

**STATE OF TEXAS  
ADMINISTRATIVE PLAN FOR PUBLIC ASSISTANCE  
FOR CALENDAR YEAR 2014**

**I. AUTHORITY**

**A. State**

1. Texas Disaster Act of 1975, as amended
2. Executive Orders of the Governor
3. State of Texas Emergency Management Plan
4. Uniform Grant and Contract Management Act (Texas Government Code, Chapter 783)
5. State of Texas Hazard Mitigation Plan

**B. Federal**

1. Public Law 93-288, as amended (Stafford Act)
2. Disaster Mitigation Act of 2000
3. FEMA Regulations, 44 CFR Parts 9, 10, 13, 14, 206 & 207
4. Executive Order 11988, Floodplain Management
5. Executive Order 11990, Protection of Wetlands
6. Executive Order 12372, Intergovernmental Review of Programs and Activities
7. Executive Order 12549, Debarment and Suspension
8. Executive Order 12612, Federalism
9. Executive Order 12699, Seismic Design
10. Executive Order 12898, Environmental Justice
11. Coastal Barrier Resources Act, Public Law 97-348
12. Single Audit Act, Public Law 98-502
13. 2 CFR 225 Cost Principles for State, Local and Indian Tribal Governments
14. 44 CFR, Emergency Management and Assistance
15. Sandy Recovery Improvement Act publications
16. 16 U.S.C. § 470, National Historic Preservation Act
17. 16 U.S.C. § 1531, Endangered Species Act References
18. FEMA program publications, guidance and policies
19. OMB Circulars
20. FEMA-State Agreements

## II. PURPOSE

The purpose of this plan is to identify the roles and responsibilities of the State of Texas in administering the Public Assistance grant program, outline staffing requirements and the policies and procedures to be used.

The State of Texas assures FEMA that it shall comply with all applicable federal statutes and regulations in effect with respect to the periods for which it receives grant funding, including those listed under A and B above. The State of Texas acknowledges that funding under the FEMA Public Assistance (PA) Program is conditional upon the State's compliance with all terms and conditions of the FEMA-State Agreement and all applicable federal laws, rules and regulations.

## III. CONCEPT OF OPERATIONS

### Definitions

1. **Alternate Project:** An applicant may determine that the public welfare would not be best served by restoring a damaged facility or its function to the pre-disaster design. In this event, the applicant may use the Public Assistance funding for permanent restoration on that facility for other purposes.
2. **Applicant:** A government or other legal entity which receives an award and which is accountable to the Grantee for the use of the funds provided. Also referred to as the subgrantee. The applicant is responsible for the non-federal portion of its Public Assistance grant.
3. **Critical Services:** Private non-profit critical services include power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, educational, communications, emergency medical care and fire/rescue service.
4. **Disaster District Committee (DDC):** A regionally based emergency operation committee chaired by local DPS regional commanding officers. The committee consists of representatives from regionally based state agencies, boards, commissions and organized volunteer groups. The purpose is to coordinate regional response activities and assets, and to support state-wide disaster events.
5. **Emergency Management Mission Integrated Environment (EMMIE):** Next-generation computer information system utilized by FEMA in management of Public Assistance grants. This system is web-based and will allow applicants to access their grant information via the World Wide Web.
6. **Expedited Funding:** Expedited payments can be made to applicants who participated in the Preliminary Damage Assessment and who have applied for

Public Assistance. FEMA will obligate 50 percent of the Federal share of the estimated cost of work under Category A and Category B as estimated during the PDA.

7. **Federal Coordinating Officer:** The person appointed by the President of the United States to coordinate Federal assistance in an emergency or disaster declaration.
8. **Federal Emergency Management Agency (FEMA):** The Federal agency responsible for coordinating federal disaster recovery efforts. The term used in this plan when referring to the Regional Administrator, or the Disaster Recovery Manager, of FEMA Region VI.
9. **FEMA-State Agreement:** A formal legal document between FEMA and the affected State stating the understandings, commitments, terms and conditions for assistance resulting from a Federal disaster or emergency declared by the President. The FEMA Regional Administrator and the Governor each sign the document.
10. **Grantee:** The government to which a grant is awarded and which is accountable for use of the funds provided. In the State of Texas, the Texas Department of Public Safety (DPS), Texas Division of Emergency Management (TDEM) serves as the Grantee.
11. **Hazard Mitigation (Section 406 Mitigation):** Section 406 Mitigation measures that must be directly part of the reconstructed work on a facility, or will protect or benefit the repaired portion of the facility. They are different from mitigation measures that are considered for eligibility under the Hazard Mitigation Grant Program (HMGP) of Section 404 of the Stafford Act. In the HMGP program, measures are proposed that may involve facilities other than those damaged by the disaster, new facilities or even non-structural measures such as development of floodplain management regulations.
12. **Immediate Needs Funding (INF):** Funds that can be made available for work that must be performed and paid for in the first 60 days after a disaster declaration. INF is capped at 50% of the Preliminary Damage Assessment (PDA) for Categories A and B. The State will work with Expedited Payments rather than INF whenever possible.
13. **Improved Projects:** Applicants performing restoration work on a damaged facility may use the opportunity to make additional improvements while still restoring the facility to its' pre-disaster design and function. Federal funding will be limited to the approved repair portion of the expenses.
14. **Joint Field Office (JFO):** A temporary facility established following a presidentially declared disaster to serve as the field headquarters for FEMA and

TDEM recovery personnel and as the focal point for disaster operation, direction, coordination and information.

15. **Large Projects/Small Projects:** Approved projects estimated to cost equal to or more than the large project threshold amount as set by FEMA each year. The large project threshold is an amount of approved project estimated costs adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers. The large project threshold amount applicable to any project is that amount in effect on the declaration date of the disaster, regardless of when project approval is made or when the work is performed. As of February 26, 2014, the new threshold for small projects is \$120,000 with a minimum eligibility of \$3,000. Project thresholds for disasters that occurred prior to February 26, 2014 remain in effect.
16. **Project Worksheet (PW):** Form used to record the eligible scope of work, the quantitative cost estimate and completion deadlines. May also be referred to as a subgrant application.
17. **Request for Public Assistance (RPA):** The form that a potential applicant uses to apply for assistance.
18. **Special Considerations:** Issues that may involve insurance, floodplain management, hazard mitigation, historic preservation and/or environmental reviews as they relate to Public Assistance program funding.
19. **Subgrantee or Subrecipient:** The government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of funds provided. Also referred to as the Applicant.

#### IV. ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

##### A. Organization

The Governor of the State of Texas has designated the Texas Division of Emergency Management (TDEM) within the Texas Department of Public Safety (DPS) as the State office responsible for managing and administering the Public Assistance Program. These responsibilities include, but are not limited to:

1. Submitting the Application for Federal Assistance (SF-424).
2. Complying with Federal and State program and grant administrative requirements.
3. Conducting and participating with FEMA in conducting damage surveys to serve as a basis for obligations of funds to subgrantees.
4. Notifying potential applicants of the availability of assistance.
5. Conducting Applicant Briefings.

6. Participating in the Kick-off Meetings.
7. Assigning State staffing to work with FEMA Public Assistance Crew Leaders (PACLs) and Project Specialists (PSs) to assist in the development of the applicant's subgrant applications and enforcing Special Considerations requirements.
8. Assisting FEMA in determining work and applicant eligibility.
9. Requesting Immediate Needs Funding on behalf of the applicants.
10. Assisting the applicant in identifying areas for hazard mitigation.
11. Processing requests for appeals, time extensions, improved projects, advances and reimbursements.
12. Forwarding requests with the State's recommendation to FEMA on appeals, alternate project requests and improved project requests (if required).
13. Complying with administrative requirements of 44 CFR Parts 13 and 206 and audit requirements of 44 CFR Part 14.
14. Securing insurance information from applicants as required by Stafford Act and 44 CFR.
15. Reviewing and certifying project completion information.
16. Conducting quarterly reviews, site inspections and grant compliance reviews, as required ensuring program compliance.
17. Determining budget and staffing requirements necessary for proper program management.

## **B. Assignment of Responsibilities**

1. Governor's Authorized Representative (GAR) - The person designated by the Governor to execute all necessary documents for disaster assistance programs on behalf of the State and local grant recipients. The GAR is responsible for State compliance with the FEMA-State Agreement. The GAR may also be designated as the State Coordinating Officer. Alternate GARs are appointed as necessary to fulfill the duties of the GAR in his place.

- a. Governor's Authorized Representatives:

Chief [DPS Assistant Director] of TDEM

Alternate Governor's Authorized Representatives:

- 1) Deputy Assistance Director - Recovery, Mitigation and Standards
- 2) Deputy Assistance Director - Operations
- 3) Deputy Assistance Director - Finance
- 4) TDEM Chief of Staff
- 5) TDEM Regional Coordinator Supervisor

2. **State Coordinating Officer** - The person designated by the Governor to coordinate State and local disaster assistance efforts with the Federal government is the State Coordinating Officer (SCO). Alternate or Deputy State Coordinating Officers are appointed as necessary to fulfill the duties of the SCO in his place

The State Coordinating Officer (SCO):

Chief [DPS Assistant Director] of TDEM

Alternative State Coordinating Officers:

- 1) Deputy Assistant Director – Recovery Mitigation & Standards
- 2) State Coordinator - Recovery
- 3) State Coordinator - Mitigation & Standards
- 4) State Coordinator – Policy & Plans

## **V. ADMINISTRATION**

An Organizational Chart can be found in the Recovery Staffing Plan (**Attachment 12**).

### **A. Recovery and Operations Personnel**

1. Deputy Assistant Director (DAD) – is the Alternate GAR and sets all guidelines and policy for the program.
2. State Coordinators (SC) – is an Alternate SCO and will be in charge of setting procedure and managing daily operations, including any joint FEMA/State operations; responsible for interfacing with FEMA and Applicants on issues related to complex or sensitive project approvals, appeals, possible violation, etc.
3. Section and Grant Administrators (SA) (GA) – supervises staff and ensures compliance with all laws, regulations and any guidelines, policies and procedures set by management; interfaces with FEMA and Applicants on issues related to project approvals, appeals, closeouts, routine reports, etc.
4. Recovery Officers (RO) – acts as a team lead and reviews routine documentation related to applicant claims to ensure proper handling by staff; conducts staff training and assigns workloads; informs supervisors concerning any issues or problems that arise; may act as project officer for complex claims.
5. Assistant Recovery Officers (ARO) – acts as project officer for routine projects and performs the following related duties: conducts applicant briefings, processes submitted applications, monitors grant activities;

conducts reviews of applicant's compliance with all program rules and requirements; conduct site visits; process requests for payment, appeals, project closeout, and assists the RO as needed.

