

Center for Local Government Excellence

The Road to A Smooth Recovery

February 8, 2022

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Learning Objectives



This course is designed to:

- * Enhance awareness of the FEMA Public Assistance Grant Process
- * Help participants identify situations that could affect FEMA funding
- * Help participants avoid problematic issues in the FEMA Public Assistance Grant Process

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The Process




- 1) Event Occurs
- 2) Governor Requests Federal Assistance
- 3) Preliminary Damage Assessments
- 4) Major Disaster Declared

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The Process



- 5) Applicant Briefings
- 6) Requests For Public Assistance
- 7) Recovery Scoping Meetings
- 8) Project Work Sheet Development

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The Process



- 9) Project Work Sheet Review
- 10) Funding Obligated
- 11) State Expense Review
- 12) Project Completion
- 13) Closeout

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Step 1 - The Event Occurs



- With or without forewarning
- Recovery Plan Formulation
- Public safety and protection
- Some potentially eligible preparation costs

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Step 2 - Governor Requests Federal Assistance



- Constrained State/local resources
- Transparent event
- Monitored by local EOCs (Emergency Operations Centers)

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Step 3 - Preliminary Damage Assessments Conducted



- Tell someone about damage
- Assemble a disaster team
- Prepare to provide the PDA (Preliminary Damage Assessment) team and FEMA with documentation

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Step 4 - Presidential Declaration



- Begin gathering and maintaining documentation in earnest
- Public Assistance is a reimbursement program heavily reliant on documentation

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Step 5 - Applicant Briefings Are Conducted



- Conducted by the State
- Programmatic overview
- Disaster team should attend

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Step 6 - Requests for Public Assistance Are Submitted



- Used by FEMA to determine sub-grantee eligibility
- Complete one for every event
- Eligible sub-grantee does not equal eligible work

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Step 7 - Recovery Scoping Meetings Are Conducted



- First of many project related meetings
- FEMA meeting attended by the State
- Provides specific, tailored guidance
- Disaster team should attend

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Step 8 - Project Work Sheet Development



- Basic Work Eligibility
 - Damage is a direct result of the event
 - Damage can be tied directly to the event
 - Damage occurred in the designated event area

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Step 8 - Project Work Sheet Development



- Basic Eligibility Cont.
 - Damage is the sub-grantee's legal responsibility
 - The damaged facility was in use at the time of the event
 - Damage is not the responsibility of another Federal program

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Step 8 - Project Work Sheet Development



- Work Categories
 - Category A - Debris removal
 - Category B - Emergency protective measures
 - Category C - Roads and bridges
 - Category D - Water control facilities

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Step 8 - Project Work Sheet Development



- Work Categories Cont.
 - Category E - Buildings and equipment
 - Category F - Utilities
 - Category G - Parks, recreational facilities, and other facilities

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Step 8 - Project Work Sheet Development



- Repair or Replace
 - 50% rule
 - Repair cost divided by replacement cost
 - < .5 - repair
 - > .5 - replace

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Step 8 - Project Work Sheet Development



➤ Repair Options

- To current codes and standards
- Include FEMA-funded mitigation measures
- Pay for improvements

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Step 8 - Project Work Sheet Development



➤ Replace Options

- Raze and rebuild on the same site
- Raze and relocate
- Build larger to house several smaller facilities
- Raze and use funds for other purposes
- Secure and use funds for other purposes

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Step 8 - Project Work Sheet Development



- Funding Issues
 - Environmental compliance
 - Historical compliance
 - Codes and standards
 - Funding caps

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Step 8 - Project Work Sheet Development



- Alternative Procedures Projects
 - Capped based on the aggregate Federal share of the approved estimated cost to restore facilities to pre-disaster function
 - Sub-grantee must accept fixed cost estimate for all large permanent projects
 - No requirement to build back what existed pre-disaster

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Step 8 - Project Work Sheet Development



- Improved Projects
 - Capped at the lesser of the federal share of the cost to repair or replace or the actual cost of the improved project
 - Sub-grantee funds improvements
 - State can approve

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Step 8 - Project Work Sheet Development



- Alternate Projects
 - Capped at 90% of the federal share of the estimate to repair or replace the damaged facility or 90% of the Federal share of the actual cost of work whichever is less - governments

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Step 8 - Project Work Sheet Development



- Alternate Projects Cont.
 - Capped at 75% of the federal share of the estimate to repair or replace the damaged facility or 75% of the Federal share of the actual cost of work whichever is less - private non-profits

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Step 8 - Project Work Sheet Development



- Alternate Projects Cont.
 - Permanent work only
 - FEMA approval required before work begins

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Step 9 - Project Work Sheet Review



- 8, 9, or 10 checkpoint review process
- Typically one or two days

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Step 10 - Funding Obligated



- Small projects - Paid as soon as practicable
 - Less than \$120,000
- Large projects - Require detailed documentation
 - Greater than \$120,000

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Step 11 - State Expense Review



- The Bar - Eligible work done at a reasonable cost
 - Sealed bids and publicly advertised RFPs
 - State contracts
 - Piggy-back contracts

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Step 11 - State Expense Review



- The 5 Ps
 - Poor Purchasing Procedures Promote Pain
- Cost is always a factor

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Step 11 - State Expense Review



- Consequences (Pain)
 - Additional documentation requirements
 - Cost analyses
 - Reduced funding
 - De-obligation

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Step 11 - State Expense Review



- States - Follow own purchasing rules, regulations, and laws
- Local governments and PNPs - Follow 2 CFR Sections 200.318-200.326

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Step 11 - State Expense Review



- Micro purchases
- State Bid Law
 - Contract limit - \$250,000
 - One bid response
 - Emergency and extreme emergency

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Step 11 - State Expense Review



- Service contracts
 - At minimum conduct an RFP process
 - Cost must be a factor
 - Resulting contract must contain a not-to-exceed clause
 - Requires publication

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Step 11 - State Expense Review



- Cost analyses
 - Last resort
 - Avoid
- Documentation
 - Who, what, when, where, why, and how much

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Step 12 - Projects are Completed



- Time is not necessarily your friend
- Possible nightmare waiting to happen

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Step 13 - Closeout



- Extension of the detailed document review process
- Administrative process
 - Depends on how well a sub-grantee handled business through the rest of the cycle

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Closing




- 1) Build a disaster team the includes management, emergency response, public works, accounting, finance, and procurement
- 2) Identify damages early and engage with FEMA and State players often

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Closing



- 3) The Bar - Eligible work done at a reasonable cost
- 4) The 5 Ps and cost is always a factor
- 5) Document, document, document

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Resources and Contacts



FEMA:
<https://www.fema.gov>

Governor's Office of Homeland Security
and Emergency Preparedness:
<https://www.gohsep.la.gov>

Louisiana Legislative Auditor
<https://www.la.la.gov>

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Resources and Contacts



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