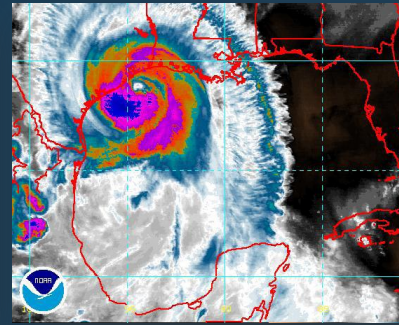


H-GAC 2014 Disaster Debris Workshop Series

May 21, 2014



Workshop 1: Procurement Process for Debris Services

LOCATION:

H-GAC CONFERENCE ROOM A
3555 TIMMONS LANE
HOUSTON, TX

TIME:

8:30 A.M. TO 12:30 P.M.

REFRESHMENTS WILL BE
PROVIDED.



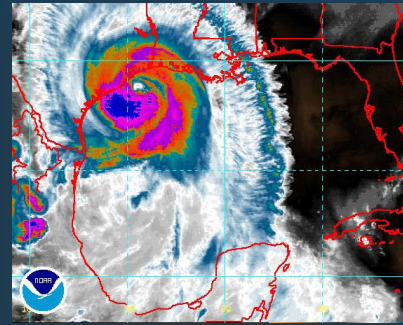
Welcome

- Introductions
 - Name
 - Agency



Agenda

- Introductions
- Procurement Procedures Overview
- Break
- Federal Guidance for Procurement
- Break
- Case study: New Jersey Procurement
- Procurement Resources
- Questions/Adjourn



Part 1: Introductions and Purpose





FEMA

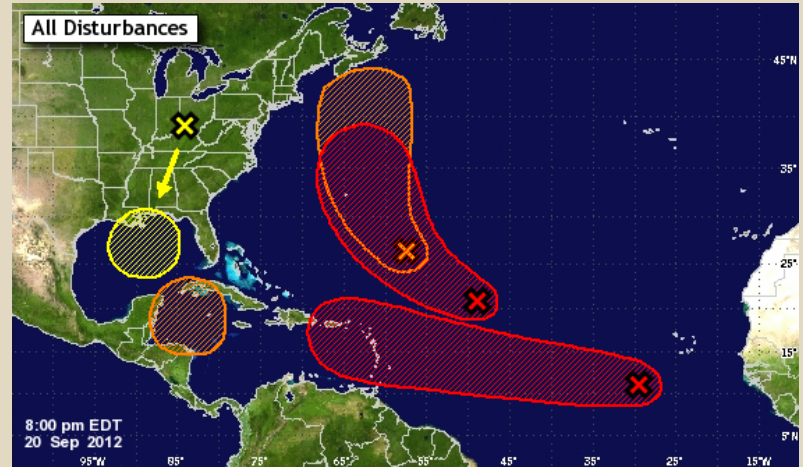
- Public Assistance
- Alternate Procedures
- Interim Final Rule
- OIG Reports



- Colorado Floods
- Winter Storm Pax

2 more workshops!!!

- Debris Management 101
 - June 26
- Public Assistance Policy Guidance
 - July 24



Tropical Cyclone Formation Potential for the Five-Day Period Ending at 8:00 pm EDT 25 Sep 2012
 Chance of Cyclone Formation in 5 Days: ■ Low < 30% ■ Medium 30-50% ■ High > 50%
 X indicates current disturbance location; shading indicates potential formation area.





FROM THE WEATHER CHANNEL

LIVE

CHARLESTON, SC

WEATHER CENTER LIVE

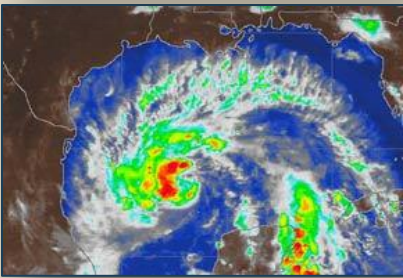
TRACKING WINTER STORM LEON
WINTER STORM WARNINGS

USA TODAY

Purpose

- Review procurement procedures for debris services
- Review best practices and federal guidance
- Review a case study of the New Jersey Procurement Process for Hurricane Sandy Debris Operations
- Discuss H-GAC procurement tools and other resources

Why is this important?



- Texas leads the Nation in disasters
 - Hurricanes
 - Tropical storms
 - Wildfires
 - Floods
 - Tornadoes
 - Ice storms

Why is this important?

“In fiscal years 2010 through 2012, we reported more than \$227 million in contract costs that were ineligible primarily because of improper contracting.” - Office of Inspector General, Department of Homeland Security, February 2014.

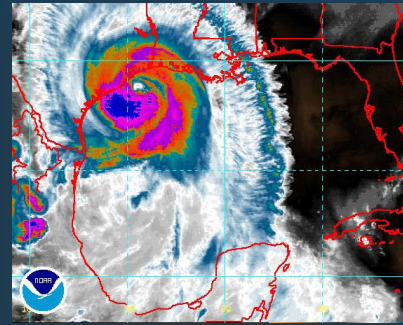
Department of Homeland Security
Office of Inspector General

