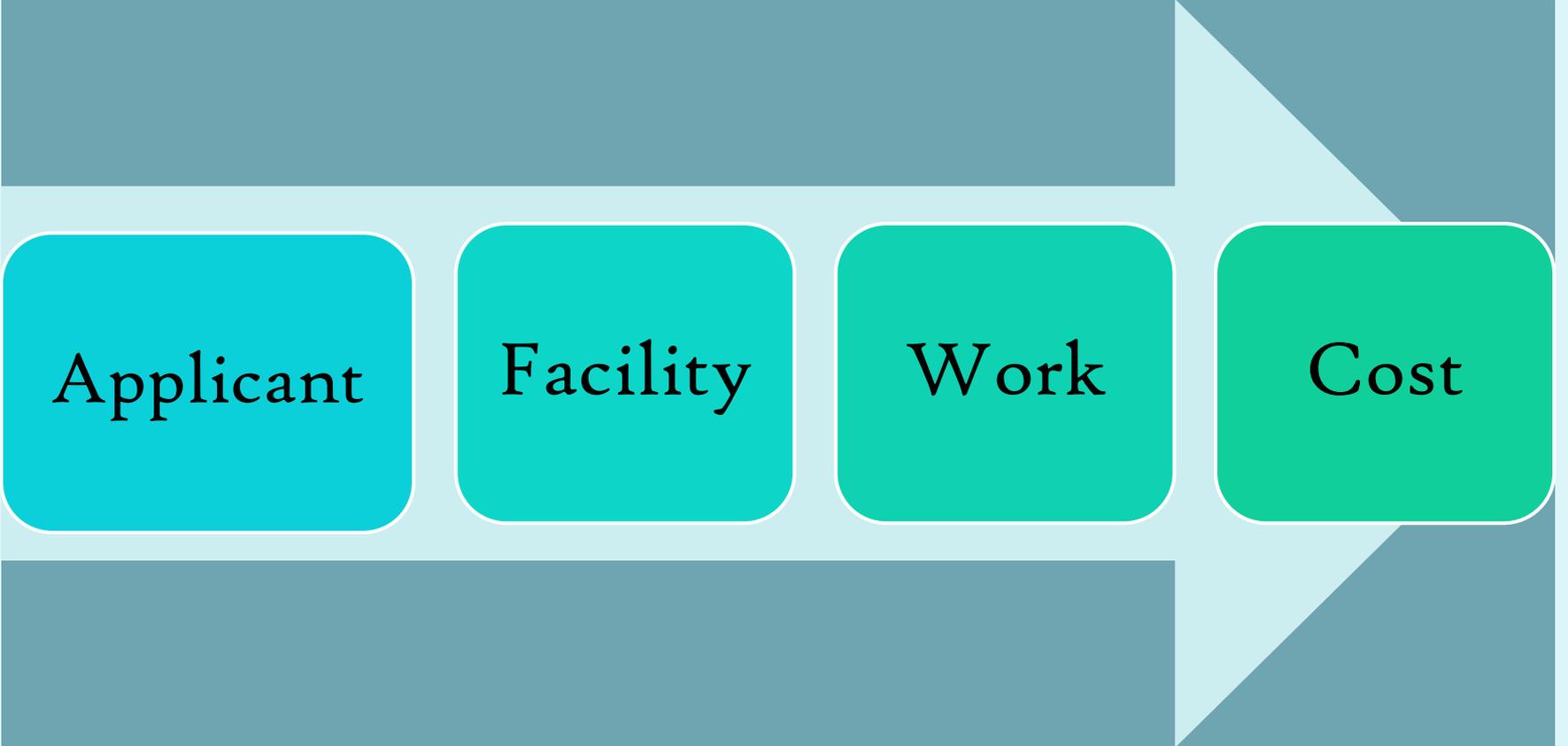
The State (MEMA), acts as the Grantee for the PA Program. The State educates potential applicants, works with FEMA to administer the Program, and is responsible for monitoring projects and disbursements of the grants.

Applicants are responsible for identifying damage, providing sufficient data for FEMA to develop an accurate scope of work and cost estimate for doing the work.

