

# Colorado Recovery and Resiliency Collaborative

## Local Government Guide to Recovery

April 2017



# Table of Contents

<b>Executive Summary</b> .....	<b>4</b>
<b>Partners in the Collaborative</b> .....	<b>6</b>
<b>Recovery Phases</b> .....	<b>7</b>
<b>Before the Disaster – Planning for Recovery</b> .....	<b>8</b>
The Role of Preparedness in Recovery.....	8
Legal Basis for Disaster Recovery .....	8
Emergency Authorities .....	9
Establishment of Local Recovery Functions.....	9
Disaster and Emergency Policies and Ordinances .....	10
Emergency Waivers .....	10
Recovery Planning.....	11
Pre-Disaster Operational Recovery Plan.....	11
Long-Term Community Recovery Plan .....	12
Financial Management and Procurement Policies .....	13
Cooperative Agreements and Relationships.....	14
Cooperative Relationships .....	14
Agreements and Contracts .....	15
Resource Management and Logistics.....	17
State and Federal Roles in Resource Management.....	17
Accessing GSA Schedules and Contracts .....	18
Authority to Request Resource Mobilization .....	18
Common Pitfalls in Pre-Disaster Activities .....	18
<b>Short-Term Recovery Activities</b> .....	<b>20</b>
Disaster Occurs.....	21
EOC to Recovery Coordination Activities .....	21
Role of the EOC in Recovery .....	22
Emergency Support Functions in Recovery .....	23
Recovery Support Functions.....	24
Recovery Task Force / Recovery Coordination Group.....	24
Damage Assessment Process .....	24
Rapid Needs Assessment / Initial Damage Assessment .....	25
Joint Verification (aka Preliminary Damage Assessment) .....	25
Determining Thresholds for Funding Programs.....	26
Safety Assessments.....	26
Security Needs Assessments.....	27
Establishing Priority Areas .....	27

Disaster Declaration Process .....	28
Local Disaster Declaration .....	28
State Disaster Declaration .....	30
Federal Disaster Declaration.....	32
Levels of Federal Declaration.....	34
Types of Federal Declarations and Assistance.....	35
Recovery Coordination Roles and Responsibilities .....	44
Public Communications Coordination .....	44
Disaster Recovery Center / Disaster Assistance Center .....	44
VOAD and LTRG Coordination .....	45
Case Management .....	45
Donations and Volunteer Management.....	46
Behavioral Health.....	47
Critical Infrastructure.....	47
Debris Management .....	48
Cost and Time Accounting .....	50
Policy Group Leadership .....	50
Common Pitfalls in Short-Term Recovery Activities .....	51
<b>Intermediate Recovery Activities.....</b>	<b>53</b>
Establishing a Recovery Manager .....	54
FEMA Individual Assistance Program.....	54
FEMA Public Assistance Program.....	55
Disaster Impact and Unmet Needs Assessments.....	55
Procurement Procedures .....	55
Types of Contracts .....	56
Contract Monitoring .....	57
Procurement Records .....	57
Procurement Standards.....	58
Insurance.....	58
Divide and Conquer: Public and Private Partnerships .....	58
LTRG Work with Individuals and Households.....	59
SBDC Work with Small Businesses and the Small Business Administration.....	60
Public / Private Coordination Considerations.....	60
Legislative Assistance.....	61
Common Pitfalls in Intermediate Recovery Activities.....	61
<b>Long-Term Recovery Activities.....</b>	<b>63</b>
Long-Term Community Recovery Planning.....	64
Land Use Planning and Permitting .....	65
New Partnerships in Resilience .....	65
Community Development Block Grant – Disaster Recovery .....	66
CDBG-DR in Colorado.....	68
Hazard Mitigation Grant Program – Mitigation Planning .....	69

Audit Tips for Managing Disaster Related Costs .....	69
Common Pitfalls in Long-Term Recovery Activities .....	70
<b>After the Disaster .....</b>	<b>71</b>
Documentation Retention.....	71
After Action Reviews and Corrective Actions .....	71
Updating Planning Documents.....	72
<b>Appendices.....</b>	<b>73</b>
Appendix A: Community Recovery Checklist .....	73
Appendix B: FEMA Individual Assistance Program .....	77
Appendix C: FEMA Public Assistance Program.....	80
Appendix D: Disaster Declaration Template .....	100
Appendix E: Debris On-Call Contract RFP Example.....	102
Appendix F: Disaster Recovery and Hazard Mitigation Services On-Call Contract Example ..	112
 <b>Tables</b>	
Table 1: Recovery Support Functions.....	23
Table 2: Flood Recovery Resources Table .....	43
 <b>References.....</b>	<b>118</b>

## EXECUTIVE SUMMARY

In 2011, many local, state and federal emergency management personnel would have said that it is rare for Colorado to face disasters that reach the thresholds necessary to declare a major emergency or federal disaster. In reality, however, Colorado experienced major emergencies in 2003, 2005, 2006 and 2007, and major disasters in 1997, 1999, 2001, 2002 and 2008. Since 2011, Colorado has experienced flooding, mudslides, wildfires, severe weather events and a mining accident that caused heavy metal contamination in waterways. Jurisdictions affected by these events have learned lessons about recovery that haven't been documented in manuals or that are governed by rules and regulations. Lessons have been learned by managing these events and experiencing the complexities of recovery. As time goes by, however, lessons learned often become lessons forgotten as staff changes and memories fade. This Local Government Guide to Recovery is an attempt by those most affected by recent events in Colorado to pass along valuable lessons to others that may one day face the same challenges.



Black Forest Wildfire  
Photo Courtesy of City of Colorado Springs



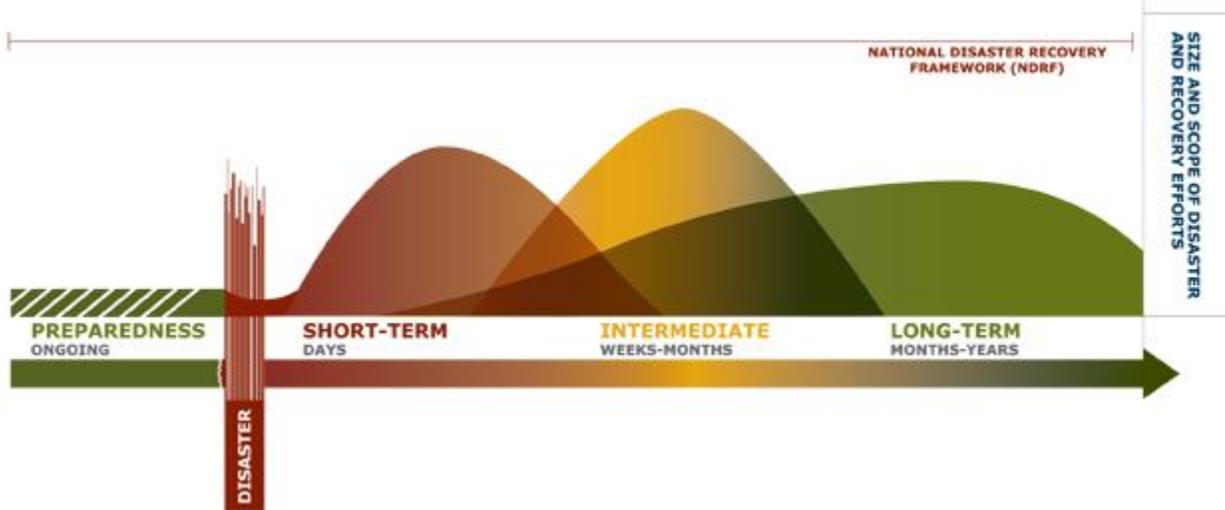
2013 Flood, Big Thompson Canyon  
Photo Courtesy of Capt. Darin Overstreet/U.S. Air National Guard)

Recovery spans a continuum starting with activities that restore vital life-support systems to at least the minimum of operating standards and extends through the rebuilding and redevelopment process, which can take years. Longer-term activities focus on efforts to return communities to normal or pre-disaster conditions and/or to a new and improved condition that may incorporate principles of hazard mitigation, energy efficiency, smart growth or other design concepts adopted by affected communities to guide redevelopment. The National Disaster Recovery Framework (NDRF) identifies three

phases of recovery: short-term, intermediate and long-term. The timing and length of each phase varies widely based on the type and severity of the incident. The time periods listed below should be viewed as general guidelines only.

Incidents typically begin and end locally, and are managed on a daily basis at the lowest possible geographical, organizational, and jurisdictional level. Therefore, this Guide provides

lessons from a local government perspective. Recovery is much larger than merely the government response, but because local government is not necessarily involved in these other areas, the lessons learned only reflect the collaboration and coordination of local government partners. This guide provides key considerations for the efforts between local governments and non-governmental partners to ensure the needs of the community are met. This includes the formation of Volunteer Organizations Active in Disaster (VOAD) and Long-Term Recovery Group (LTRG) functions.



The Guide is organized chronologically, starting with the pre-event planning which is the most critical step to success once an event occurs, followed by the immediate recovery needs that occur during the response phase. The Recovery period is a window of opportunity for a community to determine values and sustainable goals and to implement hazard mitigation measures. Pre-disaster planning improves the speed and quality of post disaster decisions and processes. The three most common phases of recovery are short-term, intermediate, and long-term recovery considerations. Finally, the guide provides a framework for capturing lessons learned and then maintaining this guide which can be used as a living document so that we continue to strengthen recovery in Colorado for years to come.

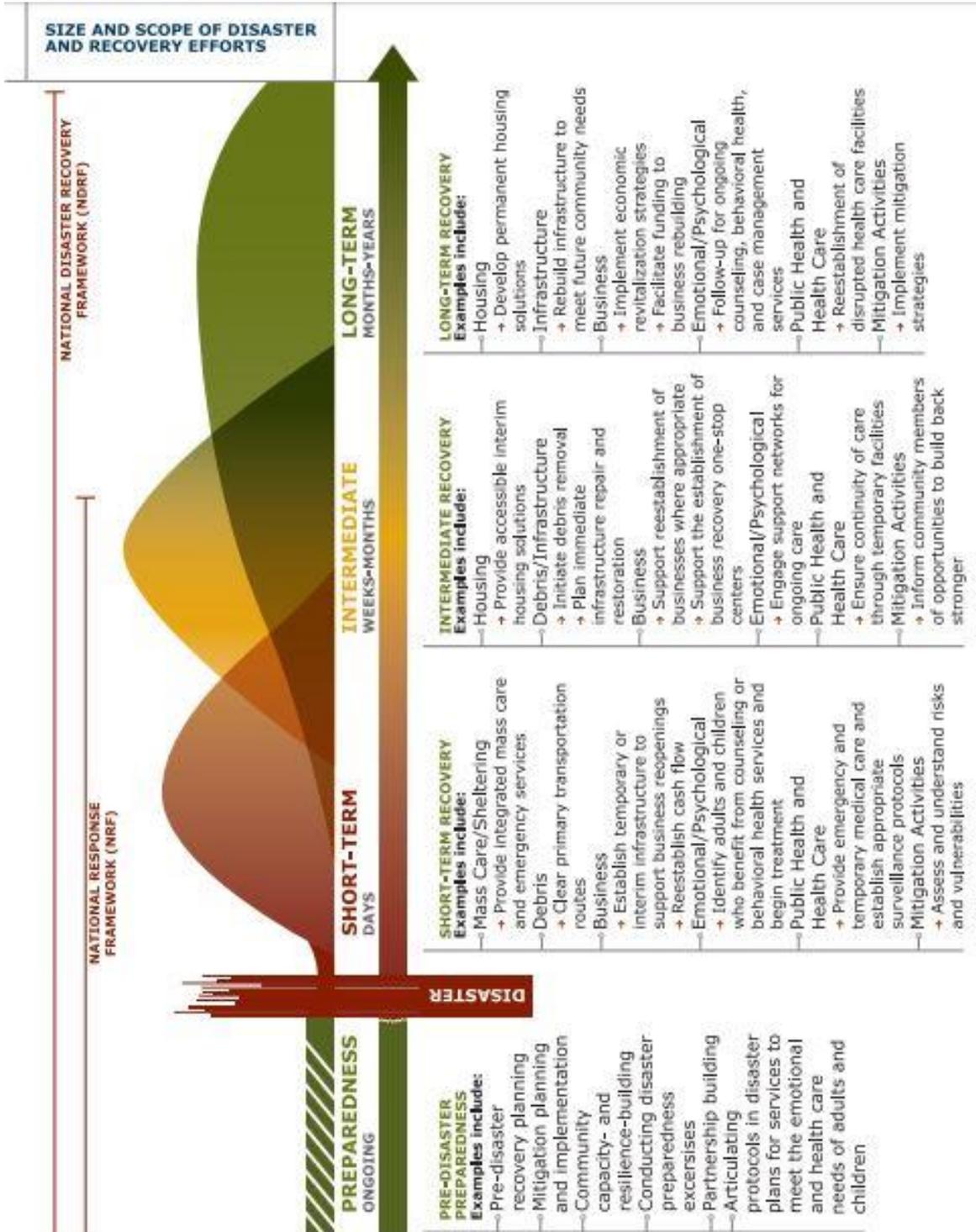
The development of this Guide was made possible through the Colorado Recovery and Resiliency Collaborative. It is a planning tool for those trying to develop or bolster an emergency management program, to be used as a reference when an incident occurs, and as a guide when emergency management personnel want to ensure that they are incorporating any essential steps while supporting their community through recovery.

## **PARTNERS IN THE COLLABORATIVE**

The following agencies and jurisdictions came together to discuss the disasters of 2012 and 2013 to capture lessons learned and to develop this Local Guide to Recovery Manual. They continue to meet regularly to create a better recovery system overall.

Boulder County  
City of Boulder  
City of Colorado Springs  
City of Evans  
City of Fort Collins  
City of Greeley  
City of Longmont  
City of Loveland  
City of Manitou Springs  
CO Department of Local Affairs  
CO Division of Homeland Security and Emergency Management  
CO Resiliency and Recovery Office  
CO Water Conservation Board  
Congressman Jared Polis' Office  
El Paso County  
Federal Emergency Management Agency  
Habitat for Humanity - Loveland  
Larimer County  
Larimer VOAD and Long-Term Recovery Group  
Loveland Housing Authority  
Metro Volunteers  
Senator Cory Gardner's Office  
Senator Michael Bennett's Office  
Town of Berthoud  
Town of Estes Park  
Town of Jamestown  
Town of Johnstown  
Town of Lyons  
Town of Milliken  
US Department of Housing and Urban Development  
Weld County

# RECOVERY PHASES



## BEFORE THE DISASTER – PLANNING FOR RECOVERY

### P.1 THE ROLE OF PREPAREDNESS IN RECOVERY

Effective recovery activities begin with a host of preparedness activities conducted on an ongoing basis in advance of any potential incident. Because of the complex nature of recovery, and the number of agencies and departments involved, preparedness involves an integrated combination of assessment; planning; procedures and protocols; training and exercises; personnel qualifications, licensure, and certification; equipment certification; and evaluation and revision. A few of these needs include:

- Development of the legal basis for emergency management, specific to recovery, for the jurisdiction or agency.
- Creation and/or revision of department/agency recovery plans and procedures to ensure each area of recovery can be accomplished without delay.
- Implementation of training programs on plans and procedures to ensure effective recovery operations.
- Creation and/or revision of financial management and procurement policies, including the development of pre-existing contracts, to ensure compliance with local, state and federal recovery programs.
- Promotion of department/agency, non-governmental and private sector use of cooperative agreements (e.g. Mutual Aid Agreements, Memorandums of Understanding/Agreement, Letters of Agreement, and Interagency Agreements) in advance of a disaster.
- Building long-term relationships with recovery partners to aid in support during and after a disaster.
- Identification of recovery team roles, responsibilities and leadership.

History has shown the majority of incidents in Colorado will not qualify for state or federal assistance. Each jurisdiction should develop their recovery organization with this in mind to ensure the best possible outcome after a disaster.

### P.2 LEGAL BASIS FOR DISASTER RECOVERY

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) is a federal law designed to bring an orderly and systematic means of federal disaster assistance to state and local governments in carrying out their responsibilities to aid citizens. Congress' intention was to encourage states and localities to develop comprehensive disaster preparedness plans, prepare for better intergovernmental coordination in the face of a disaster, encourage the use of insurance coverage, and provide federal assistance programs for losses due to a disaster.



FEMA

The primary statute for the State of Colorado is the Colorado Disaster Emergency Act (revised in 2012 under [24.33.5-700](#), *et seq.*, C.R.S.), which outlines state and local government responsibilities as well as the responsibilities and authority of the Governor during disasters. The Act gives specific instructions to local governments regarding emergency management. Several key points within the Act include:

- The responsibilities and authority of the Governor with respect to emergency management, including the creation of the Governor’s Disaster Emergency Council and the disaster declaration process.
- The creation of the State Office of Emergency Management which describes the duties and responsibilities of this Office to assist in the protection of Colorado citizens.
- The local and inter-jurisdictional duties and responsibilities for disaster agencies and services.
  - Each county shall maintain a disaster agency or participate in a local or inter-jurisdictional disaster agency.
  - Specific municipalities may also be required to have a disaster agency as outlined by this statute.
  - All counties shall cooperate with the disaster agencies of municipalities situated within its borders but shall not have jurisdiction within a municipality having its own disaster agency.
  - Each political subdivision which does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have an elected official designated as liaison officer to facilitate the cooperation and protection of that political subdivision in the work of disaster prevention, preparedness, response, and recovery.
- The provisions for local disaster emergencies, specifically designating the authority to declare, the timelines to follow, and the reporting requirements.

### **P.3 EMERGENCY AUTHORITIES**

One of the most important functions in preparing for recovery from an emergency or disaster is the establishment of proper authorities. These authorities should outline who, within the organization, has the authority to make decisions about the various functions of recovery and who has authority to sign on behalf of the organization. Outlining these authorities pre-disaster will allow the beginning stages of recovery to begin much more efficiently and effectively.

### **P.4 ESTABLISHMENT OF LOCAL RECOVERY FUNCTIONS**

The designation of a disaster agency under the Colorado Disaster Emergency Act, 24-33.5-700, C.R.S., commonly involves designating an emergency manager for the jurisdiction (through resolution and job description), with specific roles and responsibilities for the purpose of protecting the public during emergencies and disasters. The emergency manager coordinates and provides responder training, emergency planning, mitigation alternatives and actions, and recovery operations.

The Colorado Disaster Emergency Act does not, however, outline specific recovery functions and requirements. Therefore, various models exist throughout the state of Colorado. The responsibility for the establishment of a disaster agency rests with the County Commissioners in each County, and the boards of specific municipalities, they can determine the best structure for their recovery. A few variations of this in Colorado include:

- Recovery functions embedded as part of the Office of Emergency Management
- A designated Recovery Manager under the Office of Emergency Management or another county/municipal department
- A Recovery Manager appointed by the Board of Commissioners / Municipal Board on a temporary or full-time basis

The jurisdiction decides how to organize the recovery function. It should be formalized by resolution or city/county code and job descriptions created to ensure roles and responsibilities are clear.

## **P.5 DISASTER AND EMERGENCY POLICIES AND ORDINANCES**

Once a Disaster Agency has been established and the jurisdiction has created the recovery function and authorities, disaster and emergency policies and ordinances are necessary to prepare for a large-scale disaster. Most local policies and procedures are created with day-to-day operations in mind. This works well in steady-state operations but can often cause unnecessary delays and other pitfalls during emergency operations following a disaster.

### **P.5.1 Emergency Waivers**

There may be a need to include an emergency waiver within jurisdictional policies. This language will outline what will be done differently if the policy will be used for emergency response and/or recovery operations. FEMA will use local policies and procedures to determine reimbursement.

Example: If the day-to-day Rubbish Ordinance will be used for debris management, the local jurisdiction may want to eliminate any fines that are placed on community members. This would need to be written into the policy as an emergency waiver e.g., “During a declared local emergency or disaster, all fees and fines will be waived for debris operations.”

Without such a waiver in place, FEMA will expect the local jurisdiction to follow the local policy as written, which could create undue hardship on community members already suffering from the effects of the disaster.

Note: Local jurisdictions cannot create emergency waivers that are dependent upon access to federal funding. For example, the jurisdiction cannot have verbiage in their policies stating, “In the event of a federal disaster declaration, this policy will change to...” Instead, the waivers must be created to stand alone - with or without a federal declaration. The jurisdiction can,

however, determine a local threshold that is used to determine when the waiver will be activated and when it will end.

## P.6 RECOVERY PLANNING

During the response to an emergency or disaster, jurisdictions rely upon the Emergency Operations Plan (EOP), which outlines the actions, roles and responsibilities of agencies and organizations. During the response recovery functions also begin. These two phases should be coordinated so that gaps do not exist between response and recovery. This can be achieved through recovery planning.



Recovery plans provide short-term and long-term priorities for restoration of functions, services, resources, facilities, programs, and infrastructure. There are two types of recovery plans. The Recovery Plan is created prior to a disaster and the Long-Term Community Recovery Plan is created post-disaster. Both involve a wider range of public and private stakeholders more than a typical response operation.

### P.6.1 Operational Recovery Plan

The pre-disaster recovery plan outlines how the local jurisdiction will move through the disaster, from response to long-term recovery operations. It includes the management and the roles and

responsibilities of each department in the jurisdiction to ensure all necessary recovery functions are considered. This plan is similar in many respects to a jurisdictional Emergency Operations Plan.

When completing this document, the jurisdiction should consider the importance of ensuring that there are no gaps between response and recovery operations. This can be accomplished by transitioning from Emergency Support Functions (ESFs) in the Emergency Operations Plan, to Recovery Support Functions (RSFs) in the Recovery Plan.

Example: Identifying vulnerable populations is essential before response operations to ensure adequate evacuation and re-entry procedures. This is outlined in the Emergency Operations Plan. Understanding the needs of vulnerable populations throughout each phase of recovery is equally essential and should be clearly outlined in the Operational Recovery Plan.

### P.6.2 Long-Term Community Recovery Plan / Strategy

Long-Term Community Recovery (LTCR) planning occurs after a disaster where specific projects and needs can be identified. "Long-term" refers to the need to re-establish a healthy,

functioning community that will sustain itself over time. Examples of long-term community recovery actions include:

- Assessing disaster specific impacts and needs
- Aligning recovery strategies with community values and priorities
- Providing permanent disaster-resistant housing units to replace those destroyed
- Initiating a low-interest facade loan program for downtown areas that sustained damage from the disaster (and thus encouraging other improvements that revitalize downtown)
- Initiating a buy-out of flood-prone properties and designating them community open space
- Widening bridges or roadways that improve residents' access and evacuation routes
- Identifying long-term resilience opportunities

The LTCR process has been successful in bringing communities together to focus on their long-term recovery issues and needs and to develop projects and strategies to address those needs. The recovery effort for these communities is still underway, but the LTCR plan and the process employed to develop the plan has been a critical part of their recovery effort. The plan should



Long-Term Community Recovery from Natural Disasters

*Lucy A. Arendt and Daniel J. Alesch*



CRC Press  
Taylor & Francis Group

incorporate the post-disaster community vision and identify projects that are aimed at achieving that vision. A community vision may have been identified prior to the disaster, but visions often change after a disaster. Disasters may unveil new opportunities that were not considered earlier. Long-term community recovery provides an opportunity to put a community back together in an improved more resilient way.

LTCR is the process of establishing a community-based, post-disaster vision and identifying projects and project funding strategies best suited to achieve that vision, and employing a mechanism to implement those projects. Each community's LTCR program is shaped by the community itself, the damage sustained, the issues identified, and the community's post-disaster vision for the future.

When conducting LTCR planning, it is important to identify and include your most vulnerable populations. Vulnerable populations can include lower income populations, minority groups, the elderly, etc. These groups are often not as engaged in community processes due to capacity issues such as language barriers, transportation, etc. Yet these same groups can be the most vulnerable in a disaster situation due to lack of resources, inability to access normal communication channels or have access the transportation assets critical in an evacuation. Identifying and engaging these potentially vulnerable populations early in an inclusive planning process, will enhance the overall resilience of your community.

## **P.7 FINANCIAL MANAGEMENT AND PROCUREMENT POLICIES**

Each jurisdiction should develop and document financial and administrative procedures to support the emergency management program before, during, and after an emergency or a disaster. Prior to an emergency occurring, several steps can be taken to ensure the jurisdiction is adequately prepared.

- The establishment of an Emergency Fund can benefit the jurisdiction greatly during times of an emergency or disaster. It is rare that a jurisdiction will be given funding to replace the monies lost during an emergency. Instead, disaster assistance routinely comes in the form of resources and equipment to help respond and recover from the event. Therefore, a plan for financing a disaster should be a key consideration.

### Can TABOR Reserves be used to assist in recovery?

TABOR reserves can be used for disaster recovery expenses. The limitation with TABOR is that the funds must be re-paid within one year, which makes it difficult to use the monies for recovery. One option is to ask the voters to allow the funds to be used for the disaster. This takes an election so timing is critical.

- Know overtime policies for the jurisdiction, and ensure they are approved and applied routinely regardless of state/federal disaster declarations. The policies must be written and historically used prior to a disaster for any overtime costs to be eligible for reimbursement.
- Know and understand your procurement process. If procurement processes do not currently include emergency waivers, as described previously, consider adding them to allow for streamlined purchasing during a disaster/emergency. Without a waiver in place, normal procedures must be followed to be eligible for any reimbursements. Procedures should be created and maintained for expediting fiscal decisions in accordance with established authorization levels and fiscal policy.
  - For example, a jurisdiction will not have time to wait for a formal bid process during a declared emergency or disaster. Therefore, emergency waivers should already be in place to allow for changes to routine fiscal policies in the event of a disaster.
- Have a clear understanding of procurement thresholds at both the local and the federal levels. The jurisdiction will need to follow the stricter of the two thresholds during the post-disaster period. Keep this in mind in order to expedite the procurement process.
- Financial systems must also be in place to ensure accurate tracking and management of expenses incurred during an emergency or disaster, especially if seeking state and/or federal reimbursement or assistance. Financial documents, such as intergovernmental agreements and contracts, should be part of these systems to ensure efficient and effective use of local resources.

- Pre-disaster contracting can save the jurisdiction time and money when a disaster occurs. These contracts should be utilized with local vendors, as well as neighboring jurisdictions and private partners and non-governmental organizations. Pre-existing contracts are common for those tasks that are necessary immediately following the disaster, such as debris removal, emergency road repairs, facilities, and Public Assistance disaster-related contract services to assist jurisdictions with the FEMA Public Assistance Program. Please see **Appendix F** for an example of an on-call Disaster Recovery Contract.
- Be familiar with the threshold requirements for federal declarations. Contrary to popular belief, there is more than one type of federal declaration. Multiple programs are provided by the Stafford Act and as well as other federal agencies. They all contain various thresholds. It is important to know how to determine thresholds for various programs and/or types of disasters.
- Managing expectations regarding declarations and thresholds is essential. Presidential Disaster Declarations are often difficult to obtain and the thresholds depend on a variety of factors. Managing the expectations of elected and key officials, as well as the public, will assist the jurisdiction in maneuvering through each program.

