

I. PRE-DISASTER ACTIONS

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PROCUREMENT **TOOLBOX**

INTRODUCTION TO PRE-DISASTER ACTIONS

The time to determine how to properly procure using Federal funds and to craft your procurement plan is *before* disaster strikes and resources are stretched to the limit by the demands of emergency response. Successful pre-disaster actions should include the following:

- Adopting **written procedures** for contract administration and oversight.
- **Establishing a policy** for paying employee **overtime**.
- Developing a **procurement plan** and pilot program for **debris operations**.
- Creating a plan to **track** and **document volunteer** and **donated resources** to help offset your local match requirement for Federal grant funds – also called the non-Federal cost share.



WRITTEN PROCEDURES, POLICIES AND PLANS ARE CRITICAL TO EMERGENCY AND DISASTER MANAGEMENT SUCCESS.



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REQUIRED WRITTEN PROCEDURES

Federal law, regulations and policies require the Subrecipient (Applicant) to follow general procurement standards and have “documented procurement procedures” when using Contractors to help them carry out their FEMA Public Assistance (PA) project awards. Documented procurement procedures should include:

WRITTEN PROCEDURES OVERVIEW
Contract Administration / Oversight
<ul style="list-style-type: none"> • Employee + organizational conflicts of interest standards. • Avoiding acquisition of unnecessary or duplicative items. • Granting awards to responsible Contractors. • Maintaining records to detail history of the procurement. • Use of time + material (T + M) Contracts. • Protest procedures. • Selection procedures for procurement transactions. • Methods for conducting technical evaluations.
Utilizing Small Businesses, Minority-Owned Firms + Women’s Business Enterprises
Procurement of Recovered Materials
Payroll + Overtime Policy

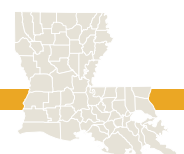
REQUIRED WRITTEN PROCEDURES	FOR PRE- 12/26/2014 PRESIDENTIAL DECLARATIONS	FOR POST- 12/26/2014 PRESIDENTIAL DECLARATIONS
Contract Administration / Oversight	Recipients and Subrecipients (Applicants) must maintain a contract system that ensures Contractors perform in accordance with terms of their <i>Contracts</i> or <i>Purchase Orders</i> , provided procurements conform to the applicable Federal law and standards. [SOURCE: 44 CFR 13.36(b)(2) + 2 CFR 215.47]	



REQUIRED WRITTEN PROCEDURES	FOR PRE- 12/26/2014 PRESIDENTIAL DECLARATIONS	FOR POST- 12/26/2014 PRESIDENTIAL DECLARATIONS
<ul style="list-style-type: none"> Employee + Organizational Conflicts of Interest Standards 	<p>Generally, the following is required:</p> <ul style="list-style-type: none"> Recipients and Subrecipients (Applicants) must maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees or agents of the Recipient. In addition, none of these individuals may participate in the selection, award or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. <p>[SOURCES: 44 CFR 13.36(b)(3) + 2 CFR 215.42 + 2 CFR 318(c)]</p>	
<ul style="list-style-type: none"> Avoiding Acquisition of Unnecessary or Duplicative Items 	<p>Recipient and Subrecipient (Applicant) procedures provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. All Recipients and Subrecipients must establish written procurement procedures.</p> <p>[SOURCES: 44 CFR 13.36(b)(4) + 2 CFR 215.44(a)(1)]</p>	<p>Regulations <i>require</i> consideration be given to consolidating or breaking out procurements to obtain a more economical purchase.</p> <p>[SOURCE: 2 CFR 200.318 (d)]</p>
<ul style="list-style-type: none"> Granting Awards to Responsible Contractors 	<p>Recipients and Subrecipients (Applicants) must make awards <i>only</i> to responsible Contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement.</p> <p>Some form of cost or price analysis <i>must</i> be made and <i>documented</i> in the procurement files in connection with <i>every</i> procurement action.</p> <p>[SOURCES: 44 CFR 13.36(b)(8) + 2 CFR 215.45 + 2 CFR 200.318(h)]</p>	
<ul style="list-style-type: none"> Maintaining Records to Detail History of the Procurement 	<p>Recipients and Subrecipients (Applicants) must <i>maintain records</i> sufficient to detail the significant history of a procurement. These records must include, but are not necessarily limited to the following:</p> <ul style="list-style-type: none"> Rationale for the method of procurement; Selection of the contract type; Contractor selection or rejection; and Basis for the contract price. <p>[SOURCES: 44 CFR 13.36(b)(9) + 2 CFR 215.46 + 2 CFR 200.318(i)]</p>	