# FEMA Public Assistance Process



# Eligibility Structure



Applicant

Facility

Work

Cost

# Eligible Applicants

- Local Government  
Municipalities, Regional School Districts, Special Districts, Municipal Electric Utilities, Public Authorities
- State Government Agencies
- Indian Tribal Organizations
- Certain Private Non-Profits (PNP)

# Request for Public Assistance (RPA)

Application for reimbursement - one RPA per eligible applicant

**Primary contact** – Available point of contact who will oversee, manage and provide all project information to FEMA/MEMA

**Alternate contact** – Individual who is responsible for executing state standard contracts for reimbursement

Complete and submit RPA at briefing or fax/email to Paula Krumsiek at MEMA by no later than application filing deadline date of May 19, 2013

MEMA Fax Number: 508-820-1404

Disaster.Recovery@state.ma.us

Paula's phone number: 508-820-1424



All PNPs complete and submit RPA at Applicant Briefing or by no later than the application filing deadline date.

In addition to the RPA, the following must be submitted no later than the application filing deadline date.

- ✓ DUNS Number ([www.dnb.com/webform](http://www.dnb.com/webform))
- ✓ IRS Ruling Letter granting exemption under Sections 501(c), (d), or (e) of the Internal Revenue Code of 1954
- ✓ PNP Facility Questionnaire (obtain from MEMA website)
- ✓ PNP Certification Sheet (obtain from MEMA website)
- ✓ Mission Statement

# PNPs and the Small Business Administration

Critical PNP facilities as defined in FEMA Policy 9521.3 may apply immediately and directly to FEMA for emergency and permanent work disaster assistance. Critical PNPs do not have to apply to SBA for loans.

Examples of critical PNPs: emergency medical services, educational facilities, power and water facilities, communication facilities, fire protection/emergency

Non-critical PNP facilities as defined in FEMA Policy 9521.3 may apply directly for FEMA emergency work disaster assistance. For permanent work, must apply for a disaster loan from the SBA. This should be done simultaneously with submitting a Request for Public Assistance (RPA) to MEMA for FEMA disaster assistance.

Examples of non-critical PNPs: community centers, daycare centers, performing arts centers, libraries, homeless shelters, museums, zoos, assisted living facilities, senior citizens centers, rehab centers, animal control facilities, custodial care

# Kickoff Meeting

- ✓ All appropriate department heads should be present
- ✓ Provide a list of ALL damages to FEMA
- ✓ Discuss damages & estimated costs
- ✓ Project grouping techniques
- ✓ Review potential issues, such as insurance, environmental protection, historic preservation, and hazard mitigation opportunities that may affect the type and amount of assistance available
- ✓ Review documentation needed and timeline for submitting documentation

Submit project information to FEMA within 2 weeks from Kick-off Meeting

Submit actual costs for completed work

Identify estimated costs for incomplete work



- 
- ✓ Located within a declared area
  - ✓ Legal responsibility of an eligible applicant
  - ✓ Not under the authority of another agency
  - ✓ In active use at the time of the disaster
  - ✓ Insurance

# Work Eligibility

- ✓ Must be required as a direct result of the declared major disaster
- ✓ Be located in the designated disaster area
- ✓ Be the applicant's legal responsibility for performance of eligible work at the time of the disaster

# Cost Eligibility

To be eligible for reimbursement, costs must

- ✓ Be reasonable and necessary to accomplish eligible work
- ✓ Comply with federal, state, and local laws and regulations
- ✓ Include deductions of insurance proceeds, purchase discounts

# Types of Eligible Work

**EMERGENCY WORK** - work performed to reduce or eliminate an immediate threat to life, protect public health and safety, and to protect improved property that is threatened in a significant way as a result of the disaster.

**Category A Debris Removal**

**Category B Emergency Protective Measures**

**PERMANENT WORK** - work to restore a damaged facility, through repair or restoration to its pre-disaster design, function, and capacity in accordance with applicable codes and standards.

**Category C Roads and Bridges**

**Category D Water Control Facilities**

**Category E Buildings and Equipment**

**Category F Utilities**

**Category G Parks, Recreation, Other**

# Category B

## Emergency Debris Clearance

Initial clearance activities necessary to eliminate immediate threats to life, public health and safety.

Emergency clearance, is limited to the initial opening of roadways to allow access for emergency vehicles such as police, firefighters and other first responders.



Debris clearance/removal work performed along federal-aid roads is FEMA eligible.



# Category B, Emergency Debris Clearance

- Cut and push to clear debris from roadways to restore emergency access/egress
- Emergency protective measures only – push to side of road and move on to next emergency site
- FEMA will typically only reimburse applicants for a time and materials contract for eligible debris clearance during the first 70 hours of work. A ceiling cost or not to exceed provision must be included in the contract
- Carefully oversee and document contractor expenses
- Document all locations, labor, equipment, quantities, etc

# Category A, Debris Removal

Removal, hauling and disposal of trees and woody debris from public rights of way to allow the safe passage of emergency vehicles.