### **Documentation Needs**

Throughout this guide, there are several references to documentation. It cannot be stressed enough on how important adequate documentation is from the initial planning and preparedness through all phases of recovery. Processes for how to document various recovery requirements should be well established and exercised regularly.

## **P.8 COOPERATIVE AGREEMENTS AND RELATIONSHIPS**

Promotion of department/agency, non-governmental and private sector use of cooperative agreements (e.g. Mutual Aid Agreements, Memorandums of Understanding/Agreement, Letters of Agreement, and Interagency Agreements) in advance of disaster will greatly assist jurisdictions in both pre- and post-disaster phases. Additionally, establishing those relationships with various partners will help ensure the support, knowledge and expertise necessary are available following a catastrophic event.

### **P.8.1 Cooperative Relationships**

One of the most important functions of any emergency management program is fostering relationships with various jurisdictions, as well as public and private partners. Most incidents can be handled with local resources and/or mutual aid agreements with surrounding jurisdictions. Sometimes, there are incidents that cross jurisdictional boundaries or that are so large they cannot be handled through local agreements.

These relationships occur both horizontally and vertically, with local partners and agencies working together, as well as varying levels of government (i.e. special districts, municipalities, counties, states, tribes and federal agencies).

Authority is an issue that continues to come up in discussion amongst emergency managers. The fact is that no one entity will ever have total authority over a recovery operation. Jurisdictions must work together, practice together, and respond together in order to work out jurisdictional concerns. One of the best, and most challenging, aspects of emergency management is that jurisdictions must develop plans and procedures that include local, state, tribal and federal entities, all working toward a common goal. This is not easy, and therefore must be constantly evaluated to ensure relationships remain strong.

### **P.8.2 Agreements and Contracts**

As relationships are established, the need for clear understanding on roles and responsibilities during recovery is necessary. Formal agreements help develop and support understanding and expectations of the participating parties.

The governing body or elected board of a jurisdiction has the authority to sign agreements related to Colorado law. For example, if the jurisdiction has the statutory responsibility to provide incident management capabilities during a disaster, that jurisdiction can sign a delegation of authority agreement with an Incident Management Team (IMT) to manage the incident on behalf of the jurisdiction. Or the jurisdiction may sign an intergovernmental agreement with another governing entity to provide support services during the emergency or disaster, including resources and personnel.

Below are some of the key agreements and contracts that are part of an effective recovery program.

Mutual Aid Agreement (MAA) – Mutual aid agreements are day-to-day, long standing agreements that are utilized most frequently in emergency management. They are maintained among two or more jurisdictions and are used when incidents exceed the availability of routine local resources. MAA's can be used for special circumstances such as automatic mutual aid to a specific area or used where one jurisdiction has a specialized team such as a hazardous materials response team. Or an MAA may be used to backfill when resources become limited. Emergency managers should be familiar with the MAAs within their jurisdiction and know which ones are formal and implied through historical precedent. Many times, formalizing implied MAAs are needed.

Memorandum of Understanding (MOU) – An MOU is a document that outlines an agreement between two parties for services or support. For example, a group of emergency response organizations may sign an MOU stating that they all agree to use the same radio systems and frequencies for emergency response. It is understood by all that coordination is needed for the safety of the community. MOUs don't typically

involve a financial component. MOUs generally lack the binding power of a contract, Memorandum of Agreement or an Intergovernmental Agreement.

Memorandum of Agreement (MOA) – An MOA is a document written between two parties to cooperatively work together on an agreed upon project or meet an agreed objective. The purpose of an MOA is to have a written understanding of the agreement between parties. It can be used between agencies, the public and the federal or state governments, communities, and individuals. An MOA lays out the ground rules of a positive cooperative effort. MOAs can be binding, holding the parties to their commitments.

Intergovernmental Agreement (IGA) – An IGA is a binding contract between two or more governmental entities for support or services. The state Intergovernmental Agreement (IGA) for Emergency Management, has been signed by 56 counties, various municipalities, special districts, and hospitals throughout the state, thus giving each jurisdiction the ability to assist by whatever means they have available. A disaster declaration is not needed at the state or the local level to use this agreement.

Contractual Agreements – During an incident, it is often necessary to obtain outside commercial resources, such as food or sanitation services, through a contractual agreement. The purchasing / procurement department should set these contracts up well in advance of an emergency or disaster in order to ensure the best price for the service or equipment needed.

Land Use Agreements – It may be necessary to obtain the use of land that is not owned by the tribal/local government, such as a facility for management of donations or vacant land for debris operations. Some of these agreements can be predetermined, while others may need to be developed at the time of the disaster. Determining in advance where land, facilities, or water exists that can be utilized for recovery operations can help assist the planning efforts before an emergency occurs. For example, when activating a donations operation, three separate facilities may be needed: a warehouse, a collection point and a distribution center. Knowing what buildings can support these operations will save time and money when activation is necessary.

Data Sharing Agreements – Multiple organizations will need access to individual data for recovery. For example, release forms are needed in order to assist individuals with functions such as damage assessments, Right of Entry (ROE) and property acquisition. Community members often feel frustration over the number of requests they receive for the same basic information. This can be streamlined by developing data sharing agreements in advance between government agencies, non-profits, and volunteer organizations.

The development of these agreements should be done prior to an emergency or disaster whenever possible, but can also be implemented by the governmental body (Policy Group) based on the circumstances of the disaster. It is vitally important for jurisdictions to understand what agreements have been signed, what agreements are needed, and the process for developing appropriate agreements for emergency use.



## **P.9 RESOURCE MANAGEMENT AND LOGISTICS**

One of the key requirements for effective recovery is the ability to quickly and efficiently obtain needed resources. Systems must be in place to activate local resources, procure outside resources through contracts, and notify the Colorado Office of Emergency Management when the jurisdiction has exceeded its resource needs. If a robust resource management system is not implemented and utilized, the jurisdiction will ultimately fail to provide for its citizens. One of the key tasks during a large-scale emergency or disaster will be to determine priority areas and understand the process for requesting additional assistance when resources have been depleted or are unavailable. The Emergency Operations Center (EOC) or Recovery Coordination Center (RCC) should have policies and procedures in place to ensure they can adequately request, allocate, manage and track resources. They must also have a system for documenting all costs associated with those resources. When supporting another jurisdiction, procedures must be in place to collect and process requests for support, including the development of necessary agreements for those resources. All policies and procedures should complement the existing state system for resource acquisition and support. This will allow for an easier transition from local resource ordering to the state resource ordering system.



### **P.9.1 State and Federal Roles in Resource Management**

The State of Colorado's role in pre-disaster resource management is to assist in providing technical assistance in identifying resource needs and developing mutual aid agreements. During an incident, the Colorado Office of Emergency Management can provide operational assistance through its regional field managers in obtaining critical resources and managing resource allocations. This is done through state agencies,

local governments, the private sector, non-governmental organizations, volunteer groups and even other states through the Emergency Management Assistance Compact. COEM will also attempt to secure state funding, as available where applicable for disaster response and recovery. The federal government has several programs that can assist, both pre-disaster and post-disaster. They are able to obtain critical resources via other federal agencies and the

private sector. They also can provide funding via Stafford Act through an Emergency or Major Disaster Declaration. Detailed information about these programs can be found in the Disaster Declaration Section of this guide.

### **P.9.2 Accessing GSA Schedules / Contracts**

Disaster recovery purchasing allows state and local governments to make purchases under any General Services Administration (GSA) schedule to be used to facilitate recovery from nuclear, biological, chemical or radiological attacks, terrorism, or major disasters declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (40 U.S.C. Sec 502(d)). Reference: GSA Memo OGP 4800.2I (19JUL2016)

### **P.9.3 Authority to Request Resource Mobilization**

The authority to request state resource mobilization is vested in the:

- Jurisdictional emergency manager or designee, per tribal or local policy
- County sheriff
- Jurisdictional fire or police chief
- Jurisdictional executives, board of county commissioners, city council, town board, or tribal council (as appropriate)
- Incident commander acting under a **direct delegation of authority** from any of the above. The incident commander is responsible for incident management using National Incident Management System (NIMS) and coordination of resources assigned to the incident.

Only these positions have been vested with the authority to request regional resource mobilization. Current state statute does not differentiate between response and recovery assets. Although the sources for the resources will be different between these two phases of the emergency, the authority to request assistance from the state does not change.

## **P.10 COMMON PITFALLS IN PRE-DISASTER ACTIVITIES**

A pitfall, for purposes of this document, is defined as anything that may ultimately cause recovery operations to fail or to be delayed. This may include a policy that says you must wait 30 days before making a code decision or a procurement threshold that causes the jurisdiction to wait to get resources. Several pitfalls exist in recovery operations, many of which are outlined in this guide.

Below is a summary of possible pitfalls outlined in this section:

- Lack of proper recovery planning documents and procedures
- Planning in isolation without building necessary partnerships
- Lack of policies establishing the Emergency Management and/or Recovery functions and authorities
- Increased pressure to move quickly to ensure all residents are able to get back into the area without clear expectations about hazards, building permits, codes and standards, etc.

- Lack of proper documentation regarding plans, procedures, and processes
- Inability to be flexible with building and land use codes and permitting fees following a disaster
- Lack of financial management procedures and procurement policies for disaster
- Restrictive procurement thresholds causing delay in obtaining necessary resources
- Lack of pre-existing contracts and/or agreements, including intergovernmental agreements between jurisdictions
- Lack of emergency policy waivers to expedite recovery
- Lack of financial reserves or a Disaster Fund
- Lack of knowledge about state and federal recovery program requirements

#### Best Practices to Overcome Pitfalls:

- Ensure the local jurisdiction has clear emergency management authorities, including actions taken during recovery
- Take the time before a disaster to build and write the Operational Recovery Plan
- Seek advice and guidance from jurisdictions that have faced a recent disaster when creating recovery plans and programs
- Document all processes
- Review any jurisdictional policies and procedures to ensure they are flexible enough to withstand a disaster. If they are not flexible, add emergency waivers to provide guidance for disasters
- Meet with finance staff to go over finance policies such as timekeeping and procurement – make changes where necessary
- Create on-call contracts for key recovery tasks such as contractor support for the FEMA Public Assistance Program and Debris Operations
- Take time to review state and federal recovery policies and regulations

## SHORT-TERM RECOVERY ACTIVITIES FOLLOWING DISASTER

Short-term recovery activities are initiated during the response phase as the major impacts of the event are managed and stabilized. This phase addresses immediate unmet needs, damage assessment, health and safety needs, the restoration of basic infrastructure, and the mobilization of recovery organizations and resources. Examples of short-term recovery activities include:

- Addressing immediate life safety needs
- Providing mass care, including shelter, food, water and other essential commodities for those displaced by the incident; helping citizens find interim housing
- Providing disability related assistance/functional needs support services
- Conducting damage assessment of homes, businesses, critical infrastructure and essential services
- Clearance of debris from emergency transportation routes, debris removal and general clean up
- Repairing major transportation systems and restoring interrupted utilities, communication systems, and other essential services
- Dissemination of emergency instructions, incident and recovery information and information regarding available resources to the public
- Provision of initial case management and behavioral health services to address individual needs of disaster survivors and responders
- Implementation of a process for coordinating spontaneous unaffiliated volunteers
- Implementation of a process for managing unsolicited and undesignated donations, possibly including collection and distribution facilities and a multi-agency warehouse
- Rescue, emergency care and sheltering for pets and companion animals
- Staffing and management of Disaster Assistance Centers (DACs) or Disaster Recovery Centers (DRCs) to provide a one stop information and assistance center for survivors
- Establishment of a Joint Field Office (JFO) in cooperation with FEMA during federally-declared disasters
- Activation of Continuity of Operations / Continuity of Government Plans



2013 Flood, City of Longmont  
Photo Courtesy of Peter Gibbons

## S.1 DISASTER OCCURS

When a disaster occurs, a series of events will need to occur in the first few days to weeks of the event to ensure the jurisdiction is adequately prepared for the short and long-term recovery considerations. Before a jurisdiction will be able to determine if they meet the state or federal recovery thresholds for disaster assistance, damage assessment activities will need to begin and a disaster declaration must be executed. Simultaneously, several key functions of recovery will commence while the response phase is still underway.

It is important to understand that there are several different types of emergency and disaster declarations. Some are approved within the first few operational periods, such as the Fire Management Assistance Grant (FMAG), while others come later in the recovery, such as FEMA Public Assistance. Knowing the different types of declarations will assist the jurisdictions in ensuring everything is ready when needed. See the Disaster Declarations section for additional information.



2013 Flood, Boulder  
Photo Courtesy of Gary Sanfacon

## S.2 EOC TO RECOVERY COORDINATION ACTIVITIES

EOCs are the physical location where coordination of information and resources to support incident management activities normally take place. Standing EOCs, or those activated to support larger, more complex events, are typically established in a central or permanently established facility. The EOC is a central point of coordination during an incident and is usually managed by the emergency management agency for the jurisdiction. Many departments or agencies within a jurisdiction offer capabilities (skilled personnel and resources) to help with an emergency or disaster. The EOC is a good place to coordinate and synchronize those assets. The focus of an EOC is the coordination of information and resources to support incident management activities. The functions of the EOC are to:

- Conduct situational assessments
- Coordinate information sharing and management
- Acquire and allocate critical resources to incidents
- Conduct multi-agency coordination
- Provide summary information by function
- Coordinate, support and assist with policy level decisions
- Coordinate with Joint Information Centers or a Joint Information System
- Coordinate with the elected and appointed officials through the Policy Group
- Coordinate with other EOCs or Multi-Agency Coordination Centers

The establishment of an EOC, either physical or virtual, is necessary to adequately support

incident management and coordinate the actions of multiple agencies and jurisdictions during larger events. The EOC should involve jurisdictional staff, emergency responders, emergency management personnel and a policy group, including elected officials, county/city officials and legal support. The State of Colorado will assist with this coordination through the State Emergency Operations Center.



### **S.2.1 Role of the EOC in Recovery**

The emergency manager provides local/tribal response assistance to the affected areas while also coordinating or supporting recovery activities. For most jurisdictions, these recovery activities begin at the Emergency Operations Center (EOC). From the time that response begins, the EOC should have personnel focusing on both short and long-term recovery considerations. Once the response phase stabilizes, recovery functions transfer from the EOC to a multi-jurisdictional, multi-agency group, often led by community executive leadership, often called a Recovery Task Force or Recovery Coordinating Group. Eventually, recovery functions will move back to the local/tribal jurisdiction through regular departments and local/tribal organizations for long-term needs.

### **S.2.2 Emergency Support Functions in Recovery**

Recovery actions are generally initiated in the tribal/local EOC as ***Emergency Support Functions (ESFs)*** that are activated to support emergency response operations. The focal point for initial

recovery activities includes documenting rapid damage assessment information, anticipating possible needs for local, state and tribal resources, and convening the Recovery Coordination Group to provide updates and set protocols for communications.

Although most ESFs have a recovery element to their mission, some ESFs will stand down or dissolve at the time the EOC demobilizes or as soon as all tasks are accomplished. During interim and long-term recovery, many efforts initiated through the ESF organizational structure will be assumed by department heads or interagency working groups organized according to Recovery Support Functions.

**Table 1. Recovery Support Functions**

<b>Federal RSFs</b>	<b>State RSFs</b>	<b>Local RSFs (varies)</b>
Community Planning and Capacity Building	Damage Assessment	Damage Assessment
	Hazard Mitigation	Hazard Mitigation
Economic Development	Community and Economic Recovery	Economic Recovery
Health, Social and Community Services	Behavioral Health Services	Behavioral Health Services
	Debris Management	Debris Management
	Disaster Recovery Centers	Disaster Recovery Centers
	Donations Management	Donations Management
	Public Health and Safety	Public Health and Safety
	Volunteer Coordination	Volunteer Coordination
		Human Services
		Public Safety and Security / Re-Entry
		Public Information and Community Engagement
		Recovery Coordination Group
Housing	Housing (Interim and Long-Term Housing)	Housing (Interim and Long-Term Housing)
Infrastructure Systems	Infrastructure Systems	Infrastructure Systems
Natural and Cultural Resources	Environmental Rehabilitation and Restoration	Environmental Rehabilitation and Restoration
	Historic and Cultural Resources	Historic and Cultural Resources

### **S.2.3 Recovery Support Functions**

At the local level, ESFs may transition to **Recovery Support Functions (RSFs)**, which have a longer duration than ESFs and are focused on more specialized tasks requiring technical

expertise, such as economic redevelopment, environmental rehabilitation and housing development. Depending upon the tasks necessary for recovery, these functions often involve a wide range of stakeholders, agencies and departments.

Even if the jurisdiction does not use RSFs in their planning, the functions outlined are the common functions necessary in recovery operations and should be considered in the operational planning process. Each function should be considered fully, including the establishment of authorities needed to complete the functions, roles and responsibilities, agreements and contracts, and key relationships. The Recovery Manager will assist in coordinating these efforts on behalf of the jurisdiction. Table 1 outlines the current federal and state RSFs along with an example of what the local RSFs might look like.

#### **S.2.4 Recovery Task Force / Recovery Coordination Group**

A main requirement of the recovery stage is obtaining good leaders, individuals who are well-qualified to handle situations that may arise and have the authority to make critical decisions. Effective leaders can create a successful recovery phase. Leaders should know what they need from the recovery phase and strive to achieve those goals. Communities must also rely on leaders who have knowledge of the resources, finances, and supplies necessary for a recovery.

Local jurisdictions will have recovery needs that must be accomplished regardless of whether the disaster meets state or federal thresholds for assistance. The formation of a Recovery Task Force or Recovery Coordination Group for the affected jurisdiction will ensure that subject-matter experts, community leaders and key officials contribute to the development of a recovery strategy that meets the current and future needs of the community. This includes the building, land use, planning, and permitting needs of the jurisdiction. This task force will be in place long past the time when the responders go home and the EOC deactivates. Community leaders play an essential role by providing financial and other resources to support recovery goals and by establishing the organization that will guide the recovery efforts.

### **S.3 DAMAGE ASSESSMENT PROCESS**

There are several different types of assessments that occur post-disaster. These assessments are critical even if the disaster does not meet the state or federal thresholds for assistance. They give the local/tribal jurisdiction valuable information about infrastructure and recovery actions. The most common assessments include the Rapid Needs Assessment and the local, state, or joint Preliminary Damage Assessment (PDA).

#### **S.3.1 Rapid Needs Assessment / Initial Damage Assessment**

The Rapid Needs Assessment begins almost immediately after the event. This is often called the “Windshield Assessment” as it involves first responders and key officials reporting their observations as they move through the damaged areas. It is essentially a community-level “size up” that identifies immediate life safety and response priorities as soon as possible, preferably within the first operational period.

Tips for conducting an effective rapid needs assessment:

- Good preparation and training of local staff before an event can make this process much more efficient.
- Immediately after an incident, begin keeping a record of all reports of damage and update them as information comes in. All departments and agencies should keep good records and take pictures of damages as appropriate.
- Most damage assessment information will be obtained from other departments, including public works, law enforcement, fire, EMS and other agencies that have information about costs/damages associated with the incident.
- Proactively develop a method for collecting and analyzing Rapid Needs Assessment data
- Monitoring social media and maintaining contact with the local dispatch center can help prioritize where to send Rapid Assessment teams



2015 Hail and Flooding, City of Colorado Springs  
Photo Courtesy of Gordon Brenner

Before the disaster occurs, departments should be aware of their role in information gathering to make the process go smoothly. The window of opportunity for pulling this information together after a disaster is usually only 24-72 hours.

Local jurisdictions are encouraged to conduct damage assessments as soon as access into the disaster area is possible to better understand the disaster's impact on private property, infrastructure and public assets, and to understand the disaster's overall impact on the community. Conducting a local damage assessment, whether through the rapid needs assessment process or

separately, provides the local government with important information that will drive short term recovery decisions (Do we need to identify housing resources? What infrastructure repairs do we need to prioritize? Will businesses be able to operate normally? Etc.). Additionally, detailed damage information helps state and federal officials determine whether a damage assessment is necessary to determine eligibility for federal assistance. The State OEM can provide support during the local process as requested by the local Emergency Manager or other officials.

### **S.3.2 Joint Verification (Preliminary Damage Assessment)**

If a disaster is large enough, federal financial assistance may be available through a federal disaster declaration. When disaster-related impacts approach established federal disaster

thresholds, the emergency manager may request a FEMA Preliminary Damage Assessment (PDA) through the state. If the event does not meet FEMA disaster program indicators, but could possibly meet Small Business Administration (SBA) indicators, the jurisdiction can request an independent SBA PDA.



2013 Flood, City of Longmont  
Photo Courtesy of Peter Gibbons

The emergency manager (or a designee) will escort federal and state teams to assist in verification of the damages. If impacts meet the thresholds, a federal declaration may be obtained for FEMA Public Assistance, FEMA Individual Assistance, disaster loan assistance from the Small Business Administration (SBA) or agricultural assistance through the United States Department of Agriculture (USDA).

Local coordination includes, but is not limited to, activities involving contacting partners, setting up teams, determining and assigning support activities, deploying teams, collecting and assimilating the information, and demobilizing teams. Local participation includes performing as an active member on the team and forwarding a request through the Colorado Office of Emergency Management for federal assistance when impacts are beyond the capabilities of state, tribal, and local governments to manage.

Tips for conducting an effective Preliminary Damage Assessment:

- Develop a method for collecting and analyzing Preliminary Damage Assessment information
- Utilizing mapping resources during this process is extremely valuable to the jurisdiction, the affected citizens and the state and federal teams. Having detailed mapping available to Damage Assessment Teams will increase the speed and accuracy of the assessment process
- Close coordination with local Volunteer Organizations Active in Disasters (VOAD) and/or non-profit agencies, such as Red Cross and Salvation Army, is the best means for obtaining information about impacts to the community.
- Creating a multi-jurisdictional team will save resources and provide for the most efficient use of time. The team should consist of local, state and federal partners, as well as key damage assessment personnel from non-governmental and private sector agencies.

### **S.3.3 Determining Thresholds for Funding Programs**

As mentioned previously, there are several different federal disaster thresholds, depending upon the type of damage and the hazard. For example, a snow emergency has its own set of threshold requirements that are different than those of a Public Assistance Declaration. For more information about the types of disaster programs see the Robert T. Stafford Disaster Relief Act at: <https://www.fema.gov/robert-t-stafford-disaster-relief-and-emergency-assistance-act-public-law-93-288-amended>

### **S.3.4 Safety Assessments**

Safety assessments should begin during the response phase and continues during the recovery phase. Damage to utilities should be noted, and the utility company should be notified as quickly as possible. Electrical, phone, and cable services are critical to safety and communications; while gas, water, propane, and oil are critical to the return to normal life. Information on the condition of infrastructure will come from a variety of sources including the emergency responders. New damage may be discovered, and changing safety concerns will dictate what areas must be evacuated. During recovery, these assessments will be a factor in determining when it is safe for residents and workers to return to an impacted area. Safety hazards can be classified in one or more of the following categories:

#### Environmental Conditions

Water quality, air quality and other environmental conditions will dictate whether residents can return to an affected area, or if protective gear is required. Dangerous conditions can result from heavy smoke, hazardous material release, contamination of drinking water, etc.

#### Roads and Bridges

Which roads, bridges and access points are passable and which ones are closed? Are dams, levies and retaining walls safe or in danger of collapse? These and other factors will support decisions about which areas must be evacuated, and when an evacuated area is safe for return of residents.

#### Public Buildings

Decisions about the safety of public buildings will dictate whether the building can be safely entered and, if not, whether to initiate Continuity of Operations or Continuity of Government plans.

#### Private Homes and Places of Business

Inspections by local building officials will determine whether or not citizens can be allowed to go home, which in turn will also affect whether or not shelters are still required. Depending on local codes, public health or environmental inspectors may also be needed.

#### Geologic Hazards

Depending upon the disaster, many geologic hazards may still exist that will require assessment before areas are cleared to the public or will need to be monitored for long-term impacts. This may include mudslides, debris flows, flooding after wildfire, etc.

### **S.3.5 Security Needs Assessments**

At times during emergencies, certain areas may be restricted from public access either to prevent injury, or to stop looting or other illegal activity. It is important to conduct a security needs assessment and arrange for sufficient personnel to keep both citizens and property safe.

### S.3.6 Establishing Priority Areas

It will be necessary to determine the order in which clean up or repair is done, on at least an emergency basis once the damage assessments are completed. Many factors will have to be taken into account, but it is important to place businesses that supply critical items like food, fuel, hardware, and paper products like toilet paper high on the list of priorities. Businesses that have the capability of refrigerated storage may also be a high priority.

## S.4 DISASTER DECLARATION PROCESS

The purpose of this section is to describe the operational procedures for requesting an emergency or disaster declaration at the local, state and federal levels.

### S.4.1 Local Disaster Declaration

The primary benefit of declaring an emergency or disaster is to allow the activation of the Local Emergency Operations Plan (LEOP). Once activated, jurisdictions may:

- Access policies and procedures that are not available in day to day operations
- Activate disaster codes and ordinances
- Expand Emergency Operations Center (EOC) support to incident command and begin recovery operations
- Provide a mechanism for financial support if state or federal assistance is approved



2013 Flood, Boulder County  
Photo Courtesy of Gary Sanfacon

### Authority for Local Declaration

Authority for a local disaster declaration is provided by the Colorado Disaster Emergency Act, C.R.S 24-33.5-700.

- A local disaster may be declared only by the principal executive officer of a political subdivision
- It shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the political subdivision

### Roles and Responsibilities - Municipal and County Level

- Coordinate with Damage Assessment Teams and local partners (municipal/county) to determine extent of damages and the need for a local declaration.
- If municipalities declare a local emergency or disaster but the county does not meet thresholds, the county should assist municipalities with the declaration process at the state level, including support from the Board of Commissioners in the declaration process as appropriate.
- If municipalities declare a local emergency or disaster and the county meets necessary thresholds, provide for a coordinated declaration between all local governments within the county.

- Provide the Policy Group with relevant information regarding the need for a disaster declaration.
- Send the signed declaration to the State of Colorado, Division of Homeland Security and Emergency Management, for consideration
- Coordinate with state agencies as appropriate for resource support and financial assistance.

### Local Declaration Steps

Once it is determined that the incident exceeds local capabilities, and/or the damages meet state and federal thresholds, the affected county will sign a resolution declaring a major emergency or disaster. If a municipality is also affected by the disaster, the municipality should declare and the declaration should be coordinated between the municipality and county.

- Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the county clerk and recorder, city clerk, or other authorized record-keeping agency.
- An emergency declaration may extend to all or any part of the geographical area under the jurisdiction of the municipality/county/tribe/special district.
- Although a verbal declaration of emergency is permitted, all declarations should ultimately be made in writing to DHSEM to ensure proper documentation is maintained.
- Even though a local state of emergency declaration can be initiated by a municipality or county at any time, it should be declared prior to requesting response or recovery assistance from the state. Doing so informs state decision makers that an emergency situation exists beyond the response or recovery capabilities of the local jurisdiction.