Termination of Procurement Advice
in Disaster Response Periods



OIG-14-46-D

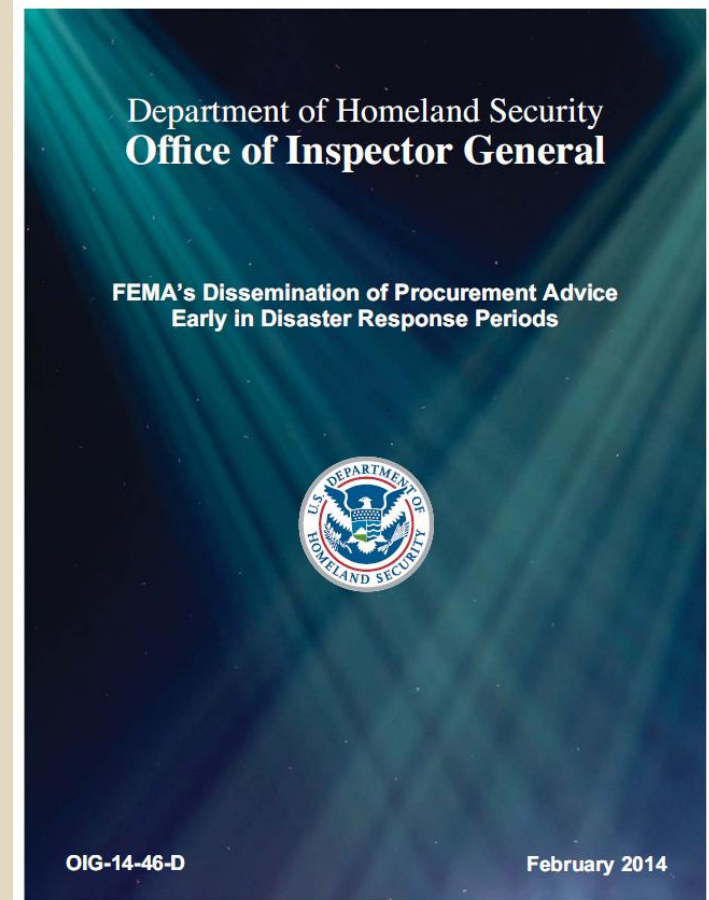
February 2014



Part 2: Procurement Procedures Overview

In the News

- Department of Homeland Security Office of Inspector General (OIG) Report
- Evaluation of procurement information disseminated by FEMA staff in recent disasters



OIG Report Findings

“...we observed instances where FEMA personnel provided incomplete and, at times, inaccurate information to Public Assistance applicants regarding Federal procurement standards.” -
Office of Inspector General, Department of Homeland Security, February 2014.

Department of Homeland Security
Office of Inspector General

Dissemination of Procurement Advice
in Disaster Response Periods

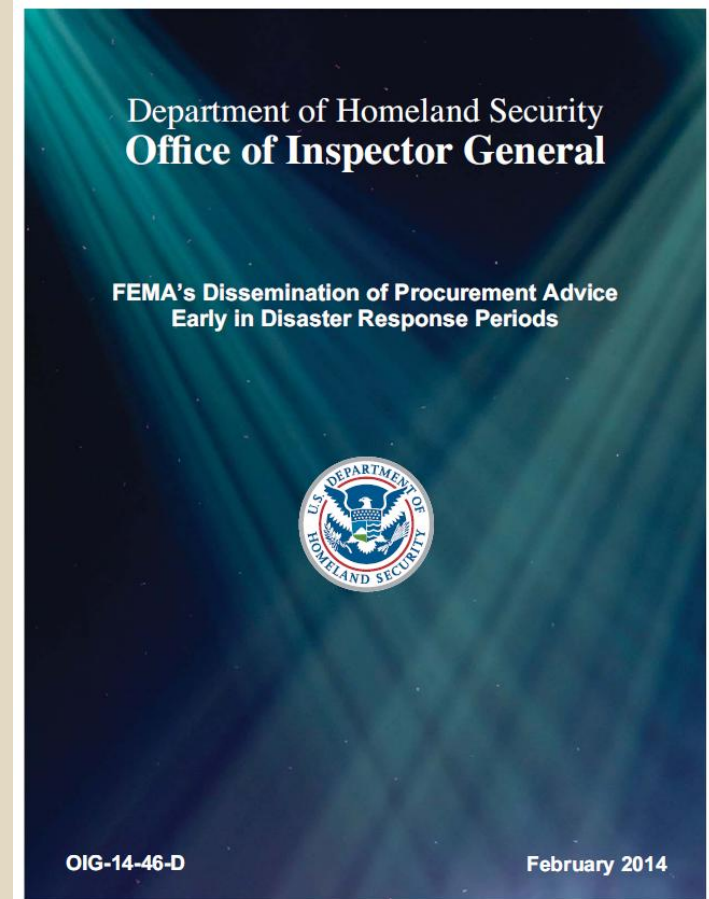


OIG-14-46-D

February 2014

OIG Report Findings

- FEMA staff did not inform applicants the requirement to meet federal standards in addition to their internal procurement procedures.
- FEMA PA Field Operations Pocket Guide is inaccurate and incomplete.



OIG Report Findings

- Federal regulations require applicants to:
 - 1) Bid contracts competitively.
 - 2) Include specific provisions.
 - 3) Take affirmative steps to include small-, minority- and women-owned businesses.
 - 4) Maintain documentation to support all their claimed costs including those related to their procurement process.

Case Study: Harris County, MS School District - Hurricane Katrina

- OIG recommends FEMA to recover \$8.2 million
- Primary Issues:
 - Did not account for large projects on a project-by-project basis.
 - Did not follow federal procurement requirements:
 - Consider minority firms, women business enterprises and labor surplus firms.
 - Solicit competitive bids

Procurement Tools

- Debris Contract Checklist
 - Provides guidance for procurement process.
 - Provides guidance to pre-qualify debris contractors
 - Provides checklist of tasks pre- and post-disaster.
 - Includes 44 CFR 13.36, Procurement.
 - Includes FEMA 9580.201 Debris Removal Contract Costs Analysis

Blue Skies To Do List

- Prequalify disaster debris contractors.
- Consider using a program or process to pre-qualify debris service providers:
 - H-GAC Disaster Debris Services Procurement Program
 - U.S. General Service Administration (GSA) Disaster Purchasing Program

Pre-Qualify Vendors

- Solicit a request for qualifications from disaster debris service providers.
- The solicitation should include specific provisions:
 - Adequately defined scope of work
 - All potential debris types
 - Anticipated haul distances
 - Potential size of debris events

Pre-Qualify Vendors

- Request documentation of the following:
 - Licenses
 - Financial stability
 - Proof of insurance
 - Bonding capability

Pre-Qualify Vendors

- Request documentation of the following:
 - Description of related experience
 - References
 - Description of health and safety plan
 - Description of debris management site plan

Pricing

- Develop a draft rate schedule
 - Unit rate services
 - Labor
 - Equipment
 - Materials
 - Additional services

SCHEDULE 1 - UNIT RATE PRICE SCHEDULE					
Reference to RFP Scope of Services Items 2 to 16. If a Vendor elects to "No Bid" individual service offerings their proposal may be considered non-responsive by the End User.					
2	ROW Vegetative Debris Removal Work consists of the collection and transportation of eligible vegetative debris on the ROW or public property to a End User approved debris management site (DMS) or End User approved final disposal site.	Estimated Quantity	\$ Per Cubic Yard	Total	\$ Per Ton (Alternate)
	0 to 15 miles	100,000			
	16 to 30 miles	125,000			
	31 to 60 miles	75,000			
	Greater than 60 miles	50,000			
3	ROW C&D Debris Removal Work consists of the collection and transportation of eligible C&D on the ROW or public property to a End User approved final disposal site.	Estimated Quantity	\$ Per Cubic Yard	Total	\$ Per Ton (Alternate)
	0 to 15 miles	15,000			
	16 to 30 miles	25,000			
	31 to 60 miles	25,000			
	Greater than 60 miles	15,000			
4	Demolition, Removal, Transport and Disposal of Non-RACM Stru Work consists of the decommissioning, demolition, and disposal of eligible Non-RACM structures on public or private property and hauling the resulting debris to a End User approved final disposal site.	Estimated Quantity	\$ Per Cubic Yard	Total	\$ Per Ton (Alternate)
	0 to 15 miles	5,000			
	16 to 30 miles	10,000			
	31 to 60 miles	10,000			
	Greater than 60 miles	5,000			
5	Demolition, Removal, Transport and Disposal of RACM Structure Work consists of the decommissioning, demolition, and disposal of eligible RACM structures on public or private property and hauling the resulting debris to an End	Estimated Quantity	\$ Per Cubic Yard	Total	\$ Per Ton (Alternate)