6. Program Support Technicians (PST) – perform the following routine duties: update data base, process incoming/outgoing mail from applicants and FEMA, forward mail to assigned ARO/RO, copy, scan, process routine office related procurements, make travel arrangements for staff, may act as project officer for small projects, and other administrative or clerical duties as assigned.
7. Regional Coordinator (RC) – coordinates the District Coordinators and assists the Disaster District Committee (DDC) in monitoring resources and assets for the region.
8. District Coordinator (DC) – represents the DDC, coordinates local and State response support requests, and liaison for TDEM Recovery with local applicants
9. Standards Officers (SO) – responsible for ensuring compliance of all program subgrantees with requirement of A-133; performing internal program reviews as assigned by DAD or SC to assist in ensuring program compliance with all Federal requirements.
10. Agency Finance Staff – process payment request submitted by TDEM including making drawdowns of federal funds from the SmartLink system into DPS accounts; prepares and submit financial and closeout 425 reports using the agency accounting system reports.
11. Other Support Personnel – Other agency staff may assist in program activities as needed supporting function such as: procurement, business process reviews, internal audit, information technology, asset inventory, staff training, etc.

Staffing is made up of a combination of state full-time staff, federally funded full-time staff, federally funded contractors and federally funded part-time (reservist) staff. The mix or makeup of the staff will differ based on the size and needs of a particular disaster.

- B. Staff Funding** - The initial cost for staffing will be incurred by TDEM. A claim for reimbursement will be submitted to FEMA for direct and indirect administration costs in accordance with the management and administrative cost provisions of 44 CFR 207. For disasters declared on or after November 13, 2007, FEMA will reimburse 100% of the state management costs in accordance with Disaster Assistance Policy (DAP) 9525.9.

## VI. DIRECTION AND CONTROL

### A. Pre-Declaration Activities

1. Preliminary Damage Assessment – As per the State's Basic Plan, TDEM will conduct Preliminary Damage Assessments (PDAs). If the State Conducts the PDA alone and findings support a FEMA request for assistance, the State will contact FEMA and request a joint FEMA-State PDA.
2. TDEM personnel will prepare for the arrival of FEMA PDA personnel by identifying areas of the state where damage is most significant. They will consult with appropriate local government officials and representatives of other possible applicants including Private Non-Profit (PNP) organizations in the affected area. TDEM will work with county officials in the affected counties in identifying damages. TDEM and the county will be responsible for coordinating damage assessments within the other cities in the county. FEMA staff will not make arrangements directly with locals.

### B. Post Declaration Activities

1. **Notifying Potential Applicants:** TDEM Recovery staff will work with TDEM District Coordinators(s), Regional Coordinator(s), Public Information Officer(s), Regional Councils of Government, County Judges, City Mayors and County/City Emergency Management Coordinator(s) to notify potential applicants of the assistance that is available and the time and date of the applicant's briefing which will be held in their area. TDEM also work with the above mentioned officials to notify any other affected parties/agencies in their jurisdiction, including any who responded to the event or other potential applicants in their areas. The procedures to accomplish this task are as follows:
  - a. TDEM will send an announcement to County Judges, County Finance Executives and EMCs notifying them of an Applicants' Briefing. This consists of a letter announcing the Applicants' Briefing date, time and location as well as discussions about applicants that are potentially eligible to receive assistance.
  - b. Applicants' Briefing – Once a designated area has been approved for Public Assistance, members of the TDEM staff will conduct an Applicants' Briefing. The number of potential applicants and the area involved in the disaster will determine the number of briefings held. A recorded Applicants' Briefing may also be available on the TDEM website. This recording is generic in nature and does not have details specific to a particular disaster. **Attachment 1** to this plan outlines the information that will be covered during this briefing.
  - c. Request for Public Assistance (RPA) – The applicant will be required to submit to TDEM, a RPA within 30 days from the date their county was



designated for Public Assistance. RPAs that are submitted after this 30-day period will be reviewed on a case-by-case basis and, if warranted, will be forwarded to FEMA for consideration. If necessary, TDEM will request that the deadline for filing RPAs be extended. The request can be submitted by several ways: in person, by scanned copy, faxed or regular mail.

- d. Designation of Applicant's Agent – An applicant's Chief (Elected) Official will be required to designate an agent in writing (**Attachment 3**) who will be the applicant's point of contact for all matters pertaining to their application for federal assistance. If no agent is appointed then the Chief (Elected) Official of the eligible organization will be designated as the applicant's agent. This person should be familiar with damages and information as identified in **Attachment 2**.
  - e. In the event that an applicant hires a consultant to assist them with managing their Public Assistance grants, the applicant's Chief (Elected) Official will be required to provide a letter indicating the consultant's name(s) and that TDEM is authorized to discuss the applicant's grant with them. TDEM will direct all correspondence to the applicant but will cc: the consultant on all email exchanges. The applicant will be responsible for sharing written communications (grant packages/award notices) with the consultant. The applicant will remain the primary point of contact and must be included in all decision-making activities.
- 2. **SF-424 Submittal** – TDEM staff will prepare a hard-copy 424 and have it signed by the appropriate manager then submitted as an attachment during this process.
  - 3. **Determining Applicant Eligibility** - TDEM will assist FEMA in screening all potential applicants for eligibility under the Public Assistance Grant Program. TDEM will check the debarred/excluded party lists during this process. Eligible applicants under the disaster program are:
    - a. State agencies and authorities, local governments and governmental entities. Special districts may need to provide a copy of the legislation that establishes their district.
    - b. Private Non-Profit (PNP) organizations that have an IRS tax exemption letter and/or a State PNP certification (i.e. Articles/Certificate of Incorporation). Eligible PNP organizations must own or operate educational, utility, irrigation, emergency, medical, custodial care, or essential governmental service facilities. Critical Service PNPs are defined as those PNPs that provide power, water, sewer and wastewater treatment, educational, communications, emergency medical care and fire protection. Non-critical service facilities are defined as museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, and other facilities which

provide a health and safety service of a governmental nature. All such facilities must be open to the general public.

Conditions for providing assistance for the PNP facilities when Small Business Administration (SBA) disaster loan assistance is available:

- 1) Eligible PNP operators of critical service facilities will apply to the Public Assistance program for both emergency work and permanent work.
  - 2) Eligible PNP operators of non-critical service facilities must apply to the SBA and have been determined ineligible for a loan or obtained the maximum SBA loan for the facility and still have unmet disaster related costs.
  - 3) All Eligible PNPs may apply to the Public Assistance program for emergency work regardless of whether or not they operate critical service facilities.
- c. Indian tribes or authorized tribal organizations may choose to file directly to the Federal government as a grantee or apply through the State as a subgrantee.
4. **Kick-Off Meeting** – Meeting scheduled by TDEM and FEMA following the Applicants' Briefing in order for FEMA and the State to provide the applicant with in-depth information required to meet specific requirements of the Public Assistance program. It is during this meeting that the applicant is advised of what records must be kept, cost estimating procedures, Special Considerations, project grouping and the project validation process is explained. The applicant is expected to provide a list of specific damages with costs. This meeting is also considered the initial visit date that starts the time limitation for reporting additional damage.

### **C. Project Worksheet Preparation**

1. **State Participation** – The State will participate in the Public Assistance process by:
  - a. Assigning State Applicant Liaisons with FEMA Public Assistance Crew Leaders (PACLs) and/or Project Specialists (PSs).
  - b. Participating in the project validation process.
  - c. Providing State technical support personnel to assist with highly technical projects or resolve disputes.

- d. Assisting FEMA and the applicant in identifying costs associated with the disaster as provided by Section 206 of the Stafford Act. Such preliminary damage assessments are used to verify the extent of damage and estimate uninsured costs to public infrastructure damaged during a disaster, as well as estimate costs related to the disaster response.
  - e. Assisting FEMA and the applicant in identifying hazard mitigation opportunities as provided by Section 406 of the Stafford Act. Such mitigation measures reduce or eliminate the threat of future damage to a facility damaged during a disaster or will protect or benefit the repaired facility from future damage.
  - f. Supporting local jurisdictions by assigning Recovery Officers/Assistant Recovery Officers (RO/ARO) to assist applicants through the Public Assistance process.
  - g. Additional Staff Functions:
    - 1) Process payments for applicant
    - 2) Close-out and reconcile applicant
    - 3) Process appeals
    - 4) Provide technical assistance to applicants on procedures, eligibility, guidance and deadlines
2. **Applicant Participation** – The applicant will be required to provide a local inspector who will accompany the Federal - State team during the PW preparation process. The local inspector will be:
- a. Responsible for providing a list of damages and costs for small projects and encouraged, if capable, to develop the small projects.
  - b. Responsible for identifying large projects.
  - c. Responsible for resolving and submitting insurance coverage and settlements.
  - d. Identifying hazard mitigation opportunities.
3. **Additional Damages** – If an applicant reports any additional significant damage requiring a new PW to be written that was not shown to the inspection team, TDEM will forward this information to FEMA within 60 days of the Kick-Off meeting. If warranted, TDEM will request an extension of time in order to report additional damage.
4. **Re-inspections** – TDEM will notify FEMA of re-inspections required or requested by an applicant.

## **D. Public Assistance Administration and Funding Requirements**

1. **Grant Approval** – TDEM will submit an "Application for Federal Assistance" (SF 424), and an "Assurances for Construction" Programs (SF 424D), to FEMA in order to receive Federal funding. Approved PWs will be the basis for issuing subgrants to eligible applicants in accordance with the cost-sharing provisions established FEMA.
2. **Subgrantee Application** – Once PWs are approved by FEMA, TDEM will be responsible for the final processing and distribution of the subgrantee package and for initiating payments in accordance with paragraph 3 below. TDEM will notify applicants when their application is prepared and ready for signature. **Attachment 6** to this plan outlines the information that will be covered with the applicants when signing for their subgrant. The subgrant application will consist of the following documents:
  - a. TDEM cover letter
  - b. Public Assistance Grant Summary (P.5)
  - c. Project Application Summary (P.2)
  - d. Project Worksheets (PW)
  - e. Project Completion and Certification Report (P.4)
  - f. Application for Federal Assistance (SF 424)
  - g. Assurances – Construction Programs (SF 424D)
  - h. State of Texas Assurances (**Attachment 4**)
  - i. Certification Regarding Restrictions on Lobbying (**Attachment 5**)
  - j. Additional Grant Conditions (**Attachment 6**)
3. **Project Funding**
  - a. **Insurance Requirements - 44 CFR**, Subpart I establishes requirements that apply to disaster assistance provided by FEMA. Prior to approval of a FEMA grant for the repair, restoration or replacement of an insurable facility or its contents damaged by a major disaster:
    - 1) Eligible costs shall be reduced by the amount of any insurance recovery actually received or anticipated, relating to eligible costs. FEMA will base its determination of eligible costs on whether the insurance settlement is reasonable and proper.
    - 2) The full coverage available under the standard flood insurance policy from the National Flood Insurance Program (NFIP) will be subtracted from otherwise eligible costs for an insurable facility and its contents within the special flood hazard area.
    - 3) If eligible damages are greater than \$5,000, an applicant must obtain and maintain insurance to cover the assisted facility for the hazard that caused the major disaster in the amount of the eligible damage to the

facility. In situations where the purchase of insurance is required, FEMA will not obligate funding to cover the amount of federal assistance until an insurance binder has been submitted by the applicant to TDEM and is forwarded to FEMA per 44CFR § 206.253.