**Please see Appendix D for an example of a Local Disaster Declaration.**



Manitou Springs Flooding

Photo Courtesy of Gordon Brenner

#### **S.4.2 State Disaster Declaration**

Once DHSEM receives a declaration of emergency or disaster from the local jurisdiction, the State EOC will begin to provide support as appropriate to the disaster. When use of the Colorado National Guard is requested, the State EOC will work with the Governor to sign an Executive Order to provide such support.

#### Authority for a State Declaration

Authority for a Colorado State disaster declaration is provided by the Colorado Disaster Emergency Act, C.R.S 24-33.5-700.

#### Roles and Responsibilities – State Level

Division of Homeland Security and Emergency Management (DHSEM)

- Accept the local disaster declaration and provide assistance as available to local governments through resource support and financial assistance
- Determine which type of federal assistance to request
- Develop a request letter for the Governor’s signature and compile data to support the request
- Recommend the State Coordinating Officer (SCO) and the Governor’s Authorized Representative (GAR) for the Governor’s consideration
- Coordinate with FEMA for the administration of the disaster assistance programs with support from other state agencies - Other state agencies may provide personnel to assist in the implementation of the program as it relates to their area of expertise
- Assign staff to coordinate the delivery of disaster assistance programs
  - Individual Assistance Officer (IAO) - is responsible for the daily administration of the Individual Assistance Program. The IAO coordinates with FEMA to implement the various disaster assistance programs that are included under an IA declaration. The IAO coordinates the state agencies that are involved in the delivery of the disaster assistance programs.
  - State Public Assistance Group (SPAG) Supervisor - is responsible for the daily administration of the Public Assistance Program. The SPAG supervisor is the state official who is responsible for providing briefings to the applicants on elements of the Public Assistance Program, supervising Public Assistance Specialists (PASs), training and coordinating State Project Specialists (SPSs), providing technical assistance and guidance to applicants, and preparing Public Assistance Program documents for applicants.
  - State Hazard Mitigation Officer (SHMO) – is the person designated by the GAR as the individual responsible for all matters related to the administration of the Hazard Mitigation Grant Program (HMGP). The SHMO will develop a mitigation strategy and coordinate all state mitigation activities during disaster recovery.
- Inform support agencies and local officials of request for and approval/denial of federal assistance
- Coordinate public information activities related to the request for federal assistance
- Work with FEMA to manage the program

- Provide technical support and assistance to applicants
- Ensure that potential applicants are educated about the eligible assistance programs and are aware that the assistance is available

#### Governor’s Office

- Accept the local Emergency or disaster declaration from DHSEM with their recommendation for state assistance
- Determine need for a State Declaration of Disaster
- Sign an Executive Order declaring an emergency or disaster for the State of Colorado and send the request to FEMA for federal declaration consideration
- Appoint the State Coordinating Officer (SCO) to act in cooperation with the Federal Coordinating Officer (FCO) to coordinate disaster recovery efforts for the state
- Appoint the Governor’s Authorized Representative (GAR) who is empowered by the Governor to execute, on behalf of the state, all necessary documents for the disaster assistance programs. The GAR has overall management responsibility for the state’s disaster assistance programs and is the state official who is responsible for assigning individuals and alternates to serve as the Individual Assistance Officer (IAO), Public Assistance Group Supervisor and State Hazard Mitigation Officer (SHMO). The GAR is also responsible for administering funds for the FEMA programs and ensuring that the state fulfills its responsibilities under the Stafford Act and Code of Federal Regulations (CFR). The GAR monitors the activities of the IAO, State Public Assistance Group (SPAG) Supervisor and SHMO, and coordinates with the state financial management officer. The GAR determines the staff and budget required for program management from the date of the President’s declaration through the completion of the grant program.



High Park Wildfire Crew  
Photo Courtesy of Larimer County

#### State Declaration Steps

If a jurisdiction determines the emergency or disaster is beyond its ability to effectively respond, a local declaration will be sent to the state DHSEM, triggering the following steps:

- DHSEM staff will gather information and brief the State OEM Director
- The State OEM Director, depending on time and severity of the situation, will brief the DHSEM Director, CDPS Executive Director and/or the Governor’s staff
- A determination will be made as to whether or not a state declaration is warranted

- A state of emergency can be declared by the governor through an executive order or proclamation (C.R.S. 24-33.5-700), which is submitted to the President through the Federal Emergency Management Agency (FEMA), Region VIII, in Denver, Colorado - Only the Governor of the state can declare a state of emergency
- If warranted, state agencies may assist the Governor's staff with content for the Executive Order
- The Executive Order is distributed to the appropriate agencies. Actions are determined
- The action of the governor will be in support of the local jurisdiction's expressed needs
- The Executive Order should include the following points:
  - The nature of the emergency (fire, flood, snow storm, drought, etc.)
  - The area that is threatened
    - ~ One jurisdiction
    - ~ Multiple jurisdictions within one county
    - ~ One region
    - ~ Multiple regions
    - ~ Entire state
  - The conditions that have led to the state of emergency
- The declaration of a state of disaster emergency by the governor serves to activate the emergency response, recovery and mitigation phases of the state and local emergency management plans; and provide authority for the mobilization and deployment of all resources to which the plans refer.
- A declared state of emergency is only good for 30 days unless the Governor renews the declaration. The declaration can be terminated by way of Executive Order or Proclamation when the Governor determines that a state of emergency no longer exists.

The State of Colorado works as a pass-through for federal declarations and programs. In many cases, the local jurisdiction will work directly with the state who will then work with the federal government. In some cases, the state will bring federal agencies to the table. This can cause confusion and miscommunication if not well coordinated.

### **S.4.3 Federal Disaster Declaration**

Once damage assessment information is complete and the state has assessed whether the emergency or disaster meets specific federal thresholds, the Governor will implement the process to request a Federal Disaster Declaration.

#### Authority for a Federal Declaration

Authority for a Federal Disaster Declaration is provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as Amended (Stafford Act).

- This law establishes a process for requesting and obtaining a Presidential disaster declaration, defines the type and scope of assistance available from the federal government, and sets the conditions for obtaining that assistance.
- When state and local resources are inadequate to effectively respond to an emergency or major disaster, the Stafford Act allows for federal assistance through a Presidential Disaster Declaration.

### Roles and Responsibilities – Federal Level

#### Federal Emergency Management Agency

- Coordinate the disaster declaration process between the State of Colorado and the Federal Government to determine which federal programs, if any, are applicable
- Coordinate damage assessments to determine if thresholds are met for federal program assistance
- Coordinate federal resources with the State of Colorado to ensure resources are available to assist in response and recovery efforts
- Upon a Presidential Declaration of a major disaster or emergency, FEMA headquarters will appoint a Federal Coordinating Officer (FCO) to immediately take action to ensure that federal assistance is provided in accordance with the declaration and applicable laws

#### Small Business Administration

- Coordinate damage assessments to businesses and primary structures with FEMA and local agencies to determine if thresholds are met for SBA assistance
- Administer the SBA program

### Federal Declaration Steps

Once the State of Colorado determines that a state declaration is warranted, the Governor's Executive Order will trigger the following steps:

- Damage Assessments – State and federal officials conduct a joint preliminary damage assessment (PDA) with local officials to estimate the extent of the disaster and its impact on individuals and public facilities. This information is included in the Governor's request to show that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the local governments and that federal assistance is necessary.
- Lead Agency – FEMA is tasked with coordinating the response of federal agencies with state and local governments.
- Supplemental Information – FEMA gathers information to supplement the governor's request. This information is sent to the president who determines the final disposition. The disposition of the request is transmitted through FEMA Region VIII back to the governor.
- Decision - Based on the Governor's request, the President may declare that a major disaster or emergency exists, thus activating an array of Federal programs to assist in the response and recovery effort. Not all programs, however, are activated for every

disaster. The determination of which programs are activated is based on the needs found during the damage assessment and any subsequent information that may be discovered. Thus the importance of a comprehensive needs assessment by jurisdictions.

#### **S.4.4 Levels of Federal Declaration**

There are two types of declarations provided for in the Stafford Act: Emergency Declarations and Major Disaster Declarations. Both types authorize the President to provide federal disaster assistance. The cause of the declaration and type and amount of assistance differ.

##### Major Disaster Declaration

The Governor may request a Major Disaster Declaration if a situation occurs which is of such severity and magnitude that effective response is beyond the capabilities of the state. The Governor submits his/her request to the President through the Federal Emergency Management Agency Regional Administrator (FEMA RA). The Governor's request must be submitted within 30 days of the event, unless the FEMA Assistant Administrator approves an extension.



Waldo Canyon Wildfire, El Paso County

Photo Courtesy of Gordon Brenner

Based on all available information, the FEMA RA will summarize the Preliminary Damage Assessment findings and submit a recommendation to FEMA headquarters. FEMA headquarters will review the recommendation of the FEMA RA and formulate a recommendation that is forwarded to the President. The President will make a determination based on all of the information provided to him/her.

After a declaration by the President, the FEMA Assistant Administrator designates the areas eligible for federal assistance. The Governor may request that additional affected areas be authorized by FEMA within 30 days of the termination date of the incident or 30 days after the declaration, whichever is later, unless the Federal Coordinating Officer (FCO) approves an

extension. For catastrophes of unusual severity and magnitude when field damage assessments are not necessary to determine the requirement for supplemental federal assistance, the Governor may send an abbreviated written request through the FEMA RA for a declaration of a major disaster. This may be transmitted in the most expeditious manner available

#### Emergency Declaration

The Governor may request an emergency declaration to supplement the state and local efforts to save lives and to protect property and public health and safety, or to lessen or avert a threat of catastrophe. The Governor submits his/her request to the President through the FEMA RA. The Governor's request must be submitted within 30 days of the event, unless the FEMA Assistant Administrator approves an extension.

Based on all available information the FEMA RA will summarize the Emergency Declaration request and submit a recommendation to FEMA headquarters. FEMA headquarters will review the recommendation of the FEMA RA and formulate a recommendation that is forwarded to the President. The President will make a determination based on all of the information provided to him/her.

After a declaration by the President, FEMA designates the areas eligible for federal assistance. The Governor may request that additional affected areas be authorized by FEMA within 30 days of the termination date of the incident or 30 days after the declaration, whichever is later.

#### **S.4.5 Types of Federal Declarations and Assistance**

As stated previously, there are multiple types of federal declarations. This section outlines some of the more common declarations for emergencies and disasters.

#### Federal Emergency Management Agency

The Code of Federal Regulations and FEMA Policy establish criteria against which a Presidential disaster or emergency request is measured in 44 CFR Part 206.48. FEMA disaster assistance falls into four general categories:

- Individual Assistance — Aid to individuals and households;
- Public Assistance — Aid to public (and certain private non-profit) entities for certain emergency services and the repair or replacement of disaster-damaged public facilities;
- Hazard Mitigation Assistance — Funding for measures designed to reduce future losses to public and private property.
- Fire Management Assistance Grant – Provides financial assistance to jurisdictions for wildfire suppression activities

Some declarations will provide only individual assistance, only public assistance, or only certain portions of these programs. Hazard mitigation opportunities are assessed in most situations. Additionally, FEMA will only reimburse a portion of total allowable costs (typically 75%).

### *Individual Assistance (IA) Program*

The IA Program is designed to give aid to individuals and households. Here are a few examples of the type of assistance given to individuals:

- Temporary Housing: Giving those affected by the disaster a place to live temporarily while their homes are being repaired or restored.
- Repair: Money is available to homeowners to repair damage from the disaster to their primary residence that is not covered by insurance.
- Replacement: Money is available to homeowners to replace their disaster destroyed that is not covered by insurance.
- Disaster-related medical and dental costs
- Clothing; household items: (room furnishings, appliances); tools including specialized or protective clothing and equipment required for your job; necessary educational materials (computers, school books, supplies).

An evaluation of a major disaster declaration for IA involves an assessment of the overall severity and magnitude of the impacts to the community, such as major employer(s) affected, business districts receiving major damage, percentage of housing stock impacted, economic impact, uniqueness of area (high unemployment rate compared to state average), and populations affected compared to state average or national averages (elderly, low income, disabled).

FEMA considers multiple factors when making recommendations to the President regarding the provision of IA under a Presidential disaster declaration. As outlined in FEMA regulations, these factors include:

1. Concentration of damages to individuals. High concentrations of damages to individuals, such as destroyed and damaged housing, may indicate a greater need for Federal assistance than widespread and scattered damages throughout a State.
2. Trauma. The degree of trauma to the State and communities is considered with special attention paid to large numbers of injuries and deaths, large scale disruptions to normal community functions and services, and emergency needs, such as extended or widespread losses of power or water.
3. Special Populations. FEMA considers the impact of the disaster on special populations, such as the low-income, the elderly, and the unemployed. Special consideration is also



2013 Flood, Boulder County  
Photo Courtesy of Gary Sanfacon

given to the effect of the disaster on American Indian and Alaskan Native tribal populations.

4. Voluntary agency assistance. The capabilities of local and State voluntary, faith, and community-based organizations are taken into consideration, as these entities play an important role in meeting both the emergency and recovery needs of individuals impacted by disasters.
5. Insurance. Stafford Act assistance is supplemental in nature, and therefore the level of insurance coverage is taken into account; primarily to qualify the scope of necessary assistance.
6. Average amount of individual assistance by State size. While there is no set threshold for recommending individual assistance, the average amount of assistance historically provided to individuals and households is published in FEMA regulations [1], and may be useful to States and voluntary agencies as they develop plans and programs to help disaster victims. It includes an indication of the number of homes that were destroyed or received major damage in previously declared disasters. The impact to housing is a primary factor when evaluating a request for Individual Assistance. When conducting joint Preliminary Damage Assessments with an affected State, FEMA evaluates the total number of homes destroyed and damaged, as well as evaluates the accessibility and habitability of the dwellings and the community.



2013 Flood, Boulder County  
Photo Courtesy of Gary Sanfacon

#### *National Flood Insurance Program*

Anyone in a participating community can purchase flood insurance. More than 20% of all claims come outside of the regulatory Special Flood Hazard Area. Policies can include Increased Cost of Compliance, which, if eligible, provide funding for activities such as elevation or demolition.

Flood insurance coverage will generally be determined between an eligible policyholder and the NFIP. However, local leadership and the local floodplain administrator play an important role. First, the floodplain administrator is responsible for ensuring that

the community remains in compliance with NFIP requirements, including issuing floodplain development permits. Second, the floodplain administrator is an ambassador to residents and businesses in understanding flood risk, as well as taking necessary steps to repair or rebuild in compliance with local, state and federal regulations. Third, the floodplain administrator will play a critical role in advising local leadership on substantial damage determinations, which affect permitting requirements and ICC coverage from the NFIP.

### *Public Assistance (PA) Program*

The PA Program is designed to provide assistance to local, state and tribal governments, and certain types of private, non-profit organizations so that they can quickly respond and recover from major disasters or emergencies declared by the President.

Program Categories – The PA program consists of two specific categories of work:

- Emergency Work – Addresses immediate needs, including:
  - Category A – Debris Removal
  - Category B – Emergency Protective Measures
- Permanent Work – Provides for the permanent restoration of the following facilities:
  - Category C – Public Roads and Bridges
  - Category D – Water Control Facilities
  - Category E – Buildings and Equipment
  - Category F – Utilities
  - Category G – Parks, Recreational, and other Facilities

Public Assistance Indicators – Other factors or “indicators” considered in reviewing a Governor’s request for a PA declaration include:

- Amount and types of infrastructure damage;
- Impact on infrastructure or critical facilities in the affected area;
- Imminent threats to public health or safety;
- Impacts to essential government services or functions;
- Unique capability of federal government;
- Dispersion or concentration of damages (high concentrations of damages generally indicate a greater need for federal assistance than widespread and scattered damages);
- Level of insurance in place for public facilities (FEMA reduces the amount of assistance by the amount of insurance that was or should have been in force at the time of the disaster);
- Assistance available from other sources (federal, state, local, volunteer, private sector);
- State and local resources/commitments from previous undeclared events;
- Frequency of disaster events over recent time period (FEMA looks at the last 12-month disaster history to better evaluate the impact on the state and locality, and in doing so, they look at federal and state declared events and the extent to which the state spent its own funds);



2013 Flood, Estes Park Permanent Repairs  
Photo Courtesy of Christy Crosser

- Per capita Impact for Estimated Cost of Assistance (uninsured public damages and response costs that exceed the per capita cost factors are one factor which FEMA will consider, but FEMA will also give consideration to concentrations of damages that impact county and local government even if the statewide per capita is not met); and
- Other federal programs (FEMA will consider other federal programs if their programs would be more appropriate to meet the needs of the disaster).

#### *Hazard Mitigation Grant Program (HMGP) – Section 406 Mitigation*

Hazard mitigation is defined as cost-effective action taken to prevent or reduce the threat of future damage. The applicant, FEMA, or the state may recommend that hazard mitigation measures be included in a PA Program Project Worksheet (PW). The costs of eligible hazard mitigation actions will be included in the overall funding of a project. FEMA will only reimburse a portion of total allowable costs (typically 75%). This program is triggered as a result of a declaration.

#### *Fire Management Assistance Grant (FMAG) Program*

The Fire Management Assistance Grant is a separate program within the Stafford Act specific to wildfire. Fire Management Assistance is available to States, local and tribal governments, for the mitigation, management, and control of fires on publicly or privately owned forests or grasslands, which threaten such destruction would constitute a major disaster. The Fire Management Assistance declaration process is initiated when the Colorado Division of Fire Prevention and Control (DFPC) submits a request for assistance to the FEMA Regional Director at the time a "threat of major disaster" exists. The entire process is accomplished on an expedited basis and a FEMA decision is rendered in a matter of hours. The grant program provides a 75 percent Federal cost share and the jurisdiction having authority pays the remaining 25 percent for actual costs. Eligible firefighting costs may include expenses for field camps; equipment use, repair and replacement; tools, materials and supplies; and mobilization and demobilization activities.



High Park Wildfire, Larimer County  
Photo Courtesy of Colorado National Guard, John Rohrer

## Small Business Administration

The Governor may request a Small Business Administration (SBA) Disaster Declaration. The Governor submits his/her request to the SBA disaster area office serving the region where the disaster occurred. The Governor's request must be submitted within 60 days of the event. After a declaration by the SBA, the areas eligible for the SBA Low Interest Loan Program are designated.

- Authority for SBA Assistance - The Code of Federal Regulations establishes criteria against which a declaration request is measured in 13 CFR Part 123.3 (a).
- There are five ways in which disaster declarations are issued which make SBA disaster loans possible:
  - a. The President declares a Major Disaster, or declares an emergency, and authorizes Federal Assistance, including individual assistance (Assistance to Individuals and Households Program).
  - b. If the President declares a Major Disaster limited to public assistance only, a private nonprofit facility which provides non-critical services under guidelines of the Federal Emergency Management Agency (FEMA) must first apply to SBA for disaster loan assistance for such non-critical services before it could seek grant assistance from FEMA.
  - c. SBA makes a physical disaster declaration, based on the occurrence of at least a minimum amount of physical damage to buildings, machinery, equipment, inventory, homes and other property. Such damage must usually meet the following tests:
    - i. In any county or other smaller political subdivision of a State or U.S. possession, at least 25 homes or 25 businesses, or a combination of at least 25 homes, businesses, or other eligible institutions, each sustain uninsured losses of 40 percent or more of the estimated fair replacement value or pre-disaster fair market value of the damaged property, whichever is lower; or
    - ii. In any such political subdivision, at least three businesses each sustain uninsured losses of 40 percent or more of the estimated fair replacement value or pre-disaster fair market value of the damaged property, whichever is lower, and, as a direct result of such physical damage, 25 percent or more of the work force in their community would be unemployed for at least 90 days; and
    - iii. The Governor of the State in which the disaster occurred submits a written request to SBA for a physical disaster declaration by SBA (OMB Approval No. 3245-0121). This request should be delivered to the Disaster Assistance Field Operations Center serving the jurisdiction within 60 days of the date of the disaster. The addresses, phone numbers, and jurisdictions served by the field operations centers are published in the Federal Register.
  - d. SBA makes an economic injury disaster declaration in response to a determination of a natural disaster by the Secretary of Agriculture.

- e. SBA makes an economic injury declaration in reliance on a state certification that at least five small business concerns in a disaster area have suffered substantial economic injury as a result of the disaster and are in need of financial assistance not otherwise available on reasonable terms.
  - i. The state certification must be signed by the Governor, must specify the county or counties or other political subdivision in which the disaster occurred, and must be delivered (with supporting documentation) to the Disaster Assistance Field Operations Center serving the jurisdiction within 120 days of the disaster occurrence.
  - ii. When a Governor certifies with respect to a drought or to below average water levels, the supporting documentation must include findings which show that conditions during the incident period meet or exceed the U.S. Drought Monitor (USDM) standard of “severe” (Intensity level D–2 to D–4). The USDM may be found at <http://drought.unl.edu/dm/monitor>. With respect to below average water levels, the supplementary information accompanying the certification must include findings which establish long-term average water levels based on recorded historical data, show that current water levels are below long-term average levels, and demonstrate that economic injury has occurred as a direct result of the low water levels.
  - iii. No later than 30 days after SBA receives a certification by a Governor, it shall respond in writing with its decision and its reasons.

Types of SBA Assistance – The U.S. Small Business Administration (SBA) can offer federally subsidized loans to repair or replace homes, personal property or businesses that sustained damages not covered by insurance. The Small Business Administration can provide three types of disaster loans to qualified homeowners and businesses:

- Home disaster loans to homeowners and renters to repair or replace disaster-related damages to home or personal property;
- Business physical disaster loans to business owners to repair or replace disaster-damaged property, including inventory, and supplies; and
- Economic injury disaster loans, which provide capital to small businesses and to small agricultural cooperatives to assist them through the disaster recovery period.



Small Business Administration Disaster Assistance, Colorado Springs  
Photo Courtesy of FEMA

For many individuals the SBA disaster loan program is the primary form of disaster assistance.

### Agricultural Emergency Disaster Designation and Declaration Process

Agricultural-related disasters are quite common. One-half to two-thirds of the counties in the United States have been designated as disaster areas in each of the past several years. Producers may apply for low-interest emergency (EM) loans in counties/tribes named as primary or contiguous under a disaster designation. Four types of disaster designations are possible:

- a Presidential major disaster declaration;
- a USDA Secretarial disaster designation;
- a Farm Service Agency (FSA) Administrator's Physical Loss Notification; and,
- a Quarantine designation.

For more information on these types of declarations; their declaration processes; and what is available, refer to [www.fsa.usda.gov](http://www.fsa.usda.gov) "USDA Farm Service Agency Emergency Disaster Designation and Declaration Process".



**2013 Flood, Public Meeting in Pinewood Springs**  
Photo Courtesy of Christy Crosser

Table B outlines how many disaster assistance programs may be involved in recovery efforts. Working with your state and federal partners to outline which programs apply and the requirements of each will be essential.

**Table B: 2013 Flood Recovery Resources**

2013 Flood Recovery Resources (As of March 2017)		
Funding Type	Total Allocation	Purpose
Public Assistance (FEMA)	\$354.2 million	1,212 total projects
SBA Loans (SBA)	\$109.8 million	Households \$80.4 million; Businesses \$26.8 million
NRCS Emergency Watershed Protection Program (EWP)	\$69.9 million	Streambank stabilization, debris removal and long-term watershed restoration
National Flood Insurance Program (NFIP) Payments	\$66.7 million	2,093 claims
CDBG-DR (DOLA)	\$320.3 million	Housing, economic, infrastructure
Individual Assistance (FEMA)	\$61.7 million	16,555 households received funding
Federal Hwy. Administration Emergency Relief Program	\$702 million	Repair and build state highways (27 closed, 485 miles impacted)
Hazard Mitigation Grant Program (HMGP)	\$42.2 million	Funding to reduce risk from hazards.
Colorado Water Conservation Board (CWCB) and Northern Water	\$40 million	Emergency flood loans for irrigators and water providers
	\$225,000.00	Flood response grants to local governments
	\$1.93 million	Watershed recovery grants
	\$2.55 million	Individual grants to 107 irrigators and water providers
	\$2.5 million	Grant for watershed restoration and debris removal (SB-179)
GOCO Flood Recovery Grant Program (DNR)	\$27 million	Restore trail and park systems and open spaces
Fundraising	\$21.7 million	Assistance to individuals and families from non-governmental organizations
USDA FSA Emergency Conservation Program (CDA)	\$5.8 million	Technical assistance to ranchers and farmers
Emergency Relief for Federally Owned Roads Program (CDOT)	\$3.5 million	Repair roads washed out by floods
USDA FSA's Emergency Forest Restoration Program (EFRP)	\$3.0 million	private forests restore forest health damaged by natural disasters
Flood Related Disaster Assistance (OEDIT)	\$2.98 million	Grants/loans
Energy/ Mineral Assistance Impact Fund (DOLA-DLG)	\$11.2 million	Community planning, capacity building and construction grants for 11 communities
National Emergency Grant (CDLE)	\$4.6 million	Assist citizens in securing jobs that support the recovery effort; 213 Coloradans served

## S.5 RECOVERY COORDINATION ROLES AND RESPONSIBILITIES

### S.5.1 Public Communications Coordination

One of the primary coordination roles during recovery is public information management. The needs will change as the incident transitions from response to recovery. The public may have many questions that are not easily answered by one agency or jurisdiction and future expectations will need to be managed so as not to lead to discouragement. The local jurisdiction can best manage these needs by assigning a Public Information Officer (PIO) to recovery. Their role will be to stay one step ahead of the recovery operations and to ensure the public is well informed about actions taken and future opportunities for assistance. The PIO will also help to set expectations for timelines and programs and to coordinate between multiple recovery agencies.

### S.5.2 Disaster Assistance Center (also known as a Disaster Recovery Center)

When a disaster strikes a community, the people affected will have many questions and concerns that must be answered. Tribal/Local jurisdictions will typically begin by setting up a call center for citizens to call to get answers to their questions. As recovery progresses, however, the questions will become more complex and will require subject-matter experts from a wide range of governmental and non-governmental entities.



2013 Flood, Disaster Assistance Center, Boulder County  
Photo Courtesy of Gary Sanfacon

The establishment of a Disaster Assistance Center involves setting up a fixed, one-stop location for community members to meet with agencies and organizations to obtain information and assistance related to insurance, housing, behavioral health, land rehabilitation, clean up, and grants, loans and other types of assistance. The State OEM Regional Field Manager and the Division of Local Government (DLG) Field Representative will assist in establishing the DAC and inviting key state agencies and non-governmental organizations to participate.

Common agencies / departments involved in a DAC may include:

- Colorado Department of Local Affairs
- Colorado Office of Emergency Management
- Local housing department or authority and the Colorado Division of Housing
- Local or regional Council of Governments (COG)
- Local and/or state mental health professionals
- Colorado Department of Human Services and local human services agencies

- Colorado Division of Insurance, Insurance carriers, and the Rocky Mountain Insurance Information Association
- Colorado Department of Agriculture
- County extension agent
- Local and/or state public health officials and community health centers
- Local building department
- Veteran Services
- Local Small Business Development Center
- American Red Cross, United Way, and other non-profit/non-governmental agencies
- Utility agencies
- Family Resource Centers
- Colorado Department of Labor and Employment
- Federal partners such as FEMA, Small Business Administration, and USDA



2013 Flood, Disaster Assistance Center, Boulder County  
Photo Courtesy of Gary Sanfacon

### S.5.3 VOAD and LTRG Coordination

Voluntary Organizations Active in Disaster (VOAD) is a coalition of volunteer and nonprofit organizations that respond to disasters as part of their overall mission. VOADs are committed to fostering the four C's – communication, coordination, collaboration, and cooperation in order to better serve people impacted by disasters.