Bid Analysis

- Review for unbalanced bid prices.
 - Contains a lumps sum or unit price which does not reflect actual costs.
 - Disproportionate with nominal prices for some work and inflated prices for other work.

Bid Analysis

- Determine if the bid is mathematically unbalanced.
- Determine if the unbalanced bid items have an effect of the contract amount.
- On items where the quantities may vary, determine if the lower bidder remains as the low bidder.
- If the bid is unbalanced, determine the effect on the competitive process.

Bid Loading - Example

Schedule A

Service	Estimated QTY	Bid Rate	Total
Vegetative Debris Removal	500,000	\$7.50	\$3,750,000.00
Reduction and Site Management	125,000	\$3.00	\$375,000.00
Hazardous Hangers	5,000	\$75.00	\$375,000.00
Hazardous Stumps	50	\$100.00	\$5,000.00
			\$4,505,000.00

Bid Loading - Example

Schedule B

Service	Estimated QTY	Bid Rate	Total
Vegetative Debris Removal	500,000	\$7.00	\$3,500,000.00
Reduction and Site Management	125,000	\$2.75	\$343,750.00
Hazardous Hangers	5,000	\$125.00	\$625,000.00
Hazardous Stumps	50	\$500.00	\$25,000.00
			\$4,493,750.00

Bid Loading

Hazardous Hangers

Vendor	QTY	Rate	Total
Schedule A	10000	\$75	\$750,000
Schedule B	10000	\$125	\$1,250,000

Hazardous Stumps

Vendor	QTY	Rate	Total
Schedule A	300	\$100	\$30,000
Schedule B	300	\$500	\$150,000

Selection Committee

- Identify a selection committee
 - Legal
 - Public Works
 - Solid Waste
 - Representative with previous debris management experience

Evaluation Criteria

- Proposal requirements and completeness.
- References, experience, reputation and compliance.
- Debris management services.
- Responsiveness to the proposal.

Post Disaster To do List

- Ensure compliance with the jurisdiction's procurement procedures.
- Ensure compliance with applicable state and local procurement laws and regulations.
- Ensure compliance with federal procurement laws and standards identified in 44 CFR §13.36
- Ensure your legal services representative reviews the entire procurement process.

Post Disaster To do List

- Develop a cost analysis to demonstrate cost reasonableness for any contract or contract modification where price competition is lacking.
 - Complete a cost analysis using the Debris Removal Contract Costs Analysis.
 - File documentation supporting the cost analysis with all associated contract documents.

Post Disaster To do List

- Provide a clear and definitive scope of work.
- Ensure opportunities for local, minority, women-owned, and labor surplus area businesses and firms whenever possible.
- Document the process and rationale the jurisdiction followed in making procurement decisions.

Post Disaster To do List

- The jurisdiction's legal counsel should conduct a review of the following
 - Procurement process
 - Any potential contracts to be awarded
 - All federal, state, and local procurement requirements

Post Disaster To do List

- Establish procedures to address protests and disputes related to contract awards.
- Compile all documentation related to the procurement and file in a secure location that can be accessed for future review.

Activity

- No-notice flooding event has occurred in your jurisdiction.
- 550 homes are impacted
- Initial estimates assume 200,000 cubic yards of debris including vegetative, mixed, white goods and hazardous household waste.

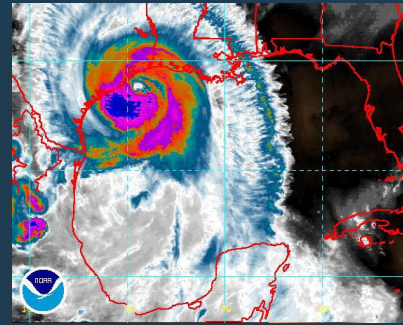


Activity

- What information do you want to know about your debris contractors?
- Who would you want on your selection committee?
- What are the critical concerns for your jurisdiction to consider in the procurement process?
- What are questions you would ask vendors during the selection process?

