

Blue Sky Day: Understanding How To Prepare Today

NEBRASKA

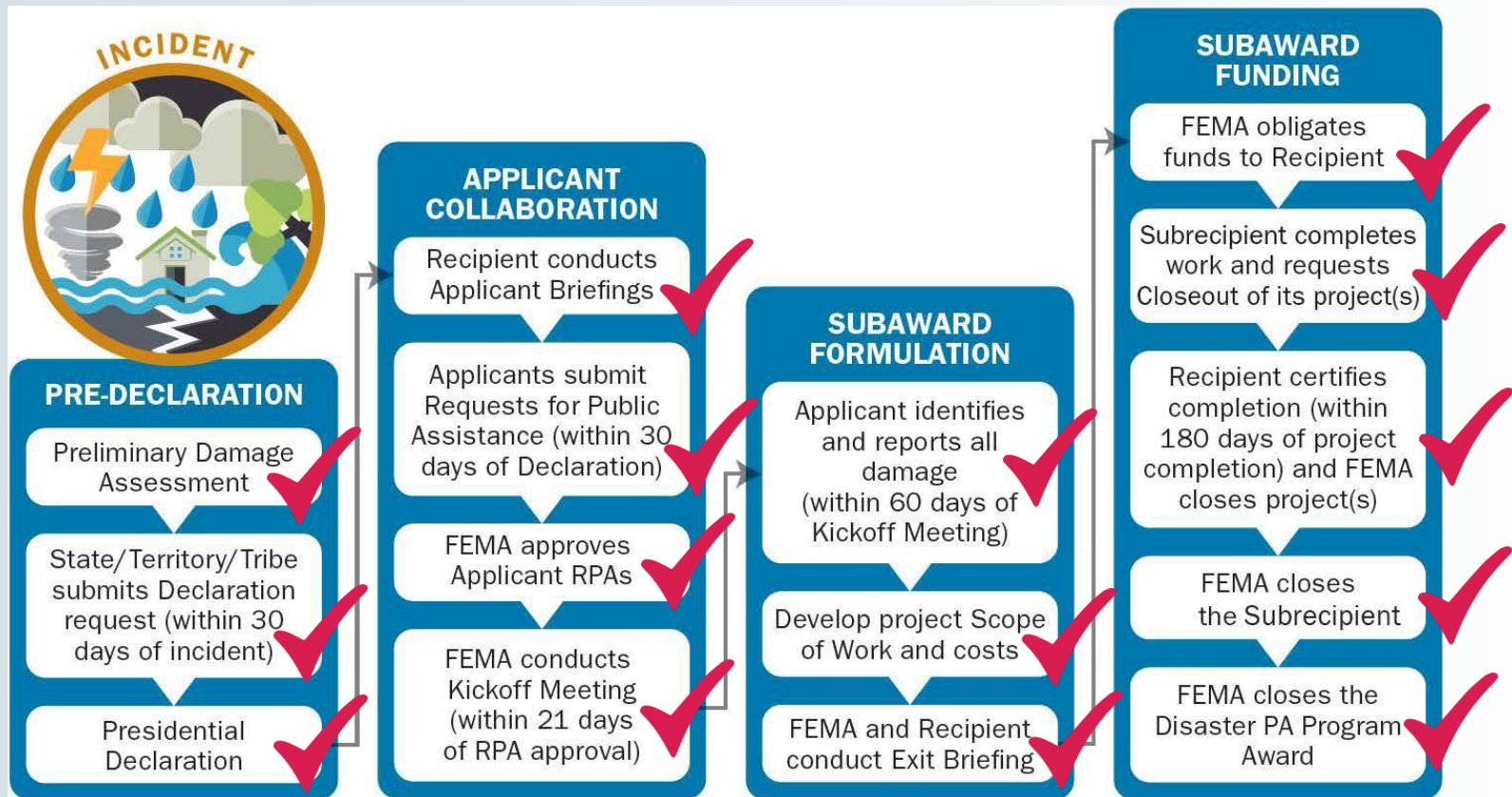
Good Life. Great Strength.

Agenda

- Explore how to modify current processes to include FEMA approved Methods
- Examine current procurement procedures for compliance
- Register for NEW Grants Portal System and LIVE DEMO

****If you have not sent information for Grants Portal- please email your Entity Name, Contact Name, Phone Number and Email to Patrick.conway@Nebraska.gov**