VOAD organizations exist in all communities throughout Colorado, even if no formal local VOAD is formed. Following a disaster, these organizations will often form a Long-Term Recovery Group (LTRG) to provide direct assistance to individuals affected by disaster. Local governments have legal limitations on their ability to assist individuals and work on private property. Therefore, by partnering with VOAD organizations or an LTRG, both public and private needs are better met.

### S.5.4 Case Management

The Disaster Case Management Program (DCM) is a time-limited process that involves a partnership between a case manager and a disaster survivor (also known as a “client”) to develop and carry out a Disaster Recovery Plan. This partnership provides the client with a single point of contact to facilitate access to a broad range of resources.

The DCM process involves:

- Assessment of the client’s needs caused by the disaster
- Development of a goal-oriented plan that outlines the steps necessary to achieve recovery
- Organization and coordination of available resources that match the client’s needs
- Monitoring recovery plan goal progress
- Client advocacy if necessary

Case Management begins at the Disaster Assistance Center and continues throughout all stages of recovery until needs have been met. Many times, it will be the local VOAD organizations that provides the leadership for case management, in coordination with the State of Colorado.

### **S.5.5 Donations and Volunteer Management**

Volunteer coordination involves a process for matching spontaneous, unaffiliated volunteers with identified needs through a registration process. Donations management involves a process for effectively matching unsolicited undesignated in-kind donations with credible voluntary organizations. Inevitably, in any large-scale emergency or disaster, volunteers may come from all around the area to assist and unsolicited donations will also begin to pour in. It is recommended that all tribal/local jurisdictions have a plan in place for the management of both donations and spontaneous volunteers.

The Colorado Donations and Volunteer Coordination Teams (DVCT) through DHSEM is tasked with coordinating and facilitating the effective management and allocation of unsolicited, undesignated in-kind donations offered from the general public and private sector in the response and recovery efforts following a disaster. The DVCT is also tasked with coordinating and facilitating a process for effectively managing spontaneous volunteers that matches



volunteer offers with identified needs as well as addressing issues related to liability and worker's compensation. The DVCT works closely together and utilize the 'Donations and Volunteer Management Guidelines' as a guide for effective execution and coordination of DVCT activities. The state, along with the DVCT, encourages individuals to contribute donations to a COVOAD member agency, or other credible organization. The state

encourages donations in the form of financial contributions whenever possible, but local/tribal jurisdictions should expect to receive both financial and unsolicited donations and should therefore have a plan for acceptance of these items.

Tribal/Local emergency managers may contact the State EOC to request assistance from the DVCT. Alternatively, emergency managers may choose to partner with local voluntary agencies to coordinate spontaneous volunteers and in-kind donations – an approach that may be more appropriate with smaller events. This can be done through pre-approved written memorandums of understanding or during the event by contacting the agency for assistance. The state may choose to activate the Colorado Donations and Volunteer Management Network (CDVMN) to support donation and volunteer management efforts. CDVMN is comprised of potential donors (citizens, businesses, civic groups, etc.), credible relief groups/organizations and government emergency management agencies. This would include the local volunteer center in the region, if there is one. The purpose of CDVMN is to effectively connect potential donors/volunteers with relief agencies through the CDVMN Portal (a web-based tool – also known as 'Aidmatrix') so that response and recovery agencies are better able to support

communities following a disaster. The CDVMN Portal is designed so that voluntary agencies needing volunteer assistance and/or in-kind donations can view/accept offers entered into the system and submit requests for assistance directly into the Portal. The portal also allows the public to enter donations or volunteer offers into the system via the website [www.helpcoloradonow.org](http://www.helpcoloradonow.org). If activated, the CDVMN will operate under the umbrella of the DVCT, who serve as the administrators of the CDVMN Portal.

Many times the information is taken via phone call by utilizing the 211 information and referral system. The 211 collaborative supports the process by collecting information about potential volunteers and donors. It can also give out information about volunteer and in-kind donations needs.



2013 Flood, Donations Management  
Photo Courtesy of Lights2theWorld

#### **S.5.6. Behavioral Health**

Any emergency or disaster that causes destruction to homes, loss of business, injuries or loss of life will also take a toll on the community's ability to recover emotionally. Many will have memories of the event that cause sleep disturbance, or triggers that cause a physical reaction. For example, many people along the Big Thompson Canyon have said that when they hear helicopters flying overhead it brings them back to the flood response and helicopter rescue which causes additional stress.

As soon as possible following the disaster, the jurisdiction should activate their behavioral health support plans. Many will not realize they need assistance until much later so having the behavioral health team activated and working early will help mitigate emotional stress. The teams are also important for the responders and those working in support of the event since they are often in the field seeing the destruction and hearing the stories from survivors.

For those jurisdictions without local resources to assist with behavioral health needs, there are many organizations that partner with the state that may be available to assist. The Colorado Department of Public Health and Environment (CDPHE) has a behavioral health team trained for emergency and disaster scenarios that can assist any jurisdiction in Colorado. Making contact with that team prior to a disaster would be a positive first step to better understand this area of focus.

#### **S.5.7. Critical Infrastructure Restoration**

In Short-Term Recovery, one of the key goals is to restore critical infrastructure, allowing responders and utilities to continue working. This may include service to 911 Dispatch Centers, key utilities such as electricity and phone service, or the opening of roads to allow crews to

enter affected areas. These actions are most often identified in the EOC during response operations and typically are tied in with on-scene Incident Command.

### **S.5.8 Debris Management**

Preparation of a Debris Management Plan that addresses debris removal, recycling, reduction, contracting and public messaging is advised. Debris management is an important part of recovery, and might require anything from shovels to cranes and excavators. Debris management involves the determination of the type of debris, the locations for deposit and how the debris will be transported. As part of debris management, suitable locations for both temporary and permanent storage and disposal sites may need to be identified for all types of debris. Temporary storage is often required when permanent locations are not accessible or take too much time to reach during or immediately after an emergency. Timely information to the public regarding sorting household debris and the dates that different types of debris will be picked up can facilitate debris removal efforts.

\* A jurisdiction that has a Debris Management Plan approved by FEMA prior to a disaster, and activates that plan in response to debris cleanup operations, may receive a one-time 2% increase in their reimbursement from FEMA's Alternative Procedures Pilot Program during a Presidentially Declared Disaster.



2013 Flood, CDOT Debris Removal Operations

Photo Courtesy of Phillips & Jordan Contractors

### Natural Debris

This might refer to dirt, rocks, trees, limbs/branches, and other natural substances that have moved and are blocking roads or creating other hazards. It may also refer to snow which in many circumstances must be removed from an area. \*Natural debris in waterways and private property is a difficult issues that requires coordination with state and federal agencies to determine available programs for assistance.

### Building Demolition Debris

This might be the remains of buildings that have either burned, fallen, been inundated by water, rendered structurally unsound from a tornado or have to be demolished for any other reason. This type of debris may contain hazardous material such as asbestos, white goods (such as refrigerators) and other household hazardous waste products. The Colorado Department of Public Health and Environment has developed guidelines for disposing of debris containing hazardous waste types listed above.

### Streambed Debris

In Colorado, one of the most common causes of widescale flooding will be from large accumulation of water in streams and rivers causing flash flooding. The high velocity of these incidents will cause a large amount of debris and sediment to collect in the rivers and along riverbanks. This debris causes added risks due to its ability to mobilize during high water events and during spring run off when the waters rise.

### Hazardous Materials

In some cases, known large amounts of toxic or hazardous materials will be present during debris removal. In this case, it is critical that trained hazardous materials teams remain on scene during this part of the project. The presence of contaminated or hazardous debris can greatly complicate disposal.

### **Debris Contracts**

Debris operations need to begin as soon as possible following the disaster to allow for the roads to be opened, utilities restored, and damage assessments to begin. For this reason, the jurisdiction should already have a debris contract in place prior to the disaster that can be activated when needed. This is often called an on-call contract and an example of a Debris on-call contract Request for Proposals has been provided in **Appendix E of this guide**.

### **Tips for Working with Debris Contractors**

- Know the contract requirements to ensure the hauler is doing what you asked
- Provide timely meetings, whether daily or weekly, to discuss operations
- Ensuring adequate documentation for monitoring of debris
- Know the requirements for the program you are working under for reimbursement (FEMA PA)
- Recommended to have a company provide roll-offs and dumpsters throughout the area for smaller events to dispose of debris. This still needs to be managed to ensure the debris is eligible for reimbursement programs if they exist.

### **S.5.9 Cost and Time Accounting**

The jurisdiction having authority over the incident (typically local government) is financially responsible for the costs of responding to and recovering from the incident. In large disasters that meet certain thresholds, state or federal assistance may be available to reimburse a portion of these costs. The following section provides key considerations to ensure costs are kept to a minimum and that reimbursement may be an option if thresholds are met.

#### Financial Actions during a Disaster Response

- Contact accounting to implement the expense tracking system immediately after notification of the disaster. Even if there is uncertainty whether state or federal disaster thresholds will be met, the expense tracking should begin immediately to ensure all costs associated with the response and recovery are recorded.
- Track all expenses including direct costs, such as personnel and equipment, and any indirect costs associated with the disaster.
- Contact your executive team and or backups immediately for financial impact of the disaster. This is where the Policy Group can be utilized to ensure that tribal/local laws and policies are followed.
- Contact your COEM regional field manager as a resource for questions and processes. The field manager can provide the jurisdiction technical assistance regarding resources, financial considerations, and agreements.
- Begin an analysis for a local disaster declaration and options for funding the response.
- Begin considering the need to request a state declaration based on anticipated costs to respond and recover from the disaster. The COEM regional field manager will assist with this process as well. This will involve bringing in partner agencies and the Recovery Team to determine available programs and thresholds.
- Maintain open dialogue with your mutual aid partners.

### **S.5.10 Policy Group Leadership**

The Policy Group includes key senior and elected officials who establish community goals, make strategic policy decisions and set priorities while considering the economic, legal, political and social implications of the incident while maintaining the public trust. The composition of the Policy Group depends upon the jurisdiction and is incident specific. Elected or appointed leaders are ultimately responsible for protecting the citizens, local businesses, and surge populations. Public trust is often included in elected officials' oaths of office, with obligations such as "to maintain law and order" or "to protect lives and property." Citizens expect that their government leaders will provide a reasonable level of protection and the Policy Group is responsible for ensuring their citizen's needs are met to the best of their ability.

Public officials must understand their emergency authorities and responsibilities *before* a disaster occurs. This includes establishing a relationship with the emergency manager, requesting a briefing on tribal, state and local preparedness efforts, learning about emergency plans and procedures, and visiting the emergency operations center and other critical facilities.

When an emergency occurs, the public relies on their elected leaders to make informed decisions and to provide timely information and instruction to the public. People need to know that someone is in charge. Additionally, public officials must realize the fiscal impact of an incident within their jurisdiction. Even if state and federal funding is available for the emergency or disaster, the funding will not include all costs for response and recovery, and often covers only a fraction of the costs. The emergency manager should educate and collaborate with elected officials on community preparedness, mitigation, disaster response and recovery to ensure success and to manage expectations.

#### **S.5.11. Hazard Mitigation**

Hazard Mitigation should begin as soon as workers enter the area to begin repairs, and possible mitigation projects should be documented as soon as possible so that those projects may be able to be included in recovery assistance programs such as FEMA Public Assistance or the Hazard Mitigation Grant Program.

## **S.6 COMMON PITFALLS IN SHORT-TERM RECOVERY**

Below is a summary of possible pitfalls for Short-Term Recovery:

- No plans in place for how to transition from response and short-term recovery into long-term recovery functions
- Lack of an adequate recovery organization and the establishment of roles and responsibilities for key functions
- Delay in providing the State of Colorado with adequate damage assessment details to determine if thresholds for state and federal programs are met
- Lack of understanding about the process for declaring a disaster, specifically when municipal and county jurisdictions are affected
- Lack of coordination in establishing a Disaster Assistance Center or Disaster Recovery Center
- Lack of planning for unaffiliated volunteers
- Beware of duplication of benefits for assistance programs (i.e. If a building has insurance, you cannot get assistance without claiming any payments from insurance and it might reduce the overall benefit)
- Lack of planning for unsolicited donations
- Inability to begin debris operations within the first few days of an emergency or disaster, leading to public health, environmental health, access and safety issues
- Lack of comprehensive communications plans to proactively work with the public

- Other disaster considerations, such as secondary hazards, flood after fire, additional weather events, or spring runoff
- Lack of an Emergency Operations Plan, Recovery Plan, Hazard Mitigation Plan or a Debris Management Plan

Best Practices for overcoming pitfalls:

- While working in the EOC during response, put together a small team of people to start working through recovery needs for the disaster
- Identify the key roles and responsibilities and the agencies that will be able to provide support
- Create a transition plan for the jurisdiction to seamlessly move from response into recovery
- Create Disaster Declaration templates that are pre-approved by the jurisdiction's legal team so that they can be implemented quickly following a disaster
- Partner with volunteer organizations to manage unaffiliated volunteers and donations
- Send out an RFP for on-call debris services and have a contract signed prior to the next disaster
- Designate a jurisdictional PIO and train them on recovery operations and community engagement
- Create a jurisdictional Debris Management Plan and have it approved by FEMA to provide for additional reimbursement when utilized during a disaster
- Ensure the jurisdiction has an updated Hazard Mitigation Plan

## INTERMEDIATE RECOVERY ACTIVITIES / EMERGENCY WORK PHASE

Intermediate recovery activities continue the process of restoring critical infrastructure and essential government or commercial services, returning them back to a functional, if not pre-disaster state. This includes temporary actions that provide a bridge to permanent measures. Additionally, this stage develops temporary housing solutions and supports the reestablishment of local businesses, while also establishing relationships with community service organizations, faith-based groups, and local agencies to fill unmet needs. Examples of intermediate recovery activities include:

- Establishing a post-disaster recovery prioritization and planning process, including formation of a long-term recovery and mitigation task force and preparation of a recovery strategy
- Repair to infrastructure
- Developing and implementing disaster recovery processes with clear goals and strategies; reflecting recovery and mitigation measures in the community's land use planning and management (comprehensive plans, master plans, and zoning regulations)
- Continuing to provide case management and behavioral health services to survivors and responders
- Developing a long-term housing strategy
- Ensuring that critical infrastructure priorities are identified and incorporated into recovery planning
- Coordinating with local leadership and the private sector to support economic and community recovery
- Reconnecting displaced persons with essential health and social services
- Providing support to local Long-Term Recovery Groups, including assisting on the formation and implementation of case management and unmet needs committees
- Developing an initial hazard mitigation strategy responsive to needs created by the disaster; where necessary, assessing any secondary hazards created by or related to the disaster event (i.e. post-wildfire flooding)



2013 Flood, Dry Gulch Road in Estes Park  
Photo Courtesy of Christy Crosser

- Completing assessments of natural and cultural resources and developing plans for long-term environmental and cultural resource recovery
- Identification of unmet needs
- Begin to establish the “new normal”

## I.1 ESTABLISHING A RECOVERY MANAGER

The first step in the process of establishing a recovery organization is for the Chief Elected Official to appoint a **Local Recovery Manager**. This person typically works directly for the executive / administrative leadership of the jurisdiction affected by the disaster. The Recovery Manager serves as the chief liaison to impacted citizens, the chief coordinator between local agencies, non-profits, the private sector and others, and the primary liaison to state and federal officials involved in the recovery process. Likewise, the Recovery Manager coordinates the process of developing a comprehensive local recovery strategy. Recovery, especially with large events, is an expensive endeavor. As such, the Recovery Manager coordinates local efforts to identify funding sources from state, federal and non-governmental agencies to support local recovery efforts. The important thing is that the Recovery Manager has a direct relationship with the affected jurisdiction to ensure the support that is needed for recovery activities and decisions. Once a recovery manager is chosen, the recovery coordination group or task force should be built upon community needs, such as housing, debris, behavioral health, environment, and public health considerations.

## I.2 INDIVIDUAL ASSISTANCE PROGRAM (also known as the Individuals and Households Program)

The Federal Emergency Management Agency’s Individual Assistance Program provides financial help or direct services to those who have necessary expenses and serious needs if they are unable to meet these needs through other means. Up to \$33,000 (adjusted each year) is available in financial help, although some forms of IA assistance have limits.



Four Mile Wildfire, Boulder County  
Photo Courtesy of Gary Sanfacon

Local government has a limited role in the Individuals and Households Program through FEMA. Individuals apply directly to FEMA for assistance, and the local government often does not have access to those who have applied or who have been granted funding. This can cause some confusion post-disaster, as community members will often turn to their local government officials with questions. Because of this, it is important to have a strong relationship with the local agencies who provide assistance to individuals, such as the Long-Term Recovery Group, Case Managers, and VOAD organizations. Additionally, having a clear line of communication from the individuals seeking

assistance to those who can provide assistance is critical. Detailed information regarding this program is available in **Appendix B**.

### **I.3 PUBLIC ASSISTANCE PROGRAM GUIDELINES**

The Public Assistance (PA) Program is based on a partnership between FEMA, state, and local officials. FEMA is responsible for managing the program, approving grants, and providing technical assistance to the state and applicants. The state educates potential applicants, works with FEMA to manage the program, and is responsible for implementing and monitoring the grants awarded under the program. The applicant is responsible for identifying damage, providing information necessary for FEMA to approve grants, and managing the projects funded under the PA Program. Detailed information regarding this program can be found in **Appendix C**.

### **I.4 DISASTER IMPACT AND UNMET NEEDS ASSESSMENTS**

The Disaster Impact and Unmet Needs Assessment guides local jurisdictions through a process for identifying and prioritizing critical unmet needs for long-term community recovery. An accurate assessment is typically not possible for months following a disaster. If during this time, the necessary information is gathered from various entities, the assessment should take into account work already accomplished, community goals, and the jurisdiction's capacity to plan for, manage, and implement a coordinated long-term recovery process. The ultimate goal is to enable the jurisdiction to better design recovery programs that are responsive to the types and locations of actual needs on the ground. This process should begin as soon as practical.

### **I.5 PROCUREMENT PROCEDURES**

Procurement is one of the most challenging areas of recovery. In many cases, the jurisdiction will not know if the disaster will meet thresholds for state or federal assistance until late in recovery. If procurement is not done right, this can have an enormous impact on the jurisdiction's ability to receive reimbursement. Therefore, regardless of the declaration status, local jurisdictions should strive to follow federal procurement regulations, to the extent possible, on all disasters.

Local jurisdictions must follow their own documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, provided that the procurements conform to applicable federal laws and the standards identified in 2 C.F.R. §200.318 through 326. The federal rules are specific and therefore, local jurisdictions should pay close attention to all procurement practices prior to a disaster to ensure they are in the best possible place for post-disaster procurement activities.

\*\*\*Due to the fact that you may have a portfolio of funding resources, please make sure you pay attention to each program's procurement rules and requirements.

### I.5.1 Types of Contracts

There are basically three types of contract payment obligations: fixed-price, cost-reimbursement, and time and materials ("T&M"). All three types of contracts are referenced in 44 C.F.R. pt. 13, and fixed price and cost-reimbursement contracts are referenced in 2 C.F.R. §200.318 through 326.

#### Fixed Price Contracts

Fixed price contracts provide for a firm price or, in appropriate cases, an adjustable price. The risk of performing the required work, at the fixed price, is borne by the contractor. Firm-fixed price contracts are generally appropriate where the requirement (such as scope of work) is well defined and of a commercial nature. Construction contracts, for example, are often firm-fixed price contracts. Time and Materials contracts and labor-hour contracts are not firm-fixed-price contracts.

#### Cost-Reimbursement Contracts

Cost-reimbursement types of contracts provide for payment of certain incurred costs to the extent provided in the contract. They normally provide for the reimbursement of the contractor for reasonable, allocable, actual, and allowable costs, with an agreed-upon fee. There is a limit to the costs that a contractor may incur at the time of contract award, and the contractor may not exceed those costs without the jurisdiction's approval or at the contractor's own risk. In a cost-reimbursement contract, the jurisdiction bears more risk than in a firm-fixed price contract. A cost-reimbursement contract is appropriate when the details of the required scope of work are not well-defined. There are many varieties of cost-reimbursement contracts, such as cost-plus-fixed-fee, cost-plus-incentive-fee, and cost-plus-award-fee contracts. **However, 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.**

#### Time and Materials Contracts

This type of contract is one that typically provides for the acquisition of supplies or services on the basis of (1) direct labor hours at specified fixed hourly rates that include wages, overhead, general and administrative expenses, and profit; and (2) actual costs for materials. A Time and Materials (T&M) contract is generally used when it is not possible at the time of awarding the contract to accurately estimate accurately the extent or duration of the work or to anticipate costs with any reasonable degree of confidence. T&M contracts are neither fixed-price nor cost-reimbursement contracts, but constitute their own unique contract type. A labor-rate contract is a type of T&M contract. The regulation provides that a subgrantee may use a T&M contract only 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. While FEMA allows these types of contracts in certain circumstances, it is difficult to get approval for their use and therefore it is recommended that T&M Contracts are used as little as possible.

FEMA, as a matter of policy, has advised the following with respect to the use of T&M contracts under Public Assistance projects:

- Since this type of contract creates the risk that costs could be beyond what the parties anticipated, FEMA generally discourages the use of T&M contracts except when circumstances warrant such use and when no other contract type is suitable.
- T&M contracts may, on occasion, be extended for a short period when absolutely necessary, for example, until appropriate unit price contracts have been prepared and executed.
- Applicants must carefully monitor and document contractor expenses.
- When T&M contracting is employed, the applicant should notify the State to ensure proper guidelines are followed.
- FEMA has advised that these contracts should be limited to work that is necessary immediately after an incident only.

The inappropriate use of T&M contracts is a relatively frequent finding of the OIG during audits of Public Assistance projects.

### **I.5.2 Contract Monitoring**

Each local jurisdiction must identify methods for monitoring the performance of the contractor to ensure that work conforms to project design and the scope of work in the Project Worksheet, quality controls are being met, and potential delays or cost overruns are identified. The extent of monitoring depends upon the type and scope of the contract.

### **I.5.3 Procurement Records (44 C.F.R. § 13.36(b)(9))**

Each local jurisdiction must also maintain sufficiently detailed records that document the procurement history. These records include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, basis for the contract price, the contract document and any contract modifications with the signatures of all parties. In addition, the procurement documentation file will also contain:

- Purchase request, acquisition planning information, and other pre-solicitation documents
- List of sources solicited
- Independent cost estimate
- Statement of work/scope of services
- Copies of published notices of proposed contract action
- Copy of the solicitation, all addenda, and all amendments
- An abstract of each offer or quote
- Determination of contractor's responsiveness and responsibility
- Cost or pricing data
- Determination that price is fair and reasonable, including an analysis of the cost and price data
- Notice of award
- Notice to unsuccessful bidders or offerors and record of any debriefing

- Record of any protest
- Bid, performance, payment, or other bond documents
- Notice to proceed

#### **I.5.4 Procurement Standards**

Procurement Standards are under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Rules”), which are codified at 2 C.F.R. 200.317 through 200.326, which supersedes the procurement regulations formerly found at 44 C.F.R. pt. 13 (State, Local and Tribal Governments), and 2 C.F.R. pt. 215 (Private Nonprofit Organizations).

More information regarding specific regulations for contracts and procurement is available in **Appendix C**.

#### **I.6 INSURANCE**

FEMA requires the applicant to obtain and maintain insurance on any insurable facility that is requesting funding from the Public Assistance Program. The applicant must provide the insurance policy prior to any funding, including the following information:

- Policies
- Deductible information
- Statement of loss
- Proof of loss
- Claim summaries
- Letters of denial

If unable to obtain and maintain insurance, the jurisdiction is required to have a letter from the Department of Insurance supporting the reason why. If another disaster occurs and insurance was not maintained, the infrastructure will not be covered. Facilities such as roadways and bridges often do not carry insurance. In this case, documenting that the facility is not required to have insurance is warranted.

#### **I.7 DIVIDE AND CONQUER: PUBLIC AND PRIVATE PARTNERSHIPS**

As described in the previous section, not all recovery functions can be completed by a local government. Restrictions apply due to local, state and federal laws regarding the use of public funding. Additionally, roles and responsibilities have been designated across jurisdictional boundaries to various public and private partners. Therefore, a robust recovery system that includes these organizations and agencies will ensure a streamlined recovery process for all involved.

### **I.7.1 LTRG Work with Individuals and Households**

A Long-Term Recovery Group (LTRG) is a cooperative body that is made up of representatives from faith-based, non-profit, governmental, business and other organizations working to ensure that individuals and families recover from disasters. It is essential that the LTRG coordinates, collaborates, communicates and cooperates with all partners in order to maximize the utilization of available resources, avoid duplication of benefits and/or services to individuals and families, generate financial material and personnel resources, and enhance community confidence.



Habitat for Humanity Home, Jamestown

Photo Courtesy of Dave Bowman, DOLA

LTRGs are as varied as the communities they serve. The personality and structure of each group is unique and reflects the needs, resources, cultural diversity, and community support of the area. Many terms are used for a Long-Term Recovery Group, such as Unmet Needs, Interfaith, Committees, Organizations, Coalitions, Roundtables, Partnerships, Coordinating Councils, etc.

Once a disaster occurs, a decision will be made to activate an LTRG, usually from the existing Voluntary Agencies Active in Disaster (VOAD) within the area affected by the disaster. This group will be responsible for meeting the unmet needs of individuals and households. Once this group is formed, the following actions may be taken:

- Convene stakeholders to address disaster needs
- Seek and enact a fiscal agent to manage fundraising and the unmet needs fund
- Appoint a facilitator, convener, temporary chair and steering committee
- Appoint or hire an LTRG Manager who will ensure coordination amongst all members of the LTRG and provide outside agencies a single point of contact
- Develop a vision for recovery and the goals and objectives to get there
- Form task forces or working groups to make preliminary decisions
- Identify additional stakeholders for future involvement and participation
- Establish a process for assessing the disaster needs and available community resources
- Establish a preliminary budget

For more information about Colorado VOAD

<https://covoad.communityos.org/cms/>

For more information about National VOAD

<https://www.nvoad.org/>

### **1.7.2 SBDC Work with Small Businesses and the Small Business Administration**

The Colorado Small Business Development Center Network (CSBDC) is dedicated to helping existing and new businesses grow and prosper in Colorado by providing free and confidential consulting and no or low-cost training programs. The CSBDC has locations around the state with a team of business experts ready to assist businesses with job retention, securing loans, increasing sales, obtaining government contracts, obtaining certifications, and more.