REQUIRED WRITTEN PROCEDURES	FOR PRE- 12/26/2014 PRESIDENTIAL DECLARATIONS	FOR POST- 12/26/2014 PRESIDENTIAL DECLARATIONS
<ul style="list-style-type: none"> • Use of Time + Material (T+M) Contracts 	<p>Recipients and Subrecipients (Applicants) must use time and material type contracts only:</p> <ul style="list-style-type: none"> • After a determination that no other contract is suitable; and • If the contract includes a ceiling price that the Contractor exceeds at its own risk. <p>[SOURCE: 44 CFR 13.36(b)(10)]</p>	<p>The non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the Contractor is using efficient methods and effective cost-controls.</p> <p>[SOURCE: 2 CFR 200.318(a)]</p>
<ul style="list-style-type: none"> • Protest Procedures 	<p>Recipients and Subrecipients (Applicants) have protest procedures to handle and resolve disputes relating to their procurements and must in all instances disclose information regarding the protest to the awarding agency.</p> <p>The Recipient is the responsible authority, <i>without recourse</i> to the Federal awarding agency, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of an award or other agreement.</p> <p>[SOURCES: 44 CFR 13.36(b)(11)(12) + 2 CFR 200.318(k)]</p>	
<ul style="list-style-type: none"> • Selection Procedures for Procurement Transactions 	<p>Recipients must have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:</p> <ul style="list-style-type: none"> • Incorporate a clear and accurate description of the technical requirements for the material, product or service to be procured; and • Identify all requirements which the offerers must fulfill and all other factors to be used in evaluating bids or proposals. <p>[SOURCES: 44 CFR 13.36(c)(3) + 44 CFR 215.44(a) + 2 CFR 200.219(c)]</p>	
<ul style="list-style-type: none"> • Methods for Conducting Technical Evaluations 	<p>Recipients and Subrecipients (Applicants) must have a method for conducting technical evaluations of the proposals received and for selecting awardees. Whenever practicable the method must:</p> <ul style="list-style-type: none"> • Identify technical requirements in terms of functions to be performed or performance required; and • Include the range of acceptable characteristics or minimum acceptable standards which must be included in solicitations for goods and services. <p>[SOURCES: 2 CFR 215.44(a)(3)(iii) + 2 CFR 200.320.3(d)(3)]</p>	



REQUIRED WRITTEN PROCEDURES	FOR PRE- 12/26/2014 PRESIDENTIAL DECLARATIONS	FOR POST- 12/26/2014 PRESIDENTIAL DECLARATIONS
<p>Utilizing Small Business + Minority Owned Firms + Women’s Business Enterprises</p>	<p>The Recipient and Subrecipient (Applicant) must take all necessary affirmative steps to assure that minority firms, women’s business enterprises and labor surplus area firms are used when possible. See 2 CFR 200.321 for a list of the <i>Affirmative Steps</i>.</p> <p>[SOURCES: 44 CFR 13.36(e) + 2 CFR 215.44(b)]</p>	
<p>Procurement of Recovered Materials</p>	<p>Contracts and subgrants of amounts in excess of \$100,000 must be in compliance with the standards, orders or requirements issued under Section 306 of the <i>Clean Air Act</i> and other Environmental Protection Agency (EPA) regulations.</p> <p>Local institutions must give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA guidelines.</p> <p>[SOURCES: 44 CFR 13.36(i)(12) + 2 CFR 215.16 + 2 CFR 200.322]</p> <p>Contractors must comply with the <i>Resource Conservation and Recovery Act</i>, specifically procuring only items designated in guidelines of the EPA that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item <i>exceeds \$10,000</i> OR the value of quantity acquired during the preceding fiscal year <i>exceeded \$10,000</i>.</p>	
<p>Payroll + Overtime Policy</p>	<p>FEMA refers to the Subrecipient’s (Applicant’s) personnel as “force account.” FEMA reimburses Force Account Labor (FAL) based on <i>actual</i> hourly rates plus the cost of the employee’s <i>actual</i> fringe benefits. FEMA calculates the fringe benefit cost based on a percentage of the hourly pay rate.</p> <p>Because certain items in a benefit package are not dependent on hours worked, the percentage of overtime is usually different than the percentage of straight time. Fringe benefits may include:</p> <ul style="list-style-type: none"> • Holiday Leave • Accrued Vacation Leave • Sick Leave • Social Security Matching • Medicare Matching • Unemployment Insurance • Workers’ Compensation • Retirement • Health Insurance • Life and Disability Insurance • Administrative Leave 	



