

# NORTH CAROLINA EMERGENCY MANAGEMENT

## Disaster Debris Management Workshop

Thursday, June 15th, 2017

Wilmington, NC



Presenter: Mary Glasscock – NCEM PA



# PUBLIC ASSISTANCE PROGRAM

## Emergency Work

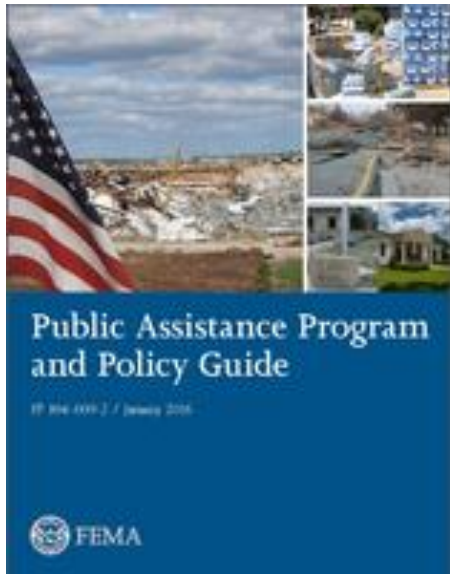
- Cat. A – Debris Removal
- Cat. B – Emergency Protective Measures



## Permanent Work

- Cat. C – Road Systems & Bridges
- Cat. D – Water Control Facilities
- Cat. E – Buildings and Equipment
- Cat. F – Utilities (Electric, Water)
- Cat. G – Parks and Other Facilities

# NEW FEMA GUIDANCE



## **FP 104-009-2 Public Assistance Program and Policy Guide (PAPPG, v 2.0 – April 1, 2017)**

This PAPPG will supersede all previous policies and publications, including any 9500 series publications.

Email: [FEMA-PAPolicy@fema.dhs.gov](mailto:FEMA-PAPolicy@fema.dhs.gov)

# REIMBURSEMENTS FOR A FEDERAL EVENT

## Eligible Project Costs – Federal Declaration

- 75% Federal Share (administered by the State)
- 25% State Share

State Participation in the total costs are determined by the State Legislature.

**\*State Declarations** cover 75% for Categories A, B and C.

## DECLARATION CRITERIA - FEDERAL

Statewide threshold: \$13,635,740.69 (*was* \$13,445,031.03)

Statewide per capita = \$1.43 (*was* \$1.41)

2010 NC Census = 9,535,483

County threshold: \$3.61 per capita (*was* \$3.57)

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**Small Project** – PW's must be written for at least \$3,100 but less than \$123,100

**Large Project** - Equal to or greater than \$123,100 - Progress Payment

# DEBRIS



North Carolina Emergency Management

# PRIORITIZING DEBRIS ACTIVITIES

## **Debris Clearance or “Cut and Toss” or “Phase I”**

Clearance of debris that hinders immediate actions to protect health and safety.

## **Debris Removal or “Phase II”**

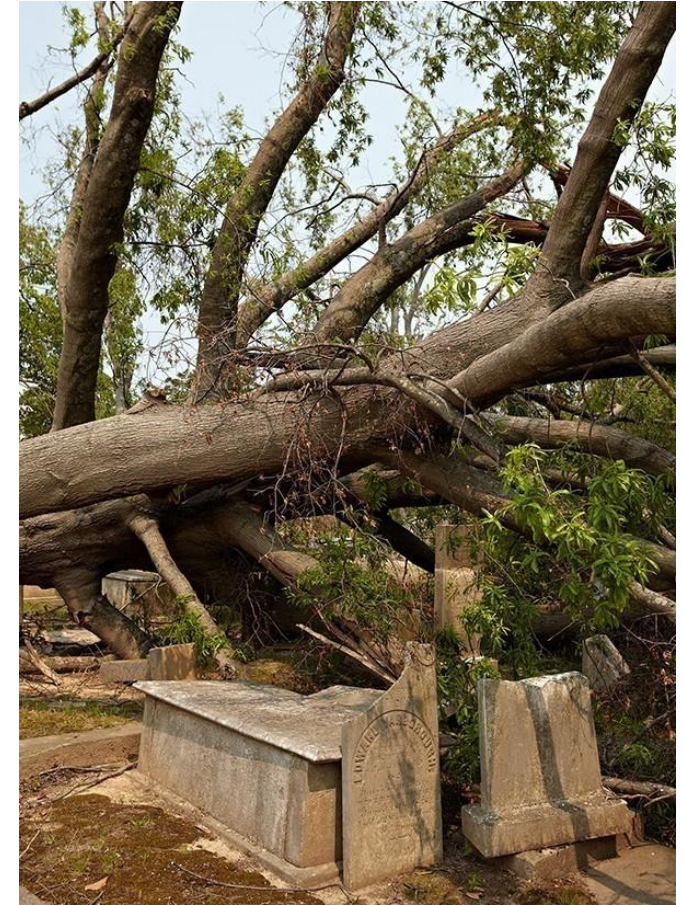
Removing and disposing of debris that hinders the recovery of a community.