In emergencies and disasters, the local Small Business Development Centers provide a conduit between state and federal programs and small businesses within the affected area. A key program that is often managed by local SBDCs is the Small Business Administration Disaster Declaration Program.

SBA provides low-interest disaster loans to businesses of all sizes, private non-profit organizations, homeowners, and renters. SBA disaster loans can be used to repair or replace the following items damaged or destroyed in a declared disaster: real estate, personal property, machinery and equipment, and inventory and business assets. Specifics about an SBA Declaration can be found in the Disaster Declaration section of this guide.

Small Business Development Center website with the valuable tools for local jurisdictions:

<http://www.coloradosbdc.org/consulting/disaster-relief>

### **1.7.3 Public / Private Coordination Considerations**

The biggest lesson learned from the 2012 and 2013 disasters in Colorado with regard to public and private coordination is that although multiple partners have responsibilities for differing programs, close coordination is needed between these organizations and the local jurisdiction. For example, local governments are not typically given information about individuals seeking assistance through the Individual and Housing Assistance Program through FEMA. However,

local governments are working with larger communities on unmet needs, such as access issues, debris, damage assessments, health considerations and permitting for rebuilds and infrastructure improvements. Without some type of coordination and communication between organizations helping private individuals and those assisting with public needs, needs will be missed and efforts will be duplicated causing frustration for those who need help the most. This coordination may look different in every community, but it is essential that the organizations involved discuss the best method to ensure effective and efficient communication and coordination.

#### **I.7.4 Legislative Assistance**

State and Federal legislators will seek and receive information regarding any disaster in a local jurisdiction. It is important to engage with these officials as soon as possible in the recovery process to ensure that all avenues of assistance are explored. Legislators will assist with barriers and may be able to provide positive steps to work through challenges in the recovery process.

### **I.8 COMMON PITFALLS IN INTERMEDIATE RECOVERY ACTIVITIES**

Below is a summary of possible pitfalls for Intermediate Recovery:

- Lack of a Recovery Manager to coordinate activities
- Inability to assess unmet needs to determine which assistance programs may assist the jurisdiction most
- Lack of a coordinated plan between agencies working with individuals and agencies working with public partners
- FEMA Public Assistance
  - Use of emergency and on-call contracts past the emergency work phase.
  - Lack of a coordinated and unified approach to the information flow between local FEMA Public Assistance applicants, the state, and FEMA.
  - Scheduling the PA kickoff meeting too soon. The kickoff meeting sets in motion several deadlines that the local jurisdiction must meet.
  - Lack of coordination with the FEMA Public Assistance Coordinator (PAC) Crew Leader leading to confusion in the PA process – work with FEMA to ensure federal liaisons are meeting local needs
  - Lack of consistency in Project Worksheet development. Because multiple FEMA employees from all regions around the nation will come to assist, it is imperative that the local jurisdiction works with the PAC Leader to ensure consistency in documentation. If this does not occur, the jurisdiction will end up spending countless hours working on versions to correct PWs to meet state requirements.
  - Lack of adequate monitoring or a monitoring process for subgrantees.

Best Practices for overcoming pitfalls:

- Establish a Recovery Manager early to begin coordinating between all of the agencies and organizations involved in recovery

- Have the recovery team begin working on unmet needs assessments as soon as the response phase has ended and short-term recovery needs have been implemented. Documenting these needs will assist the jurisdiction in articulating what needs to be accomplished and in finding available programs to assist.
- FEMA Public Assistance
  - Having a single point of contact to coordinate FEMA Public Assistance needs is essential for effective communication and coordination. This doesn't mean that the information cannot come from multiple different sources, but applicants who build silos without a central controller struggle more than those that have a well thought out and controlled approach.
  - Ensure that the jurisdiction is ready to meet the deadlines outlined in FEMA PA before scheduling the kickoff meeting.
  - During the response phase, procurement staff should begin the process for sending out Requests for Proposals (RFPs) for key recovery functions. Existing contracts can only be used during the emergency work phase, which will end quickly, so having these new contracts in place early will assist if seeking reimbursement from federal programs.
- Understand you may need to assist special districts, ditch companies, and other constituents through the process.
- Develop relationships with various private and non-profit partners before a disaster to ensure strong coordination after a disaster
- Develop forms that can be shared across agencies to limit the burden on affected individuals. For example, one form that is signed by individuals authorizing sharing of disaster-related information will greatly enhance recovery operations.

## LONG-TERM RECOVERY ACTIVITIES

Long-term recovery may continue for months to years before redevelopment and revitalization of the damaged area is completed and the area is restored to the “new normal”. It is the process of rebuilding or relocating damaged or destroyed social, economic, natural, and built environments in a community to conditions set in a long-term recovery plan or strategy. For large scale disasters, the long-term recovery process may result in significant reshaping of physical, environmental, economic and even cultural characteristics of the community. Regardless of the size of a disaster, an event that inflicts negative impacts on the community provides the opportunity for local government, residents and businesses to consider several important questions:

- What community values must be incorporated into the recovery process?
- What is the vision for the community once the recovery is complete?
- What residual risk remains after the disaster? What steps can we take to reduce risk and build resilience?
- What new or revised policies, including land use or building codes, should be considered to reduce risk?
- How can available local, state, federal or non-government resources help achieve our vision for the recovery and for the community?
- How should the public be engaged?



2012 High Park Wildfire, Aerial Mulching Operations  
Photo Courtesy of Denver Post

Examples of long-term recovery activities include:

- Assessing unmet needs across all impacted sectors of the economy and community.
- Developing and implementing a comprehensive recovery strategy to address identified recovery needs
- Addressing individual and family recovery activities and unmet needs
- Continuing to provide case management and behavioral health services to those impacted by the disaster
- Monitoring the health, safety and recovery issues caused by debris and implementing removal or handling strategies, as appropriate
- Rebuilding to appropriate resilience standards in recognition of hazards and threats

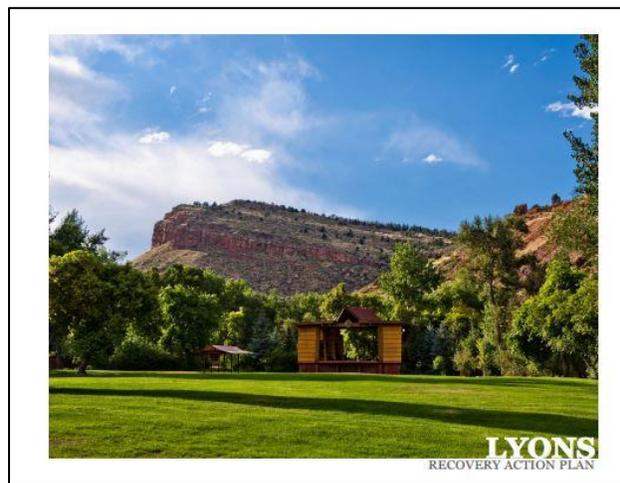
- Rebuilding educational, social, and other human services and facilities according to standards for accessible design
- Reestablishing medical, public health, behavioral health, and human services systems
- Planning and implementation of long-term and permanent housing solutions
- Implementing cost accounting procedures for activities and actions relating to the response and recovery to the incident
- Completing assessments of natural and cultural resources and developing plans for long-term environmental and cultural resource recovery
- Implementing economic and business revitalization strategies
- Identifying and implementing mitigation strategies, plans, and projects
- Maintaining consumer protection activities throughout the recovery process

### **L.1 LONG-TERM COMMUNITY RECOVERY**

Long-Term Community Recovery (LTCR) planning should occur after a disaster where specific needs can be identified. This plan is community-centric and can be done with support from FEMA Region VIII. The process is similar to typical strategic planning, but with the assistance and input of community members who will have ideas for the future of the community.

For example, the Town of Lyons had significant post-disaster needs after the 2013 Flood. In December 2013, the Town began an intense, transparent, citizen-driven recovery planning process that included widely advertised community-wide meetings, public hearings, online discussions, social media, an interactive recovery website, and other means of community participation and engagement. Eight Recovery Working Groups met weekly to develop recovery objectives and project ideas, with technical and facilitation support from the FEMA community planning team, the State of Colorado Department of Local Affairs, Natural Capitalism Solutions Inc., and the University of Colorado-Denver Department of Planning and Design.

The most important thing to remember about long-term community recovery is that the community must be involved. The plan cannot just address needs that the jurisdiction will address. Many of the long-term needs will be issues that cannot be solved by the government or public partners. Private property is a significant concern after a disaster, but public funding is restricted to public projects. These issues are best solved by the community. The jurisdiction can, however, facilitate the planning process to ensure all voices are heard and the plan encompasses a wide breadth of needs.



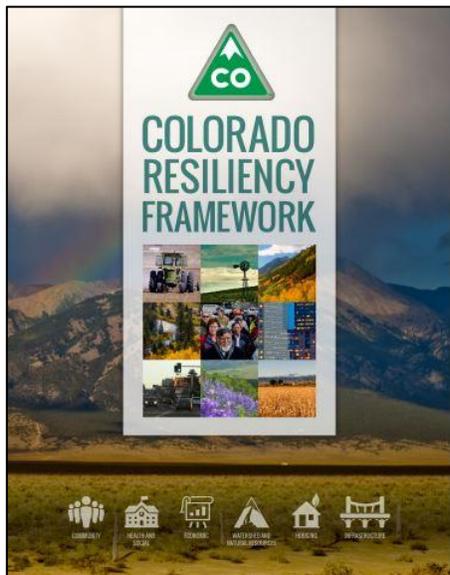
## L.2 LAND USE PLANNING AND PERMITTING

Rebuilding efforts start in earnest during the long-term recovery phase. This will lead to many questions from the affected community members about necessary permits, land use standards, and hazard mitigation. Many of the day-to-day processes may need to be re-evaluated to streamline requirements and allow people to return to the affected area and re-build quickly. This will also have to be balanced with the need to improve infrastructure and buildings so that they are able to withstand future disasters. Moving through this process early will assist the jurisdiction in meeting the demands of the community while also mitigating against future harm.

## L.3 NEW PARTNERSHIPS IN RESILIENCE

One of the most positive aspects of long-term recovery is that it gives the jurisdiction the opportunity to make new friends. By this time, the recovery is moving forward, staff has a good understanding of what is required of them, and programs are well underway. This allows the jurisdiction to take a step back and look at recovery from a broader perspective. Discussions

start to include mitigation actions that may decrease future risk, and resilience becomes part of a common conversation.



The Colorado Resiliency and Recovery Office developed the Colorado Resiliency Framework in 2014 and led the effort to create Resiliency Frameworks in two flood-affected counties. These frameworks provide a community or a region with a path to address the shocks and stresses they face, empowering action to reduce vulnerability, improve adaptability, and build social capital in the face of hazards and changing conditions. The framework is not a standalone plan like a hazard mitigation plan or a comprehensive plan.

Rather, a resiliency framework provides a collaborative forum to assess current risks, plans and practices, and to build resiliency into policies, actions and investments across multiple sectors. Most importantly, it provides an opportunity to engage deeply with the community during a 6-12 month process in order to establish a collaborative, long-term roadmap for action.

These frameworks introduce activities in six sectors that will lead to future resilience:

- Community - A resilient community is one in which community members are involved and have the information necessary and tools available to make resilient decisions. There is an underlying culture of resiliency that drives local decision making.
- Economic – Economic resiliency is the ability of a system or market to maintain function and absorb and rebound from immediate stress or shock. A diversified base of industries, with free-flowing and accessible capital, is one key feature of a resilient

economy. A healthy, mobile, and trained workforce also enables an economy to re-engage after an initial disruption.

- Health and Social – A resilient health and social service system is one in which the health and well-being of a community is a shared responsibility among all levels of society. Mental and physical health, preventive care, access to care, environmental health, and managing the impact of the built environment play equally important roles.
- Housing - Resilient housing includes durable construction materials and design features that limit the impacts of natural disasters while also allowing for short-term sheltering in place. In addition, housing is more resilient when located outside of high-risk areas such as flood zones and when it allows access to multiple transportation options. Housing developments or neighborhoods that include access to community support systems and on-site renewable energy sources increase resiliency by fostering residents' self-reliance. Beyond hazard considerations, housing resiliency also encompasses issues of affordability and access to community assets.
- Infrastructure – Resilient infrastructure involves the design, maintenance, and management of infrastructure that not only answers some of the world's most difficult engineering challenges but creates a network of resilient infrastructure that resists - and bounces back quickly - from acute shock events, including human-caused threats, accidents, extreme weather events, and climate change, and that minimizes disruptions to critical infrastructure such as roads, power, clean drinking water, and waste management, and that allows critical services to remain active such as police, fire and rescue, and hospitals.
- Watersheds and Natural Resources - Resilient watersheds and the natural resources within them are able to withstand disturbances over time by retaining their structure, functions, and support services. Resilient and properly functioning watersheds and natural habitat cost-effectively protect valuable infrastructure, economies, recreational opportunities, and human health.

A resiliency framework is meant to build on existing plans, policies and investments through an assessment of existing conditions in the community. Resiliency frameworks consider how the reduction of vulnerability to both shocks and stresses can integrate into day-to-day activities and long-term vision and goals.

#### **L.4 COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY**

The United States Department of Housing and Urban Development (HUD) provides grants to help cities, counties, and states recover from Presidentially Declared Disasters, especially in low-income areas, subject to availability of supplemental appropriations. In response to Presidentially Declared Disasters, Congress may appropriate additional funding for the Community Development Block Grant (CDBG) program as Disaster Recovery grants to rebuild the affected areas and provide crucial resources for long-term disaster recovery. Typically, CDBG-DR grants are limited to larger disasters where Congress deems the resources available through the normal disaster declaration process are not sufficient. Disaster Recovery grants are

intended to supplement disaster programs of FEMA, the Small Business Administration, and the U.S. Army Corps of Engineers (USACE).

Grantees may use CDBG-DR funds for recovery efforts involving housing, economic development, infrastructure, planning and prevention of further damage to affected areas. Use of CDBG-DR funding cannot duplicate funding available from FEMA, the Small Business Administration, the USACE, or other disaster recovery resources when a beneficiary received assistance from multiple sources for a cumulative amount that exceeds the total need for a particular recovery purpose. While duplication is not allowed, CDBG-DR may be used to pay the local cost share of other federal programs, such as FEMA PA, HMGP, or USACE projects (note that there is currently a somewhat arbitrary \$125,000 match limit on USACE projects; the state currently has this on their recommended regulatory changes for HUD).



Habitat for Humanity in Jamestown  
Photo Courtesy of Dave Bowman

Eligible activities must meet at least one of three national program objectives: benefit persons of low to moderate income, aid in the prevention or elimination of slums or blight, or meet other urgent community development needs because existing conditions pose a serious and immediate threat to the health and welfare of the community where other financial reserves are not available. One limitation of the CDBG-DR grants is that they almost always come with the requirement that 50% of the funds serve low to moderate income (LMI)

households as the national objective. TO the extent that local governments can identify households or projects in areas that qualify as LMI, CDBG-DR funds can be prioritized for these projects.

Examples of eligible activities include:

- Buying damaged properties in a flood plain and relocating residents to safer areas
- Construction of replacement housing in disaster impacted areas
- Relocation payments for people and businesses displaced by the disaster
- Debris removal not covered by FEMA
- Rehabilitation of homes and buildings damaged by the disaster
- Buying, constructing, or rehabilitating public facilities such as streets, neighborhood centers, and water, sewer and drainage systems
- Code enforcement
- Homeownership activities such as down payment assistance, interest rate subsidies and loan guarantees for disaster victims
- Public service
- Helping businesses retain or create jobs in disaster impacted areas

- Planning and capacity building (limited to no more that 15 percent of the grant)

Note that only 5% of the CDBG-DR grant may be used for administration. The non-disaster CDBG grants may use up to 20% for a combination of planning and administration, but disaster grants are more restrictive. A more comprehensive guide to eligible activities can be found here: <https://www.hudexchange.info/resource/89/community-development-block-grant-program-cdbg-guide-to-national-objectives-and-eligible-activities-for-entitlement-communities/>.

Often, the Federal Register (FR) announcing the funds will also have additional eligible activities or limitations. For example, all recipients from the Superstorm Sandy appropriation, including Colorado’s appropriation, were eligible to conduct a Tourism Marketing program. It is very important to read the Federal Register(s) applicable to your particular disaster to understand any relevant waivers or restrictions.

Usually the State is the recipient of the CDBG-DR grant, but in some cases, if the impacted government is a CDBG “Entitlement Community”, the grant may go directly to that local government. The recipients and grant amounts will be announced by HUD through the Federal Register. Eligible governments must certify to HUD that they have the capacity to manage the CDBG-DR grant funds, and they must develop and submit an Action Plan for disaster recovery to HUD for approval. The Action Plan must describe the needs, strategies, and projected uses of the disaster recovery funds. As noted above, specific waivers and additional guidance are detailed in the Federal Register with the grant announcements. Recipients may apply for additional waivers from HUD based on their needs.

#### **L.4.1 CDBG-DR in Colorado**

One lesson learned in the 2012 and 2013 disasters is that the CDBG-DR program was not built with Colorado in mind. For example, requirements for buyouts to be in the floodplain may not make sense when the imminent threat is from mudslides. Colorado had to go through a lengthy waiver process to be able to conduct buyouts for properties at risk from debris flows or mudslides outside of the floodplain.

Although CDBG-DR funding is not made available at the same time as applicants work with FEMA on Public Assistance, it is critically important for the affected jurisdiction to review all CDBG-DR requirements at the same time as they review the FEMA requirements. This will ensure contracts for services and other procurement provisions meet program requirements from the beginning of the disaster. This is especially important if CDBG-DR becomes available for local cost share for other federal programs. The primary difference with HUD’s procurement requirements is their requirement for a “cost reasonableness” evaluation, open evaluation criteria, and Davis-Bacon labor requirements that are not required by FEMA.

For the 2012-2013 disaster allocation, the CDBG-DR Programs were managed through multiple agencies, depending upon the program. The Governor’s Office guided and managed the Action

Plan development process while the Department of Local Affairs (DOLA) acted as the overall fiscal agent and grant coordinator.

- Housing Programs – DOLA Division of Housing
- Economic Programs – Office of Economic Development and International Trade
- Watershed and Planning Programs – DOLA Division of Local Government
- Infrastructure Program – Division of Homeland Security and Emergency Management
- Agriculture Program – Department of Agriculture

The State may or may not organize in the same way for the next disaster. But regardless of the State structure, it is important to understand the programs available and how to access them. Having a CDBG-DR Coordinator at the local level will help the jurisdiction maneuver through these complex programs.

## **L.5 HAZARD MITIGATION GRANT PROGRAM**

In addition to hazard mitigation grant assistance provided through Section 406 of the Stafford Act, there is also funding through the Hazard Mitigation Grant Program (HMGP) for assistance with mitigation planning efforts. Hazard mitigation is any action taken to reduce or eliminate long term risk to people and property from natural hazards. Mitigation planning is a key process used in breaking the cycle of disaster damage, reconstruction, and repeated damage. The HMPG is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Jurisdictions engage in hazard mitigation planning to identify risks and vulnerabilities associated with natural disasters, and develop long-term strategies for protecting people and property from future hazard events. FEMA requires state, tribal, and local governments to develop and adopt hazard mitigation plans as a condition for receiving certain types of non-emergency disaster assistance, including funding for hazard mitigation projects.

## **L.6 AUDIT TIPS FOR MANAGING DISASTER RELATED COSTS**

Following the disaster, both the State of Colorado and FEMA will conduct monitoring visits to subgrantees when state or federal monies are used. These monitoring visits will also help to prepare the jurisdiction for future audits by the state, FEMA and the Office of the Inspector General (OIG).

The Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Emergency Management Oversight (EMO) prepared a detailed report to provide grant recipients and subrecipients specific findings from previous audits that can assist the jurisdictions in developing their programs. The report is called “Audit Tips for Managing Disaster-Related Project Costs”, OIG-15-100-D, dated June 8, 2015, and can be found at: [https://www.oig.dhs.gov/assets/GrantReports/2015/OIG\\_15-100-D\\_Jun15.pdf](https://www.oig.dhs.gov/assets/GrantReports/2015/OIG_15-100-D_Jun15.pdf)

## L.7 COMMON PITFALLS IN LONG-TERM RECOVERY ACTIVITIES

Below is a summary of possible pitfalls for long-term Recovery:

- Inflexible land use codes and permitting processes that do not address common recovery issues.
- Lack of understanding of the complexities of the CDBG-DR Program. This is not an easy program, the money does not come quickly, and it is not flexible in its execution.
- No coordinator established to manage the complexities of the CDBG-DR Program.
- Lack of understanding of the procurement standards and requirements for permanent work.
- Lack of understanding of the Environmental and Historic Preservation (EHP) review process and the extended time it takes for approval.
- Inability to learn from others mistakes.
- Lack of coordination with LTRG and/or Case Management.
- Multiple funding sources for projects without a plan for how to use the funding programs together.
- Balancing the need to get money out to individuals as soon as possible with the need for mitigation and community engagement regarding long-term goals.
- Failing to involve the State Historic Preservation Office (SHPO) early in the process so historic and culturally significant treasures are preserved.

Best Practices for overcoming pitfalls:

- Partnering with an agency or community that already manages a non-disaster CDBG program can help in understanding the requirements of the CDBG-DR program.
- The Audit Tips Guide by the OIG is a good first step in learning from others about federal requirements and in strengthening your program.
- Review land use codes and standards to determine if changes should be made for disaster recovery. Talking with other affected communities will help to determine which areas should be addressed.
- Work with VOAD partners to establish a process for standing up a Long-Term Recovery Group.
- Have a staff member assigned to review federal regulations for any programs the jurisdiction will use to ensure all staff are clear on the requirements before moving forward.
- Ensure the jurisdiction has an updated Hazard Mitigation Plan.

## AFTER THE DISASTER

You made it! The disaster is over and you can take a deep breath and reflect on all that has happened. Painful lessons were learned and you have vowed to never go through that again. The only way this can happen is to take some time to document all that you have learned, and determine the needed changes necessary and assign responsibility for those changes to various departments and/or agencies. This will help ensure that the next disaster in Colorado is both less painful and more successful than the last.

### **A.1 DOCUMENTATION RETENTION**

As a recipient of any state or federal funding, a local jurisdiction is responsible for establishing and maintaining accurate records of events and expenditures related to disaster recovery work. Proper documentation will help the jurisdiction justify cost overruns, time extensions, show alternatives considered when an environmental or historic assessment was required, show that there has been no duplication of benefits, and prepare for audits or other program reviews. Incomplete or improper records can lead to either partial or total deobligation.

There are many ways to maintain records. FEMA requires applicants to keep all financial and program documentation for three years beyond the date of the state's Final Status Report (FSR), or longer if required by the state's record retention policies. If an FSR is not required (find out from your State PA Representative what the guidance is). Records must be maintained for three years from the date of the final certification of completion of your last project or as required by the state. Records are subject to audit by State auditors, FEMA, and the U.S. Department of Homeland Security's Office of Inspector General (OIG).

The local jurisdiction is required to adhere to the most stringent of local, state and federal retention policies. Therefore, if the local jurisdiction requires seven years, then the applicant should follow their own policy as it is longer than the state or federal requirement.

### **A.2 AFTER ACTION REVIEW AND CAPTURING LESSONS LEARNED**

With each event, procedures should be established and followed to evaluate plans and take corrective actions on any deficiencies or gaps identified. This is typically done through an After Action Report and/or an Improvement Plan. These documents outline the event timeline, objectives, goals, and capabilities, as well as the results of each area. Strengths will be noted as well as areas for improvement. Finally, the improvement plan identifies specific actions to be taken in order to strengthen any improvement areas and assign individual responsibility to carry out those actions. This is a valuable tool for an emergency management agency or recovery organization as it sets the stage for future planning, training and exercises.

### **A.3 UPDATING PLANNING DOCUMENTS**

When disaster strikes, problems will occur, and plans and strategies for recovery must be continually revisited and updated. To maintain a well-organized and capable emergency management program, its participants must learn from the mistakes and problems that arise during every emergency event. Disasters show communities where they are lacking, which areas need improvement, and what situations need further planning. If communities continue to use the same problematic plans or make the same mistakes discovered in the recovery phase of the program, future disasters could produce the same easily preventable problems. Plans constantly evolve, utilizing new information and abilities to provide better protection of people and property. During the recovery phase, the program can utilize mitigation strategies and vulnerability assessments. During the rebuilding of a community, protection can be augmented, buildings strengthened, and improvements made. The recovery phase may be the best time to enact measures and complete projects that make the community more disaster-resilient.

Recovery from disaster is unique to each community depending on the amount and kind of damage caused by the disaster and the existing organizations (public, private and non-profit) and government structures, and resources that the community already has or can obtain. In the short term, recovery is an extension of the response phase in which basic services and functions are restored. In the long term, recovery is a restoration of both the personal lives of citizens and the livelihood of the community.



## APPENDIX A: COMMUNITY RECOVERY CHECKLIST

The Community Recovery Checklist is an outline of some of the key items that the Emergency Manager will have to manage during the recovery stage. These areas should be considered when developing your recovery plan, as well as any post-disaster mitigation plans.

### Pre-Event:

#### Establish a Recovery Planning Committee

- ✓ Include government, private sector, non-profits, academia, religious organizations, NGOs, and other stakeholders.
- ✓ Make it consensus based and identify short and long term goals.
- ✓ Coordinate public, private, non-profit and faith-based recovery forces.
- ✓ Identify potential interim and permanent housing strategies and rebuilding options.
- ✓ Address long-term recovery and unmet needs.
- ✓ Develop community recovery strategies.
- ✓ Develop, update and exercise a Disaster Recovery Plan.

### Post Event:

#### Establish a Disaster Assistance Center (DAC)

- ✓ “One Stop” for disaster assistance programs and assistance information.
- ✓ DOLA can provide technical assistance when a local jurisdiction is considering setting up a DAC.
- ✓ Expectation management is a critical component of disaster assistance.
- ✓ Develop an Unmet Needs Committee.

#### Appoint Recovery Manager

- ✓ Provide central coordination point for all recovery support functions.
- ✓ Facilitate community and neighborhood meetings.
- ✓ Seek support from philanthropic community.
- ✓ Provide a liaison with state and federal agencies and coordinate administration of the Stafford Act (when available) and other assistance programs as needed.

#### Public Messaging

- ✓ Establish a coordinated public information process as soon as possible with representatives of the various impacted jurisdictions and agencies. Multiple partners and organizations will be coming to assist so a coordinated effort to streamline public messages are crucial.
  - ✓ Prepare and release coordinated public messaging regarding health and safety risks, debris removal, donations/volunteers, availability of assistance, and other recovery issues.

- ✓ Establish web page and utilize social media to create interactive, culturally-competent dialogue with residents on recovery matters.

#### Establish a Recovery Task Force

- ✓ Gather a collaborative/consensus-based group of elected/appointed officials as well as community, business, and non-profit leaders that can provide resources and expertise.
- ✓ Establish a recovery “vision” and identify opportunities to improve the community.
- ✓ Proactively manage recovery and redevelopment to consider competing interests.
- ✓ Review/revise the Disaster Recovery Plan, determine recovery strategies, develop actions, establish goals and milestones, and engage and inform the general public.
- ✓ Implement appropriate sections of the Disaster Recovery Plan.
- ✓ Recovery Task Force provides policy and resource support to Recovery Support Functions (RSFs).
- ✓ RSFs are longer-term than Emergency Support Functions (ESFs), and may require research, analysis and detailed planning to complete.