BREAK

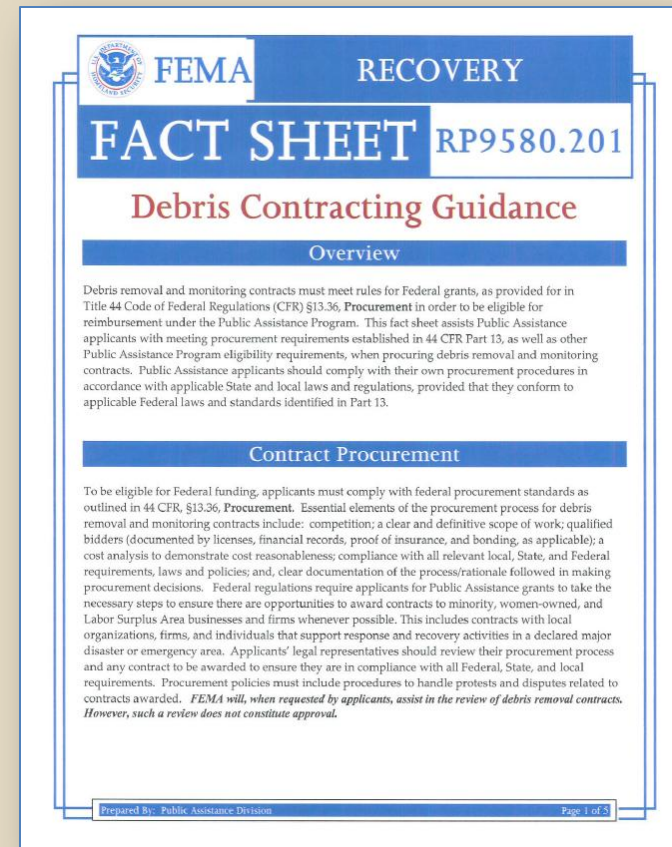
15 Minutes



Part 3: Federal Guidance for Procurement

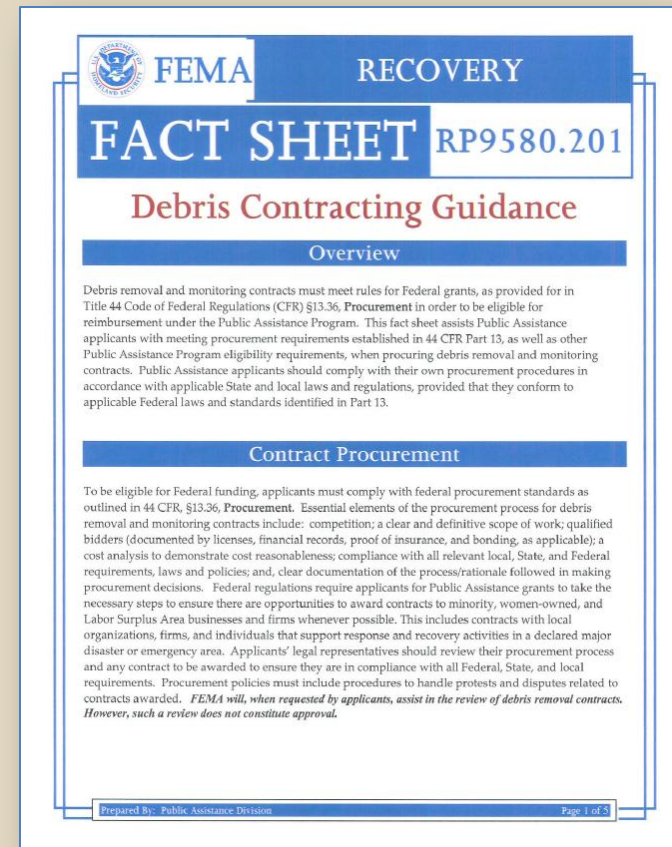
FEMA Fact Sheet RP9580.201

- Debris Contracting Guide
- Developed in 2010
- Provides debris services contract provisions



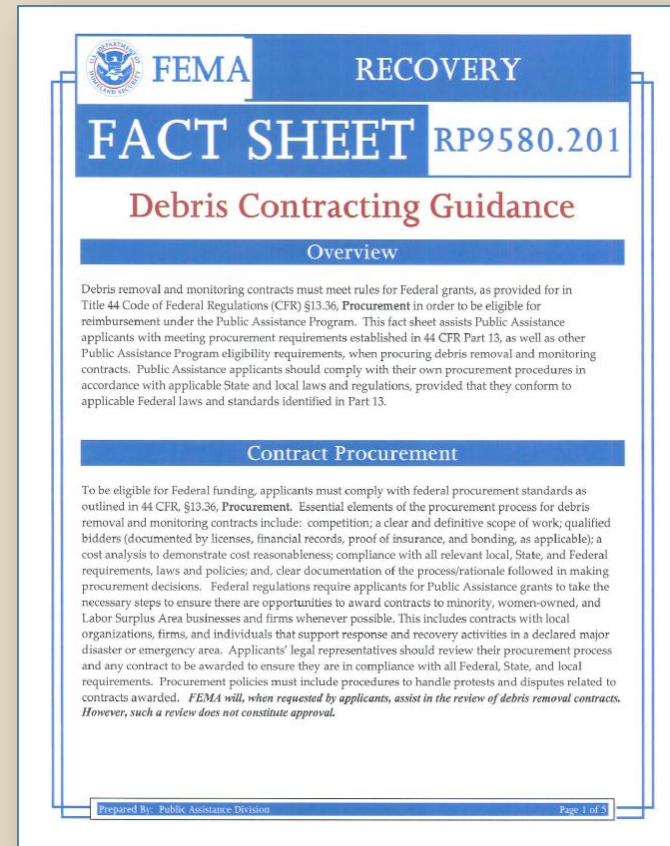
FEMA Fact Sheet RP9580.201

- Use competitive bidding procedures.
- Only use abbreviated emergency procurement if time does not allow for more stringent procedures.
- Ensure costs are reasonable.



FEMA Fact Sheet RP9580.201

- Prequalify contractors.
- Request pricing at the time of the disaster to ensure reasonable market prices.



The image shows a document titled "FEMA RECOVERY FACT SHEET RP9580.201 Debris Contracting Guidance Overview". The document is framed with a blue border and contains the following text:

FEMA RECOVERY
FACT SHEET RP9580.201
Debris Contracting Guidance
Overview

Debris removal and monitoring contracts must meet rules for Federal grants, as provided for in Title 44 Code of Federal Regulations (CFR) §13.36, **Procurement** in order to be eligible for reimbursement under the Public Assistance Program. This fact sheet assists Public Assistance applicants with meeting procurement requirements established in 44 CFR Part 13, as well as other Public Assistance Program eligibility requirements, when procuring debris removal and monitoring contracts. Public Assistance applicants should comply with their own procurement procedures in accordance with applicable State and local laws and regulations, provided that they conform to applicable Federal laws and standards identified in Part 13.

Contract Procurement

To be eligible for Federal funding, applicants must comply with federal procurement standards as outlined in 44 CFR, §13.36, **Procurement**. Essential elements of the procurement process for debris removal and monitoring contracts include: competition; a clear and definitive scope of work; qualified bidders (documented by licenses, financial records, proof of insurance, and bonding, as applicable); a cost analysis to demonstrate cost reasonableness; compliance with all relevant local, State, and Federal requirements, laws and policies; and, clear documentation of the process/rationale followed in making procurement decisions. Federal regulations require applicants for Public Assistance grants to take the necessary steps to ensure there are opportunities to award contracts to minority, women-owned, and Labor Surplus Area businesses and firms whenever possible. This includes contracts with local organizations, firms, and individuals that support response and recovery activities in a declared major disaster or emergency area. Applicants' legal representatives should review their procurement process and any contract to be awarded to ensure they are in compliance with all Federal, State, and local requirements. Procurement policies must include procedures to handle protests and disputes related to contracts awarded. *FEMA will, when requested by applicants, assist in the review of debris removal contracts. However, such a review does not constitute approval.*

Prepared By: Public Assistance Division Page 1 of 5

FEMA Fact Sheet RP9580.201

- Monitoring contract considerations:
 - Compliance with 44 CFR 13.36, Procurement.
 - No affiliation with the debris removal contractor.
 - Contract must include a not to exceed clause.
 - Require a safe working environment including properly constructed towers.