- After 70 hours of actual time and material debris clearance contract work, the applicant should have sufficient information on the scope of work necessary to complete debris collection and disposal, and a basis for estimating a reasonable cost for the contract work to effectively solicit a unit price contract.
- It is preferred that all payment provisions must be based on unit prices (volume or weight).
- Document where the debris is collected, the volume picked up, hauled, reduced and disposal location.

# Debris Monitoring

Applicants must monitor debris removal operations and document eligible quantities and reasonable expenses to ensure that the debris

removal operations are efficient, effective and eligible for FEMA grant funding. Debris monitoring/documentation must be performed for both force account and contracting. Failure to monitor may jeopardize this funding.



- ✓ Monitor in the field and at collection, storage and disposal sites
- ✓ Logs and summaries should be kept at each location
- ✓ Trucks measured and certified capacities
- ✓ Debris Monitors should control issuance and completion of load tickets

**DON'T**

...extend time and material contract costs beyond the 70 hour period; unregulated operations may not be reimbursed.

**DO**

...bid debris removal in accordance with Federal, State and local procurement laws. Failure to do so may risk FEMA funding.

**DON'T**

...allow contracted operators or monitors to manage your disaster. You must be in charge of operations in your community because a large portion of the costs will be borne by your community.

**DO**

...use force account labor and equipment where possible, it will save money, guarantee quality, and keep what you spend in your local economy.

**DON'T**

...extend work beyond the completion deadline date without an approved time extension.

# Category B

## Emergency Protective Measures

- ❖ Warning of risks and hazards
- ❖ Search and rescue
- ❖ Security forces in the disaster area
- ❖ Provision of shelters and emergency medical care
- ❖ Provision of emergency operation centers
- ❖ Bracing/shoring damaged structures
- ❖ Provision of food, water, ice and other essential needs at distribution points for use by the local population
- ❖ Emergency repairs / Emergency demolition
- ❖ Emergency Debris Clearance

# Categories C - G, Permanent Work

Work that is required to restore a damaged facility, through repair and/or restoration, to its pre-disaster design, function, and capacity in accordance with applicable codes and standards.

Category C - Roads and Bridges

Category D - Water Control Facilities

Category E - Buildings and Equipment

Category F - Utilities

Category G - Public Parks, Recreation, Other

FEMA is prohibited from providing PA funds for the permanent repair of roads and bridges that are on federal-aid roads; even if the ER program is not available....separate out permanent work performed on federal aid roads

# Project Completion Time Limits



Time frames for completing eligible work are measured from the date of the declaration.

Type of Work	Months to complete work
Debris Removal (Cat A)	6
Emergency Protective Measures (Cat B)	6
Permanent Work (Cat C – G)	18

If extenuating circumstances or unusual project conditions exist which prevents the work from completing at the established timeframe, a time extension may be requested through MEMA.

# Snow Assistance

Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk,  
Suffolk and Worcester Counties ONLY

Eligible snow assistance work includes snow removal, snow dumps, de-icing, salting, and sanding of roads and other facilities essential to eliminate or lessen immediate threats to life, public health, and safety. Assistance will be provided for a continuous 48-hour period.

For applicant's regularly employed personnel...overtime labor only

For applicant's own equipment...regular and overtime hours

For snow removal contracts and material costs...reasonable expenses

- Each applicant may select their own start and end time of their 48-hours
- All departments must establish the same start and end of 48-hours

Start time of 48-hours will begin between 12:01 AM, 2/8/2013 through 11:59 PM, 2/9/2013...then go 48-hours out

# Two Reimbursement Packages

## (1) Snow Assistance

(Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Suffolk and Worcester Counties ONLY)

## (2) All other categories of work

(All counties)

# Special Considerations

Applicants have a critical role in identifying special consideration issues. Special considerations could affect the scope of work and funding for a project.

- Insurance
- Hazard Mitigation
- Environmental
- Historic Preservation

# Insurance Requirements

Insurance is required as a condition of the grant.

FEMA will not provide assistance for damage or losses covered by insurance.

FEMA will deduct from eligible costs the amount of actual insurance proceeds before providing funds for restoration of the facility. Owners of insurable buildings need to provide FEMA with policy and statements of loss as soon as possible.



# **Public Assistance Hazard Mitigation**

## **Section 406**

Cost effective measures that reduce or eliminate the potential for damages to a facility from a future event. For a hazard mitigation proposal to be eligible for funding under Public Assistance, the measure must apply only to the damaged elements of the eligible facility.