The Entire Federal Disaster Process

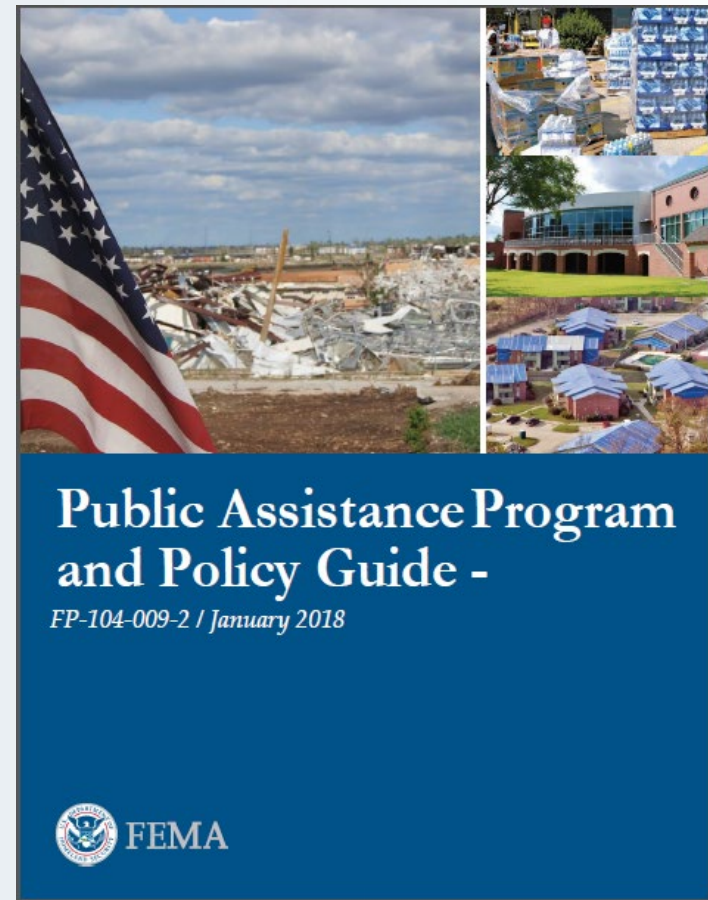


Blue Sky Day... What can I be doing now?

1. Review the most current Public Assistance Program and Policy Guide

Public Assistance Program and Policy Guide (PAPPG)

- Combines all Public Assistance Policy into a single volume and provides an overview of the PA program implementation process with links to other publications and documents that provide additional process details.
- Disasters that occur this year will fall into January 2018 guidance
- Pay attention to updates: Houses of Worship as eligible applicants and updated Debris Removal requirements



Blue Sky Day...

1. Review the most current Public Assistance Program and Policy Guide
2. Review and Update Procurement Policy/ Requirements




Procurement

- Applicants must comply with Federal procurement standards as a condition of receiving PA funding for contract costs for eligible work. Federal procurement standards for State and Territorial governments are different than those for Tribal and local governments and PNPs.
 - States and Territorial Governments:
 - State and Territorial government Applicants must follow the same policies and procedures they would use for procurements with non-Federal funds
 - comply with 2 CFR § 200.322, Procurement of recovered materials
 - ensure that every purchase order or other contract includes any clauses required by 2 CFR § 200.326, Contract provisions
 - Non-State Applicants (Tribal, Local Governments and PNPS)
 - Non-State Applicants (Tribal and local governments and PNPs) must use their own documented procurement procedures that reflect applicable State, Territorial, Tribal, and local government laws and regulations, provided that the procurements conform to applicable Federal law and standards



Procurement Cont.

- Must comply with the following federal standards:
 1. Provide full and open competition;
 2. Conduct all necessary affirmative steps to ensure the use of minority businesses, women's business enterprises, and labor surplus area firms when possible;
 - What does this mean?
 1. Place qualified socioeconomic firms on their solicitation lists;
 2. Assure that socioeconomic firms are solicited whenever they are potential sources;
 3. Divide total requirements, when economically feasible, into smaller tasks or quantities;
 4. Establish delivery schedules, where the requirement permits, which encourage participation by socioeconomic firms;
 5. Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 6. Require prime contractors to take steps (1) through (5) if they use subcontractors.
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Procurement Cont.

3. Exclude contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals from competing for such procurements to ensure objective contractor performance and eliminate unfair competitive advantage;
4. Maintain written standards of conduct covering conflicts of interest and governing the performance of employees who engage in the selection, award, and administration of contracts;
5. Maintain records sufficient to detail the history of the procurement.
 - What does this mean?
 - Rationale for the method of procurement
 - Selection of contract type
 - Contractor selection or rejection
 - The basis for the contract price

Procurement Methods

- Tribal and local governments and PNPs must use one of the following procurement methods:
 - **Micro-purchase**
 - $\leq \$3,500$ or comparable state/local/tribal threshold, whichever is lower
 - Requires only ONE quote if price is reasonable
 - MUST distribute equitably among vendors
 - **Small purchase procedure**
 - $\leq \$150,000$ or comparable state/local/tribal threshold, whichever is lower
 - Requires quotes from three (3) suppliers

Procurement Methods

– Sealed Bidding


- Preferred method for construction contracts
- Firm-fixed-price contract is awarded to the lowest priced, responsive, responsible bidder
- Non-state applicants must solicit bids from an adequate number of suppliers
- Local and tribal governments must publicly advertise the invitation for bids and open bids publicly

– Competitive Proposals (§ 200.320(d))


- Method generally used when conditions are not appropriate for sealed bidding
- Fixed price or cost reimbursement contract is awarded to the responsible firm whose proposal is most advantageous to the non-state applicant
- Non-state applicants must publicize requests for proposals (RFPs), and solicit proposals from an adequate number of qualified sources
- RFPs must identify all evaluation factors and their relative importance