FEMA Fact Sheet RP9580.201

- Monitoring contract considerations:
 - Use load ticket system.
 - Monitors must be trained.
 - Monitors need to be familiar with FEMA debris removal eligibility criteria.

FEMA Fact Sheet RP9580.201

- DO NOT: Award contract on sole-source basis.
- DO NOT: Execute without thorough legal review.
- DO NOT: Allow contractor to make eligibility determinations.
- DO NOT: Accept “FEMA certified” claims.
- DO NOT: Employ debris management sites unless necessary.

FEMA Fact Sheet RP9580.201

- DO NOT: Allow separate line item payment for stumps less than or equal to 24 inches.
- DO NOT: Use “Piggyback” contracts.
- DO NOT: Award contracts with mobilization costs.
- DO NOT: Allow for markups due to errors in volume calculations.
- DO NOT: Allow for miscellaneous items.

“Piggyback” Contracts

FEMA 322:

“Piggyback contracting” is a concept of expanding a previously awarded contract. Piggyback contracting does not meet the requirements of 44 CFR Part 13 because it is non-competitive and may have an inappropriate price structure. This type of contract is not eligible. However, FEMA may separately evaluate and reimburse costs it finds fair and reasonable.

“Piggyback” Contracts

FEMA 321:

“...noncompetitive proposals and “piggyback” contract are generally ineligible.”

FEMA 321:

“...“piggyback” (expanding a previously awarded contract) contracts are not eligible. If you do not comply with the Federal procurement standards, FEMA may separately evaluate and reimburse only those costs it finds fair and reasonable.”

FEMA Fact Sheet 9580.212

- Grant Contracting FAQs
- Developed in 2012
- Provides:
 - Requirements
 - Recommendations
 - Practices that are discouraged
 - Practices that are prohibited

The image shows a thumbnail of a FEMA Fact Sheet titled "PUBLIC ASSISTANCE GRANT CONTRACTING FREQUENTLY ASKED QUESTIONS (FAQ)". The document is dated 9580.212 and includes an "Overview" section and "Frequently Asked Questions".

FEMA RECOVERY
FACT SHEET 9580.212
PUBLIC ASSISTANCE GRANT CONTRACTING FREQUENTLY ASKED QUESTIONS (FAQ)

Overview

The Federal Emergency Management Agency (FEMA) provides State, local and Tribal governments, as well as certain private non-profit organizations (collectively referred to as "applicants"), grant assistance for the cost of responding to and recovering from major disasters. This assistance includes reimbursement for the cost of eligible work completed through contracts procured by the applicant. In order to be reimbursed for these costs, contracts must be in compliance with the procurement requirements in 44 Code of Federal Regulations (CFR) part 13, 2 CFR parts 215, 220, 225, and 230, and applicable state and local procurement laws (collectively referred to as the "procurement rules"). Compliance with the procurement rules is a condition of receiving grant funding. *Non-compliance with Federal contracting requirements puts an applicant's grant funding at risk.*

These FAQs identify and clarify the procurement rules, alert applicants to pitfalls, and highlight best practices.

Frequently Asked Questions

1. **What are the procurement requirements that must be followed by grantees and subgrantees?**

Applicants must use their own procurement procedures which reflect applicable State and local laws and regulations. They must also, however, meet the minimum Federal procurement standards¹ where those standards are more onerous (including but not limited to those discussed in this Fact Sheet), or the contract will be deemed in violation of the procurement rules, and the request for reimbursement could be subject to the enforcement provisions discussed later in this Fact Sheet.

2. **What are the procurement actions required for reimbursement by FEMA?**

Full and Open Competition. The procurement rules require full and open competition, with limited exceptions.

¹ See e.g. 44 CFR §§13.36(a) and (b).

Prepared By: Public Assistance Division Page 1 of 8

FEMA Fact Sheet 9580.212

- Requirements:
 - Must use internal procurement procedures that reflect applicable state and local laws and regulations.
 - Must meet minimum federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY **FEMA** **RECOVERY**

FACT SHEET **9580.212**

**PUBLIC ASSISTANCE GRANT CONTRACTING
FREQUENTLY ASKED QUESTIONS (FAQ)**

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Prepared By: Public Assistance Division Page 1 of 8

FEMA Fact Sheet 9580.212

- Requirements:
 - Must employ full and open competition.
 - Must complete a cost or price analysis.
 - Must consider contractor ownership preferences.

FEDERAL EMERGENCY MANAGEMENT AGENCY **FEMA** **RECOVERY**

FACT SHEET **9580.212**

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Prepared By: Public Assistance Division Page 1 of 8

FEMA Fact Sheet 9580.212

- Requirements:
 - Must employ a system for managing procurement.
 - Must include required provisions:
 - 44 CFR 13
 - 2 CFR 215, 220, 225 or 230.

FEDERAL EMERGENCY MANAGEMENT AGENCY
FEMA **RECOVERY**

FACT SHEET **9580.212**

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Prepared By: Public Assistance Division Page 1 of 8

FEMA Fact Sheet 9580.212

- Circumstances when full and open competition is NOT required:
 - Infeasible under small purchase procedures, sealed bids or competitive proposals AND:
 - Item is available from a single source;
 - Public exigency or emergency for the requirements will not permit a delay resulting in competitive solicitation;
 - FEMA authorizes noncompetitive proposals; OR
 - Competition is determined inadequate.

FEMA Fact Sheet 9580.212

- Practices recommended by FEMA:
 - Use sealed bids.
 - Keep detailed records.
 - Team up.
 - Lease versus purchase.
 - Use value engineering.