Prior to start of work, the mitigation proposal must be reviewed and approved by FEMA staff to ensure eligibility, technical feasibility, environmental and historic preservation compliance, and cost effectiveness.

# Hazard Mitigation Grant Program (HMGP)

## Section 404

- HMGP funds are available ‘statewide’ (not just declared counties)
- ‘All-hazard’ mitigation grant program (flood, wind, seismic, hurricane, etc.)
- HMGP provides a State with up to 15 percent of the total disaster grants awarded by FEMA. (*Individual Assistance + Public Assistance \* 15% = HMGP Funds*)
- Stay tuned for information regarding future HMGP briefings and technical assistance opportunities

# Environmental

National Environmental Policy Act requires all federal agencies insure that due consideration is given to the environment during project development.

Some projects that require environmental review:

- Debris disposal and staging areas
- Historic properties (buildings, structures, sites, objects)
- Where the footprint is different than pre-disaster conditions
- Threatened or endangered species, wetlands or floodplains

**Make sure you adhere to State and local laws (permits, conditions, etc)**

# Historic Preservation

Any structure (buildings, walls, bridges, culverts, cemeteries) at least 50 years old, may be eligible for the National Register of Historic Places. These structures may be reviewed by FEMA and the Massachusetts State Historic Preservation Officer (SHPO).

FEMA will work with the SHPO and Applicant to develop measures to avoid adversely affecting the historic structure or site.

# Types of Eligible Costs

- Force Account Labor, including Fringe Benefits
- Force Account Equipment
- Rented Equipment
- Materials
- Contract Services
- Direct Administrative Costs

**ALL COSTS MUST INCLUDE A PROJECT NARRATIVE DESCRIBING WORK PERFORMED**

Applicant Workbook, Equipment Rates and Policies:

[www.mass.gov/mema](http://www.mass.gov/mema)

Select “Disaster Recovery & Mitigation”

Scroll down and select “Public Assistance”

# Force Account Labor

- Labor performed by the applicant's full-time employees on applicant payroll such as Permanent, Reassigned, Seasonal Employees
- For EMERGENCY WORK: only OVERTIME costs are eligible for force account labor. Must document both regular and overtime
- For PERMANENT WORK: both REGULAR and OVERTIME labor costs are eligible for force account labor
- Fringe benefits associated with disaster-related labor costs

Supporting documentation should include Force Account Labor Summary Form supported by payroll reports, timecards, overtime policies, and a description of work performed

# Force Account Labor

- Excess REGULAR and OVERTIME costs for part-time employees on applicant's payroll are eligible for reimbursement for disaster-related work...only for hours worked over their normal work schedule
- Fringe benefits associated with disaster-related labor costs

Supporting documentation should include Force Account Labor Summary Form supported by payroll reports, timecards, overtime policies, and a description of work performed

- Non-budgeted personnel work performed eligible work as a direct result of the disaster, such as temporary labor, essential employees called back from administrative leave, permanent employees funded from an external source, such as a grant.
- EMERGENCY and PERMANENT WORK: regular and overtime labor costs to perform disaster-related work are eligible for reimbursement.

# Force Account Equipment

- Applicant-owned Equipment
- REGULAR and OVERTIME costs are eligible
- FEMA Schedule of Equipment Rates (includes operation, depreciation, fuel, maintenance and most repairs)
- Equipment rates are applied to the time equipment is actually working. Standby and idle time are not eligible.

Supporting documentation should include Force Account Equipment Summary Form

# Rented Equipment

Reimbursement is based on REASONABLE cost

Supporting documentation should include Rented Equipment Summary Form supported by rental/lease agreement, invoices, proof of payment (cancelled checks), location and description of work performed

# Materials

The costs associated with supplies that were purchased or taken from an applicant's stock as a direct result of the declared storm event may be claimed.

- Material costs must be reasonable
- Document methodology for determining actual material usage
- Re-stocking inventory cost is not eligible

Supporting documentation should include Materials Summary Form supported with paid invoices for material purchased or taken from stock, proof of payment (cancelled checks) and a detailed description of the work performed

# Contract Work

Contracts and procurements must be of REASONABLE cost and generally must comply with Federal, State, and local procurement standards

FEMA may provide assistance for work completed using time and materials contracts for a limited period (generally not more than 70 hours of work), then transition to normal procurement procedures

Provide a clear and definitive scope of work

Supporting documentation should include Contract Summary Form supported with bid documents, price list/costs, award letter, contract, proof of payment (cancelled checks) and a detailed description of the work performed

# Direct Administrative Costs

Direct administrative costs include REASONABLE costs that can be tracked, charged, and accounted for directly to a specific project (PW), such as staff time to complete field inspections, preparation of a PW, and make interim and final inspections of the project.