PAYROLL + OVERTIME POLICY

Subrecipients (Applicants) must have a written payroll and overtime policy to be eligible for reimbursement under FEMA.

A Subrecipient (Applicant) / employer must establish a workweek (**seven [7] consecutive 24-hour periods**) and must pay **overtime** when hours worked **exceed 40** in the workweek. The practice of paying overtime only after 80 hours in a bi-weekly pay period is *generally* not allowed. **Each workweek must stand alone.** The *Fair Labor Standards Act* (FLSA) provides for certain exceptions. In addition, Subrecipients (Applicants) / Employers who are covered under the FLSA must comply with the **recordkeeping** requirements (which include minimum wage and overtime pay) – as provided in 29 CFR Part 516.

As noted previously, FEMA refers to the Subrecipient’s (Applicant’s) personnel as “force account.” FEMA **reimburses** Force Account Labor (FAL) based on **actual hourly rates plus the cost of the employee’s actual fringe benefits**. FEMA calculates the fringe benefit cost based on a **percentage** of the hourly pay rate.

FEMA determines the eligibility of overtime, premium pay, **and** compensatory time costs based on the Subrecipient’s (Applicant’s) **pre-disaster written labor policy**, provided the policy:

- Does not include a **contingency clause** that payment is subject to Federal funding;
- Is applied **uniformly** regardless of a Presidential Declaration; and
- Has set **non-discretionary criteria** for when the Subrecipient (Applicant) activates various pay types.

If these requirements are not met, FEMA limits Public Assistance (PA) funding to the Subrecipient’s (Applicant’s) **non-discretionary, uniformly applied pay rates**. All costs must be **reasonable** and **equitable** for the type of work performed.

FEMA’s criteria for reimbursing straight-time labor costs differ depending on the **type of employee** and whether that employee is performing **Emergency Work** or **Permanent Work**.

TYPE OF EMPLOYEE	EMERGENCY WORK		PERMANENT WORK	
	Overtime	Straight-time	Overtime	Straight-time
BUDGETED EMPLOYEE	-			
• Permanent Employee	✓	✗	✓	✓
• Seasonal Employee Working During Normal Season of Employment	✓	✗		
UNBUDGETED EMPLOYEE	-			
• 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	✓	✓		



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DEBRIS OPERATIONS BEFORE THE DISASTER

Communities with a *Debris Management Plan* are better prepared to restore public services and ensure public health and safety in the aftermath of a disaster, AND they are better positioned to receive the full level of assistance available to them from FEMA and other participating entities.

During your pre-disaster planning process, it is recommended to cover the following items for debris operations:

- Complete your *Debris Management Plan*;
- Have **debris contracts in place** prior to an emergency or disaster; and
- Select **debris disposal sites**.

Questions for GOHSEP regarding debris removal may be sent to debris.help@la.gov.