The image shows a thumbnail of a FEMA Fact Sheet titled "PUBLIC ASSISTANCE GRANT CONTRACTING FREQUENTLY ASKED QUESTIONS (FAQ)". The document is structured as follows:

- Header:** FEMA RECOVERY FACT SHEET 9580.212
- Section:** PUBLIC ASSISTANCE GRANT CONTRACTING FREQUENTLY ASKED QUESTIONS (FAQ)
- Overview:**

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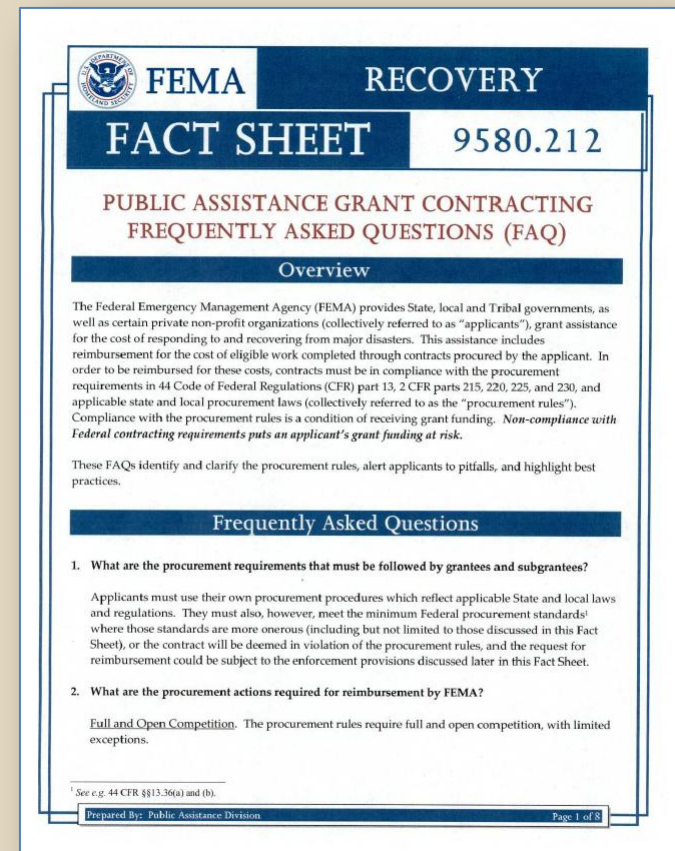
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¹ See e.g. 44 CFR §§13.36(a) and (b).

Prepared By: Public Assistance Division Page 1 of 8

FEMA Fact Sheet 9580.212

- Practices discouraged by FEMA:
 - Time and materials contracts - should not exceed first 70 hours.
 - “Piggyback” contracts.



The image shows a FEMA Recovery Fact Sheet titled "PUBLIC ASSISTANCE GRANT CONTRACTING FREQUENTLY ASKED QUESTIONS (FAQ)". The document is structured with a header, an overview section, and a frequently asked questions section. The header includes the FEMA logo and the text "FEMA RECOVERY FACT SHEET 9580.212". The overview section states that FEMA provides assistance for the cost of responding to and recovering from major disasters, and that contracts must be in compliance with procurement requirements. The frequently asked questions section includes two questions: "1. What are the procurement requirements that must be followed by grantees and subgrantees?" and "2. What are the procurement actions required for reimbursement by FEMA?". The first question is answered with information about procurement procedures and standards. The second question is answered with information about full and open competition. The document is prepared by the Public Assistance Division and is page 1 of 8.

FEMA RECOVERY
FACT SHEET 9580.212
PUBLIC ASSISTANCE GRANT CONTRACTING
FREQUENTLY ASKED QUESTIONS (FAQ)

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1. **What are the procurement requirements that must be followed by grantees and subgrantees?**

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2. **What are the procurement actions required for reimbursement by FEMA?**

Full and Open Competition. The procurement rules require full and open competition, with limited exceptions.

¹ See e.g. 44 CFR §§13.36(a) and (b).

Prepared By: Public Assistance Division Page 1 of 8

FEMA Fact Sheet 9580.212

- Practices prohibited by FEMA:
 - Noncompetitive contracts (unless exclusions in slide 29 apply).
 - Cost plus percentage contracts.
 - Debarred or suspended contractors.
 - Conflicts of interest.

FEMA RECOVERY
FACT SHEET 9580.212
PUBLIC ASSISTANCE GRANT CONTRACTING
FREQUENTLY ASKED QUESTIONS (FAQ)

Overview

The Federal Emergency Management Agency (FEMA) provides State, local and Tribal governments, as well as certain private non-profit organizations (collectively referred to as "applicants"), grant assistance for the cost of responding to and recovering from major disasters. This assistance includes reimbursement for the cost of eligible work completed through contracts procured by the applicant. In order to be reimbursed for these costs, contracts must be in compliance with the procurement requirements in 44 Code of Federal Regulations (CFR) part 13, 2 CFR parts 215, 220, 225, and 230, and applicable state and local procurement laws (collectively referred to as the "procurement rules"). Compliance with the procurement rules is a condition of receiving grant funding. *Non-compliance with Federal contracting requirements puts an applicant's grant funding at risk.*

These FAQs identify and clarify the procurement rules, alert applicants to pitfalls, and highlight best practices.

Frequently Asked Questions

1. **What are the procurement requirements that must be followed by grantees and subgrantees?**
Applicants must use their own procurement procedures which reflect applicable State and local laws and regulations. They must also, however, meet the minimum Federal procurement standards¹ where those standards are more onerous (including but not limited to those discussed in this Fact Sheet), or the contract will be deemed in violation of the procurement rules, and the request for reimbursement could be subject to the enforcement provisions discussed later in this Fact Sheet.
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Full and Open Competition. The procurement rules require full and open competition, with limited exceptions.

¹ See e.g. 44 CFR §§13.36(a) and (b).
Prepared By: Public Assistance Division Page 1 of 8

FEMA Fact Sheet 9580.212

- Practices prohibited by FEMA (continued):
 - Duplicative costs.
 - Contingency clauses.
 - Excessive costs.
 - Grantee or subgrantee profit.

The thumbnail shows the cover and first page of a FEMA Fact Sheet. At the top left is the FEMA logo. To its right, the text reads 'FEMA RECOVERY'. Below this, in a dark blue box, is 'FACT SHEET' and '9580.212'. The main title is 'PUBLIC ASSISTANCE GRANT CONTRACTING FREQUENTLY ASKED QUESTIONS (FAQ)'. Below the title is a section for 'Overview' which states that FEMA provides assistance for the cost of responding to and recovering from major disasters, and that compliance with procurement rules is a condition of receiving grant funding. It also notes that non-compliance puts grant funding at risk. Below the overview is a section for 'Frequently Asked Questions'. The first question is 'What are the procurement requirements that must be followed by grantees and subgrantees?' and the answer states that applicants must use their own procurement procedures which reflect applicable State and local laws and regulations. The second question is 'What are the procurement actions required for reimbursement by FEMA?' and the answer states that the procurement rules require full and open competition, with limited exceptions. At the bottom of the page, there is a footnote: 'See e.g. 44 CFR §§13.36(a) and (b).', and a footer: 'Prepared By: Public Assistance Division Page 1 of 8'.