# ELIGIBLE DEBRIS

## Eligible debris can include:

- Downed trees, stumps, out-turned root balls
- Sand, mud, rocks, soil
- Building components - glass, metal, roofing material, tile, gypsum board
- Dead animals, medical instruments
- Household appliances and electronic equipment





## INELIGIBLE DEBRIS

- Removal of debris from vacant lots, forests, heavily wooded areas, unimproved property, unused areas and farmland
- Removal of debris from commercial properties and industrial parks
- Removal of reconstruction debris
- Private property and business-district debris is generally not eligible unless deemed eligible by FEMA FCO due to a life, health and safety hazard. Very rare!

## **INELIGIBLE DEBRIS, CONT.**

- Removal of underground structures, wells, tanks, septic systems, basements, pipe, storm shelters, swimming pools
- Removal of driveways, concrete pads, slabs, foundations
- Demolition of commercial structures
- Normal household garbage

# ELIGIBLE DEBRIS COSTS

- ✓ Force Account Labor
- ✓ Equipment
- ✓ Materials and Supplies
- ✓ Mutual Aid
- ✓ Contracted Services
- ✓ Project Management
- ✓ Monitoring



## FORCE ACCOUNT LABOR

- Regular time is ineligible, \*unless the applicant participates in the Sandy Debris Pilot. Overtime is eligible.
- Temporary hires are eligible for event-related debris work
- Document all labor hours (RT and OT) and tie those hours to any equipment used during the event
- Eligible costs for FAL will be limited to the applicant's pay policy in place at the time of the disaster

# FORCE ACCOUNT EQUIPMENT

**Document all equipment costs – [FEMA equipment rates/2016](#)**

- FEMA equipment rates are readily accessible, but the applicant may use their own equipment rates.
- Equipment hours claimed must have an operator.
- If equipment is used intermittently for more than 50% of the work day, it may be submitted for reimbursement for the entire day as long as it is tied to labor

# MATERIAL COSTS

**Document all material required to perform debris operations.**

Examples:

- Safety equipment purchased and used for the disaster
- Supplies for sending debris operation Public Safety Announcements
- Materials to build monitoring towers (used by FAL)
- Load tickets used in the disaster
- Handheld devices or tables specific for the disaster (not debris software)

# RENTAL EQUIPMENT COSTS

## Document all rental equipment costs:

- Reasonable rental costs are eligible
- Obtain at least three quotes to establish lowest reasonable rental rate
- Tie rental equipment to force account labor



## MUTUAL AID - FEDERAL DISASTERS

- Best: Agreement(s) must be put in place prior to an event.
- Second Best: Put agreement in writing between the parties within 30 days of last day of incident period.
- Provide clearly defined, written and signed agreements.
- Mutual Aid Reimbursement will be in accordance with the conditions specified in the agreement.



## **LANDFILL CHARGES - REIMBURSEMENT**

### **Fixed Costs are eligible**

Those parts of the tipping fee used to pay for landfill operations, and loss of landfill capacity

### **Variable Costs are not eligible**

Example: Special fees added to a tipping fee to cover the cost of recycling, infrastructure projects, fundraising, etc.

## OIG & TIPPING FEES FINDING

### “FEMA Should Disallow \$1.2 Million of \$6.0 Million in Public Assistance Program Grant Funds Awarded to the City of San Diego, California”

“City officials did not—

- implement an adequate accounting process that accurately captured and verified the eligibility of landfill costs incurred (finding A);
- **reduce its claim by the amount of ineligible special taxes and fees the landfill levied (finding B); and**
- exclude costs for pre-disaster damages unrelated to the disaster (finding C).”