Alternative Procedures Pilot Program

FEMA is currently piloting:

- The use of a **sliding scale** for determining the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal. FEMA is changing the basis for when this provision will be implemented effective **60 days** from issuance of this guidance;
- The use of program income from **recycled debris** without offset to the award amount;
- Reimbursing **base** and **overtime wages** for the employees of State, Tribal or local governments, or owners or operators of private nonprofit (PNP) facilities performing or administering debris and wreckage removal; and

ALTERNATIVE PROCEDURE FEDERAL COST SHARE	
DEBRIS REMOVAL WORK (DAYS FROM START OF INCIDENT PERIOD)	FEDERAL COST SHARE
1 — 30	85%
31 — 90	80%
91 — 180	75%
Federal dollars will NOT be provided for debris removal after 180 days [unless an extension is authorized by FEMA Headquarters (HQ)]	

Using the guidelines of the *Alternative Procedures Pilot Program*, East Baton Rouge (EBR) Parish saved hundreds of thousands of dollars recovering from the August 2016 Severe Storms and Flooding (DR-4277).



- Providing **incentives** to a State, Tribal or local government to have a *Debris Management Plan* **accepted** by the FEMA Administrator, and have **pre-qualified** one (1) or more debris and wreckage removal Contractors *before* the start of a declaration's incident period.

These procedures contain provisions intended to increase the effectiveness of debris removal operations and **reduce** Federal administrative costs. Although some provisions are most effective when used together, such as employing a *Debris Management Plan* in an accelerated debris removal operation, Subrecipients (Applicants) may elect to use one (1) or more of the procedures for their debris removal projects.

Utilizing multiple debris removal alternative procedures is **not required** for any given debris removal project in order to receive the incentive for any of the other provisions.

Applicant must notify FEMA of their **intent** to participate.

- This program may offer the possibility of *increased* Federal cost share linked to **accelerated** completion of debris removal, if the disaster:
 - » Generated large quantities of debris, *exceeding* **1.5 million cubic yards** or **\$20 million** in removal costs;
 - » Caused a high concentration of **localized damage**; and
 - » Was declared within **eight (8) days** after the incident.
- Reimbursement is allowed for **straight-time** Force Account Labor (FAL).
- Subrecipients (Applicants) may **retain** income generated from recycling debris.
- The program offers a one-time **two (2) percent** *increased cost share incentive* for a FEMA-accepted *Debris Removal Plan*.
 - » The plan must have **prequalified contractors** to qualify for the two (2) percent **incentive**.

Learn More

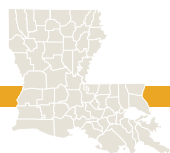
Since this is a pilot program, FEMA makes changes annually to the requirements. Visit [fema.gov/media-library/assets/documents/115868](https://www.fema.gov/media-library/assets/documents/115868) to review the most recent program guide for debris removal.

- **FEMA Public Assistance Alternative Procedures (PAAP) Documents**
[fema.gov/media-library/assets/documents/115868](https://www.fema.gov/media-library/assets/documents/115868)

**Public Assistance
Alternative Procedures
Pilot Program
Guide for Debris Removal (Version 5)**
June 28, 2017



Federal Emergency Management Agency
Department of Homeland Security
500 C Street, S.W.
Washington, DC 20472