FEMA Fact Sheet 9580.212

- Debris contract without full open competition
 - Public health and safety concerns.
 - Should not exceed first 70 hours.
 - Work completed should help develop scope of work for remainder of collection and disposal.
 - Complete and document a cost analysis to demonstrate cost reasonableness
 - Complete and document public exigency or emergency to justify noncompetitive contract.

FEMA Fact Sheet 9580.212

- Consequences for noncompliance with procurement rules:
 - Temporarily withhold payment or take more severe enforcement action.
 - Disallow all or part of the cost of the activity or action not in compliance.
 - Wholly or partly suspend or terminate the applicant's current award.
 - Withhold funds or awards.
 - Take other remedies that may be legally available.

Procurement Tools

- Debris Contract Guide
 - Provides considerations to include in debris contracts.
 - Includes sample language to comply with FEMA 9580.201
 - Helps to ensure compliance with 44 CFR 13.36.
 - Includes language to protect applicant based on lessons learned from recent disasters.

Debris Contract Guide - Sample Language

- Payment Provisions - Unit Prices
 - Payment provisions will be based on unit pricing (volume or weight).
 - Actual rates should be provided at the time of the disaster to ensure competitive bidding and to obtain reasonable market prices.
 - Include a time limit on the period of performance



Debris Contract Guide - Sample Language

- Payment Provisions - Time and Materials
- Time and materials are limited to work performed during the first 70 hours of actual work following a disaster.



TIME AND MATERIALS LABOR AND EQUIPMENT LOG							T&M TICKET # TM 13200
GENERAL INFORMATION							
Applicant:		Dossier #		Program:		Contractor:	
DATE AND WORK SITE INFORMATION							
Date:	Phase #	Street / Work Site:	Zone #	Parcel #			
LINE ITEM DETAILS*							
CREW / EQUIP	RATE CODE	DESCRIPTION	START TIME	END TIME	GPS COORDINATES		
11			A	P	A	N	
12			A	P	A	N	
13			A	P	A	N	
14			A	P	A	N	
15			A	P	A	N	
16			A	P	A	N	
17			A	P	A	N	
18			A	P	A	N	
19			A	P	A	N	
20			A	P	A	N	
21			A	P	A	N	
22			A	P	A	N	
23			A	P	A	N	
24			A	P	A	N	

*Note: each line item used refers to an unattended work period and the length of work. Each line item is capped at 1 hour. Time to be entered 1/2 (0.5) hour.

VALIDATION DETAIL		
Applicant Representative (print):	I.D. #	Contractor Representative (print):
Signature:		Signature:
Date: / /		Date: / /

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Debris Contract Guide - Sample Language

- Payment Provisions - Payment for Eligible Debris
 - Payment will be made for items deemed eligible by federal funding agency unless otherwise agreed upon in writing.



Debris Contract Guide - Sample Language

- Payment Provisions - Invoicing
 - Contractor must submit regular invoices.
 - Invoicing for no more than 30 day periods.
 - Confirm state and local policies for additional payment terms and conditions.
 - Invoice detail with backup documentation.

Debris Contract Guide - Sample Language

- Accurate backup documentation
 - Accurate backup documentation of costs.
 - Preferable formats.
 - Description of ticketing system.
 - Separation for documentation by debris type or project type.



Debris Contract Guide - Sample Language

- Retainage
 - Specify unpaid costs for damage will be deducted from retainage.
 - Retainage payment upon written documentation of project completion.



Lesson
Learned

Debris Contract Guide - Sample Language

- Payment of subcontractors
 - Contractor is responsible for payment of subcontractors.
 - Retainage payment upon written documentation of payment of subcontractors.



Debris Contract Guide - Sample Language

- Mobilization and demobilization
 - No separate payment for mobilization and demobilization.
 - Costs included in pricing.
 - Will not be adjusted based on total amount of debris actually removed.

Debris Contract Guide - Sample Language

- Final Disposal
 - Final disposal site must be approved by the jurisdiction.
 - Included to avoid use of disposal sites that are farther away from the jurisdiction.
 - Will not be adjusted based on total amount of debris actually removed.



Debris Contract Guide - Sample Language


- Records Retention
 - Maintain records for a *MINIMUM* of 75 months.
 - Make available upon request.



Lesson
Learned

Records Retention

- Review terms and conditions for offsite storage agreements.
- Ensure contingencies for lost records.
- Do not assume other departments or agencies will maintain copies of your documentation.
- Maintain records of the ENTIRE solicitation and procurement process.



Lesson
Learned

Debris Contract Guide - Sample Language

- Termination for Convenience
 - Contract termination at anytime for any reason.



Debris Contract Guide - Sample Language

- Subcontractor Plan and Debarment List
 - Use of contractors or subcontractors on the federal debarment list is prohibited.
 - Clear description and percentage of the work that subcontractors can perform.
 - Subcontractor list.



Debris Contract Guide - Sample Language

- Mechanical Equipment
 - Requirement to use mechanical equipment to load and reasonably compact debris.



Debris Contract Guide - Sample Language

- Safe Working Conditions
 - Requirement to provide a safe working environment compliant with all applicable local, state and federal requirements.



Debris Contract Guide - Sample Language

- Bonds and Insurance
 - All contractors must obtain adequate payment and performance bonds and insurance.



Debris Contract Guide - Sample Language

- Mobilization Plan:
 - Preparation activities at 72, 48, and 24 hours prior to a known impact.
 - Timeframe of when management staff and assets will mobilize to the impacted area.
 - Tasks to identify primary areas of concern within the impacted area.
 - Detail of project initiation activities including truck certification and measurement procedures.
 - Mobilization plan for an event without warning.



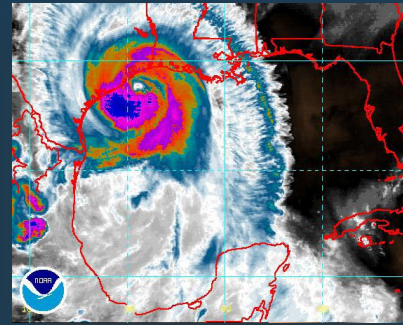
Debris Contract Guide - Sample Language

- Provisions for Sandy Recovery Improvement Act:
 - Time limit on the period of performance for the work to be completed especially if the jurisdiction might use the sliding scale alternative procedure.
 - Provisions for recycling and final disposal so that the jurisdiction will retain any revenue from recycled debris.