#### Damage Assessment

- ✓ Implement the Damage Assessment Plan
- ✓ Estimate impacts and losses, mitigation needs, preparedness issues.
- ✓ Identify facilities with risk pool and insurance coverage, FEMA Public Assistance (PA) and Individual Assistance (IA) thresholds.
- ✓ Perform a Rapid Needs Assessment (First 24 hours).
- ✓ Perform a Preliminary Damage Assessment.
- ✓ Perform a Preliminary Damage Assessment (PDA) - Joint effort between FEMA, SBA, state, and local staff.
- ✓ Conduct Building Inspections and Issue Permits.

#### Debris Management

- ✓ Determine Emergency Debris Clearance – designated priority routes.
- ✓ Develop a Debris Management Strategy – Should include sorting, recycling, reducing, and strategies for removal, management, and disposition.
- ✓ Determine Hazardous Materials guidelines for handling and disposal.
- ✓ Understand your roles and responsibilities with respect to compliance with state and federal Laws.

#### Repair/Replace/Restore Public Infrastructure and Services

- ✓ Determine level of insurance coverage for damaged public facilities.
- ✓ Identify alternate facilities to continue government operations during repairs/restoration.
- ✓ Develop strategy and priorities for emergency and permanent restoration of utilities, health and medical facilities, transportation systems, communications, and water/wastewater systems.
- ✓ Coordinate with utility providers to determine restoration priorities.
- ✓ Administer FEMA Public Assistance grants in federally-declared disasters.

#### Establish System for Managing Donations and Volunteers

- ✓ Determine adequacy of local resources and whether outside assistance is needed to establish a volunteer reception center or to manage donations facilities.
- ✓ Obtain technical assistance from state Donations-Volunteer Coordination team.
- ✓ Establish policy and process for accepting and dispensing cash donations.

#### Support Mass Care Activities

- ✓ Ensure coordination between Human Services and nonprofit/voluntary agencies providing mass care (American Red Cross, Salvation Army, Colorado Baptists, etc.).
- ✓ Provide logistical support for sheltering, feeding, bulk distribution, animal care and other mass care activities.
- ✓ Establish call center or request assistance from Colorado 2-1-1 to provide call center, information and referral services.

#### Provide Behavioral Health Services to Survivors

- ✓ Identify resources to meet immediate needs for crisis counseling (victim advocates, behavioral health specialists).
- ✓ Determine need for long-term behavioral health services.
- ✓ Obtain technical assistance through Colorado Crisis Education and Response Network (COCERN), coordinated by Colorado Department of Public Health and Environment (CDPHE).

#### Provide Case Management Services

- ✓ Ensure trained case managers are available to support unmet needs of individuals and families (application completion, housing, employment, business support, legal services, clothing, furniture, transportation, medical and behavioral health services, and referral/transition to other public services).

#### Re-Entry: Public & Environmental Health Considerations

- ✓ Perform Search & Rescue.
- ✓ Determine Secondary Hazards / Imminent Threats.
- ✓ Determine Hazardous Materials Risks to Citizens and Responders.
- ✓ Communicate Risks to Responders/Relief Workers.
- ✓ Establish Public Messaging Systems.
- ✓ Determine Pandemic / Epidemic and Sanitation Considerations.

#### Identify Sources of Outside Assistance

- ✓ Identify assistance programs available from federal government, state government, nonprofit organizations and the private sector to assist individuals and families.
- ✓ Support delivery of FEMA Individual Assistance grants and loans in federally-declared disasters.

#### Determine Need for Disaster Declaration

- ✓ Request state and or federal disaster assistance (as needed, based on damage assessment and levels of insurance coverage).
- ✓ Prepare ordinance/resolution declaring a local disaster and providing legal basis for instituting social controls, enabling access to TABOR emergency reserves, or other extraordinary legal measures.

#### Identify Technical Assistance Needs

- ✓ Contact the Colorado Department of Local Affairs (DOLA Divisions of Local Government, Housing) and the Division of Homeland Security and Emergency Management (DHSEM) for legal, budgetary, housing, planning, economic development and recovery assistance.

#### Identify Hazard Mitigation Opportunities

- ✓ Develop hazard mitigation strategy and seek funding to support mitigation projects and initiatives.
- ✓ Evaluate adequacy of building and zoning codes and land use plans based on disaster impacts.
- ✓ Coordinate with state and federal agencies with hazard mitigation programs and resources.

#### Establish Disaster-Related Policies

- ✓ Modify codes and regulations as needed to facilitate recovery for residents, businesses and public entities.

## APPENDIX B: FEMA INDIVIDUAL ASSISTANCE PROGRAM

The Federal Emergency Management Agency's Individual Assistance Program (also known as the Individuals and Households Program) provides financial help or direct services to those who have necessary expenses and serious needs if they are unable to meet these needs through other means. Up to \$33,000 (adjusted each year) is available in financial help, although some forms of IA assistance have limits. The following forms of help are available:

- Housing Assistance (including Temporary Housing, Repair, Replacement, and Semi-Permanent or Permanent Housing Construction) and
- Other Needs Assistance (including personal property and other items)

### Housing Assistance

In Colorado, Housing Assistance is often provided through the local Housing Authorities as well as the Colorado State Division of Housing. Housing Assistance includes the following:

- Temporary Housing: Money to rent a different place to live or a temporary housing unit (when rental properties are not available).

\*Homeowners insurance and flood insurance is always the first and best resource for assistance after disaster. Determining substantial damage is also important to determine thresholds for this program.

- Repair: Money for homeowners to repair damage from the disaster that is not covered by insurance. The goal is to repair the primary home to a safe and sanitary living or functioning condition, i.e. doors, windows, stairs. FEMA may provide up to \$33,000 for home repair (adjusted annually); then the homeowner may apply for a Small Business Administration disaster loan for additional repair assistance. **FEMA will not pay to return a home to its condition before the disaster.** Flood insurance may be required if the home is in a Special Flood Hazard Area. Repair and replacement items include:
  - Structural parts of a home (foundation, outside walls, roof)
  - Windows, doors, floors, walls, ceilings, cabinetry
  - Septic or sewage system
  - Well or other water system
  - Heating, ventilating, and air conditioning system
  - Utilities (electrical, plumbing, and gas systems)
  - Entrance and exit ways from the home, including privately owned access roads
  - Blocking, leveling and anchoring of a mobile home and reconnecting or resetting its sewer, water, electrical and fuel lines and tanks
- Replacement: Money to replace a disaster-damaged home, under rare conditions, if this can be done with limited funds. FEMA may provide up to \$33,000 for primary home replacement. If the home is located in a Special Flood Hazard Area, the homeowner

must comply with flood insurance purchase requirements and local flood codes and requirements.

- **Semi-Permanent or Permanent Housing Construction:** Direct assistance or money for the construction of a home. This type of assistance occurs only in very unusual situations, in locations specified by FEMA, where no other type of housing assistance is possible. Construction shall follow current minimal local building codes and standards where they exist, or minimal acceptable construction industry standards in the area. Construction will aim toward average quality, size, and capacity, taking into consideration the needs of the occupant. If the home is located in a Special Flood Hazard Area, the homeowner must comply with flood insurance purchase requirements and local flood codes and requirements.

### **Other Needs Assistance**

Other Needs Assistance provision of the Individuals and Households Program provides grants for uninsured, disaster-related necessary expenses and serious needs. Flood insurance may be required on insurable items (personal property) if they are to be located in a Special Flood Hazard Area. Assistance includes:

- Medical and dental expenses
- Funeral and burial costs
- Repair, cleaning, or replacement of:
  - Clothing or Household items (room furnishings, appliances)
  - Specialized tools or protective clothing and equipment required for your job
  - Necessary educational materials (computers, school books, supplies)
- Clean-up items (wet/dry vacuum, air purifier, and dehumidifier)
- Fuel (fuel, chain saw, firewood)
- Repairing or replacing vehicles damaged by the disaster, or providing for public transportation or other transportation costs
- Moving and storage expenses related to the disaster (including evacuation, storage, or the return of property to a home)
- Other necessary expenses or serious needs (for example, towing, or setup or connecting essential utilities for a housing unit not provided by FEMA)
- The cost of a National Flood Insurance Program group flood insurance policy to meet the flood insurance requirements

**Flood Insurance:** Insurance is the first and best resource for homeowners and renters following a disaster event. A standard homeowner's insurance or renter's insurance policy will generally cover losses associated with hazards such as tornadoes or wildfires, though specific levels of coverage will depend on the terms and conditions of each policy. Floods, however, are covered through a separately purchased policy.

The National Flood Insurance Program (NFIP), administered by FEMA, is the most common form of flood insurance available to homeowners, renters and businesses. All residents and

businesses within communities that participate in the NFIP are eligible to purchase flood insurance policies. In fact, more than 20% of flood insurance claims nationally occur outside of the Special Flood Hazard Area (100-year floodplain). Federal law requires flood insurance for all properties with federally regulated or insured mortgages located within the Special Flood Hazard Area as identified on a Flood Insurance Rate Map. Specific information about available coverage and costs of policies can be found at [www.floodsmart.gov](http://www.floodsmart.gov).

Communities who participate in the Community Rating System (CRS) can take actions beyond the minimum requirements of the NFIP that result in a reduction in flood insurance premiums for flood insurance policy holders within the participating community. In particular, public information, mapping and regulation, flood damage reduction, and flood preparedness actions specified in the CRS manual can result in discounts of between 5% and 45% for insured properties within the Special Flood Hazard Area.

Increased Cost of Compliance (ICC), which is frequently included in standard flood insurance policies, can be an important resource in helping policy-holders and communities to mitigate after a flood event. ICC coverage can provide up to \$30,000 in additional coverage for a property owner to “bring the property into compliance with State or community floodplain management laws and ordinances.” Eligible activities could include elevation, relocation or demolition of the covered structure. Non-residential structures may also be floodproofed. ICC coverage is triggered either by a substantial damage determination by the participating community, or if the property meets NFIP definition for repetitive loss.

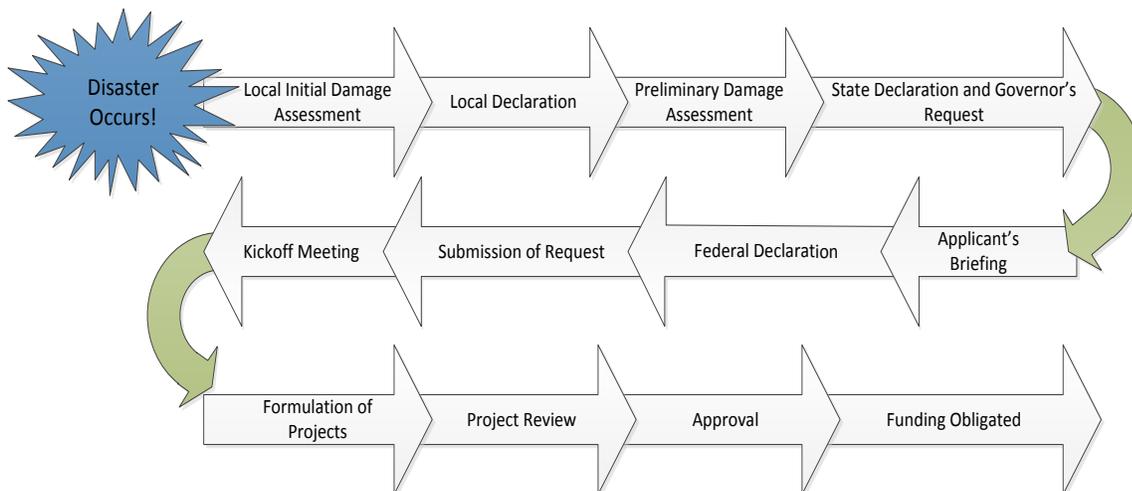
### **Local Government Role**

Local government has a limited role in the Individuals and Households Program through FEMA. Individuals apply directly to FEMA for assistance, and the local government often does not have access to those who have applied or who have been granted funding. This can cause some confusion post-disaster, as community members will often turn to their local government officials with questions. Because of this, it is important to have a strong relationship with the local agencies who provide assistance to individuals, such as the Long-Term Recovery Group, Case Managers, and VOAD organizations. Additionally, having a clear line of communication from the individuals seeking assistance to those who can provide assistance is critical.

DHSEM has a case management team that assists with this program. Case managers are utilized to work directly with the individuals regarding needs and assistance programs.

## APPENDIX C: FEMA PUBLIC ASSISTANCE PROGRAM

The Public Assistance (PA) Program is based on a partnership between FEMA, state, and local officials. FEMA is responsible for managing the program, approving grants, and providing technical assistance to the state and applicants. The state educates potential applicants, works with FEMA to manage the program, and is responsible for implementing and monitoring the grants awarded under the program. The applicant is responsible for identifying damage, providing information necessary for FEMA to approve grants, and managing the projects funded under the PA Program.



### C.1 Public Assistance Process

#### C.1.1 Local Initial Damage Assessment

Following a disaster, the affected jurisdiction will conduct an Initial Damage Assessment to assess the impact of the disaster. This assessment should provide a rough estimate of the extent and location of damages. Often this will require the coordination of the various municipal governments who will also perform their own damage assessments. When the information has been collected, it is provided to DHSEM. The emergency management agency or EOC will coordinate and exchange information with applicable, engaged agencies and organizations to develop a comprehensive account of disaster-related expenditures and available federal, state and local funds and resources.

#### C.1.2 Local Declaration

Once it is determined that the incident exceeds local capabilities, and/or the damages meet the state and federal thresholds, the local jurisdiction will sign a resolution declaring a major emergency or disaster, which will be sent to the DHSEM.

### **C.1.3 Preliminary Damage Assessment**

When a Tribal or local government determines an incident exceeds its capabilities to respond, it requests assistance from the state. If the state subsequently determines that the incident may exceed the combined capabilities of the state, tribal, and local governments to respond, it requests that FEMA join the state, tribal, and local governments to assess the impacts and magnitude of damage. FEMA refers to this as a joint Preliminary Damage Assessment (PDA). When a tribal government is applying as a Recipient, it may request a damage assessment directly from FEMA. The Governor or Indian Tribal Chief Executive must request a declaration from the President through FEMA within 30 days of the incident.

### **C.1.4 State Declaration and Governor's Request**

A state of emergency can be declared by the governor through an executive order or proclamation (C.R.S. 24-33.5-700), which is submitted to the President through the Federal Emergency Management Agency (FEMA), Region VIII, in Denver, Colorado. Only the Governor of the state can declare a state of emergency. The declaration of a state of disaster emergency by the governor serves to activate the emergency response, recovery and mitigation phases of the state and local emergency management plans, and provides authority for the mobilization and deployment of all resources to which the plan refers.

### **C.1.5 Applicant's Briefing**

The applicant briefing is a meeting conducted by DHSEM for potential Public Assistance applicants. As soon as possible following the President's declaration, the Recipient conducts briefings for all potential Applicants (i.e., State, Territorial, Tribal, and local government entities and private nonprofits [PNPs]). The Recipient is responsible for notifying potential Applicants of the date, time, and location of the Applicant Briefing. During these briefings, the Recipient provides high-level information regarding the PA Program, such as:

### **C.1.6 Federal Declaration**

FEMA gathers information to supplement the governor's request and this is sent to the president who determines the final disposition. The disposition of the request is transmitted through FEMA Region VIII back to the governor. Based on the Governor's request, the President may declare that a major disaster or emergency exists, thus activating an array of Federal programs to assist in the response and recovery effort. Not all programs, however, are activated for every disaster. The determination of which programs are activated is based on the needs found during the damage assessment and any subsequent information that may be discovered.

### **C.1.7 Submission of Request**

If a state, territorial, tribal, or local government entity or Private Non-Profit (PNP) wishes to seek PA funding, it must first submit a Request for Public Assistance (RPA) to FEMA, through the Recipient, within 30 days of the declaration. The RPA (FEMA Form 90-49) is the form required to apply for the PA Program; FEMA also refers to it as a pre-application. This form does not require the affected jurisdiction to describe specific damages – the jurisdiction may file even if the damage assessment is ongoing.

### FEMA-State Agreement

As the designated grantee for federal disaster funds, the State of Colorado DHSEM will execute the FEMA/State Agreement with FEMA following a Presidential declaration. The FEMA-State Agreement is a document signed by the Governor and the FEMA Regional Director that states the understandings, commitments, Federal Cost Share, and conditions under which federal assistance will be provided. The agreement identifies the incident and the incident period, specifies the types of assistance that will be provided, lists the areas eligible to receive assistance, outlines the cost sharing provisions, and includes other special terms and conditions that may apply. It also establishes the timeline for the Emergency Work Period.

The Request for Public Assistance (RPA) starts the clock on several deadlines for the PA Program:

- Within 7 days of the RPA, FEMA will hold an Exploratory Call with the applicant to get more information about the disaster and the current status of damage assessments.
- Within 21 days of the Exploratory Call, FEMA will hold the Recovery Scoping Meeting (previously called the Kickoff Meeting).
- Within 60 days of the Recovery Scoping Meeting, FEMA requires the Damage Inventory to be complete.

#### **C.1.8 Exploratory Conference Call**

This is the initial call between FEMA, Colorado State and the local applicant. The call has been designed to briefly discuss the disaster, damages and needs to get a better idea about the proper way to move forward. This call introduces and discusses the Damage Inventory template.

#### **C.1.9 Recovery Scoping Meeting**

The Recovery Scoping Meeting is the initial meeting between the local jurisdiction (Applicant), the State PA Representative (Applicant Liaison), and the FEMA Program Delivery Manager (PDMG). At this working session, the applicant provides a list of damages and receives comprehensive information about the Public Assistance Program.

The Recovery Scoping Meeting differs from the Applicants' Briefing conducted by the state at the onset of disaster operations. While the Applicants' Briefing describes the application process and gives a general overview of the PA Program, the Recovery Scoping Meeting is conducted by FEMA specifically for the applicant in order to provide a much more detailed review of the PA Program and the jurisdiction's specific needs. The meeting focuses on the eligibility and documentation requirements that are most pertinent to the applicant.

All damaged facilities and emergency work must be identified and reported to FEMA within 60 days of the Recovery Scoping Meeting on the Damage Inventory Template in the FEMA Grants Portal.

### **C.1.10 Damage Inventory Report**

The applicant has 60 days from the Request for Public Assistance to complete the Damage Inventory Report. This report is filled out within the FEMA Grant Portal, and it outlines all of the areas where damages have been reported. This information will ultimately end up in the Detailed Damage Descriptions in Project Worksheets.

Once completed, FEMA will assign a Site Inspector, who will come out and inspect all areas outlined on the Damage Inventory Report. Within two days of the site inspection, FEMA will send the site inspection report back to the applicant for signature of concurrence.

### **C.1.11 Scoping and Costing**

FEMA bases PA program grants on estimates or actual cost information for individual projects. A project is a logical grouping of related work required as the result of the declared event. The local jurisdiction (subgrantee), working with FEMA and the State of Colorado (grantee), is responsible for assessing disaster-related needs and developing projects to address those needs. All projects are documented on Project Worksheets (PWs).

A Project Worksheet is a tool used to document the location, damage description and dimensions, scope of work, and cost estimate for a project. It is the basis for Public Assistance Program funding. The Project Worksheet is used to record the following information:

- Applicant identification information
- Facility location
- Pre-disaster description of the facility and damage description, including the cause of damage and dimensions of damage
- The scope of eligible work necessary to repair the damage or perform emergency work
- Estimated or actual costs necessary to complete the work
- Address applicable special considerations (floodplain management, insurance, hazard mitigation and compliance with environmental and historic preservation laws)

To facilitate project review, approval, and funding, projects are divided into small and large projects based on the monetary threshold established in Section 422 of the Stafford Act and elaborated on in Title 44 of the Code of Federal Regulations § 206.203(c), Federal Grant Assistance. The maximum threshold to be considered for a small project is adjusted each fiscal year, as published by the U.S. Department of Labor and published in the Federal Register.

#### Small Projects

Small projects provide advantages to local jurisdictions, the state, and FEMA because the projects may be obligated based on estimated costs, which expedites processing of grant funding. The funding level for small projects is fixed, regardless of the final cost incurred by the jurisdiction, unless an appeal is filed for additional funds and the appeal is approved. FEMA does not perform a final inspection of completed small projects; however, the State of Colorado must certify that the subgrantee completed the work in compliance with all

applicable laws, regulations, and policies. All documentation of expenses, contracts, etc. are still required to be retained.

### Large Projects

If the total project cost is equal to or above the threshold, then it is classified as a large project. Large project funding is based on actual documented costs. Because of the complexity and nature of the majority of large projects, work typically is not complete at the time of FEMA approval. Therefore, most large projects initially are approved based on estimated costs. Funds are generally made available to the subgrantee on a progress payment basis as work is completed and actual costs are documented. When all work associated with the project is complete, the jurisdiction performs a reconciliation of actual costs and transmits the information to FEMA, through the State, for consideration for final funding adjustments.

#### **C.1.12 Project Review**

The State of Colorado is responsible for ensuring that all incurred costs are associated with the approved scope of work, including the period of performance, and for certifying that work has been completed in accordance with FEMA standards and policies. The state then submits documentation of project costs to FEMA for review. At that time, FEMA may conduct a final inspection.

#### **C.1.13 Approval**

FEMA is responsible for determining eligibility, conducting environmental/ historic preservation reviews, approving projects, and making the federal share of the approved amount (i.e., the grant) available to the state through a process known as obligation.

#### **C.1.14 Funding Obligated**

FEMA and the State of Colorado share responsibility for making Public Assistance Program funds available to local jurisdictions. This is accomplished through the process known as Payment of Claims. Once eligible costs are incurred and documented, funds that FEMA has obligated remain part of the Federal Treasury but are available to the state for drawdown through the Federal Payment Management System (PMS) portal. Funds are drawn and deposited in a state account only in preparation of disbursement to applicants once the State receives a request for reimbursement from the local jurisdiction. The state then validates the documentation and approves the release of grant funds.

#### **C.1.15 Applicant Signatures**

The applicant signs off on projects three times throughout the Project Worksheet process:

- Final Site Inspection Report
- Detailed Damage Description
- Scope of Work and Cost

## C.2. PUBLIC ASSISTANCE PROGRAM - PROJECT WORKSHEETS

Each Project Worksheet has the same basic information:

- Basic Project Information
- Damage Description and Dimensions
- Scope of Work
- Project Cost
- Special Considerations
- Supporting Documentation

**Basic Project Information** - Must include all appropriate information to identify the project: declaration number, Project Worksheet reference number, date, Federal Information Processing Standard (FIPS) Number, work category, Emergency Management Mission Integrated Environment (EMMIE) number, applicant, work completed, damaged facility (facility in this context is any infrastructure damaged), county, location, latitude, longitude, and who prepared the form.

**Damage Description and Dimensions** - Must describe eligible damage, including: cause of damage, applicant responsibility, pre-disaster condition (i.e. design, function, capacity, and active use), quantifying damages or emergency services, location, and reference to attachments (i.e. continuation sheets, photos, maps, plans, bids/quotations, etc.)

**Scope of Work** - Must demonstrate eligible work, ensuring: consistency with damage description and project costs, description of necessary work using quantifiable and descriptive terms, the inclusion of cost methods and calculations, description of work completed and work to be completed, a description of any work to restore a facility beyond its pre-disaster condition, description of any special considerations that will affect the scope of the work or project cost, description of the cost estimate basis, and reference to attachments (i.e. plans, photos, other supporting documentation).

**Project Cost** - Must demonstrate eligible costs, ensuring: separation of work completed and work to be completed, consistency with the scope of work, use of appropriate cost codes, display of cost estimate methodology and force account costs (i.e. labor, equipment, overtime, and regular time, including organizational pay policy), display of contracted costs (i.e. contract type, procurement policies, rental agreements), and reference to attachments (payroll records, contracts, other supporting documentation).

**Special Considerations** - Attach the special considerations worksheet with any and all special considerations identified. FEMA uses the term Special Considerations to describe issues other than program eligibility that could affect the scope of work and funding for a project. These issues include insurance, hazard mitigation measures, and environmental and historic preservation compliance with Federal laws, regulations, and Executive Orders.

**Documentation** - Must support project eligibility, including: maps, photos (pre/post-disaster), plans, technical reports, maintenance records, insurance policies, applicable building/fire codes, calculation sheets, lease agreements, inspection reports, contracts, rental agreements, vendor invoices, employee/contractor time records, and any other supporting documentation.

**Overall Project Worksheet** – The project worksheet should ensure 1) costs in the cost estimate are addressed in the damage description/dimensions and scope of work, 2) information is formulated correctly based on appropriate public assistance category of work (A-G), and 3) the Project Worksheet successfully demonstrated applicant/work/cost eligibility.

### **C.2.1 Project Worksheet Cost Line Items**

Project Worksheets typically have one or more of these key line items:

- Force Account Labor – Regular Time
- Force Account Labor – Overtime
- Force Account Equipment
- Materials
- Rental Equipment
- Contracts
- Inventory
- Direct Administrative Costs (DAC)

#### **C.2.1.1 Force Account Labor**

Force account involves the professional services, construction, rehabilitation, repair or demolition that is performed by the applicant's employees. Required documentation includes the overtime of regular employees, although the regular hours worked on the disaster must be shown in order for force account equipment time to be reimbursed. Overtime pay must be in accordance with policies in use before the disaster. If temporary staff was hired for the event both regular time and overtime may be claimed. Labor documentation will include:

- Employee name and title
- Regular hourly rate and overtime rate
- Regular and overtime hours for employees
- Timesheets
- Payroll register (ensure that day-to-day activities are not included in documentation for the disaster and that the records indicate actual time spent on the disaster)
- Pay/Personnel policy including exempt personnel, overtime and emergency pay policies
- Contract, timesheets, invoices and proof of payment for contracted temporary employees
- Benefits calculation percentage based on benefit rate per hour
- Description of work performed per project
- Document any and all travel expenses required by employees in response to the disaster event.
  - Log of travel expenses
  - Employee travel vouchers/requests

- Invoices and proof of payment for employer direct pay expenses
- Vehicle rental information

Staff will be changing frequently throughout the disaster so documentation is incredibly important for all force account labor.