Non-Competitive Proposal

- FEMA may reimburse costs incurred under a contract procured through a noncompetitive proposal only when one or more of the following apply:
 1. The item is only available from a single source;
 2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 3. FEMA or the Recipient expressly authorizes a noncompetitive proposal in response to a written request from the Applicant; or
 4. After solicitation of a number of sources, competition is determined inadequate
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Contracts

- FEMA reimburses costs incurred using three types of contract payment obligations: fixed-price, cost-reimbursement, and, to a limited extent, time and materials (T&M).
 - FEMA does NOT reimburse costs incurred under a cost plus a percentage of cost contract or a contract with a percentage of construction cost method
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Frequent Sources of Non-Compliance Issues

1. Time and Materials Contracts
 2. Cost-Plus-Percentage-of-Cost Contracts
 3. Piggybacking
 4. Geographic Preferences
 5. Awarding to Contractors that Drafted Solicitation Documents
 6. Suspended or Debarred Contractors
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Blue Sky Day...

1. Review the most current Public Assistance Program and Policy Guide
 2. Review and Update Procurement Policy
 3. Assess eligible facilities for possible insurance
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Insurance

- If it is a facility that can be reasonably insured- consider getting insurance on it.
 - Insurance payouts are often faster and easier to deal with
 - Not all “self-insured” entities are recognized by the Federal Government as self-insured. (look into this now)
 - Still may have to comply with obtain and maintain requirement- if applicant does not comply- FEMA will deny or de-obligate funds
- *** If an applicant does not maintain the required insurance from a previous disaster, then the facility is not eligible for PA funding in a subsequent disaster, regardless of the hazard(s) that caused the damage
- *** If an applicant does not have flood insurance for a property located in an area that FEMA has identified as an SFHA for more than 1 year, and it has been damaged by flood, FEMA will reduce eligible project costs by the lesser of: the maximum amount of insurance proceeds that could have been obtained from an NFIP standard flood insurance policy for the building and its contents OR the value of the building and its contents at the time of the incident.


Blue Sky Day...

1. Review the most current Public Assistance Program and Policy Guide
 2. Review and Update Procurement Policy
 3. Assess eligible facilities for possible insurance
 4. Document condition of facilities, buildings, roads, bridges, culverts.
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Why?

- **Minimum Work Eligibility Criteria:**
 - Be required as a result of a declared incident
 - Be located within the designated area, with the exception of sheltering and evacuation activities AND
 - Be the legal responsibility of an eligible applicant
- **The Applicant is responsibly for showing that work is required:**
 - Due to an immediate threat resulting from the declared incident (for emergency work)
 - To address damage caused by the declared incident

Why?

- For debris removal, the Applicant must demonstrate that the debris causing an immediate threat was generated during the declared incident period and directly by declared incident.
 - Pictures of trees on public property
 - Maintenance records showing trees were probably trimmed
 - For temporary repairs mold remediation, and Permanent Work, the Applicant must demonstrate that damage was caused directly by the declared incident. FEMA does not provide PA funding for repair of damage caused by:
 - Deterioration
 - Deferred Maintenance
 - The Applicant's failure to take measures to protect a facility from future damage
 - Negligence
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Blue Sky Day...

1. Review the most current Public Assistance Program and Policy Guide
 2. Review and Update Procurement Policies
 3. Assess eligible facilities for possible insurance
 4. Document condition of facilities, buildings, roads, bridges, culverts.
 5. Training
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Training

- Connect with your local Emergency Manager regarding trainings/exercises you are interested in or would like to see
- If your entity is interested in a more specialized training, contact NEMA to schedule an EM 101
- Look on NEMA Training Website for upcoming training opportunities statewide- <https://nema.nebraska.gov/operations/training-schedules>

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5. Training
6. Register and begin uploading “annual documentation” in GRANTS PORTAL

Useful Websites

- GRANTS PORTAL DEMO: <https://grantee.fema.gov/>
- NEMA PA WEBSITE: <https://nema.nebraska.gov/recovery/public-assistance>

- Procurement: <https://www.fema.gov/procurement-disaster-assistance-team>
- Equipment Rates: <https://www.fema.gov/schedule-equipment-rates>
- PAAPG: <https://www.fema.gov/media-library/assets/documents/111781>

Webinar 3: Blue Sky Day

Thank you!

Questions?

FEMA Help Desk: 866-337-8448

NEMA:

Contact Information:

Donny Christensen
Molly Bargmann
Mary Baker
John Cook
Nick Walsh
Patrick Conway
Connor Conzone

Recovery Section Manager
Recovery Section Supervisor
State Hazard Mitigation Officer
Planning Specialist
Planning Specialist
Planning Specialist
Planning Specialist

Donny.Christensen@Nebraska.gov
Molly.Bargmann@Nebraska.gov
Mary.baker@Nebraska.gov
John.cook@Nebraska.gov
Nicholas.walsh@Nebraska.gov
Patrick.Conway@Nebraska.gov
Connor.conzone@Nebraska.gov