- 4) In the event an applicant receives insurance compensation in excess of the funds estimated by FEMA, the applicant will be required to notify TDEM of the amount received in a formal letter with copies of the check received and the statement of loss by the insurance carrier. TDEM will submit a letter to FEMA with copies of the supplied documentation in order to request an adjustment to the PW(s). Upon processing of the amended PW(s), TDEM will request the applicant to return the amounts indicated in the PW(s).
  - 5) Assistance will not be provided under Section 406 of the Stafford Act for any facility for which assistance was provided as a result of a previous major disaster unless all insurance required by FEMA as a condition of previous assistance has been obtained and maintained. Not even the deductible amount, or damages in excess of the NFIP limits, or for flood damaged items not covered by standard NFIP policy will be eligible.
- b. **Initial Application Requirements** – Before any PW funding can begin, applicants are required to sign and return the following documents to TDEM:
- 1) Application for Federal Assistance (SF-424)
  - 2) Assurances – Construction Programs (SF-424D)
  - 3) State of Texas Assurances (**Attachment 4**)
  - 4) Certification Regarding Restrictions on Lobbying (**Attachment 5**)
  - 5) Additional Grant Conditions (**Attachment 6**)

In the event that an applicant indicates they are delinquent on Federal debt when filling out block 17 on the Application for Federal Assistance (SF-424), the applicant must provide TDEM in writing an explanation as to the delinquency. TDEM will withhold all funding for the applicant until such time as the debt is cleared and applicant supplies TDEM with appropriate documentation showing it has been cleared.

c. **Types of Funding**

- 1) **Small Projects** – Funding for small projects will be based on the federal share of the PW estimate. Approved funding will be processed for payment once these projects are obligated by FEMA and the applicant has satisfied all initial application and documentation requirements. While funding is granted at approval and the applicant

is not required to certify funds expenditures, applicants are required to ensure all small projects are completed in accordance with the approved scope. TDEM will monitor small projects to ensure that proper source documentation is being kept, the project work is being done within scope and that Small project administration is being done in accordance with general grant guidance.

As of February 26, 2014, the new threshold for small projects is \$120,000 and the minimum amount for a Public Assistance project is \$3,000. Both thresholds will be updated annually based on Consumer Price Index (CPI). Thresholds established prior February 26, 2014 remain in effect.

- 2) **Large Projects** – Funding for large projects will equal the federal share of the actual eligible cost as verified through a review of the project's cost documents. Normally Large Projects are written as estimates and are reimbursed after project completion following final closeout review of the project.

For large projects that were 99 or 100% complete when written, TDEM may disburse up to 90% of the Federal Share to the applicant upon obligation of funds by FEMA and the receipt of all necessary supporting documentation. The remainder of the funding will be provided to the applicant following closeout review of the project.

In special circumstances, the Chief [DPS Assistant Director] of the Texas Division of Emergency Management or the Deputy Chief [DPS Deputy Assistant Director] for TDEM Recovery may authorize, in writing, approval to release an additional percentage (%) of Federal funding for large projects to specific applicants who have suffered catastrophic damages. The applicant will need to provide documentation to support the proper expenditure of the funds promptly. In the event that this provision is exercised, a courtesy email will be sent to FEMA notifying them of this occurrence with information as to the applicant(s) involved.

No initial funding will be provided to large projects that were not 100% complete when written by FEMA. TDEM may make an exception to this as discussed in the provision for expedited payments as discussed in section "5)" below. In the event that an applicant needs interim funding while completing the project, they may also request a payment of funds in accordance with section "6)" below. Also see section "4)" on Immediate Needs Funding, for critical funding needs prior to PW writing.

TDEM will consider the needs of the applicant and the financial risks involved when reviewing whether to grant these types of extraordinary

funding requests or what terms may apply to a payment under these sections.

For disasters declared prior to January 1, 2014 all payment requests will require submission of 100% documentation to support the request at the time of the request and will receive 100% reimbursement up to 90% of the federal share once the request has been reviewed and approved. However, once 90% of the total approved federal share has been requested, no further progress payments will be processed until the project is complete and has been submitted by the applicant for closeout. The final 10% of the federal cost share will be paid at the completion of the final review of all expenses. If at any time in the life of the project it appears that there are significant (10% or more) cost under/overruns, the applicant will need to notify TDEM so the project can be reviewed.

Requests for payment will require 100% supporting documentation before the reimbursement request will be paid. TDEM will reimburse the verifiable amount of an RFP and work with the applicant to obtain supporting documentation of unverified reimbursement amounts. Once the supporting documentation has been verified, the applicant will receive a percentage (usually 75%) of the requested amount in line with the proper cost share being applied until 90% of the federal share has been reached. Any remaining balance will be paid to the applicant or the process to recoup excess funds will begin upon final reconciliation of the project and once actual insurance has been applied. 44 CFR 13.21 (d)

The revised TDEM policy is to protect the applicant from future de-obligations of federal and state audits. The applicant will still be required to maintain their files for three years after the close of all projects as per [44 CFR § 13.20 (b)(6) and § 13.42]

As of February 26, 2014, the large project threshold is any project greater than \$120,000. The threshold will be updated annually based on the Consumer Price Index (CPI). Large threshold amounts established prior to February 26, 2014 remain in effect.

- 3) Withholding Payments – In the event that an applicant owes federal funding from a previous disaster and does not have a repayment plan in place, TDEM may withhold funding from a new incident until such time as a repayment plan for the de-obligated funding is agreed to by both parties. 44 CFR 13.21 (f) (g)
- 4) **Immediate Needs Funding (INF)** – INF may be made available for work that must be performed and paid for in the first 60 days after a

disaster declaration. INF is capped at 50% of the Preliminary Damage Assessment (PDA) for Categories A and B times the Federal Share percentage (generally 75%). The INF will be deducted from the Category A and B PWs as they are obligated. TDEM will consider the needs of the applicant and the financial risks involved when reviewing whether to grant such an extraordinary funding request or what terms may apply to a payment under this section. 44 CFR 13.21 (e)

- 5) **Expedited PWs** – An Applicant may request an expedited PW for a project under Category A or B. This would allow for the payment of 100% of the Federal share of the initial PW version only to the applicant upon obligation, once the initial application requirements in section (b) above are satisfied. These funds may be provided as a means of quickly getting cash flow to an applicant in accordance with the provisions of Stafford Act Section 407 (e). Documentation of proper expenditure of these funds must be provided by the applicant promptly. TDEM will consider the needs of the applicant and the financial risks involved when reviewing whether to grant such an extraordinary funding request or what terms may apply to a payment under this section. If approved by TDEM it will be forwarded to FEMA for approval.
- 6) **Payment of Funds Request (Large Projects)** – An applicant may request payment of funds on an approved large PW by completing the “Payment of Funds” request form (**Attachment 7**) and providing supporting documentation that justifies the request. The total payment for any one PW will not exceed 90% of the Federal share and must amount to at least \$5,000 in expenses. Payment may be requested under the following conditions:
  - i. Funds are needed to pay for approved project scope of work before supporting documentation is available/compiled due to a hardship. The applicant will be required to provide TDEM with a letter that justifies the hardship and a spend plan. The spend plan will detail amount of funds requested for the next 30 to 60 days, timeline to expend the funds, and eligible cost to be covered by the funds. To ensure proper use of funds this will be monitored by TDEM to ensure compliance with the spend plan.
  - ii. Funds are needed to pay eligible cost of approved project scope of work based on received invoices and/or supporting documentation, but the applicant is unable to pay due to a hardship. The applicant will be required to provide TDEM with a letter that justifies the hardship, and the invoices and/or supporting documentation of cost incurred. To ensure proper use of funds the applicant will be required to provide proper



supporting documentation to TDEM that the funds were expended within 30 days of receiving the funds.

- iii. Funds are needed to pay eligible cost of approved project scope of work paid by the applicant based on received invoices and or other supporting documentation. The applicant will be required to provide proper supporting documentation to TDEM for the cost.

In special circumstances, the Chief [DPS Assistant Director] of the Texas Division of Emergency Management or the Deputy Chief [DPS Deputy Assistant Director] for TDEM Recovery may authorize, in writing, approval to accept a spend plan with rate different than listed above and/or release an additional percentage (%) of Federal funding for incomplete large projects to specific applicants who have suffered catastrophic damages and have demonstrated a financial hardship. The applicant will need to provide documentation to support the proper expenditure of the funds promptly. In the event that this provision is exercised, a courtesy email will be sent to FEMA notifying them of this occurrence with information as to the applicant(s) involved.

A payment request will be processed once it has been approved by TDEM. The applicant will be required to refund within 30 days of receiving the de-obligation notice from TDEM any part of a payment that is not supported by cost documents, not expended within the approved scope of the PW and/or is otherwise an unreasonable expenditure in violation of federal grant guidance.

TDEM will consider the needs of the applicant and the financial risks involved when reviewing whether to grant such an extraordinary funding request or what terms may apply to a payment under this section.

- d. **Recouping of Federal Funds** – If an approved PW is totally or partially de-obligated, the applicant will be notified as soon as possible. Reimbursement to TDEM will be requested once a supplemental PW version (de-obligating the approved funding) is processed. Should TDEM have to return any additional federal funds identified after closeout, the Division will work with subgrantees in obtaining payment. Once payment is received, federal payment will be made via check to FEMA, or preferably as an offset in SmartLink, indicating the associated disaster.
- e. **Payment Tracking** – TDEM Recovery will make use of a Payment Data Entry and Request Form (“greensheet” or “pinksheet” – greensheet for payments to applicants and pinksheets for State Management payments) to track the progress of payments. As “greensheets” are forwarded for

payment, the documents are reviewed and approved by the appropriate levels of management to ensure proper tracking and management of payments. [44 CFR 13.20-21]

f. **Administrative Compliance –**

- 1) **Tracking Funds** – PA funds will be tracked by disaster and applicant utilizing NEMIS/EMMIE, TDEM's Payment System (PaySys) and/or USAS.
- 2) **Excess Cash** – TDEM draws down money from SmartLink, FEMA's cash management tracking program, as money is needed. The Cash Management and Improvement Act require the efficient transfer of federal financial assistance between the Federal Government and States. In the event an overdraw occurs and/or interest is generated (over \$100), the money will be transferred back into SmartLink or paid by check to FEMA upon discovery.
- 3) **Reconciliation** – TDEM routinely conducts reconciliations between program and financial systems. These reconciliations will be conducted at a minimum of one time per year. Reconciliation will consist of comparing NEMIS/EMMIE reports to those generated by TDEM's State Payment System. TDEM will reconcile financial reporting to the SF 425 report generated by TDEM and submit the required Federal Cash Transaction report to FEMA at a minimum of quarterly.
- 4) **Financial Statistics** – Current financial information will be derived from a combination of reports from applicants, program personnel and financial staff. TDEM will keep track of the subgrantee cost-share participation by the submittal of completed Project Completion Certification Reports (P.4) as well as quarterly reports submitted by the subgrantees. As closeout occurs for each applicant, the final cost-share for each applicant will be calculated and notated on the final closeout checklist form.
- 5) **Interest Earned** – The applicant will be required to return any interest earned by grant funds, to TDEM. TDEM will process the interest through its normal channels for forwarding to FEMA. Interest is to be reported and submitted on a quarterly basis per 44 CFR 13.21(1).
- 6) **Non-Compliant applicants** – As per 44 CFR Part 13.43 Enforcement, TDEM can selectively use any or all of the following remedies for non-compliance with any term of an award:
  - i. Increased monitoring of projects

- ii. Temporarily withhold payments pending correction of the deficiency
- iii. Request FEMA to wholly or partially de-obligate funding for a PW
- iv. Withhold further awards for the grant program
- v. Take other remedies that may be legally available

As per TDEM's Grant Administration Guide, risk assessment is a process that considers risk factors associated with grants administered by TDEM and assigns a rating for the level of risk associated with each sub recipient in order to decide where to focus grant monitoring resources and determine the extent of monitoring required. The risk assessment is based on an evaluation of both general factors related to overall project risk and, typically, some specific factors relating to individual grant programs.