Emergency Work Labor Eligibility		
Budgeted Employees	Overtime	Straight-Time
Permanent employee	<input checked="" type="checkbox"/>	
Seasonal employee working during normal season of employment	<input checked="" type="checkbox"/>	
Unbudgeted Employees	Overtime	Straight-Time
Essential employee called back from administrative leave	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Permanent employee funded from external source	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Temporary employee hired to perform eligible work	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Seasonal employee working outside normal season of employment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Public Assistance Program and Policy Guide FP 104-009-2

#### C.2.1.2 Force Account Equipment

The applicant’s equipment is allowed for operating time only and down time cannot be included. Equipment not in actual use is considered standby and is not eligible for reimbursement. Required documentation includes equipment logs that contain:

- Operator’s name with each piece of equipment - The operator’s name will be cross referenced with the equipment claimed to ensure equipment time did not exceed labor time
- Dates and hours of usage
- Unit of rate: hourly or mileage (hours preferred)
- Type of equipment/description: horsepower, size, year, make, model and capacity
- Master equipment list with rates if not using FEMA cost codes
- Description of work performed per project

If the local jurisdiction is already using contracted equipment for day-to-day operations, this does not count as Force Account Equipment and a full procurement process will be necessary to continue using the equipment. See contract work for details on contract documentation.

#### C.2.1.3 Materials

Eligible materials include the actual quantity of materials used per project during the event time period. The prices must reflect the cost for the purchase of materials prior to or during the disaster. If the purchase order exceeds what was required for the disaster repairs, state the exact amount used for the disaster repair. Materials records include:

- Vendor name
- Procurement Policy

- Date materials were used (invoice or from stock)
- Receipts and proof of payment
- Materials/supply inventory list
- Description of product
- Quantity used and unit price
- Materials used from inventory stock: inventory stock usage reports, date materials were purchased with supporting invoices and/or purchase orders with purchase date and unit price identified.

#### C.2.1.4 Rental Equipment

Documentation is required for equipment rented for the disaster. The rental agreement must specify who is responsible for repairs to the equipment. Documentation must include:

- Rental contract
- Description of rented equipment
- Time period and hours used
- Rate per hour
- Vendor name
- Invoices and proof of payment

#### C.2.1.5 Contract Work

A large percentage of projects will be completed by selecting vendors through contracts.

NOTE: This is a heavily audited areas. Pay close attention to regulatory guidance. Required documentation for any and all contracted work for the event includes:

- Type of contract
- Copy of contract with duration and charges
- Procurement records (competitive bid, sole source records, procurement rules, etc.)
- Contractor name
- Dates and hours of contracted work
- Invoice number and dollar amount of contract
- Proof of payment
- Description of work performed

### **C.2.2 Public Assistance Categories**

There are two types of work allowed in the PA Program: Emergency Work and Permanent Work.

#### Emergency Work

##### Category A – Debris Removal

- Eliminates immediate threat to life, health and safety
- Eliminates immediate threat of significant damage to improved property
- Ensures economic recovery and benefits the community-at-large

##### Category B – Emergency Protective Measures

- Actions taken before, during, and after a disaster to save lives, protect public health and safety, or eliminate immediate threat of significant damage
- Eligible activities include:
  - Warning devices
  - Traffic Control
  - Emergency Communications
  - Search and Rescue Activities
  - Construction of temporary levees
  - Provision for shelter or emergency care
  - Sandbagging
  - Removal of health and safety hazards
  - Emergency demolition / repairs
  - Firefighting
  - Provisions for water, ice, food, and other essential items for responding agency personnel

#### Permanent Work

- Required as a result of the disaster
- Repairs, restores or replaces facilities
- Restores to pre-disaster design, capacity and function
- Cost-effective hazard mitigation
- Activities to restore damaged facility (minor repairs to complete replacement)
- Three Basic Criteria: Design, Function and Pre-disaster capacity
- Work is grouped into five eligible categories:
  - Category C – Roads and Bridges
  - Category D – Water Control Facilities
  - Category E – Buildings and Equipment
  - Category F – Public Utilities
  - Category G – Parks, Recreational Areas and other Facilities

#### **C.2.3 Donated Resources**

Donated resources used on eligible work that is essential to meeting immediate threats to life and property resulting from a major disaster may be credited toward the non-federal share of grant costs under the PA Program. Donated resources may include volunteer labor, donated equipment and donated materials.

Donated resources can be used for Category A and B work only and must be documented to include: record of hours worked, the work site, and description of work for each volunteer, and equivalent info for equipment and materials.

- Must apply to actual eligible work, such as debris removal or sandbagging
- Must be thoroughly documented
- Volunteer labor is valued at the hourly labor rate used in the applicant's organization for similar work

- FEMA Equipment Rates are used to determine the value of donated resources used to perform eligible emergency work
- Donated materials are valued at the current commercial value
- If materials were supplied by a federal agency, they cannot be applied as volunteer credit

#### **C.2.4 Simplified Thresholds**

The PA Program has two eligibility thresholds: (1) a minimum threshold to qualify for a PA project (and thus Simplified Procedures); and (2) a maximum threshold for Simplified Procedures. After the Sandy Recovery Improvement Act of 2013, the Simplified Procedures maximum threshold was raised to \$120,000, and the minimum threshold for project eligibility was raised to \$3,000. Both are adjusted annually to account for changes in the Consumer Price Index (CPI) for All Urban Consumers published by the U.S. Department of Labor. Local jurisdictions should conduct an annual review of these changes to ensure the appropriate thresholds are used for the program.

#### **C.2.5 Duplication of Benefits**

The local jurisdiction will need to be able to prove that no other assistance was provided in order to obtain Public Assistance funding. This could include providing support for non-eligibility / denial for insurance payments or other federal program assistance.

#### **C.2.6 Cost Estimates**

FEMA may grant funds on the basis of actual costs or on estimates of work to be completed. The method used to determine costs for a particular project depends on whether the work is complete or to be completed. The three primary methods for determining costs are time and materials, unit cost and contracts.

Time and Materials – The time and materials method is used to summarize actual costs of force account labor, equipment, and materials. Costs must be documented by payroll information, equipment logs or usage records, and other records, such as invoices, receipts, or work orders prepared by the applicant.

Unit Cost – The unit cost method is used to develop PWs for work to be completed. Under this method, unit costs are applied to specific elements of the scope of work. Typically, unit prices are based upon in place costs, incorporated materials, labor, equipment, insurance, overhead, and profit for all activities needed to complete that item of work. There are numerous sources that may be used in the preparation of estimates based on unit costs. These sources include:

- Commercial estimating sources
- State or local data from previously completed projects; and
- FEMA cost codes

Contracts – Contract pricing is used to determine the cost of work for which the applicant has used labor, equipment, and material from an outside source. In general, contract costs are used for work already complete, but in some cases contract information may be used to estimate costs for work that is just beginning or still underway. If work has not yet begun on a project, but a contract has been bid or let, the contract price can be used.

### **C.2.7 Cost Analysis**

The local jurisdiction must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold (currently \$150,000) including contract modifications. The method and degree of analysis is dependent upon the facts surrounding the particular procurement situation, but as a starting point, the jurisdiction must make independent estimates before receiving bids or proposals (OMB Uniform Guidance 2 CFR Part 200.323)

### **C.2.8 Cost Reasonableness**

A cost reasonableness analysis is required when costs incurred on FEMA PA projects were not procured in accordance with the applicable federal procurement regulations. Subgrantees are required to provide additional documentation justifying the reasonableness of their costs if proper procurement is not followed to receive reimbursement and complete Project Closeout.

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. In other words, a reasonable cost is a cost that is both fair and equitable for the type of work being performed. Reasonable costs can be established through:

- The use of historical documentation for similar work
- Average costs for similar work in the area
- Published unit costs from national cost estimating databases
- FEMA cost codes

## **C.3 PROCUREMENT**

Applicants for PA funding are required to conduct all procurement transactions in a manner providing “full and open competition” consistent with the standards of the Code of Federal Regulations. Although not defined in the regulation, “full and open competition” generally means that a complete requirement is publicly solicited and all responsible sources are permitted to compete. The full and open competition requirement has proven to be one of the most common problems with subgrantee procurements in recent years and comprises a majority of audit findings by the OIG. Noncompetitive procurements not providing for full and open competition and will be scrutinized by FEMA and may be scrutinized by the OIG during an audit, even if they result in the same or lower price than if the procurement was conducted through full and open competition.

The Federal procurement standards for local governments recognize four methods of procurement: small purchase procedures, sealed bidding, procurement through competitive proposals, and procurement through noncompetitive proposals.

#### Small Purchase Procedures

This method comprises those relatively simple and informal procurement methods for securing services, supplies, or other property for awards below the simplified acquisition threshold of \$150,000. The local jurisdiction may set lower thresholds for small purchase procedures in compliance with state or local law. Contract awards can be based on either lowest price submitted (such as in sealed bidding) or on technical qualifications and price (such as in procurement through competitive proposals).

This type of procurement is often accomplished by inviting vendors to submit quotes, which the jurisdiction then evaluates and makes an offer. When using these procedures, the jurisdiction must ensure the following:

- Competition – The jurisdiction must obtain price or rate quotations from an “adequate number of sources,” which FEMA has interpreted as at least three sources.
- Prohibited Divisions – The jurisdiction may not divide or reduce the size of its procurement so as to avoid the additional procurement requirements applicable to larger acquisitions.

#### Sealed Bidding

Sealed bidding is a method of contracting that employs competitive bids, public opening of bids, and awards. In this method, the local jurisdiction prepares an invitation for bid that describes jurisdictional requirements clearly, accurately, and completely and publicizes the invitation. Bidders submit sealed bids in response to the invitation to be opened publicly, and the jurisdiction evaluates those bids without discussions. After evaluating the bids, the jurisdiction makes an award to the responsible bidder whose bid was responsive and most advantageous to the jurisdiction, considering only price and price-related factors (such as warranties, life-cycle costs, and transportation costs). The type of contract awarded under sealed bidding is a firm fixed price contract. Construction contracts and commercial-off-the-shelf items are examples of when sealed bidding is normally appropriate.

For procuring construction, sealed bidding is the preferred method of procurement for the PA Program when it is feasible. In order for sealed bidding to be feasible, the following conditions should be present:

- Precise Specifications - A complete, adequate, and realistic specification or purchase description is available. As such, a vendor can simply bid a price in response to the solicitation.
- Adequate Sources - Two or more responsible bidders are willing and able to compete effectively for the business.
- Fixed Price Contract - The procurement generally lends itself to a firm fixed-price contract.

- Price Determinative - The successful bidder can be selected on the basis of price. This would include price-related factors listed in the solicitation, such as transportation costs, discounts, etc. Apart from the responsibility determination discussed earlier in this Field Manual, contractor selection is not determined on the basis of other factors whose costs cannot be measured at the time of award.
- Discussions Unnecessary - Although not discussed in the regulation, another factor to be considered in determining whether sealed bidding is feasible is whether discussions with one or more bidders are expected to be unnecessary, because award can be based on price and price-related factors alone. However, this does not include pre-bid conferences with prospective bidders, which can often be useful.

If a local jurisdiction uses sealed bid procedures, federal regulations set forth the following requirements.

- Publicity – The jurisdiction must publicly advertise the invitation for bids.
- Adequate Sources – The jurisdiction must solicit bids from an adequate number of known suppliers. The precise manner of such solicitations is at the discretion of the jurisdiction.
- Adequate Specifications – The invitation for bids, including any specifications and pertinent attachments, must describe the property or services sought in sufficient detail that a prospective bidder will be able to submit a proper bid.
- Sufficient Time – The invitation for bids must provide bidders sufficient time to prepare and submit bids before the date set for opening the bids and must comport with state and local requirements.
- Public Opening – The jurisdiction must open all bids at the time and place prescribed in the invitation for bids.
- Fixed Price Contract - A firm fixed price contract is awarded in writing to the lowest responsive and responsible bidder. When specified in the bidding documents, other price factors such as transportation costs and life cycle costs affect the determination of the lowest bid; payment discounts are used to determine the low bid only when prior experience indicates that such discounts are typically taken. The local jurisdiction may reject any and all bids if there is a sound, documented business reason.

#### Competitive Proposals (or Negotiated Procurement)

The regulation at 44 C.F.R. § 13.36(d)(3) recognizes the use of competitive proposals to be a generally accepted procurement method when the nature of the procurement does not lend itself to sealed bidding and the jurisdiction expects that more than one source will be willing and able to submit an offer or proposal. Under this method, either a fixed-price or cost-reimbursement contract is awarded to the responsible firm whose proposal is determined to be the most advantageous to the jurisdiction with price and other factors, such as technical and past performance, considered.

This is the method of procurement most often used for professional services in connection with construction, such as program management, construction management, feasibility

studies, preliminary engineering, design, architectural, engineering, surveying, mapping, and related services. But it is not the method commonly used for actual construction, alteration, or repair to real property, as the regulations include a preference for sealed bidding to be used for these types of services (unless it would be infeasible to do so).

The following comprise additional circumstances when procurement by competitive proposals should be used:

- Type of Specifications – Property or services to be acquired are performance or functional based—or, even if described in technical specifications, other circumstances such as the need for discussions or other factors for basing the contract award on something other than price are present.
- Price Is Not Determinative – Due to the nature of the service or good to be acquired, the jurisdiction cannot base the contract award exclusively on price or price-related factors. In different types of procurements through competitive proposals, the relative importance of cost or price may vary.
- Discussions Needed or Expected – Separate discussions with individual offeror(s) are expected to be necessary after they have submitted proposals. This is a key distinction from sealed bidding, in which discussions with individual bidders are not permitted and the award of the contract will be made based on price and price-related factors alone.

If the local jurisdiction uses procurement through competitive proposals, the regulation sets forth the following requirements:

- Public Announcement – The jurisdiction must publicly advertise the request for proposals.
- Adequate Sources – The jurisdiction must solicit proposals from an adequate number of qualified sources. The precise manner of such solicitations is at the discretion of the local jurisdiction and subject to state and local requirements.
- Disclosure of Evaluation Factors and Their Relative Importance – The request for proposals must identify all evaluation factors and their relative importance.
- Technical Evaluation – The jurisdiction must have a method for conducting technical evaluations of the proposals received and for selecting awardees.
- Consideration of Proposals – The jurisdiction must honor, to the maximum extent practical, any response to a publicized request for proposals.
- Award – The jurisdiction will make an award to the responsible firm whose proposal is most advantageous to the program (“best value”), with price and other factors considered. The award must be consistent with the publicized evaluation and award criteria.

#### Noncompetitive Procurement (44 C.F.R. § 13.36(d)(4))

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source or where, after a solicitation of a number of sources, competition is determined inadequate. This method of procurement involves the award of a contract by the local jurisdiction without providing for full and open competition. FEMA or

the State of Colorado may require the jurisdiction to submit a proposed procurement for pre-award review. It is important to recognize that the jurisdiction's noncompetitive procurement may meet the requirements of state and local procurement laws and regulations, but not meet the Federal procurement standards set forth at 44 C.F.R. § 13.36(d)(4)—such a procurement would not be compliant with 44 C.F.R. pt. 13.

There are several key requirements with which the jurisdiction must comply when conducting a noncompetitive procurement. One of the requirements is that the jurisdiction must conduct a cost analysis, under which the jurisdiction verifies the proposed cost data, verifies the projections of the data, and evaluates the specific elements of costs and profits. The jurisdiction must also negotiate profit as a separate element of price. Another requirement is that the jurisdiction may use procurement by noncompetitive proposals only under two conditions. The first condition is that the award of a contract must be "infeasible" under small purchase procedures, sealed bids, or competitive proposals. The regulation does not define the term "infeasible," but the term is generally defined as not feasible, impracticable, or not capable of being done, effected, or accomplished. The jurisdiction must, as with all other significant items in the history, document the basis and justification for procurement by noncompetitive proposals. The second condition is that one or more of the following must apply:

- The item is only available from one single source
- The public exigency or emergency will not permit delay resulting from competitive solicitation
- The awarding agency authorizes noncompetitive proposals
- After solicitation of a number of sources, competition is determined inadequate

The jurisdiction may use the procurement through the noncompetitive proposal method when the public exigency or emergency for the requirement will not permit delay resulting from competitive solicitation.

### **C.3.1 Contract Provisions**

According to 44 C.F.R. § 13.36(i), a subgrantee's contracts must contain the provisions set forth in 44 C.F.R. § 13.36(i). Some of the provisions are based on sound contracting principles and others are required by Federal law, executive order, or regulation.

#### Contracting with Small and Minority Firms, Women's Business Enterprises, and Labor Area Surplus Firms (44 C.F.R. § 13.36(e))

The regulation at 44 C.F.R. § 13.36(e)(1) requires that the local jurisdiction take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor area surplus firms are used when possible.

#### Awards to Responsible Contractors (44 C.F.R. § 13.36(b)(8))

The local jurisdiction must make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. In awarding a contract, the jurisdiction must give consideration to such matters as

contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The local jurisdiction may not enter into a contract with a contractor that is debarred or suspended as detailed in 44 C.F.R. § 13.35. But it is important to recognize that a contractor, even if not debarred or suspended, may still not be a “responsible” contractor for the purposes of 44 C.F.R. § 13.36(b)(8). For example, a contractor may not have the necessary “technical and financial resources” to properly perform a contract, such as the necessary equipment and technical skills (or the ability to obtain them) to perform a particular scope of work.

#### Davis Bacon Act

The Davis-Bacon Act requires federal construction contractors to pay their workers the “prevailing wage” based on the local union wage scale defined by the Department of Labor. The provisions of the Davis-Bacon Act do not apply to state or local contracts for work completed using public assistance funds under the Stafford Act. However, the provisions may apply to contracts let by other federal agencies, such as the USACE. If a state or local government incorporates Davis-Bacon wage rates as part of its normal practice for all contracts, regardless of funding source, then those rates would be eligible.

#### Equal Employment Opportunity

Any federal contract should have a provision stating that the vendor / consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Consultant shall adhere to acceptable affirmative action guidelines in selecting employees and shall ensure that employees are treated equally during employment, without regard to their race, color, religion, sex or national origin.

#### Undocumented Immigrants

The federal government requires that all contracts have a provision stating that the vendor / consultant agrees that it does not knowingly employ or contract with undocumented immigrants who will perform work under the agreement and will confirm the employment eligibility of all employees who are newly hired for employment in the United States to perform work under the agreement, through participation in the E-Verify Program or the Department Program established pursuant to C.R.S. § 8-17.5-102(5)(c).

### **C.4 TRANSITIONING FROM EMERGENCY WORK TO PERMANENT WORK**

Public Assistance requirements change as the jurisdiction transitions from the emergency work phase of the disaster to permanent work. Contracting for permanent work is more complex, environmental and historic assessments are considered, permanent work deadlines are often extended, and projects are ultimately prepared for close-out.

#### **C.4.1 Codes and Standards**

During permanent repairs, local codes and standards are considered. Local Governments have several codes and standards established for facilities that may be impacted by disaster, such as roads, bridges, culverts, buildings, etc. For the cost of an upgrade to be eligible, the code or standard requiring the upgrade must:

- Be appropriate to the pre-disaster use of the facility
- Be reasonable, formerly adopted, in writing, and implemented prior to the disaster
- Apply uniformly to all facilities of the same type being repaired within the applicant's jurisdiction
- Be enforced during the time that it was in effect (FEMA may require documentation showing that the jurisdiction applied the code and/or standard on a previous occasion if applicable)

#### **C.4.2 Environmental and Historic Preservation**

Environmental and historic preservation (EHP) review is an important component of the federal assistance application process and requires close coordination between federal agencies and the applicant. Federal agencies and applicants have similar roles during the EHP reviews. This may involve information gathering, conducting analyses, and other similar documentation activities. Additionally, multiple funding agencies can provide assistance for the same project or group of projects. When this is the case, there may be opportunities to combine EHP reviews or otherwise share EHP information to reduce the burden on the local jurisdiction.

### **C.5 PUBLIC ASSISTANCE SCOPE CHANGES, VERSIONS AND COST OVERRUNS**

As the local jurisdiction, or applicant, moves through the PA Program, it may become necessary to provide additional information on projects. Additional requests are often due to cost overruns, scope changes, or the need for updated information regarding the project.

#### **C.5.1 Public Assistance Progress Reports**

Progress reports are critical to help ensure that FEMA and the state have up-to-date information on PA program grants. Reporting requirements for the PA program generally concentrate on large projects.

The state submits quarterly reports quarterly to FEMA for large projects for which the final payment has not been made. The date of the first report will be determined jointly by the state and FEMA, depending on the circumstances at the time. The progress report will describe:

- The status of the project, such as "in design", or "under construction"
- Time extensions granted, if any
- A project completion date
- Any problems or circumstances that could delay the project or result in noncompliance with the conditions of the FEMA project worksheet approval.

As final payment is made on each large project, the project may be removed from the required reporting criteria.

### **C.5.2 Scope of Work Changes and Costs**

During the project performance period, the applicant may discover hidden damages, additional work that is necessary to properly complete the project, or that certain costs are higher than those identified on the original estimate. Delays in the work schedule may also increase costs.

For large projects, when a change in scope or a need for additional funding is discovered, the applicant will notify the state as soon as possible. The request will contain justification regarding the eligibility of the additional work or costs. If additional damage to the facility is involved, it may be necessary to show how that damage is disaster-related. The state will forward the request to FEMA with a written recommendation. To determine eligibility, FEMA and the state, in cooperation with the subgrantee, may conduct a site visit. FEMA will render a decision and notify the state either with an amended PW for additional funding or a written denial of the request.

### **C.5.3 Cost Overrun**

Because of the nature of the Public Assistance Program, applicants may find that in most instances the cost estimates are approved by FEMA prior to the completion of the associated work. On occasion, the applicant may find the actual cost exceeds the approved estimate during the course of the work performance. This situation is known as a Cost Overrun. Cost overruns are usually caused by one of the following:

- Hidden damage: additional disaster damage may become evident
- Variations in unit pricing: The unit prices used in the cost estimate may have been lower than those the applicant was actually charged
- Change in the scope of work: While performing the work, the applicant may find that additional eligible work or changes in the prescribed work are necessary
- Delay in starting or completion times: Problems beyond the applicant's control may contribute to delays in starting or completing work (weather is a common delay in Colorado)

If the additional costs are justified, the applicant will need to contact the state as soon as possible to ensure that proper guidance for documenting any additional costs is followed. The state will forward requests for additional funding to FEMA. Such requests must contain documentation to support that the additional costs were incurred during the performance of eligible work. If the need for additional work is discovered during the performance of work on the project, the state must be notified and the state must notify FEMA so that FEMA may inspect the site, if necessary.

Small projects are handled differently. If there is a gross error or omission in the scope of work, the applicant should make a request for a change as described for large projects. Otherwise, cost overruns are not handled on a project-by-project basis; rather, the applicant may request supplemental funding for a significant net cost overrun on all small projects by submitting an appeal through the State to FEMA. An appeal should be submitted only when the total costs for all small projects exceed the total cost approved for the net of all small projects. The appeal

must be submitted within 60 days of the completion of that applicant's last small project. The appeal must include documentation of actual costs correlated to each line item in the scopes of work. This includes projects with underruns as well as those with overruns. An explanation of all cost and quantity differences with the approved scopes of work should be included.

Note: Requesting an appeal on small projects will result in an audit of all small project worksheets.

## **C.6 CLOSE OUT PROCESS**

Grant closure occurs when FEMA determines that all applicable administrative actions related to the Public Assistance Program are complete and all programs funds are reconciled. At this stage, all Public Assistance Program projects have been completed, the state has awarded all grant funds and submitted its final expenditure report to FEMA, and FEMA has adjusted the funding level for the program as appropriate.

### **C.6.1 Development of Local Close-Out Process**

The local close-out process is dependent upon the state requirements for close-out. Therefore, close coordination between the applicant and the state is needed for close-out of projects. Once the state provides close-out requirements, the local applicant should develop and maintain a close-out process. The jurisdiction should communicate that process to all involved in FEMA programs at the local level.

## APPENDIX D: DISASTER DECLARATION TEMPLATE

### RESOLUTION DECLARING LOCAL DISASTER EMERGENCY

**WHEREAS**, the County Emergency Management Office has advised the Board of County Commissioners of County (Board) of a disaster (as that term is defined in the Colorado Disaster Emergency Act, §24-33.5-701 *et seq.*, C.R.S.) currently present in the unincorporated area of County, Colorado, to wit, the occurrence of imminent threat of widespread or severe damage, injury, or loss of life or property resulting from \_\_\_\_\_  
\_\_\_\_\_ requiring emergency action to avert danger or damage; and

**WHEREAS**, the Chairman of the Board, \_\_\_\_\_, signed a Disaster Declaration on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and

**WHEREAS**, the cost and magnitude of responding to and recovery from the impact of the \_\_\_\_\_  
\_\_\_\_\_ is far in excess of County's available resources; and

**WHEREAS**, the County Emergency Manager has recommended that the Board declare a local disaster; and

**WHEREAS**, it would be appropriate and in the interests of the public health and safety, and would further protect property, for the Board to implement said recommendation; and

**WHEREAS**, pursuant to §24-33.5-709, C.R.S. and the emergency management and operations plans and resolutions of County, the Board is authorized to declare a local disaster.

#### **NOW, THEREFORE, BE IT RESOLVED THAT:**

1. There is hereby declared to be a local disaster in the unincorporated area of County, Colorado, to wit, the occurrence of imminent threat of widespread or severe damage,

injury or loss of life or property, resulting from \_\_\_\_\_  
requiring emergency action to avert danger or damage.

2. The effect of this Declaration shall be to activate the response and recovery aspects of any and all applicable local and inter-jurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

**BE IT FURTHER RESOLVED** that the principal executive officers of all other cities and towns in County affected by said disaster are urged to proclaim similar declarations and to cooperate with County as necessary to cope with this incident.

**BE IT FURTHER RESOLVED** that this resolution shall be effective upon the date and time given below, and shall remain in effect until rescinded by the Board. True copies shall be promptly filed with the County Clerk and Recorder and the Colorado Division of Emergency Management, and shall be promptly distributed to the appropriate representatives of the news media.

Signed and effective this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_am/pm.

BOARD OF COMMISSIONERS OF  
COUNTY, COLORADO

\_\_\_\_\_  
Name, Chair

ATTEST:

\_\_\_\_\_  
County Clerk

## APPENDIX E: DEBRIS ON-CALL CONTRACT REQUEST FOR PROPOSAL EXAMPLE

### REQUEST FOR PROPOSAL LARIMER COUNTY COLORADO

PROPOSAL NUMBER: XX-XX  
DESCRIPTION: Disaster Debris Removal and Hauling Services  
RECORDING DATE: XX/XX/XX

The Board of Larimer County Commissioners will be receiving sealed proposals at the office of the Purchasing Director, 200 W. Oak Street, Suite 4000, Fort Collins, Colorado, up to XX P.M. (our clock), XX/XX/XX at which time they will be recorded, but not publicly opened, to consider contracting for disaster debris removal services for the Solid Waste Department.

All questions regarding this proposal must be in writing and should go to XX, Purchasing Director, at XX. **Questions are due no later than XX a.m. XX/XX/XX.** Please call XX at XX to verify receipt of your questions.

#### **INSTRUCTIONS TO PROPOSERS:**

Four (4) copies of your proposal are required. If brochures or other supportive documents are requested, then it is required that 4 sets be submitted with your proposal.

In submitting a proposal, the vendor agrees that acceptance of any or all proposals by the County within a reasonable time or period constitutes a contract. No delivery shall become due or be accepted unless a purchase order shall first have been issued by the Purchasing Director of Larimer County.