# FEMA GUIDANCE

## Emergency Contracting vs. Emergency Work

- Non-competitive bid contracts for debris removal are acceptable only in very rare circumstances
- Non-competitive bids awarded days after the start of the disaster hits are normally not acceptable
- Applicants may use an expedited process for obtaining competitive bids

# DEBRIS MONITORING



# DEBRIS MONITORING - FEMA'S PERSPECTIVE

Debris monitoring is required, and eligible, for three primary reasons:

- ✓ To keep costs reasonable
- ✓ To ensure safety
- ✓ To prevent fraud



# MONITOR'S RESPONSIBILITIES

- Maintaining responsibility for load tickets from start and finish of debris ops
- Verifying all debris picked up is a direct result of the disaster event
- Measuring and inspecting trucks to ensure how full they are actually loaded, coming and going
- On-site inspection of pick-up areas, debris routes, DMS and disposal sites
- Verifying the contractor is working in its assigned contract areas
- Verifying all debris reduction and disposal sites have secure access

## LOAD TICKETS

- Once a truck is loaded with debris, the site monitor is the one who fills out the load ticket
- Load tickets are issued by the monitors, and are critical to support the project worksheet for debris removal and contractor payment
- Load tickets are typically 5-part tear off paper forms and sequentially numbered.

## MONITORING - BEST PRACTICES

- Use load tickets with every possible hauling, reduction and disposal method your site would use
- Use certified scales if by weight, but back this up with a noted CY/tonnage amount for each truck by placard
- Use 5-part tickets. Site monitor keeps 1 copy, and truck driver gets the remaining four copies.



# DEBRIS PLANNING



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# SPECIAL CONSIDERATIONS

- ✓ Historic Preservation
- ✓ Cultural Resources
- ✓ SHPO (Occasionally)
- ✓ Hazard Mitigation
- ✓ Environmental Resources
- ✓ Flood Hazard Areas
- ✓ Insurance Requirements



## WHY THE EMPHASIS ON DEBRIS PLANS?

- Debris, on average, is close to 50% of all disaster costs in the U.S.
- Poorly managed debris operations and reduced reimbursement – determined by FEMA to be caused by limited planning
- Debris creates recurring problems:
  - Eligibility Issues
  - Questionable Procurement Methods
  - Questionable Contracts and Contractors
  - Proper Monitoring Issues
  - Safety & Health Issues and Community Concerns

## ISSUES IN PRIOR DISASTERS

- Improper contracts and unit costs
- Insufficient monitoring
- Poorly organized response
- No documented debris estimates
- Mixing in non-disaster debris with eligible debris
- Failure to comply with environmental or historical requirements
- Failure to ensure proper permitting is in place for debris sites
- Incorrect contacts for necessary staff at other agencies

### CHALLENGES

Complexity  
Coordination  
Public's Expectation  
Reimbursement  
Community Recovery

## ELEMENTS OF A DMP

- Confirmed assessments of various debris scenarios
- Well-defined debris collection plan
- Identified debris management sites
- Established health & safety procedures
- Established debris management structure
- Well-defined procedures for contractors
- Well-defined roles for staff and temporary hires working debris
  
- ❖ *Identified processes for private property debris removal*

## DEBRIS PLANNING VARIABLES

- Staffing
- Equipment
- Time
- Space
- Expertise
- State Agency Involvement
- Federal Agency Involvement
- Complex Rules/Regulations
- Contractors Availability
- Community Input

# OUTSIDE AGENCY INVOLVEMENT

- US Army Corps of Engineers
- US Coast Guard
- US Fish and Wildlife
- USDA Natural Resources Conservation Service
- Office of the Inspector General
- Environmental Protection Agency
- FEMA – Environmental/Historical Preservation
- State – State Historic Preservation Office
- State – Department of Transportation
- State – Department of Health & Human Services
- State – Dept. of Administration (HUB)

# DEBRIS MANAGEMENT SITES

- **Pre-Disaster Planning**
  - Pre-identify DSM locations with DEQ, Solid Waste
  - Get Conditional Approval for potential use
- **Post-Disaster Permitting & Activities**
  - Request formal activation of site before using the site
  - Provide copy of the permit to FEMA for the backup documentation that moves the PW toward payment
  - DSM's are temporary, and must be cleared and closed within six month of receipt of first disaster debris



## PRE-DISASTER PLANNING

- Municipalities and Counties should have their own DMP's. What if a “localized” storm hits a town but does not effect the larger county?
- What if there is enough damage for a state declaration for the town but not the county?
- Collaboration – and mutual coordination - of DMP's between municipalities, counties and other agencies are KEY.