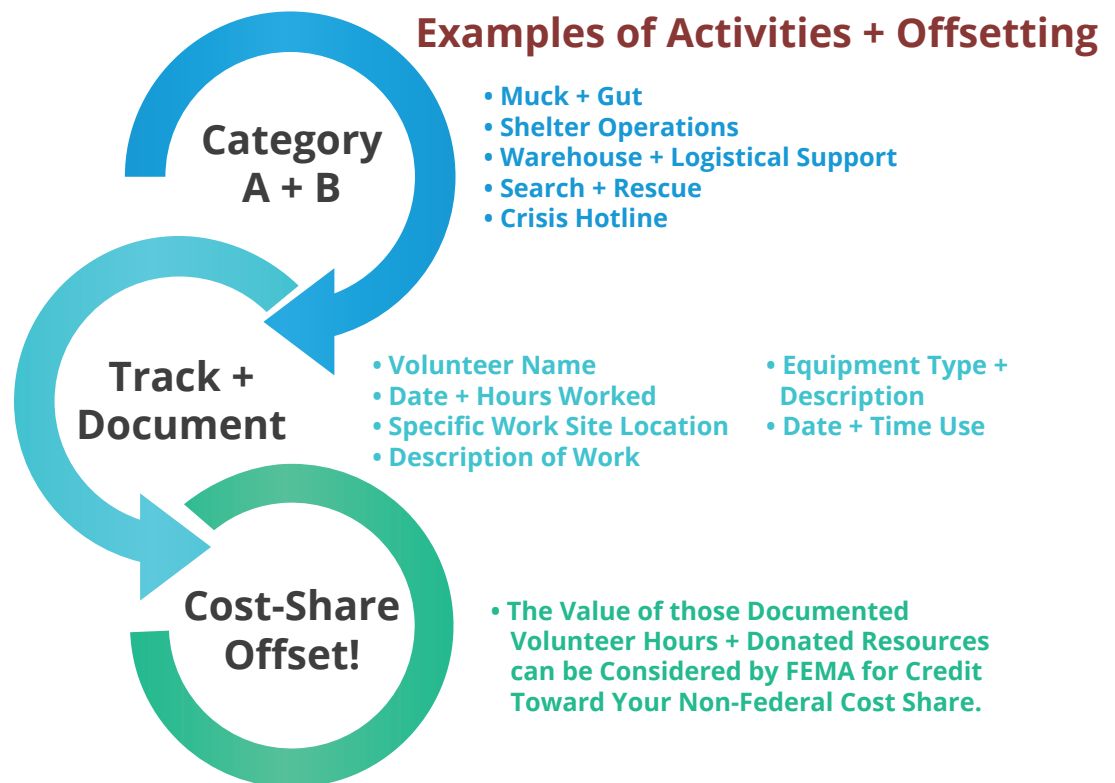


OFFSETTING THE LOCAL MATCH – VOLUNTEER + DONATED RESOURCES

Emergencies and disasters can be financially draining on States, local governments, communities and residents. We have all felt the effects of rising disaster-related costs and declining Federal, State and local resources, when responding to what seems to be an *increasing* number of emergency and disaster events.

In the aftermath of an emergency or disaster, especially a large scale event, individuals and organizations often donate resources – **equipment, goods, materials, services** and/or **volunteer labor** – to assist with **response activities**. The key to *maximizing* those gifts of time and materials is **documentation**.

When local communities, Parishes and the State successfully **capture, quantify, document** and assign **value** to donated volunteer time and other donated resources, they open the door for those resources to **offset** (*reduce*) the **non-Federal cost share** of **FEMA Public Assistance (PA)** grants. Those offsets can save local governments and the State MILLIONS of dollars.



Scan here to learn more about Volunteer and Donated Resources.




What is the Offset?

FEMA allows individuals and organizations to donate resources to assist with response and recovery activities. Donated resources can include **donated equipment, goods, materials** or **labor**.