- 7) **Record Retention** - The applicant will be required to keep complete records of all work (i.e. receipts, checks, job orders, contracts, equipment usage documentation and payroll information) funded under the Public Assistance program for three years from the date the last project was completed or from the date final payment was received, whichever is later. During this three-year period, all approved PWs are subject to State and Federal audit/review.

- 4. **Project Options** – The applicant has several options related to funding of recovery efforts under the PA program. The options must be requested and approved in advance. If the request is denied and not forwarded by TDEM, the subgrantee will be afforded the opportunity to submit an appeal to TDEM for consideration. The appeal shall contain documented justification supporting the appellant's position. Appeals must be submitted within 60 days of being notified by TDEM. The options are outlined below.

- a. **Scope Changes to Existing PWs** – When an applicant discovers hidden damage, additional work necessary to complete the project or certain costs that are higher than those used to make the estimate for the Project Worksheet, the applicant is required to submit a notification and a request to change the scope of work to TDEM within 60 days. TDEM will forward the request to FEMA with the state's recommendation. If disapproved, the applicant will be notified in writing why the request was denied and advised of their right to appeal the determination.
- b. **406 Hazard Mitigation** – Where it is feasible, applicants may request 406 mitigation be added to the repair of the damaged elements of a facility. For hazard mitigation measures to be approved, the measures must be reviewed by FEMA staff to ensure eligibility, technical feasibility, environmental and historical compliance and cost effectiveness. Mitigation

proposals can amount up to 100 percent in matching cost of the repair of the facility. The applicant will work with TDEM and FEMA in the development of a site-specific 406 mitigation proposal. FEMA will add the mitigation proposal, when approved, to the original PW as a version. If disapproved, the applicant will be notified in writing why the request was denied and advised of their right to appeal the determination.

- c. **Improved Projects** – An applicant must submit requests for improved projects to TDEM prior to beginning construction. This request should contain:

- 1) The reason for requesting an improved project.
- 2) A clearly defined description of the proposed work.
- 3) A time schedule of the work.
- 4) A cost estimate.
- 5) Necessary assurances to document compliance with all Special Considerations.

Approved funding will be limited to the Federal share of the previously approved PW amount; so applicants will be specifically warned about ensuring that all damages and required code upgrades from the original damages have been discovered and accounted for in the original PW. If funding is disapproved, the applicant will be notified in writing why the request was denied and advised of their right to appeal the determination. Any improved project that may change the current environmental and or historical clearances must be approved by FEMA prior to the start of construction.

- d. **Alternate Projects** – An applicant must submit a request to conduct an alternate project prior to beginning work or construction. TDEM will review the request for eligibility and will insure that the request contains the following information before forwarding it to FEMA with the appropriate recommendation:

- 1) The reason for requesting an alternate project.
- 2) A clearly defined description of the proposed work.
- 3) A time schedule of the work.
- 4) A cost estimate.
- 5) Necessary assurances to document compliance with the Special Considerations.

Requests for alternate projects must be approved by FEMA prior to starting the proposed work. If the request is approved by FEMA, funding of an alternate project will be reduced to 90% of the Federal share of the

approved PW estimate (or 75% for PNP applicants). If disapproved, the applicant will be notified in writing why the request was denied and advised of the right to appeal the determination.

5. **Time Limitations** – Project completion deadlines are set from the date that a Presidential disaster declaration is approved and apply to all projects approved under the declaration. TDEM will attempt to ensure that approved work is completed within the following time frames with the exception where time extensions are approved:

Emergency Work	6 months
Permanent Work	18 months

The Disaster Relief Appropriations Act requires the expenditure of obligated grant funds within 24 months or the funds will be returned to FEMA. The Office of Management and Budget will allow FEMA to waive the two year expenditure requirement for \$5 billion in the Public Assistance Grant Program. FEMA will use a Strategic Funds Management approach with grantees to ensure funds are made available and obligated based on defined projects that the grantee is capable of executing.

6. **Time Extensions** – An applicant may request a time extension on any approved PW by submitting a Public Assistance Time Extension Request (**Attachment 10**) to TDEM. Such a request must be submitted prior to the current completion date in effect and must include an anticipated completion schedule. TDEM may grant a 6-month time extension if the reason for delay is based on extenuating or justifiable circumstances beyond the applicant's control or due to unusual project requirements so long as the additional time requested does not exceed the following timeframes:

Emergency Work	an additional 6 months (for a total of 12 months)
Permanent Work	an additional 30 months (for a total of 48 months)

The *Public Assistance Time Extension Request* will require subgrantees to explain in detail the reason for the project delay as well as a time frame for completing the project.

TDEM can grant time extensions for emergency work (Categories A and/or B) upon written request of an individual applicant providing extenuating or justifiable circumstances beyond the applicant's control. Typically, these requests will be granted a one-time six-month extension but can be lesser periods based on the needs of the applicant.

TDEM's subgrantee philosophy regarding project completion time periods for permanent work (categories C-G) is that subgrantees needing time extensions will be encouraged to complete all work within an additional period of up to 6 months.

TDEM can grant up to an additional 30 months in time extensions for permanent work after the original 18 months have concluded. Requests for emergency work extensions past the 12-month mark or permanent work time extensions past the 48-month mark will be sent to FEMA for approval.

If a time extension request is submitted and denied, the subgrantee will be afforded the opportunity to submit an appeal to TDEM for consideration. The appeal shall contain documented justification supporting the appellant's position.

TDEM will notify FEMA of all time extensions that have been approved through use of NEMIS/EMMIE. Requests for time extensions beyond the State's authority will be forwarded to FEMA for determination with TDEM's recommendation in accordance with the requirements of 44 CFR 206.204(d). Funding of work performed after the last approved completion deadline is subject to being reduced or withdrawn.

7. **Project Monitoring** – TDEM will monitor each applicant's projects on a project-by-project basis. The purpose of this monitoring will be to help prevent the risk of improper expenditure of federal funds and the duplicating of disaster expenditures between projects. Monitoring will include applicant instruction on emergency projects, debris removal, improved projects, alternate projects, contracting processes (including proof of checking the debarment list of eligible contractors) and maintenance of grant project and financial records. This information will improve the applicant's performance, compliance and will reduce any issues that may arise early on in the process. The monitoring process will be completed by personal visits with the applicant, site visits/inspections of the project, desk audits of invoices and other supporting documentation and Quarterly Report progress monitoring.

## 8. **Project Completion**

- a) Upon completion of all approved work for each PW, the applicant will be required to submit a Project Completion and Certification Report (FEMA P.4) to TDEM certifying that all work has been completed in accordance with the grant terms and conditions and/or State agreements for each specific project. The applicant should not wait until all projects on a P.4 are completed in order to notify TDEM. Instead, they should submit a partial P.4 each time a project listed is completed. The P.4's certifies to FEMA that all projects were completed in accordance with the FEMA approvals, the work was completed, the costs were incurred in the performance of eligible work.
- b) Upon completion of a Large Project, the subgrantee will also be required to submit a Claim Summary Form (**Attachment 9**) to TDEM that lists all labor, equipment, materials and contract costs associated with completing

approved projects. A member of the TDEM staff will conduct a review of the project's documentation to verify the actual project cost. Applicants will be required to include all supporting documents not previously provided to TDEM with the Claim Summary Form necessary to conduct the review. The Monitor's Workbook/Checklist Example (**Attachment 11**) will be used in conducting this review.

- c) A final physical site inspection for eligible scope of work and program compliance will normally be conducted on large PWs once the projects have been completed and the project cost summary has been submitted. TDEM will physically inspect projects where practicable to ensure completion within scope and, for projects where it is not possible to inspect [i.e. force account labor], review documentation on projects to determine if they were accomplished within scope. For those projects of a technical nature, a qualified member of the applicable State agency to which the project pertains may be requested to assist in conducting a final inspection. The final site inspection should be completed as soon as practical following the receipt of the project cost summary from the applicant.
  - d) Small Projects - At least 20% of small projects for each applicant will be physically inspected or documentation will be reviewed to establish completion within scope prior to closing the applicant within the disaster. The projects sampled will not include projects that were 100% complete when written and therefore previously reviewed during the PW writing process.
  - e) The applicant will be required to return the federal funding that was provided for that project in accordance with paragraph VI.D.3.d of this document if an approved project is not completed, was covered by insurance/other funding sources [other than state match], is not within the scope of work or is otherwise found to be an unreasonable expenditure in violation of federal grant guidance.
9. **Cost Overruns for Small Projects** - TDEM will verify all significant cost overrun appeals (typically those greater than 10% of net costs) submitted by the applicant within 60 days of completion of their last small project by conducting a review of all approved small PWs for the applicant. TDEM will base its recommendation for additional funding on the information obtained during the review and will forward a report to FEMA for final determination. In the event of a gross error or omission in the scope of work, the sub-grantee must notify the State as soon as the need for funding is discovered. The sub-grantee should not assume the cost overrun can be reported at the end of the project or additional funding will automatically be approved. Cost overruns are not considered on a project by project basis but by requesting supplemental funding for a net cost overrun on all small projects. The sub-grantee must submit an appeal, through the State, if the cost overrun significantly exceeds

the total costs approved for **all small projects**. The appeal must be submitted within 60 days of the completion of all small projects and must include documentation of actual costs, including the reasons for the cost increase. The appeal must include projects that experienced cost underruns as well as projects with cost overruns.

**10. Appeals** – In the event that an applicant does not agree with the determinations made by either the State or FEMA, the jurisdiction has the right to file an appeal. This appeal must be submitted in writing to the Grantee and shall contain documented justification supporting their position, specifying the monetary figure in dispute and the provisions in Federal law, regulation or policy with which the applicant believes the initial action was inconsistent. An appeal must be submitted by the applicant within the following time frames:

- a. Any FEMA/TDEM determination – 60 days from the written notice of the determination being appealed.
- b. Second/Final Appeals – 60 days from the written notice of the determination made on the previous appeal.

Appeals should be addressed to the State Coordinator for Recovery and should contain additional information that the applicant wants to have considered. Upon receipt of an appeal from the applicant, TDEM will review the material submitted, make such additional investigations as necessary, and will forward the appeal with a written recommendation to FEMA within 60 days.