Supporting documentation should include Direct Administrative Summary Form supported by payroll report(s), individual time and attendance records that differentiate the number of hours worked on disaster-related work, a detailed description of the work performed

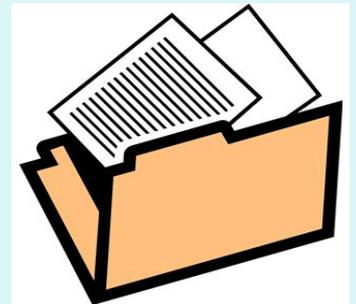
# Documentation

Project documentation basically describes the “who, what, when, where, why and how much” for each item of recovery work. Your documentation package for review must include a project narrative that describes in detail the work performed.

Source documentation should include all pertinent project documentation and proof of payment (invoices and cancelled checks) to certify approved project work and costs.

# Record Keeping

Good record keeping facilitates the validation, approval, and funding processes for all projects, as well as any potential State and Federal audits.



- 
- A Project Worksheet (PW) is the primary Form used to document the location, damage description and dimensions, scope of work, project requirements/conditions, and project cost.
  - Every PW must contain the required documentation to substantiate the scope of work being funded.
  - Notify MEMA immediately with any scope changes.
  - \$1,000 minimum per project.

# Large Project PW vs Small Project PW



## Small Project

- Approved PW cost is less than \$67,500
- Payment is made on the basis of the initial approved amount, whether estimated or actual
- Upon completion of work, submit project closeout request to MEMA



## Large Project

- Approved PW cost is equal to or greater than \$67,500
- Funded using a final accounting of actual costs
- Upon completion of work, submit project closeout request to MEMA



Notify MEMA immediately on anticipated project overruns

## Project Closeout Request

Written request informing MEMA project is complete. Must include cover letter/narrative, applicable FEMA Summary Forms, backup and source documentation.