## **SOLID WASTE - ITEMS TO CONSIDER**

- ✓ Determine all potential types and quantities of debris, and where they should go in your community for separation/reduction (TDMS)
- ✓ Reduction methods (i.e., incineration, chipping, recycling, etc.) and what should end up at the landfill.
- ✓ Proximity and likely effect on residential areas, education and healthcare facilities

## PUBLIC INFORMATION PLANNING

- Manages expectations for debris removal schedules and routes, lessening community fears on health/safety
- Identifies drop-off locations and clear guidance to communities about separation of debris (be specific: “Tornado Martha Waste”)
- Encourages cooperation in separating curbside piles by type: vegetative, disaster C&D, white goods/household hazardous waste, etc.

# PUBLIC INFORMATION PLANNING

Example for community planning:

*“Don’t **“CHEAT”** The Environment”*

“C” - Construction and Demolition

“H” - Household Hazardous Waste

“E” - Electronic Waste

“A” - Appliances (White Goods)

“T” - Trees or Vegetative Debris



# HOW CAN THE STATE HELP?

State Public Assistance (PA) reviews:

- Debris Management Plans
- RFP's
- Contracts
- Personnel Policies
- Optimal contract terms & rating schedules
- Procurement policy
- Other items to assist in applicant's understanding of the program



# CONTRACTS & PROCUREMENT



# CONTRACTING REQUIREMENTS

- Use competitive bidding
- Scope of work (SOW) must be clearly defined
- Specifically address each task to be accomplished
- Require detailed documentation
- Include a termination for convenience clause
- Specify a reasonable period of performance
- Move forward with low cost, most responsible and reasonable

# DEBRIS CONTRACT TYPES

- T & M: After the first 70 hours, contracts must be competitively re-bid on a unit price basis
- Unit Price: Units are either Cubic Yards (CY) or Tons (tonnage)
- Lump Sum: Used only when the scope of work is very clearly defined





## INELIGIBLE CONTRACT TYPES

- “Cost Plus” (aka Cost plus a percentage of the cost)
- Contracts that move forward only when funding is dependent upon State or Federal disaster assistance
- Contracts awarded to debarred contractors

<https://ncadmin.nc.gov> (NC debarred vendors link from home page)

[www.sam.gov](http://www.sam.gov) (Federal debarred contractors – “exclusions” in search)

# PROCUREMENT

- Follow Federal, State and Local procurement policies, whichever is the most restrictive
- 2 CFR 200.317-326, “Procurement Standards” (formerly 44 CFR 13.36)
- Competition is required except in the rarest of circumstances.

*“The non-Federal entity (applicant) must use its own documented procurement procedures which reflect applicable State, local and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.” – 2 CFR 200.318(a)*

# FEDERAL & STATE OF N.C. PROCUREMENT

## Micro-Purchase vs. (no rule)

Under \$3500  
*Goods & Services*

Can award contract without competition if price is fair and reasonable

No comparable provision in state law. Purchase and service contracts less than \$30,000 are not subject to competitive requirements

## Small Purchase vs. Informal Bidding

\$3500.01 - \$150,000  
*Goods & Services*

Obtain rate or price quotes from an adequate number of sources (3/TF)

(Both) Cannot divide contract to bring contract cost under \$150,000; changes to contract must fall with original SOW.

## Sealed Bid vs. Formal Bidding

\$150,000.01 and greater  
*Goods & Services*

Public advertisement(s) providing sufficient time for bidders. (7 days)

State law mentions purchase, construction and repair contracts. Not services.