Presidentially declared disasters on or after October 30, 2012, an applicant may choose to arbitrate in lieu of submitting a second appeal. The arbitration program is designed to offer an alternate second appeal process by providing final adjudication through an independent, neutral panel of arbitrators for particular PA projects involving a dispute equal to or in excess of one million dollars and must be filed within 15 days of receipt of the first appeal decision. For specific information, refer to 44 CFR 206.210.

**11. Other Audits** – The Department of Homeland Security Office of Inspector General (OIG) may audit, at their option, the State PA grant, PA M&A expenditures and any applicable subgrants. The State Auditor's Office completes an A-133 audit on the PA program each year [there have not been any years in the last 10 years where we have received less than \$500,000]. The DPS Chief Auditor's office also conducts routine financial and program audits regularly in accordance with Texas Government Code, Section 321.020.

**12. Audit Requirement** – TDEM will use the A-133 compliance supplement as the primary guide for monitoring projects of subgrantees. Parts 13, 17, 18 and



206 of 44 CFR and OMB Circulars, A-21, A-87, A-102, A-110, A-122 and A-133 will be used as appropriate.

- a. A compliance review of all small projects of an applicant will be conducted by TDEM once those projects are completed if the applicant request additional funding due to significant cost overruns. All large projects will be reviewed for compliance during the life of the project or, at a minimum, at its completion before closeout.
- b. Applicants that expend over \$500,000 in total Federal assistance in a fiscal year will be required to forward a copy of the Single Audit to TDEM in accordance with the Single Audit Act Amendments of 1996 – OMB A-133.
- c. Applicants that do not expend over \$500,000 in total Federal assistance in a fiscal year will be required to certify that fact in writing to TDEM.
- d. Failure of an applicant to comply with these provisions will result in management action as described in the section on High Risk Applicants (VI.D.3.f.6).

## **E. Records and Reports**

1. **Progress Reports** – TDEM will enter quarterly progress report information into EMMIE, which will explain the status of all large projects that have not received final payment. EMMIE quarterly reports will be used in lieu of paper reports. The project review will include cost and program compliance. The first quarterly report will be submitted at the end of the first full quarter following the date the JFO or subsequent PA processing center was closed.

In order to prepare the quarterly performance reports for FEMA, TDEM will require the applicant to provide information, on a quarterly basis, pertaining to the progress of any large project that has not been completed and/or necessary paperwork submitted for review. **Attachment 8** is the format that will be used for quarterly reviews. Once the applicant has completed the project and required documentation has been submitted, the responsibility for preparing quarterly reports shifts to TDEM personnel. TDEM will require quarterly progress reporting on of incomplete small projects and monitor their period of performance dates.

Failure to submit required quarterly reports for two or more quarters can result in the withholding of funding for applicants until such time as all quarterly reports are submitted to TDEM and up-to-date.

2. **Applicant Close-Out** – Each subgrantee will be closed-out once it is determined that all work has been completed, all payments have been made,

all P.4's have been accounted for, all necessary documents have been received and verified and no further action is pending or anticipated. Final cost-share participation by the applicant will be calculated and noted on the final applicant closeout checklist maintained in the applicant's file folder. TDEM will notify FEMA when a subgrantee is ready to be closed-out, in accordance with 44 CFR § 206.205 (a); 44 CFR § 206.205 (b) [44 CFR 207.4(c)(3)]

3. **Financial Status Report** – Quarterly and final financial reports will be submitted to FEMA for State-administered disaster assistance programs authorized by the Stafford Act. The reports shall include a breakout of expenditures considered to be statutory administrative costs and/or state management administrative costs under 44 CFR, 206.228.

The Cash Transaction Report showing the amounts drawn from SmartLink – per each grant – and what was paid to sub-recipient will be completed by the 10th day of each quarter end to allow time to review and certify the report online by the 30<sup>th</sup>. This report is the basic Federal reporting requirement for retaining access to SmartLink draws. The transactions must be certified not later than the 30<sup>th</sup> of the month following the end of the quarter.

4. **Record Retention** – Applicant records will be maintained by TDEM for three years following the last program communication submitted to FEMA. Typically, the last program communication will be that of the closure notification of the last applicant. There are no requirements in the State of Texas that exceed federal requirements. If any litigation, claim, audit or other action involving the records begins prior to the expiration of the three-year period, the records must be maintained until resolution of all issues or until the end of the three-year period, whichever is later. [44 CFR § 13.20 (b)(6) and § 13.42]
5. **Property and Equipment** - Property , equipment and supplies acquired with Public Assistance federal funds are subject to the provisions for 44 CFR Part 13.32 related to ownership, use, procurement, management and disposition of such items. These provisions include:

- Title to the asset is vested with the applicant upon acquisition,
- Assets can be used as long as they are needed in the federally funded program, or used in other federal programs when the assets are no longer needed in the program where they were acquired.
- Asset records must be maintained that include a description of the asset, a serial number or other identification number, the source of asset, who holds title, the acquisition date and cost, percentage of Federal participation in the cost of the asset, the location, use and condition of the asset, and any ultimate disposition data including the date of disposal and sale price of the asset.

- A physical inventory of the asset must be taken and the results reconciled with asset records at least once every two years and the information in the inventory must be submitted to TDEM.
- Assets no longer needed with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency. However, a notification of disposition must be sent to TDEM.
- Assets with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the asset. A notification of disposition including the amount of any sale.

For specific provisions on acquisition, use, management and disposition of assets and supplies, see 44 CFR Part 13, subpart 31 for real property, subpart 32 for equipment, subpart 33 for supplies, and subparts 35 & 36 for debarred parties and procurement.

All groups receiving federal funds must adhere to federal, state and organization standards, statutes and regulations in the procurement of goods and services. This includes bidding or a rationale why bidding was not required.

6. **External EMMIE Access by Subgrantees** – The State can approve access to External EMMIE through the EMMIE Gatekeeper role. Normally, only those individuals listed on either the RPA or the DAA forms will be granted access to External EMMIE. In the event that a jurisdiction or PNP applicant wants to grant access to additional personnel, TDEM will request an email or letter from one of the individuals listed on the form authorizing access to additional individuals prior to approving those requests. Upon notification that an authorized individual should no longer have access to EMMIE, TDEM will reject that account ending access for that user.

## **F. Management Costs**

1. In accordance with the Management Costs provision of 44 CFR Part 207, TDEM is responsible for determining the reasonable percentage rate that will be passed through to subgrantees for contributions to their costs for administering PA projects. This determination can be re-evaluated on a case-by-case basis through an amended disaster-specific PA State Administrative Plan. The following is the method that will be used to administer these costs:
  - a. The State has elected not to reserve any 324 management cost funds for the pass-through amount to subgrantees. It is anticipated that TDEM will require all available 324 management funds in order to manage the grant. Request from subgrantee on a need for additional management cost will be

reviewed by the TDEM [DPS Assistant Director] Chief on a case by case basis but will not exceed .05%

- b. The use of these funds will be limited in accordance with 44 CFR Parts 13.22 & 207 and only for costs relating to PA administration.
  - c. In the event that State costs for managing the disaster utilize less than the anticipated 324 management funds, the State may elect to distribute excess funds to applicants for this disaster to cover indirect administrative costs.
2. **Record Retention** – Management Costs records will be maintained by TDEM for three years following the final closeout notification of the Management Cost PW to FEMA. There are no requirements in the State of Texas that exceed federal requirements. If any litigation, claim, audit or other action involving the records begins prior to the expiration of the three-year period, the records must be maintained until resolution of all issues or until the end of the three-year period, whichever is later.
3. **Property Management and Services** – Property acquired through the use of management costs will become the property of the State and will be managed the same as all other state inventory and in compliance with state laws and procedures. Controlled inventory will be marked as purchased with Federal Funds. If the fair market value of a piece of equipment is less than \$5,000, the property eventually will either be retained, sold or otherwise surplused with no further obligation toward FEMA. A life expectancy for most goods will be that of three years. If the fair market value of a piece of equipment is valued over \$5,000, FEMA will have the right to a portion of proceeds from the sale of the piece of equipment.

All groups receiving federal funds must adhere to federal, state and organization standards, statutes and regulations in the procurement of goods and services. This includes bidding or a rationale why bidding was not required.

## **VII. DEVELOPMENT AND MAINTENANCE**

This plan will be reviewed and updated annually in accordance with 44 CFR 13.11. Amendments will be made to meet current policy guidelines, as required. Any amendments to the annual state plan will be submitted to FEMA for approval along with a JFO organizational chart at the time of a new disaster in accordance with 44 CFR 206.207. This plan revision supersedes all previous plans and remains in effect until such time as a new plan or revision is adopted. Once approved by FEMA, this plan will be incorporated into the State Emergency Plan.

## **VIII. SPECIAL CIRCUMSTANCES**

From time to time exigent program issues arise that would require good program management to grant a waiver to policy contained in this plan. Such waivers will be documented as to the circumstances and the reason the waiver is necessary. Also such waivers can only be granted by the Chief [DPS Assistant Director] of the Texas Division of Emergency Management or the Deputy Chief [DPS Deputy Assistant Director] for TDEM Recovery in writing.

## **IX. TEMPORARY PROVISIONS**

### **Sandy Recovery Improvement Act (SRIA) of 2013**

1. Kickoff Meetings– Approved projects that qualify for the SRIA pilot program will be discussed in great specificity during the Applicant's Brief. Once an applicant agrees to a fixed estimate of a project, the applicant is "locked in" to the agreed upon amount and no additional considerations will be granted for this particular project.
2. FEMA has been authorized to implement pilot programs under SRIA. The pilot programs are:
  - a. Alternate Procedures for Permanent Work
  - b. Debris Removal Alternate Procedures
  - c. Straight Time Force Account Labor
  - d. Dispute Resolution for Appeals
  - e. Donated Resources
  - f. Emergency Medical Care and Medical Evacuations
  - g. Simplified Procedures
3. Underrun of Funds:  
Pilot program projects that incur an under-run of funds may be transferred to 406 Hazard Mitigation projects if approved by FEMA.
4. Alternate and Improved Projects:  
Permanent work for alternate procedures may be considered for a pilot program under SRIA. The permanent work pilot applies only to large permanent work projects declared on or after May 20, 2013 and if construction has not yet begun. The applicant has nine months from the declared date of the disaster to agree to a fixed estimate. Once a sub-grantee agrees to the fixed sub-grant, it cannot revert back to the standard procedure of receiving reimbursements based on actual costs as defined in 44 CFR 206.205 (b).
5. Appeals:  
Appeals for approved projects under SRIA pilot program will be subject to the revised appeals process set forth by FEMA.