BREAK

15 Minutes



Part 4: Case Study - New Jersey Procurement



Case Study - New Jersey Procurement

- Office of Inspector General Report
 - Audit of New Jersey procurement process for statewide debris removal activities for Hurricane Sandy.
 - \$463 million in PA funding for debris removal.
 - 90% federal cost share.



Case Study - New Jersey Procurement

- Audit objectives:
 - Determine if NJ complied with federal and state procurement laws.
 - Determine if local municipality use of statewide contracts meet federal procurement standards.



Photo source: FEMA, Seaside Heights, New Jersey

Case Study - New Jersey Procurement

- 44 CFR 13.36 (a) requires states to:
 - Follow the same policies for procurements from its non-federal funds.
 - Ensure every purchase order or contract includes federal statutes and requirements.



Case Study - New Jersey Procurement

- New Jersey procurement laws:
 - In general, require public advertisement for bids.
 - Use of noncompetitive procurement is allowed under exigent circumstances.
 - Waives the requirement for public advertising of contracts when a public exigency exists.



Case Study - New Jersey Procurement

- Procurement procedures:
 - Governor issued Executive Order declaring state of emergency.
 - None of the 565 municipalities had pre-qualified contractors for debris services.
 - NJ determined that the situation required a state-level option for municipalities to use.

Case Study - New Jersey Procurement

- Debris Removal Contract Procedures:
 - NJ utilized a competitively bid contract the State of Connecticut had in place from 2008.
 - NJ negotiated additional terms with vendor including:
 - Termination for convenience clause.
 - Compliance with NJ solid waste transportation and disposal requirements.
 - Maintain 4-year old rates.

Case Study - New Jersey Procurement

- Debris Removal Contract Procedures:
 - Noncompetitive process allowed by NJ state statutes during periods of public exigency.
 - NJ conducted price analysis and determine vendor prices were reasonable.
 - NJ made this contract available to municipalities under its Cooperative Purchasing Program.

Case Study - New Jersey Procurement

- FEMA Decision for Debris Removal Contract:
 - FEMA reviewed NJ's procurement and determine it would reimbursement for eligible program costs.
 - Decision based on size of the storm, compliance with state laws and public exigency that existed.

Case Study - New Jersey Procurement

- Debris Monitoring Contract:
 - Existing monitoring contract was limited in scope and did not meet the needs of Hurricane Sandy.
 - State developed a special Request for Quotation for debris monitoring.
 - Determined a list of potential vendors.

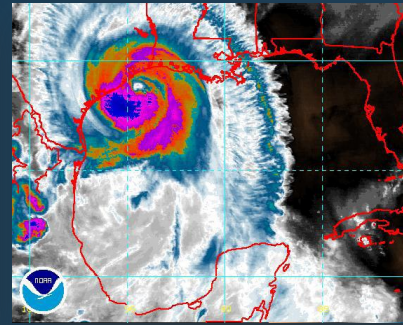
Case Study - New Jersey Procurement

- Debris Monitoring Contract:
 - NJ solicited pricing from list of vendors.
 - A committee reviewed proposals and identified two qualified vendors.
 - NJ made contracts available to municipalities under its Cooperative Purchasing Program.



Case Study - New Jersey Procurement

- FEMA determined:
 - Exigent circumstances allowed noncompetitive debris removal contract for 60 days.
 - Municipalities should use a competitive process for debris removal activities outside the 60 day period to ensure compliance.



Part 5: Procurement Resources

H-GAC Disaster Debris Clearance and Removal Purchasing Program

- What is the program?
- Cooperative purchasing program designed to reduce costs and streamline procurement process.

H-GAC Disaster Debris Clearance and Removal



Disaster Debris Management

Houston-Galveston Area Council (H-GAC) recognizes the need for communities to perform efficient and timely cleanup of debris generated by natural disasters and/or major storm events. Storms create problems as they are usually costly to clean up and require a large amount of space in area landfills for debris.

New Program Benefits End Users

In an effort to streamline the procurement process for End Users (i.e. municipalities, counties, school districts, etc.), H-GAC has developed a comprehensive procurement process for Debris Removal Services. H-GAC's decision to pursue the development of a Debris Removal Services procurement program was based in large part on:

- H-GAC's ongoing commitment to assist End Users in reducing costs and streamlining the procurement processes through their government-to-government procurement services;
- FEMA policy statements encouraging local governments to develop pre-event debris hauler contracts; and
- Discussions with FEMA Debris Policy Group regarding recently issued Public Assistance Pilot Program that offers a 5% increase in federal cost-share if local governments meet the necessary requirements concerning debris management.

Benefits of Program

- Reduces costs and expedites the procurement process
- Maximizing eligible FEMA reimbursement
- Top-notch, quality vendors ensured through screening process

Select Vendors

- AshBritt, Inc.
- Byrd Brothers
- Ceres Environmental Services, Inc.
- CrowderGulf
- DRC Emergency Services, LLC
- Phillips & Jordan, Inc.
- T.F.R. Enterprises, Inc.



For additional information email: swinformation@h-gac.com

H-GAC Disaster Debris Clearance and Removal Purchasing Program

- How does the program work?
 - H-GAC issued an RFP to pre-qualify debris service vendors.
 - Identified a list of qualified vendors that meet requirements.
 - If debris services are needed, end users complete a form for preliminary information.
 - H-GAC will obtain prices from pre-selected vendors based on the information in the form.
 - End user determines final selection of vendor.

H-GAC Disaster Debris Clearance and Removal Purchasing Program

- What are the benefits of the program?
 - Reduces costs and expedited procurement process during emergencies.
 - Helps maximize federal disaster reimbursement.
 - Provides top quality vendors ensured through a rigorous screening process.

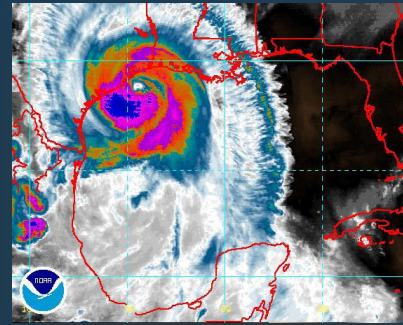
Additional Procurement Tools

- Intergovernmental Agreement Templates
 - County to municipality
 - Municipality to special district
 - Municipality to Texas Department of Transportation

H-GAC Publications

- Intergovernmental Agreements
- Debris Contract Checklist
- Debris Contract Guide
- H-GAC Purchasing Program

<https://www.h-gac.com/community/waste/storm/resources.aspx>



Part 6: Questions/Adjourn

Questions?

Participant Feedback Forms

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