# Important Deadline Dates

REQUEST FOR PUBLIC ASSISTANCE DUE TO MEMA



**May 19, 2013**

SUBMISSION OF ALL PW DOCUMENTATION DUE TO FEMA

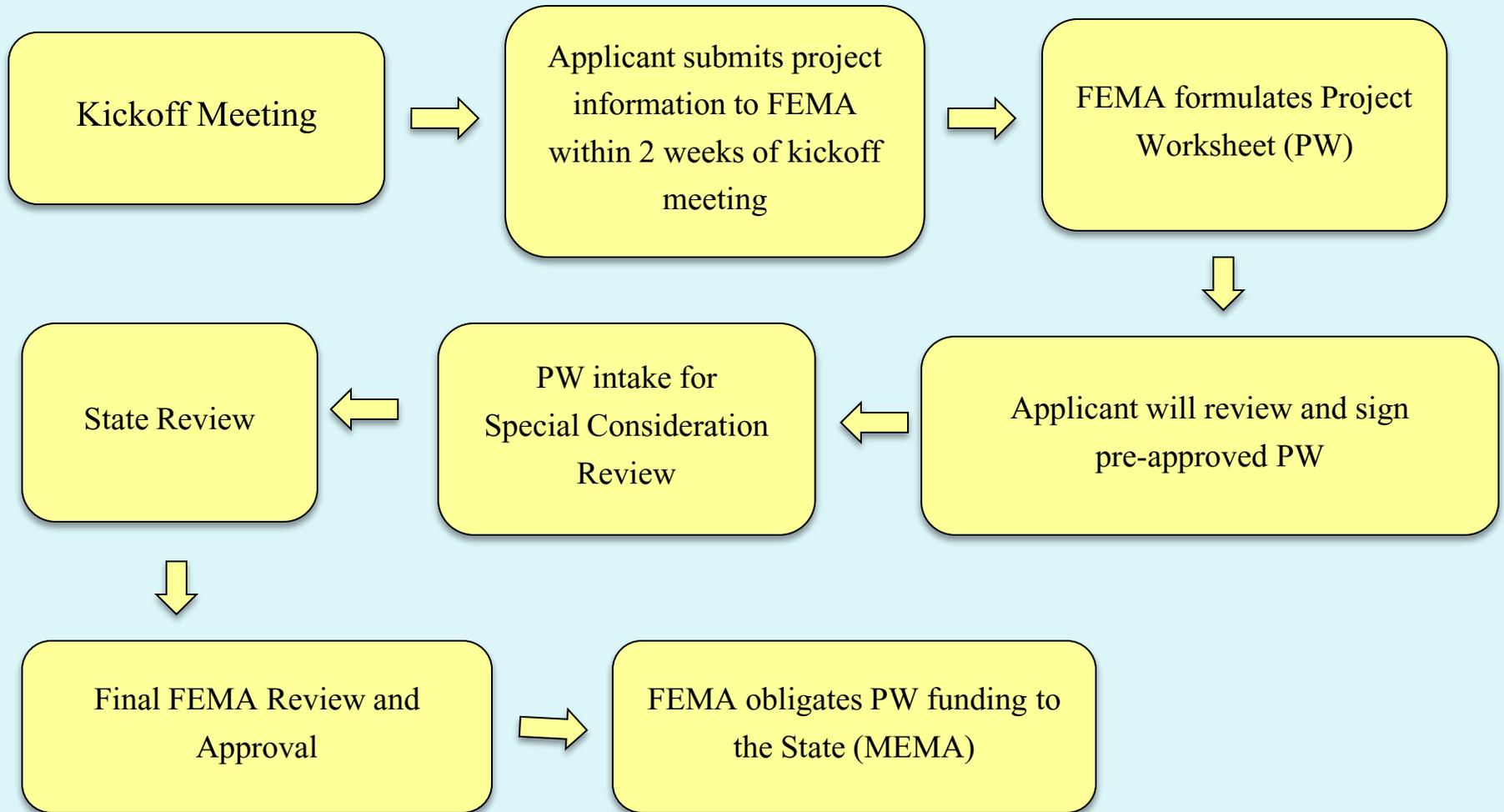


**2 weeks from Kick-off Meeting**

Submit actual costs for completed work

Identify estimated costs for incomplete work

# Project Worksheet Process



# Reimbursement of Project Worksheet

FEMA obligates  
PW funding to the  
State (MEMA)



MEMA mails PW, State standard contract package and P.4 Report to  
Alternate POC on RPA



## PROJECT WORKSHEET (PW)

- Review for accuracy

## STATE STANDARD CONTRACT PACKAGE

- Prior to release of funding, the authorized signatory (as indicated on the CASL) must sign and return contract documents to MEMA

## P.4 REPORT

- Hold until work is 100% complete
- When PW is complete, sign and return P.4 Report to MEMA with project closeout request and documentation

# Appeal Process

A Sub-grantee has the right to appeal any decision or determination, regarding a PA application for federal assistance, including eligibility and the amount of eligibility.

There are two levels of appeal. Through MEMA, the first level appeal is decided by the FEMA Regional Administrator. Through MEMA, the second level appeal will be decided by the Assistant Administrator at FEMA Headquarters.

An Applicant must file an appeal with MEMA within 60 days of receipt of notice or decision being appealed.

The appeal must be in writing and contain documented justification supporting the applicant's position, specify the monetary figure in dispute.

# MEMA Contacts

Lorraine Eddy, Disaster Recovery Program Coordinator

[lorraine.eddy@state.ma.us](mailto:lorraine.eddy@state.ma.us)

508-361-4901 (cell)

Gina Valentine, Disaster Recovery Program Coordinator

[gina.valentine@state.ma.us](mailto:gina.valentine@state.ma.us)

508-820-2004

508-988-0007 (cell)

Jim Kersten, Disaster Recovery Program Coordinator

[james.kersten@state.ma.us](mailto:james.kersten@state.ma.us)

508-820-1443

617-413-9078 (cell)

Paula Krumsiek, Contract Specialist

[paula.krumsiek@state.ma.us](mailto:paula.krumsiek@state.ma.us)

508-820-1424

Andrew Poliferno, Contract Specialist

[andrew.poliferno@state.ma.us](mailto:andrew.poliferno@state.ma.us)

508-820-2003

Scott MacLeod, Mitigation and Disaster Recovery Division Manager

[scott.macleod@state.ma.us](mailto:scott.macleod@state.ma.us)

508-820-1445

# MEMA Website

Applicant Workbook, Equipment Rates and Policies

[www.mass.gov/mema](http://www.mass.gov/mema)

Select “Disaster Recovery & Mitigation”

Scroll down and select “Public Assistance”

# Questions ??