**Attachments:**

1. Applicant Briefing Handout
2. Applicant Agent Checklist
3. Designation of Applicant's Agent form
4. State Assurances document
5. Lobbying Certification form
6. Additional Grant Conditions form
7. Payment of Funds Request
8. Quarterly Report form
9. Claim Summary form
10. Time Extension Request form
11. Monitor's Workbook/Checklist Example
12. Recovery Staffing Plan
13. Sample Language Hardship Funding Request

ATTACHMENT 1  
**(Name/Type of Event)**  
**FEMA \_\_\_\_\_ DR TX**

Texas Division of Emergency Management  
Recovery Program

**P.O. Box 4087**

**Austin, Texas 78773-0228**

**(512) 424-2431**

**OR**

**5425 Polk Street Suite 470 (Mail Slot 0)**

**Houston, Texas 77023-1454**

**(713) 967-7000**

**NAME:** \_\_\_\_\_

**Telephone:** **(XXX) XXX-XXXX,**

**Email:** **firstname.lastname@dps.texas.gov**

**Fax:** **(XXX) XXX-XXXX**

**TDEM Website is <http://www.dps.texas.gov/dem>**

- **Packet Coversheet**
- **Briefing Outline**
- **Fact Sheet**
- **Request for Public Assistance**
- **Designation of Applicant's Agent**
- **Direct Deposit Authorization**
- **Applicant's Agent Checklist**
- **Public Assistance Project Checklist**

**Joint Field Office Information**

**TBD**

**TEXAS DIVISION OF EMERGENCY MANAGEMENT  
APPLICANT'S BRIEFING OUTLINE  
FEMA DR-XXXX-TX**

**A. GENERAL**

- Sign-In Sheet
- Applicant Packet
- Individual Assistance Registration 1-800-621-FEMA (3362)

**B. OVERVIEW**

The Public Assistance Program is a reimbursement program that provides funding on a percentage basis to eligible applicants who have suffered damages as a result of a Presidentially-declared disaster and whose damages are within an area authorized for Public Assistance. Funding under this program is limited to repairing or restoring damaged items / facilities to their pre-disaster condition and will only be provided once all other means of funding have been exhausted.

**C. INTRODUCTION**

- Authority - PL 93-288, as amended, Robert T. Stafford Relief and Emergency Assistance Act
- 44 CFR Part 206
- Joint Field Office

**D. ELIGIBLE APPLICANTS**

- State Agencies and Authorities
  - Local Governments, including
    - Towns, Cities, Counties, Municipalities, Townships
    - Local Public Authorities
    - Councils of Governments
    - Regional and interstate government entities
    - Agencies of local governments
    - Special districts or regional authorities
    - School districts
- (Rural or unincorporated communities represented by the State or a political subdivision of the State)
- Private Non-Profit Organizations – Must have IRS 501 or State charter/articles of incorporation as PNP
    - Critical Service PNPs
      - Educational
      - Utility
      - Emergency
      - Medical and Custodial Care
    - Non-Critical Service PNPs – Must be open to the general public
      - Museums
      - Zoos
      - Performing Arts Facilities
      - Community Centers
      - Community Arts Centers
      - Libraries
      - Homeless Shelters
      - Senior Citizens Centers
      - Shelter Workshops



Health & Safety Service of a Governmental Nature

- Indian Tribes or Tribal Organizations

**E. REQUEST FOR PUBLIC ASSISTANCE (RPA)**

- Completion of the form
- Must be submitted within 30 days of a county's designation for PA
- DUNS number now required

**F. DESIGNATION OF THE APPLICANT'S AGENT**

- Completion of form, submitted to the State

**G. DIRECT DEPOSIT AUTHORIZATION**

- Completion of form, submitted to the State

**H. PUBLIC ASSISTANCE PROGRAM – PROJECT WORKSHEET (PW) PREPARATION**  
(FEMA Public Assistance Officer or Public Assistance Coordinator, if available)

- Applicant's Brief
- Kick-Off Meeting
- Project Worksheet
- Categories of Work
  - A: Debris Removal
  - B: Emergency Protective Measures
  - C: Roads and Bridges
  - D: Water Control Facilities
  - E: Buildings and Equipment
  - F: Utilities
  - G: Parks, Recreational Facilities and Other Items
- Small versus Large Project
- Small Project Development and Requirements
- Validation
- Contract Award Process
- Debarred Contractors
- FEMA Cost Codes and Equipment Rates

**I. SPECIAL CONSIDERATIONS**

- Insurance
- Mitigation – 406 versus 404
- Environmental
- Historical
- Standards

**J. PROJECT APPLICATION**

- Grant (Subgrantee) Application signatures required prior to funding

**K. PROJECT ADMINISTRATION AND DOCUMENTATION REQUIREMENTS**

- OMB Circular Introduction
- Set up of Grant file and individual Project files

- General documentation requirements
- L. PROJECT FUNDING**
- Federal Share and Non-Federal (Local) Share
  - Small PWs – Less than \$XXXXX
  - Large PWs - \$XXXXX and greater
  - Administrative Allowance – significant changes at the end of 2007
- M. PERFORMING APPROVED WORK**
- Parameters (Scope of Work, Completion Date, Cost Estimate)
  - Force Account Work
  - Contract Work
  - Bidding Requirements
  - Engineering and Design Services
  - Debarred Contractors
  - Request for Improved Projects
  - Request for Alternate Projects
- N. TIME LIMITATIONS**
- 30 Days to Submit RPA
  - 60 Days to identify additional damages from Kickoff Meeting
  - Emergency Work – 6 Months
  - Permanent Work – 18 Months
  - Extensions
- O. PROJECT COMPLETION**
- Project Completion and Certification Report (P.4)
  - Claim Summary Form
  - Final Project Inspection
  - State compliance reviews of projects
  - Quarterly reporting requirements
  - Insurance requirements
- P. APPEALS**
- Any FEMA determination
  - Cost overrun (on small PWs)
- Q. Emergency Management Mission-Integrated Environment (EMMIE)**  
<https://portal.fema.gov>
- Information to sign up on TDEM website
  - Limited to viewing Project Worksheets
- R. CHECKLISTS – Given to each applicant present**
- S. QUESTIONS & ANSWERS**

## ATTACHMENT 2

# APPLICANT'S AGENT CHECKLIST

This checklist was prepared to make the process of applying for and receiving disaster relief under the Public Assistance program as easy as possible.

### ADMINISTRATION

- \_\_\_ Attend the Applicants' Briefing.
- \_\_\_ Contact other potential applicants within your county/city who sustained disaster related damages/cost and have them contact TDEM by filling out a Request for Public Assistance within 30 days from the date the county was declared.
- \_\_\_ Ensure that an applicant's agent is designated.
- \_\_\_ Submit appeals in a timely manner, normally within 60 days of notification.
- \_\_\_ Check on insurance coverage and determine the settlement amount, if any. Submit a proof of loss statement (insurance settlement) from the insurance company.

### WORK MONITORING

- \_\_\_ Review each Project Worksheet (PW) to become familiar with approved scope of work.
- \_\_\_ Give appropriate supervisors a copy of each PW.
- \_\_\_ Make approved repairs **ONLY** or obtain TDEM and FEMA approval before changing the approved scope of work.
- \_\_\_ Notify TDEM of significant cost overruns.
- \_\_\_ Follow proper bid and contract procedures. Ensure the contractor is **NOT** on the most current "List of Parties Excluded from current Federal Procurement or Non-Procurement Programs" published by the Excluded Parties Listing System
- \_\_\_ Complete eligible work within allowable time periods.
- \_\_\_ Request a time extension for each PW if needed.
- \_\_\_ Submit a project cost summary for each large PW that is completed.
- \_\_\_ Complete the Project Completion Report (P.4) once all approved work has been completed.

### DOCUMENTATION

- \_\_\_ Maintain a separate folder for each PW.
- \_\_\_ Document repair costs at each work site as they occur.
- \_\_\_ Prepare Summary Reports from supervisor's daily logs.
- \_\_\_ Keep these documents for each work site as they occur:
  - Summary Reports for Labor, Equipment and Materials
  - Delivery Tickets
  - Invoices
  - Payroll Journals
  - Cancelled Checks
  - Daily Logs from Supervisors
- \_\_\_ Keep these documents for each PW done by contract:
  - Bid specifications
  - Bid advertisement
  - Bid summary sheet
  - Contract award documents
  - Invoices
  - Canceled Checks
  - Record of work inspections
  - Debarment check documentation

### ATTACHMENT 3

<b>DESIGNATION OF APPLICANT'S AGENT - FEMA XXXX DR TX</b> <b>PUBLIC ASSISTANCE</b> <b>Texas Division of Emergency Management – ATTACHMENT 3</b>			
Organization Name (hereafter named Organization)			
<b>Primary Agent</b>		<b>Secondary Agent</b>	
Agent's Name		Agent's Name	
Organization		Organization	
Official Position		Official Position	
Mailing Address		Mailing Address	
City, State, Zip		City, State, Zip	
Work Phone	Fax Number	Work Phone	Fax Number
E-Mail Address		E-Mail Address	
Cellular Phone	Pager	Cellular Phone	Pager
<p>The above Primary and Secondary Agents are hereby authorized to execute and file Application for Public Assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief &amp; Emergency Assistance Act, (Public Law 93-288 as amended) or otherwise available. This agent is authorized to represent and act for the Organization in all dealings with the State of Texas for all matters pertaining to such disaster assistance required by the agreements and assurances printed on the reverse side hereof.</p>			
<b>Chief Financial Officer</b>		<b>Certifying Official</b>	
Name		Official's Name	
Organization		Organization	
Official Position		Official Position	
Mailing Address		Mailing Address	
City, State, Zip		City, State, Zip	
Work Phone	Fax Number	Work Phone	Fax Number
E-Mail Address		E-Mail Address	
Cellular Phone	Pager	Cellular Phone	Pager
Applicant's State Cognizant Agency for Single Audit purposes (If a Cognizant Agency is not assigned, please indicate):			
Applicant's Fiscal Year (FY) Start			
<div style="display: flex; justify-content: space-around;"> <span><b>Month</b></span> <span><b>Day:</b></span> </div>			
Applicant's Federal Employer's Identification Number			
<div style="display: flex; justify-content: center;"> <div style="border-bottom: 1px solid black; width: 100px; margin: 0 auto;"></div> </div>			
Applicant's State Payee Identification Number			
<div style="display: flex; justify-content: center;"> <div style="border-bottom: 1px solid black; width: 150px; margin: 0 auto;"></div> </div>			
<b>Certifying Official's Signature / Date</b>			

## APPLICANT ASSURANCES

The applicant hereby assures and certifies that he will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms to the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) that provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act, which limits the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

#### ATTACHMENT 4

## State of Texas Assurances

Scope: In addition to federal requirements, state law requires a number of assurances from applicants for federal pass-through or other state-appropriated funds. An attempt has been made below to list major state and federal assurances. Generally, not all of these assurances will be required for any one grant. However, it is the applicant's responsibility to ensure that all assurances required by the awarding agency are submitted.

**The legal instrument for awarding state funds must be consistent with the standards prescribed herein; however, these standard conditions or assurances may be incorporated into contracts or grant agreements by reference rather than by being reproduced in their entirety.**

**(1) RELATIVES.** A subgrantee must comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.

**(2) PUBLIC INFORMATION.** A subgrantee must insure that all information collected, assembled, or maintained by the applicant relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.