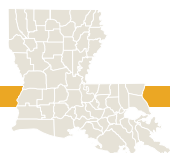
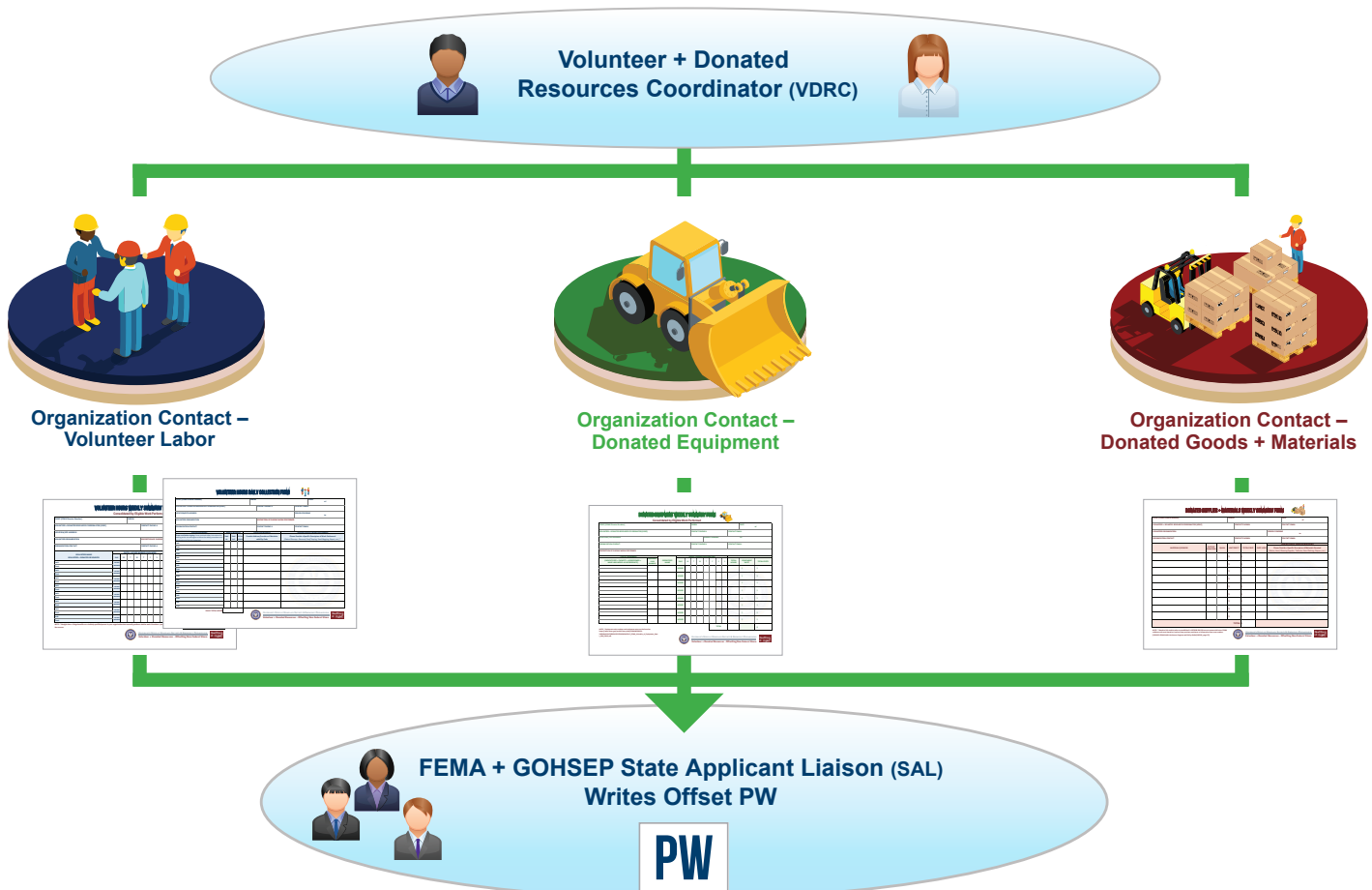
While FEMA does NOT provide FEMA PA funding for donated resources, Subrecipients (Applicants) may use the **value** of donated resources to offset (*reduce*) the Subrecipient's (Applicant's) non-Federal cost share of its eligible **Emergency Work** – Category A and B – projects and **Direct Federal Assistance (DFA)**.

Requirements for Offsetting

As noted previously, FEMA has determined that the value of volunteer hours and donation of goods, services, supplies and materials may be **credited** to offset (*reduce*) a portion or all of the non-Federal cost share of a  **FEMA** Public Assistance (PA) grant. These are the requirements:

- Donated resources may include **volunteer labor, donated equipment, goods** and **materials**.
- These “in-kind” donations must come from a **third party** organization or individual that has no obligation to the Subrecipient (Applicant).

CAPTURE + QUANTIFY + DOCUMENT + VALUE OF VOLUNTEER + DONATED RESOURCES



- They are limited to **eligible Emergency Work** – Category A (Emergency Protective Measures) and Category B (Debris).
- The eligible work must also be the **legal responsibility** of the Subrecipient (Applicant) and must be *essential* to meeting *immediate* threats to life and property resulting from a major disaster.

The Subrecipient (Applicant) may apply the offset if all of the following conditions are met:

- Work provided through *Mutual Aid Agreement (MAA)* is **eligible**, provided there is **NO COST** to the Subrecipient (Applicant).
- Resources and work performed are **tracked** and **documented**.

[SOURCE: FEMA Donated Resources Criteria for Public Assistance.]