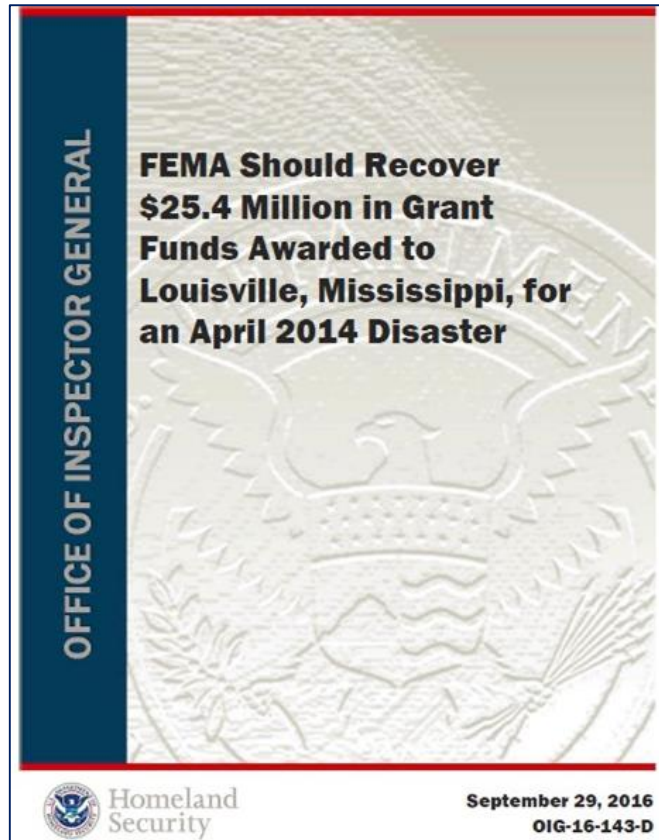
# NONCOMPLIANT PROCUREMENT

*“FEMA may take any number of enforcement remedies to rectify noncompliant procurement methods under a Stafford Act declaration.” (2 CFR 200.338)*

*These include:*

- Temporarily withhold cash payments pending correction of deficiency
- Disallow all or part of the cost of the activity and project
- Initiate suspension or debarment proceedings
- Take other remedies that may be legally available

# OIG AND NONCOMPLIANT PROCUREMENT



*...however, the City did not follow Federal procurement standards in awarding 12 contracts totaling \$23.9 million. Specifically, for 11 contracts totaling \$23.3 million, the City did not take the required affirmative steps to ensure the use of disadvantaged firms when possible. - Sept 29, 2016*

# DIVERSITY AND PROCUREMENT

*“The non-Federal entity must take all necessary steps to ensure that minority businesses, woman-owned businesses, and labor surplus area businesses are used when possible.” 2 CFR 200.231*

- NC Department of Administration – HUB Web site
  - Can post RFP’s online easily and for free  
<https://ncadmin.nc.gov/businesses/hub>
- Procurement Technical Assistance Center
  - Submit and they distribute the RFP for you  
<http://www.sbtadc.org/programs/ptac/contact/>

## DEBRIS CONTRACTORS AND FEMA

- FEMA does not recommend, pre-approve, or certify any debris contractor.
- FEMA does not certify or credential personnel other than official employees and Technical Assistance Contract personnel assigned to the disaster by FEMA.
- Only FEMA has the authority to make eligibility determinations, not the contractor.

# DEBRIS ALTERNATIVE PROCEDURES





# DEBRIS ALTERNATIVE PROCEDURES



Adobe Acrobat  
Document

## The Four Incentives

- Federal Share Sliding Scale
- Recycling Revenues
- Regular Time Reimbursement
- Debris Management Plan

## Debris Alternative Procedures - Voluntary

Applies to large and small projects

Does not change PW review or final inspections

Debris PAAP is still ongoing at the present time

## DEBRIS PILOT - REGULAR TIME REIMBURSABLE

- ✓ Track both labor and equipment hours for FAL and temporary labor
- ✓ Keep hourly records for FAL and temporary staff assigned to debris activities
- ✓ RT reimbursable can stand on it's own with no other debris pilot participation

***For both Large and Small projects!***

# DEBRIS PILOT - FEMA-APPROVED DMP

- FEMA-approved DMP's provide incentives to a State, Tribal or local government.
- A FEMA-approved DMP will net you an extra 2% fed share.
- State PA Staff will assist in this process.



## DEBRIS PILOT - REMOVAL SLIDING SCALE

- 85/15 percent reimbursement for eligible debris removed during the first 30 days of the incident (from when the incident began to 30 days later)
- 80/20 percent reimbursement for the next 60 day period (days 31-90) following the start of the incident
- 75/25 percent reimbursement for any additional debris removed from day 91 to day 180

# DEBRIS PILOT - RECYCLING REVENUES

- Recycling revenue no longer removed from the PW
- Costs captured for recycling and reimbursed by FEMA must be used to advance future debris operations



# THANK YOU

This Disaster Debris presentation, and relevant documents and guidance, will be provided to you via NC DEQ – Solid Waste.



# NCEM PUBLIC ASSISTANCE

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