**(3) OPEN MEETINGS.** A subgrantee must comply with Texas Government Code, Chapter 551, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

**(4) CHILD SUPPORT PAYMENTS.** A subgrantee must comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.

**(5) HEALTH, HUMAN SERVICES, PUBLIC SAFETY OR LAW ENFORCEMENT AGENCY.** If the subgrantee is a health, human services, public safety, or law enforcement agency, it will not contract with or issue a license, certificate, or permit to the owner, operator, or administrator of a facility if the license, permit, or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.

**(6) LAW ENFORCEMENT AGENCY.** If the subgrantee is a law enforcement agency regulated by Texas Occupations Code, Chapter 1701, it must be in compliance with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Chapter 1701, Texas Occupations Code or must provide the grantor agency with a certification from the Texas Commission on Law Enforcement Officer Standards and Education that the agency is in the process of achieving compliance with such rules.

**(7) ADMINISTRATION.** When incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and local subrecipients shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met. (See Section \_\_.36 for additional guidance on contract provisions).

**(8) SUSPECTED CHILD ABUSE.** A subgrantee must comply with the Texas Family Code, Section 261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Subgrantees shall also ensure that all program personnel are properly trained and aware of this requirement.

**(9) NONDISCRIMINATION.** Subgrantees will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps and the Americans with Disabilities Act of 1990; (d) the Age Discrimination Act of 1974, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to the nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

**(10) LABOR STANDARDS.** Subgrantees will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction subagreements.

**(11) DISPLACED PERSONS.** Subgrantees will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

**(12) POLITICAL ACTIVITY.** Subgrantees will comply with the provisions of the Hatch Political Activity Act (5 U.S.C. §§7321-29), which limit the political activity of employees whose principal employment activities are funded in whole or in part with Federal funds.

**(13) LABOR FAIR STANDARDS ACT.** Subgrantees will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act and the Intergovernmental Personnel Act of 1970, as applicable.

**(14) EPA VIOLATING FACILITIES.** Subgrantees will insure that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA (EO 11738).

**(15) FLOOD INSURANCE.** Subgrantees will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition proposed for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

**(16) ENVIRONMENTAL STANDARDS.** Subgrantees will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 *et seq.*); (f) conformity of federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 *et seq.*); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

**(17) WILD AND SCENIC RIVERS.** Subgrantees will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 *et seq.*) related to protecting components or potential components of the national wild and scenic rivers system.

**(18) HISTORIC PRESERVATION.** Subgrantees will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 *et seq.*).

**(19) ANIMAL TREATMENT.** Subgrantees will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 *et seq.*) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

**(20) LEAD-BASED PAINT.** Subgrantees will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 *et seq.*) which prohibits the use of lead-based paint in construction or rehabilitation of residential structures.

**(21) SMOKING PROHIBITION.** Subgrantees will comply with Public Law 103-277, also known as the Pro-Children Act of 1994 (Act), which prohibits smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.



**(22) TAXES.** Subgrantees will comply with all federal tax laws and are solely responsible for filing all required state and federal tax forms.

**(23) COMPLIANCE WITH REQUIREMENTS.** Subgrantees will comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing this program.

**(24) INELIGIBLE APPLICANTS.** The applicant certifies that it and its principals are eligible to participate and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity and it is not listed on a state or federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <http://www.sam.gov>.

**(25) HIV/AIDS.** Subgrantees must adopt and implement applicable provisions of the model HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. 85.001, *et seq.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

## ATTACHMENT 5

### CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS

This certification is required by the regulations implementing the New Restrictions on Lobbying, 44 CFR Part 18. The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Jurisdiction or Organization		PA ID
Name of Applicant's Agent		Title of Authorized Agent
Signature		Date

## ATTACHMENT 6

### TEXAS DIVISION OF EMERGENCY MANAGEMENT Additional Grant Conditions - FEMA XXXX DR TX

1. Additional damage requiring a new PW to be written that was not shown to the inspection team must be reported within 60 days following the Kickoff meeting with the State - Federal team held \_\_\_\_\_.
2. All work must be done prior to the approved project completion deadline assigned to each Project Worksheet (PW). Should additional time be required to complete the approved work, a time extension request will need to be submitted prior to the existing completion date which: **a.)** Identifies the PW(s) requiring an extension. **b.)** Explains the reason for needing an extension. **c.)** Indicates the percentage of work that has been completed. **d.)** Provides an anticipated completion date. The reason for needing an extension must be based on extenuating circumstances or unusual project requirements that are beyond the control of your jurisdiction/organization. **Failure to submit a time extension request may result in the reduction or withdrawal of federal funds for the work that was approved.**
3. Any significant change to a PW's approved Scope of Work must be reported to and approved through TDEM and FEMA before starting the project. Failure to do so will jeopardize grant funding.
4. The Project Completion and Certification Report must be returned to TDEM once all the approved work has been completed for each project. If any PW required the purchase of insurance as a condition of receiving federal funds, a copy of the current policy must be attached to this report.
5. A cost overrun appeal on small PWs must be reported to the Texas Division of Emergency Management (TDEM) within 60 days of completing the last small PW in order to be considered for additional funding.
6. Appeals may be filed on any determination made by FEMA or TDEM. All appeals must be submitted to TDEM within 60 days from receiving written notice of the action you wish to appeal. Should you wish to appeal a determination contained in the project application, the 60 days will start the day the application is signed.
7. PWs will not receive funding until all of the requirements identified in the comments section of the PWs are met.
8. You may request a payment of funds on large PWs by completing the "Advance of Funds" request and including documentation supporting your request. In the event that an audit results in a reduction of the awarded amount of a PW, the applicant is responsible for returning the identified overage within 30 days of notification of the overpayment.
9. Large PWs that have not received final payment will be reviewed quarterly by TDEM representatives upon receipt of the Quarterly Review form from the applicant. **Quarterly reports will be due on the following dates: March 30<sup>th</sup>, June 30<sup>th</sup>, September 30<sup>th</sup> & December 30<sup>th</sup>.**

10. Applicants with large PWs must submit a project cost summary to TDEM following the completion of each project. The project cost summary must list all labor, equipment, materials and contract costs associated with making needed repairs.
11. Applicants expending \$500,000 or more in total Federal financial assistance in a fiscal year will be required to provide an audit made in accordance with the OMB A133 - Single Audit Act Amendments of 2003, Audits of States, Local Governments and Non-Profit Organizations. A copy of the Single Audit must be submitted to your cognizant State agency or TDEM within nine months of the end of the applicant's fiscal year. Consult with your financial officer regarding this requirement. If not required to submit a single audit, a letter must be sent to TDEM certifying to this.
12. Complete records and cost documents for all approved work must be maintained for at least 3 years from the date the last project was completed or from the date final payment was received, whichever is later. During this time, all approved PWs are subject to State and Federal audit/review.
13. Applicants will not make any award to any party which is debarred or suspended or is otherwise excluded from participation in Federal assistance programs (EO 12549, Debarment and Suspension). Applicant will need to keep documentation proof of checking the debarment list of eligible contractors. Debarment checks will be done prior to any federal funds being disbursed.
14. Applicants must keep records on the inventory of equipment acquired by an applicant through the use of federal funds during the life expectancy of the equipment. A life expectancy for most goods will be that of three years, but could be longer. If the fair market value of a piece of equipment is valued over \$5,000, FEMA will have the right to a portion of proceeds from the sale of the piece of equipment. If the fair market value of a piece of equipment is less than \$5,000, the property can either be retained, sold or otherwise surplusd with no further obligation toward FEMA.

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**Signature / Date      (Applicant)**

---

**Signature / Date      (TDEM)**

## Attachment 7

### Payment of Funds Request

Date: \_\_\_\_\_

To: State Coordinator for Recovery  
Texas Division of Emergency Management  
P.O. Box 4087  
Austin, Texas 78773-0228

Subject: FEMA-XXXX-DR-TX  
Payment of Funds for Project Worksheet(s)

This is to request a payment of funds on the following approved PW:

PW Number	PW Amount	Federal Share	Amount Expended (*)
	\$	\$	\$

(\*) Total amount of expenditures for this request and/or the amount that will be needed to meet immediate anticipated costs within the next 30 to 60 days.

Payments can be requested under the following conditions:

Funds are needed to pay for approved project scope of work before supporting documentation is available/compiled due to a hardship. The applicant will be required to provide TDEM with a letter that justifies the hardship and a spend plan. The spend plan will detail amount of funds requested for the next 30 to 60 days, timeline to expend the funds, and eligible cost to be covered by the funds. To ensure proper use of funds this will be monitored by TDEM to ensure compliance with the spend plan.

Funds are needed to pay eligible cost of approved project scope of work based on received invoices and/or supporting documentation, but the applicant is unable to pay due to a hardship. The applicant will be required to provide TDEM with a letter that justifies the hardship, and the invoices and/or supporting documentation of cost incurred. To ensure proper use of funds the applicant will be required to provide proper supporting documentation to TDEM that the funds were expended within 30 days of receiving the funds.

Funds are needed to pay eligible cost of approved project scope of work paid by the applicant based on received invoices and or other supporting documentation. The applicant will be required to provide proper supporting documentation to TDEM for the cost.

I understand that any part of this payment that is not expended within the scope of the PW will be refunded to the Texas Division of Emergency Management within 30 days of receiving the de-obligation notice. In addition, to support this claim, I have included supporting documentation for the requested amount.

Sincerely,

\_\_\_\_\_  
Signature of Applicant's Agent

\_\_\_\_\_  
Printed Name of Applicant's Agent

\_\_\_\_\_  
Name of Jurisdiction

\_\_\_\_\_  
Applicant's Agent's Phone Number

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, ZIP Code

**Attachment 8**

**TEXAS DIVISION OF EMERGENCY MANAGEMENT  
Public Assistance  
Quarterly Project Review**

FEMA [redacted] DR - TX

Applicant [redacted] Date [redacted]

PA ID # [redacted] PW # [redacted]

Dates		Dollar Amounts	
PW Completion Date	[redacted]	PW Amount	[redacted]
Time Extension Given?	[redacted]	Projected Cost	[redacted]
Extended Date	[redacted]	Amt. Spent to Date	[redacted]
Estimated Completion Date	[redacted]	Spent During Qtr.	[redacted]
Percent of Work Completed	[redacted] %		

Is the project remaining within the Scope of Work approved by FEMA? [redacted]

Person Reporting: [redacted] Phone Number: [redacted]  
Comments: [redacted]  
(Will expand as needed)

*For TDEM use only:*

Was PW site visited by TDEM staff during quarter? [redacted]

Reviewer: [redacted]

Notes: Quarterly reports are required on all large projects. Large projects are equal to or greater than \$120,000 for declarations made in FY '14 (10/01/13– 09/30/14). **Failure to submit quarterly reports could jeopardize project funding.**

Quarterly reports are due in our office by the following dates:

March 30th  
June 30th  
September 30th  
December 30th

Submit to: TDEM - Public Assistance Officer  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0228

Fax (512) 424-2424

Upon completion of a large project, a final claim must be submitted. The claim will be reviewed and audited by TDEM and forwarded to FEMA. The obligated amount will be adjusted to reflect the actual eligible amount and final payment will be made.