***No work shall commence nor shall any invoices be paid*** until the contractor provides the requested proof of insurance as outlined in the “Insurance Requirements for Contractors” and until such proof is accepted by Larimer County. ***Additionally***, the contractor will provide an endorsement naming Larimer County as an additional insured to their policy. If you have any questions concerning the insurance requirements, please contact Connie Ellis, Property/Casualty Claims Adjustor, at (970) 498-5963 at least one week before the proposal recording date.

Payment for work performed or goods sold to Larimer County can be expected within 30 days after receipt of the invoice and satisfactory acceptance from the department receiving the service or goods.

As of August 7, 2006, state and local government agencies are prohibited from purchasing services from any contractor that knowingly employs illegal immigrants to help carry out publicly funded work. Pursuant to the provisions of Colo. Rev. Stat. §8-17.5-101, contractors must certify that they are using the E-Verify Program or Department Program to verify the employment eligibility of new employees. If a contractor awarded a contract violates the provisions of Colo. Rev. Stat. §8-17.5-101(2), the state or local government agency may terminate the contract and the contractor will be liable for damages to such agency.

Any contract agreed to by the parties that results in a sole source government contract must contain provisions and comply with Article XXVIII, Section 15 of the Colorado Constitution.

Larimer County reserves the right to reject any and or all proposals, to further negotiate with successful proposer and to waive informalities and minor irregularities in proposals received, and to accept any portion of the proposal if deemed to be in the best interest of Larimer County to do so. If, in the sole judgment of the Board of County Commissioners, the proposals are substantially equal, the Board may grant the contract to companies located in Larimer County. The total cost of proposal preparation and submission shall be borne by the proposer.

All information submitted in response to this request for proposal (RFP) is public after the Notice of Award has been issued. The proposer should not include as part of the response to the RFP any information which the proposer believes to be a trade secret or other privileged or confidential data. If the proposer wishes to include such material with a proposal, then the material should be supplied under separate cover and identified as confidential. Statements that the entire proposal is confidential will not be honored. Larimer County will endeavor to keep that information confidential, separate and apart from the proposal subject to the provisions of the Colorado Open Records Act or order of court.

No telephone, e-mail or facsimile proposals will be accepted.

Proposals must be clearly identified on the front of the envelope by proposal number and title. Responsibility for timely submittal and routing of proposals, prior to recording, lies solely with the proposer. Proposals received after the closing time specified will not be considered.

Minority, Small and Disadvantage Business Enterprises will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on grounds of race, color, or national origin.

## **DEFINITIONS:**

**Debris Classification.** All storm or disaster related debris must be generally categorized into one of the following types:

Vegetative Debris (Trees, limbs, stumps, grass, etc.)

Construction and Demolition (C&D)

Debris Household Appliances and Household Waste  
Household Hazardous Waste  
Electronic Waste and E-Waste  
Earthen, Stone, Sand, and Rock Debris  
Mobile/Manufactured Homes, Campers and RVs  
Boats and Watercraft less than 26 Feet in Length  
Small Engine and Off-Road Utility Equipment  
Passenger and Commercial Vehicles

**Debris Management Site (DMS).** A location(s) for temporary storage, staging or reduction of debris materials. The site will be approved by Larimer County and not all disasters may utilize DMS sites.

The activities conducted at these sites might include, but are not limited to:

- Wood waste Chipping, Grinding and/or Composting
- Wood waste Burning Operations
- Construction and Demolition Debris Staging or Disposal
- Staging of Vessels and Vehicles
- Staging of Special Debris (Munitions and Ordnance, Household Hazardous Materials, Compressed Gas Tanks, Electronic Goods, White Goods and Tires)

**Eligible Debris.** Any one of the types of storm or disaster related debris which is not classified as ineligible.

**First Pass.** The first phase of debris removal operations which generally includes, but is not limited to, the following: leaner/hanger cutting and trimming; vegetative debris removal; and construction and demolition debris removal.

**Hanger.** A storm damaged limb that is still hanging in the tree and is threatening or hazardous to a public use area, such as a sidewalk, road, etc. Limbs hanging from trees deemed hazardous do not fall into this category as the entire tree is a hazardous tree or leaner.

**Ineligible Debris.** Any one of the classifications or types of storm or disaster related debris which meets any one of the following criteria is ineligible. Any debris originating from restoration/construction activities such as new roofs, new siding, etc. Any debris that originates from any undeveloped properties such as pastures, agricultural fields, timber land, etc. Any debris that originates from any commercial properties. Any debris that is being generated from a contracted demolition, restoration, and construction work. Any non-storm or disaster related debris.

**Leaner.** A hazardous tree, damaged from the storm or event, in the right-of-way, which is leaning hazardously or has a potential to fall in the future due to damage from the storm or event, and is threatening to a public use area, such as a sidewalk, road, etc. The tree's root system may be totally detached, partially detached, or fully attached to the ground. The tree's weight may be partially or fully supported by adjacent trees, or the tree may have more than

50% of the crown broken.

**Pass.** A “Pass” is a phase or stage of debris removal operations to completely remove all types of debris on a specific route or portion of a route. It is composed of multiple sweeps for each type of debris.

**Second Pass.** The second phase of debris removal operations, which generally includes, but is not limited to, the following: vegetative debris removal; construction and demolition debris removal; and other debris type removal.

**Sweep.** A portion of a debris removal “Pass” to completely remove one specific type of debris, such as vegetative or C&D on a specific route or portion of a route.

**White Goods.** “White Goods” are defined as storm generated debris of household appliances, such as refrigerators, stoves, ovens, washing machines, clothes dryers, dishwashers, freezers, etc.

## **PROJECT OVERVIEW:**

Larimer County, hereinafter the “County”, is hereby advertising for disaster debris removal services in order to deal with a major storm, disaster, or other event. The County will accept proposals from qualified contractors with experience in disaster and debris removal services in order to pre-qualify said contractors prior to an event. The County will want to know how the contractor will manage the debris removal effort, develop a debris management plan county wide, how to phase and stage the work, how will debris removal be accomplished on the public right-of-way, and how and where different classifications of debris will be disposed of, and then removal of the debris.

These contracted services shall provide for the cost-effective and efficient removal and lawful disposal of debris from affected County roads, public right-of-ways and bridges, as may be directed by the County, and in accordance with Federal Requirements.

Contractor shall provide all expertise, personnel, tools, materials, equipment, transportation, supervision, and all other services and facilities of any nature necessary to execute and complete the timely removal and lawful disposal of all disaster generated debris, such as, but not limited to vegetative, demolition, construction, household goods (hereinafter “white goods”), hazardous and industrial waste materials.

The awarded contractor must have a project manager present in the County’s office or Emergency Operations Center (EOC) within 24 hours after activation of contract and/or notice to proceed and be able to mobilize immediately.

Contract services will only be performed when requested and as designated by the County, by an approved Debris Removal Task Order issued by the County (see Attachment C). The County

reserves the right to approve all Sub-Contractors hired by the Contractor and/or to require the Contractor to dismiss a Sub-Contractor upon request. No work shall commence without written authorization (Notice to Proceed) from the County. No retainer shall be paid in order to keep the Contract in effect.

Contractor shall load and haul the debris from within the legal boundaries of Larimer County to the Larimer County Landfill, located at 5887 S. Taft Hill Rd, Fort Collins, CO, or to an approved disposal site as directed by the Debris Manager. The Larimer County Landfill fee schedule to be followed is included in Attachment D. Larimer County reserves the right to change these fees at any time within the life of the contract.

The contractor shall operate within the requirements of the Occupational Safety and Health Act, Manual on Uniform Traffic Control Devices and all other applicable federal and state laws, rules, and regulations. The Contractor shall perform work so as not to interfere with the normal operations of the County, State, and/or Federal functions and/or violate existing regulations of these or other regulatory agencies. Planning and training standards shall be consistent with the County Emergency Management Plans, State plans and federal government programs and plans. All plans and training will be conducted in compliance with the National Incident Management System (NIMS).

Ineligible debris may be removed and disposed of on a project by project basis. Ineligible debris shall only be loaded or hauled at the permission and direction of Larimer County and must be sorted and hauled separate of any eligible debris. Any ineligible debris which is loaded or hauled without authorization or direction by Larimer County or its representatives or mixed with eligible debris is the responsibility of the contractor and will not be paid for. Some materials may be eligible for recycling.

### **SCOPE OF WORK:**

All licenses, permits and fees are the responsibility of the award vendor.

Work conducted within the ROW shall be limited to the point where fallen vegetation and other debris enter the ROW. No equipment or personnel may operate beyond the ROW unless specifically approved by the County. All work must follow local, State and Federal laws, ordinances and requirements.

The work to be undertaken includes, but is not limited to, the following:

### **Debris Removal**

1. **Emergency Road Clearance**

Removal of debris from the primary transportation routes as directed by the County. In

this role the contractor will perform an emergency "PUSH" sufficient to allow emergency vehicles to traverse the roadway. The County will determine route priorities for this push. Any work done in this category will have to be authorized by the County.

2. Eligible Debris Removal from Public Property

Removal of all classifications of eligible debris from public rights-of-way. It may be necessary to make several passes through a neighborhood as debris is moved to the ROW. In this case the loads will need to be documented separately, per the instructions of the County.

3. Private Property Demolition and Debris Removal

The Contractor shall operate beyond the Public Right-of-Way (ROW) only as identified and directed by the County. Operations beyond the ROW on private property shall be only as necessary to abate imminent and significant threats to the public health and safety of the community and shall include, but is not limited to, the demolition of structures, removal and final disposal of said debris.

4. Removal of Eligible Hazardous Trees and Limbs

Work consists of removing eligible hazardous trees and limbs and placing them on the safest possible location on the County ROW for collection. No work of this type should be initiated without prior approval of the County.

5. Eligible Household Hazardous Waste Removal, Transport and Disposal

Work consists of removal, transportation and disposal of eligible household hazardous waste. The Contractor shall hire and supervise any needed hazardous materials specialists and handle the disposal of all hazardous substances in accordance with all laws and regulations.

6. Eligible Abandoned Vehicle Removal

Work consists of removal of eligible abandoned vehicles in areas identified and approved by the County.

7. White Goods

White goods will constitute household appliances. The Contractor will dispose of all white goods encountered in accordance with applicable Federal, State and local laws at an approved disposal site.

8. Eligible E-waste Item Removal

Work consists of the recovery and disposal (or recycling) of televisions, computers, computer monitors, etc. unless otherwise specified in writing by the County. Electronic items can be transported to the Larimer County landfill for disposal/and or recycling or an approved disposal site.

9. Eligible Dead Animal Carcasses

Work consists of the recovery and disposal of dead animal carcasses. These can be transported to the Larimer County landfill for disposal or an approved disposal site.

10. Hazardous Tree Stumps

The Contractor shall remove all stumps that are determined to be hazardous to public access and meet FEMA guidelines for removal as directed by the County. Stumps shall be hauled to an approved disposal site, where they shall be inspected and categorized by size.

11. Fill Dirt

The Contractor shall place compacted fill dirt in ruts created by equipment, holes created by removal of hazardous stumps and other areas that pose a hazard to public access upon direction of the County.

**Other areas of responsibility:**

1. Provide and follow your firm's Debris Management Plan as well as the County's if applicable.
2. Attend progress meetings with County Debris Manager.
3. Billing.
4. Maintaining and operating one or more DMS. All incineration and grinding operations shall be in accordance with Appendix H, Public Assistance Debris Management guide, FEMA 325 dated April 2007 or latest edition, and with Colorado Division of Solid Waste and Air Quality Control.

**Additional Provisions:**

1. The Contractor shall construct an inspection tower at each debris storage site as requested by the County. These towers will be of certain criteria to ensure safe conditions agreed upon prior to the contract execution.
2. The contractor is solely responsible to assure the safety of contract personnel in all contract activities that they and their subcontractors perform. The contractor shall also provide and take necessary measures to protect the public and Larimer County personnel during their activities. The measures may include but are not limited to: providing additional flagmen, fencing, security guards, additional traffic control, crash attenuation, removal of unsafe equipment, and removal of unsafe workers.
3. The County reserves the right to inspect the site, verify quantities, and review operations at any time.
4. The Contractor shall be responsible for taking corrective action in response to any

notices of violations issued as a result of the Contractors or any subcontractors' actions or operations during the performance of this contract. Corrections for any such violations shall be at no additional cost to the County.

5. No news releases (including photographs, films, public announcements or denial of confirmation of same) on any part of the subject matter of this contract shall be made by the Contractor without the prior written approval of the County.
6. The Contractor is encouraged to employ as many local residents and subcontractors as possible as part of this contract.
7. The County reserves the right to perform the same or similar work with its own forces within the area included in this contract. Larimer County work crews may engage in work in the same or adjacent work areas as the contractor or its subcontractors. The contractor will coordinate and adjust his operations to facilitate the maximum efficiency of both resources as directed by the County.
8. The County reserves the right to issue other contracts or direct other contractors to perform the same or similar work within the area included in this contract. The County may also contract for and perform additional work on or near the work covered by the contract.
9. The Contractor is responsible for dust control on all routes where debris removal and hauling is being performed. The Contractor shall be in compliance with all state and local laws for dust control.
10. A portion of the SOW may occur in residential areas. The contractor should exercise due care to minimize any damages to trees, shrubs, landscaping and general property. The contractor shall repair any damages caused by the contractor's equipment in a timely manner at no expense to the County.
11. The contractor shall use equipment and perform work in a manner to prevent damages to the infrastructure facilities and adjacent property, including all landscaped areas. The contractor shall repair any damages caused by the contractor's equipment in a timely manner at no expense to the County.
12. All equipment shall be approved by the County prior to use. All loading equipment is required to operate from the street/road using buckets and/or boom and grapple devices to remove and load the debris. Any damage to private property, sidewalks, curbs, or streets shall be repaired at the expense of the contractor.
13. The awarded contractor will prepare and separate invoices on a project worksheet and/or project basis.

**TERM:**

The term of this contract will be for two years with two one year renewal periods.

**QUALIFICATIONS:**

Qualified vendors shall have the machinery, manpower, experience and financial stability to complete the scope of work of this proposal. If you have other contracts similar to this, the

contractor must ensure that adequate resources will be provided when a Notice to Proceed is given.

**PROPOSAL SUBMITTAL REQUIREMENTS:**

Please provide your proposal in the order as listed below, and no more than 20 double sided pages.

1. Signed Signature Page (located on page XX of this RFP)
2. Letter of Transmittal
3. Table of Contents
4. History of Firm  
The age of the firm, brief history, and average number of employees over the past five years.
5. Approach  
Explain how your firm would approach all services required under “Scope of Work”, starting on page three (3) of this Request for Proposal. Specifically address the following:
  - Operational planning
  - Operations
  - Recordation (electronic and hard copy)
  - Project preparation
  - FEMA requirements and record keeping
  - Debris Management Plan (supply this document and detail how you will accomplish this task for the County.)
6. Cost  
Prepare and provide a comprehensive cost proposal that is in compliance with all FEMA requirements for the billing and reimbursement of all reimbursable costs. Additionally; complete Attachment A, “Unit Cost Fee Rate Schedule” and attach it to your proposal.
7. References  
Complete and submit Attachment B, “References” with your proposal, provide a minimum of four (4) references from the past five (5) years for services similar to those listed under the Scope of Work starting on page 4.
8. Key Personnel Assigned to this Project  
Please include the following information:
  - a) Provide brief resume of key persons to be involved.
  - b) Manager, Data Collection Manager to be assigned to the project including but, not limited to:
    - (i) Name & title
    - (ii) Job assignment for other similar projects
    - (iii) Percentage of time to be assigned full time to this project
    - (iv) How many years with this firm

- (v) How many years with other firms
- (vi) Experience
- (vii) Education
- (viii) Other experience and qualifications those are relevant to this contract. (Worked with FEMA? Worked on Disaster Debris Removal previously?)

9. Provide the Safety Plan to be used on this contract.

10. Provide your financial records for the last two years. It is preferred that you provide audited records, but un-audited records will be acceptable if that is all you have available

**INSURANCE REQUIREMENTS:**

Add in jurisdictional Insurance Requirements

**EVALUATION CRITERIA:**

An Evaluation Committee will evaluate each proposal on the criteria listed below. The rating scale shall be from 1 to 5, with 1 being a poor rating, 3 being an average rating, and 5 being an outstanding rating.

<b><u>Criteria</u></b>	<b><u>Weighting Factor</u></b>
Qualifications	35%
Pricing	30%
Staffing	25%
Available Resources	10%

**AWARD & CONTRACT**

A formal written contract will cover all FEMA and/or any other federal program requirements for debris removal will be awarded to the responsible proposer whose proposal, conforming to the RFP, will be most advantageous to Larimer County, price and other factors considered.

- a. All contract amendments and modifications will be in writing.
- b. The award vendor shall submit invoices monthly and for no more than 30-day periods.

**APPENDIX F:  
DISASTER RECOVERY AND HAZARD MITIGATION SERVICES ON-CALL  
CONTRACT EXAMPLE**

**DISASTER RECOVERY AND HAZARD MITIGATION SERVICES AGREEMENT  
(P15-25, Disaster Recovery and Hazard Mitigation Services)**

THIS AGREEMENT is made effective as of the \_\_\_\_ day of October, 2015, by and between the Board of County Commissioners of Larimer County Colorado, located at 200 W. Oak, Fort Collins, Colorado 80521, hereinafter referred to as the “County” and **Consultant**, located at **Address**, hereinafter referred to as the “Consultant.”

**The County and the Consultant for the consideration hereinafter set forth agree as follows:**

**SECTION I - SERVICES OF THE CONSULTANT**

The Consultant shall serve as the County’s Consultant and shall provide a wide range of disaster management, mitigation, and recovery professional services which are described in the Request for Proposal titled P15-25 Disaster Recovery and Hazard Mitigation Services and the Consultant’s proposal in response, incorporated by reference herein. Consultant agrees to be bound by and to perform in accordance with the aforementioned documents.

The Consultant shall obtain, and maintain continuously for the term of this contract, at its expense, the insurance described in the Request for Proposal, incorporated by reference herein. The Consultant is not relieved of any liability or other obligations assumed pursuant to this contract by reason of its failure to obtain or maintain insurance or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types.

**SECTION II – TERM**

The term of the contract shall be from the contract execution date through October 31, 2016.

The County at its sole option may offer to extend this contract for up to four (4) additional one-year terms. The extension option may be exercised providing satisfactory service is given and all terms and conditions of the contract have been fulfilled. Such extensions must be mutually agreed upon in writing, by and between the County and the Consultant.

**SECTION III - INDEPENDENT CONSULTANT**

In performing the work under this Agreement, the Consultant acts as an independent Consultant and is solely responsible for necessary and adequate worker’s compensation insurance, personal injury and property damage insurance. The personnel employed by the Consultant are not and shall not become employees, agents or servants of the County because of the performance of any work by this Agreement.

#### SECTION IV - THE COUNTY'S RESPONSIBILITIES

**The County shall:**

- A. Provide information as to its requirements for the project.
- B. Give prompt notice to the Consultant whenever the County observes or otherwise becomes aware of any defect in the project.
- C. Assist the Consultant in obtaining approval from all governmental authorities having jurisdiction over the project and such approvals and consents from such other individuals or bodies as may be necessary for completion of the project.
- D. Furnish, or direct the Consultant to provide at the County's expense, necessary additional services.

#### SECTION V - MUTUAL UNDERSTANDINGS OF THE COUNTY AND THE CONSULTANT

- A. This Agreement does not guarantee the Consultant, any work except as authorized in accordance with Section I above, or create an exclusive contract for services.
- B. All of the services contemplated under this Agreement are personal and shall not be assigned, sublet or transferred without the written consent of the County.
- C. The Consultant and any and all of its personnel utilized by the County under the terms of this Agreement shall remain the agents and employees of the Consultant and are not, nor shall be, agents or employees of the County.
- D. Larimer County is a Colorado public entity and all financial obligations extending beyond the current fiscal year are subject to funds being budgeted and appropriated therefore. Nothing in this agreement shall be deemed a waiver of the Colorado Governmental Immunity Act.

#### SECTION VI - PAYMENT AND FEE SCHEDULE

It is understood and agreed by and between the parties hereto, that the County shall pay the Consultant for services furnished, according to the billing rates as submitted in the Consultant's proposal. See the billing rates (Exhibit B) attached.

Invoices will be submitted by the Consultant monthly for services performed and expenses incurred pursuant to this Agreement during the prior month.

#### SECTION VII - INDEMNIFY AND HOLD HARMLESS PROVISION

The Consultant agrees to indemnify and to hold the County and its agents harmless from any and all claims, suits, expenses, damages or other liabilities, including reasonable attorney fees and court costs, arising out of damage or injury to persons, entities or property caused or sustained by any person(s) as a result of any intentional or negligent act by Consultant or failure of Consultant to perform this Agreement according to its terms.

#### SECTION VIII - CHARTER, LAWS AND ORDINANCES

The Consultant, at all times, agrees to observe all Federal and State laws, and Resolutions or ordinances of the local jurisdiction, and all rules and regulations which in any manner affect or govern the work as contemplated under this Agreement.

The Consultant, at all times, agrees to comply with all requirements in Exhibit A, FEMA Public Assistance Grant Funded Construction Projects.

#### SECTION IX - TERMINATION FOR CONVENIENCE OF THE COUNTY

The County may terminate this Contract at any time by giving 30 days written notice to the Consultant of such termination and specifying the effective date thereof. If the Contract is terminated by the County, the Consultant will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Consultant covered by this Contract, less payments of compensation previously made. Notwithstanding the above, the Consultant shall not be relieved of liability to the County for damages sustained by the County by virtue of any breach of the Contract by the Consultant and the purpose of setoff until such time as the exact amount of damages due the County from the Consultant is determined.

#### SECTION X - CHANGE ORDERS OR EXTENSIONS

The County may, from time to time, require changes in the scope of the services of the Consultant to be performed herein. Such changes, including any increase or decrease in the amount of the Consultant's compensation, which are mutually agreed upon by and between the County and the Consultant, shall be incorporated in written Change Orders or Extensions to this Contract.

If Larimer County orders or directs any additional compensable work to be performed by the Consultant, Larimer County will reimburse the Consultant for the Consultant's costs on a periodic basis for all additional directed work until a change order is finalized. However, in no instance shall periodic reimbursement be required before the Consultant has submitted an estimate of costs.

#### SECTION XI - EQUAL EMPLOYMENT OPPORTUNITY

- A. The Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Consultant shall adhere to acceptable affirmative action guidelines in selecting employees and shall ensure that

employees are treated equally during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices provided by the local public agency setting forth the provisions of this nondiscrimination clause.

- B. The Consultant will cause the foregoing provisions to be inserted in all sub consultants for any work covered by this Contract so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or sub consultants for standard commercial supplies or raw materials.
- C. The Consultant agrees to comply with such rules, regulations or guidelines as the County, State or Federal agencies may issue to implement these requirements.
- D. The Consultant shall be licensed as required by law.

#### **SECTION XII – ILLEGAL ALIENS – PUBLIC CONTRACTS FOR SERVICES**

- A. The Consultant certifies that the Consultant shall comply with the provisions of C.R.S. 8-17.5-101, et. seq. The Consultant shall not knowingly employ or contract with an illegal alien to perform work under this contract or enter into a contract with a subcontractor that fails to certify to the Consultant that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract.
- B. The Consultant represents, warrants, and agrees that it (a) has verified that it does not employ any illegal aliens, through participation in a program approved under C.R.S. 8-17.5-102.
  - 1. If the Consultant elects to participate in the State of Colorado Department program pursuant to C.R.S. 8-17.5-102, the Consultant must provide the County a copy of their completed Notice of Participation Form.
  - 2. If the Consultant hires a new employee who performs work under this public contract, the Consultant must provide the County affirmation as required by C.R.S. 8-17.5-102(5)(c)(II).
- C. The Consultant shall comply with all reasonable requests made in the course of an investigation by the Colorado Department of Labor and Employment. If the Consultant

fails to comply with any requirement of this provision or C.R.S. 8-17.5-101, et. seq., the County may terminate this Contract for breach of contract, and the Consultant shall be liable for actual and consequential damages to the County.

D. The Consultant shall not use the programs approved under C.R.S. 8-17.5-102 to undertake pre-employment screening of job applicants while this Contract is being performed.

E. If the Consultant obtains actual knowledge that a subcontractor performing work under this contract knowingly employs or contracts with an illegal alien, the Consultant shall:

1. Notify the subcontractor and the County within three days that the Contract has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
2. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to sub-paragraph "a" above, the subcontractor does not stop employing or contracting with the illegal alien, unless the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

#### SECTION-XIII - LICENSING

The Consultant shall be licensed and shall secure building permits as required by law.

#### SECTION XIV - SPECIAL CONDITIONS

The Contract Administrator for this contract shall be Stephen Gillette, Solid Waste Director, and he can be reached by phone at 970-498-5762. The Contract Administrator does not have the authority to alter or modify the terms of this Agreement.

#### SECTION XV - INSPECTIONS, REVIEWS AND AUDITS

- A. During all phases of the work and services to be provided hereunder the Consultant agrees to permit duly authorized agents and employees of the County, to enter the consultant's offices for the purpose of inspections, reviews and audits during normal working hours. Reviews may also be accomplished at meetings that are arranged at mutually agreeable times and places.
- B. Consultant and its sub consultants shall maintain all books, documents, papers, accounting records and other evidence pertaining to cost incurred and shall make such materials available at their respective offices at all reasonable times during the contract period and for three years from the date of final payment, for inspection by Larimer County and copies thereof shall be furnished if requested.

**SECTION XVI - REPRESENTATIONS AND WARRANTIES**

Each party represents and warrants that it has the power and ability to enter into this Contract, to grant the rights granted herein and to perform the duties and obligations described herein.

**SECTION XVII – DEBARMENT LIST**

The Consultant certifies by signing this document that neither the Consultant, the organization nor its principals, are suspended or debarred or otherwise excluded from procurement by the Federal government and do not appear on the Excluded Parties List System (EPLS) maintained by the General Services Administration (GSA).

**SECTION XVIII – DEFAULT**

If Consultant defaults in any obligation under this contract, Consultant shall be liable for all costs, expenses and payment incurred by the County including any reasonable expenses for attorney’s bills.

Signed this \_\_\_\_\_ day of \_\_\_\_, 2015.

Board of County Commissioners  
Of The County Of Larimer

Attest: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chair, Board of County Commissioners

***CONSULTANT*** \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

## REFERENCES

### R.1 STATE AND FEDERAL RECOVERY LAWS AND GUIDELINES

- State of Colorado Emergency Operations Plan, 2015
- State of Colorado Public Assistance Program Administrative Plan
- Public Assistance Program and Policy Guide, FP 104-009-2, January 2016
- Public Assistance Program Field Operations Pocket Guide, FEMA P-1011, April 2014
- Public Assistance Applicant Handbook, FEMA 323, March 2010
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as Amended
- 44 CFR Part 206, Federal Disaster Assistance for Disasters Declared on or after November 23, 1988
- 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (The Super Circular)
- National Disaster Recovery Framework (NDRF), FEMA, 2016
- CO Resiliency Framework
- Larimer County Resiliency Framework