Six (6) Steps to Offsetting

To help local authorities offset the non-Federal cost share of their FEMA PA Emergency Work grants, GOHSEP has created a **Six- (6) Step Process** for capturing, quantifying, documenting and determining value of donated volunteer time, equipment, materials, supplies, services and goods that can be applied to the offset. See the chart to the right.

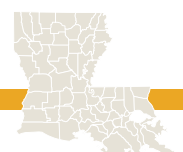
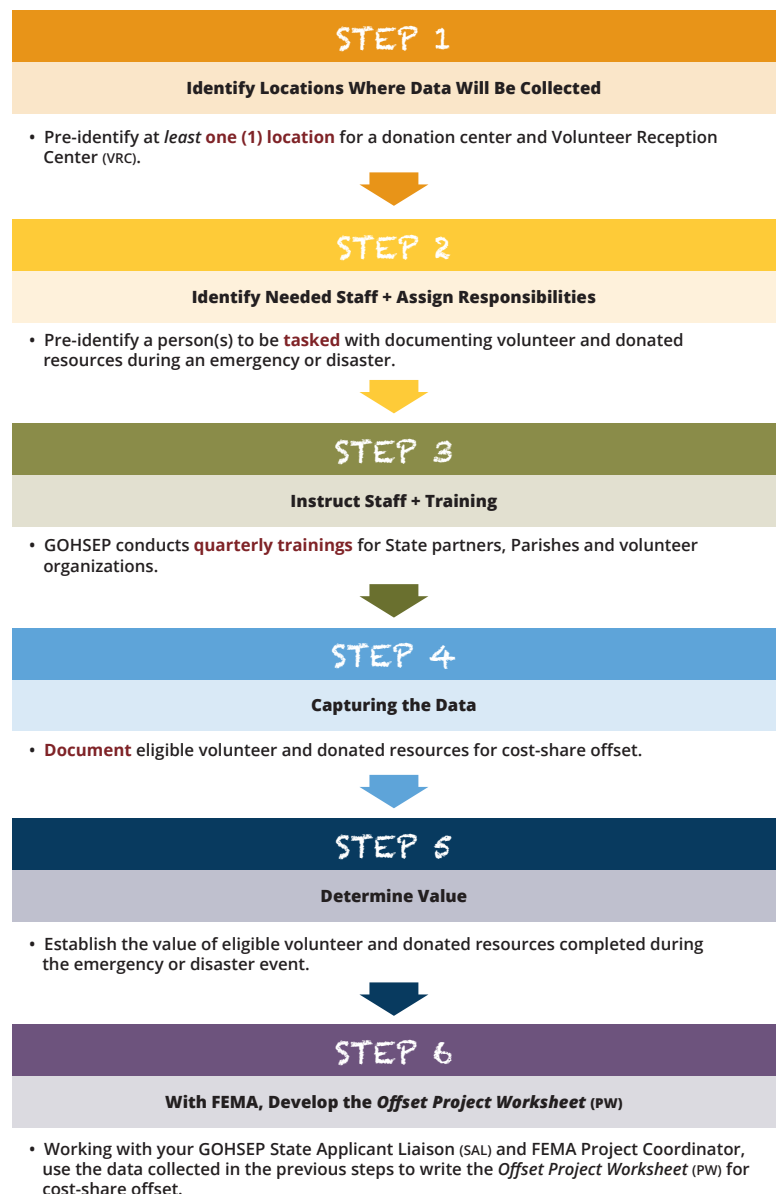
Plan Ahead

Effectively organizing and managing volunteers and keeping track of donated goods, supplies, materials and equipment requires some **thought** and **planning**.

GOHSEP encourages local authorities to develop a local *Volunteer + Donated Resources MANAGEMENT Plan*. Planning helps ensure the **highest** and **best use** of volunteer time and donated resources, using **sound management practices** and **systems** to address **registering, organizing, managing** and **overseeing** “all things” related to volunteer and donated resources, including but *not limited to* **documentation**.

The graphic on the next page identifies some key elements you may want to consider in your plan.

THE PROCESS





DISASTER CYCLE OF VOLUNTEERS + DONATED RESOURCES



LEGEND

- Subrecipient
- Volunteer and Donated Resources Coordinator(s) (VDRC)
- Volunteer