## Attachment 9

Page \_\_\_\_ Of \_\_\_\_

**Texas Division of Emergency Management**Texas Department of Public Safety  
Claim Summary Form **ATTACHMENT 9**

<b>Applicant:</b>			<b>FEMA ____ DR TX</b>	<b>Project Worksheet (PW):</b>	
Reference to Source Documents	Dates	Item Description	Line Item Amount	Total Claimed Actual Cost	Total Per FEMA PW
<b>Total</b>					
Description of work accomplished and explanation of cost differences between Actual Costs and FEMA PW amounts. Use additional sheet if necessary.					

**ATTACHMENT 10**  
**TEXAS DIVISION OF EMERGENCY MANAGEMENT**

Public Assistance  
Time Extension Request

Time extension requests must be based on **extenuating or justifiable circumstances beyond the applicant's control due to unusual project requirements** as long as the additional time requested does not exceed the following time frames:

Emergency Work	up to 6 months ( <i>total of 12 months to complete work</i> )
Permanent Work	up to 6 months ( <i>total of 18 months to complete work</i> )

Applicants requesting time extensions must complete the following to be considered for a time extension (*this request form is designed to continue to the next page*):

**Applicant:**

**PW #:**

**Applicant's agent:**

**Percentage completed:**

**Original completion date:**

**Expenditures to date:**

**Reason for project delay:**

*(Reasons for delay must be based on extenuating circumstances beyond the applicant's control or due to unusual project requirements)*

**Projected time frame for completion:**

*(\*Enter the planned schedule of completion - include physical work and administrative steps for each month through completion)*

**Example:**

January	▶	Complete area for installation
February	▶	Install air handler
March	▶	Inspect project

**Year** (*year of the first month in extension*):

January		February	
March		April	
May		June	
July		August	
September		October	
November		December	

**Projected completion date:** \_\_\_\_\_

\* Schedule should start the first month of the proposed extension and wrap to the beginning of the next year, if needed.

\_\_\_\_\_  
Applicant's Agent Signature



ATTACHMENT 11  
**MONITOR WORKBOOK/CHECKLIST EXAMPLE**

WORKING PAPER			
Applicant: _____		Funded at: _____ %	
DR _____	PW _____	CAT _____	Period of PW: _____ to _____
<b>FORCE ACCOUNT LABOR</b>		<b>DIRECT ADMINISTRATIVE COSTS</b>	
<input type="checkbox"/> Overtime policy at time of PW	<u>Initial</u>	<input type="checkbox"/> Named employee identified to this PW	<u>Initial</u>
<input type="checkbox"/> Compensatory time off policy at time of PW	_____	<input type="checkbox"/> Named employee time spent on this PW	_____
<input type="checkbox"/> Exempt employee overtime policy at time of PW	_____	<input type="checkbox"/> Specific tasks performed by employee	_____
<input type="checkbox"/> Exempt employee comp time policy at time of PW	_____	<b>Note:</b> Tasks must be detailed and specific to this PW. A list or S/Sheet will help support.	
<input type="checkbox"/> Employee fringe rate calculations at time of PW	_____	<input type="checkbox"/> Overtime policy at time of PW	_____
<b>Note:</b> Fringe rate calculations may be based on individual rate calculations, employee type group calculations or total applicant employee group calculations.		<input type="checkbox"/> Compensatory time off policy at time of PW	_____
<input type="checkbox"/> Proof of employment (HR support documents)	_____	<input type="checkbox"/> Exempt employee overtime policy at time of PW	_____
<input type="checkbox"/> Prior to disaster start date	_____	<input type="checkbox"/> Exempt employee comp time policy at time of PW	_____
<input type="checkbox"/> Justification for hire date after disaster	_____	<input type="checkbox"/> Employee fringe rate calculations at time of PW	_____
<input type="checkbox"/> Proof of wage/hourly rate (HR support docs)	_____	<b>Note:</b> Fringe rate calculations may be based on individual rate calculations, employee type group calculations or total applicant employee group calculations.	
<input type="checkbox"/> Employee & supervisor signed timesheets	_____	<input type="checkbox"/> Proof of employment (HR support documents)	_____
<input type="checkbox"/> Proof of payment	_____	<input type="checkbox"/> Prior to disaster start date	_____
<input type="checkbox"/> Copies of check front and back	_____	<input type="checkbox"/> Justification for hire date after disaster	_____
<input type="checkbox"/> Copies of check front and bank statement	_____	<input type="checkbox"/> Proof of wage/hourly rate (HR support docs)	_____
<input type="checkbox"/> Automated payroll logs w/bank statement	_____	<input type="checkbox"/> Employee & supervisor signed timesheets	_____
<input type="checkbox"/> Direct deposit warrants	_____	<input type="checkbox"/> Proof of payment	_____
<input type="checkbox"/> FEMA Forms 90-123 or equivalent	_____	<input type="checkbox"/> Copies of check front and back	_____
<input type="checkbox"/> FEMA Forms 90-128 or equivalent (fringe)	_____	<input type="checkbox"/> Copies of check front and bank statement	_____
_____	_____	<input type="checkbox"/> Automated payroll logs w/bank statement	_____
_____	_____	<input type="checkbox"/> Direct deposit warrants	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Note: All initialed items are on file in the in this PW's audit package maintained by the Audit Unit, Standards and Compliance Section, TDEM.

**WORKING PAPER**

Applicant: _____		Funded at: _____ %	
DR _____	PW _____	CAT _____	Period of PW: _____ to _____

<u>FORCE ACCOUNT EQUIPMENT</u>	<u>Initial</u>
<input type="checkbox"/> Equipment ownership documents	_____
<input type="checkbox"/> Equipment inventory listing prior to PW start date	_____
<input type="checkbox"/> Equipment maintenance schedule	_____
<input type="checkbox"/> Equipment activity logs (no operator, i.e. pump)	_____
<input type="checkbox"/> Signed equipment operating logs with operator	_____
<input type="checkbox"/> Proof of employment (HR support documents)	_____
<input type="checkbox"/> Prior to disaster start date	_____
<input type="checkbox"/> Justification for hire date after disaster	_____
<input type="checkbox"/> Employee & supervisor signed timesheets	_____
<input type="checkbox"/> Proof of payment	_____
<input type="checkbox"/> Copies of check front and back	_____
<input type="checkbox"/> Copies of check front and bank statement	_____
<input type="checkbox"/> Automated payroll logs w/bank statement	_____
<input type="checkbox"/> Direct deposit warrants	_____
<input type="checkbox"/> FEMA Forms 90-127 or equivalent	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____

<u>DIRECT ADMINISTRATIVE COSTS (Management Team)</u>	<u>Initial</u>
<input type="checkbox"/> Named employee identified to this PW	_____
<input type="checkbox"/> Named employee time spent on this PW	_____
<input type="checkbox"/> Specific tasks performed by employee	_____
<b>Note:</b> Tasks must be detailed and specific to this PW. A list or S/Sheet will help support.	
<input type="checkbox"/> Proof of employment	_____
<input type="checkbox"/> Prior to disaster start date	_____
<input type="checkbox"/> Justification for hire date after disaster	_____
<input type="checkbox"/> Employee & supervisor signed timesheets	_____
<input type="checkbox"/> Proof of payment	_____
<input type="checkbox"/> Copies of check front and back	_____
<input type="checkbox"/> Copies of check front and bank statement	_____
<input type="checkbox"/> Automated payroll logs w/bank statement	_____
<input type="checkbox"/> Direct deposit warrants	_____
<input type="checkbox"/> Management team invoices	_____
<input type="checkbox"/> Explanation for allocation of costs if applicable	_____
<input type="checkbox"/> Proof of payment	_____
<input type="checkbox"/> Copies of check front and back	_____
<input type="checkbox"/> Copies of check front and bank statement	_____
<input type="checkbox"/> Automated payroll logs w/bank statement	_____
<input type="checkbox"/> Direct deposit warrants	_____
<input type="checkbox"/> Contract	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____

**Note:** All initialed items are on file in the in this PW's audit package maintained by the Audit Unit, Standards and Compliance Section, TDEM.

WORKING PAPER					
Applicant: _____			Funded at: _____ %		
DR _____	PW _____	CAT _____	Period of PW: _____	to _____	

<u>FORCE ACCOUNT MATERIALS &amp; PURCHASES</u>	<u>Initial</u>	<u>RENTALS/LEASES</u>	<u>Initial</u>
<input type="checkbox"/> Procurement policy	_____	<input type="checkbox"/> Procurement policy for rentals	_____
<input type="checkbox"/> Small purchase procedure policy	_____	<input type="checkbox"/> Event caused reason for rental if not obvious	_____
<input type="checkbox"/> Invoices/POs/receipts for purchases	_____	<input type="checkbox"/> Rental agreement	_____
<input type="checkbox"/> Proof of payment	_____	<input type="checkbox"/> New purchase price comparison	_____
<input type="checkbox"/> Copies of check front and back	_____	<input type="checkbox"/> Invoices, POs	_____
<input type="checkbox"/> Copies of check front and bank statement	_____	<input type="checkbox"/> Proof of payment	_____
<input type="checkbox"/> Automated payment logs w/bank statement	_____	<input type="checkbox"/> Copies of check front and back	_____
<input type="checkbox"/> Direct deposit warrants	_____	<input type="checkbox"/> Copies of check front and bank statement	_____
<input type="checkbox"/> List of pre-existing materials used identified to PW	_____	<input type="checkbox"/> System payment logs w/bank statement	_____
<input type="checkbox"/> Inventory documents supporting pre-existence	_____	<input type="checkbox"/> Direct deposit warrants	_____
<input type="checkbox"/> Costing method/documents for existing stock	_____	<input type="checkbox"/> Equipment activity logs (no operator, i.e. pump)	_____
<input type="checkbox"/> Invoices for pre-existing materials used	_____	<input type="checkbox"/> Signed equipment operating logs with operator	_____
<input type="checkbox"/> Proof of payment	_____	<input type="checkbox"/> Proof of employment (HR support documents)	_____
<input type="checkbox"/> Copies of check front and back	_____	<input type="checkbox"/> Prior to disaster start date	_____
<input type="checkbox"/> Copies of check front and bank statement	_____	<input type="checkbox"/> Justification for hire date after disaster	_____
<input type="checkbox"/> System payment logs w/bank statement	_____	<input type="checkbox"/> Employee & supervisor signed timesheets	_____
<input type="checkbox"/> Direct deposit warrants	_____	<input type="checkbox"/> FEMA Forms 90-125 or equivalent	_____
<input type="checkbox"/> Historical/area costs to support costing	_____	_____	_____
<input type="checkbox"/> Purchased equipment disposal documents	_____	_____	_____
<input type="checkbox"/> FEMA Forms 90-124 or equivalent	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Note: All initialed items are on file in the in this PW's audit package maintained by the Audit Unit, Standards and Compliance Section, TDEM.

WORKING PAPER					
Applicant: _____			Funded at: _____ %		
DR _____	PW _____	CAT _____	Period of PW: _____	to _____	

<u>CONTRACTS</u>	<u>Initial</u>
<input type="checkbox"/> Contract procurement policy	_____
<input type="checkbox"/> State & local intergovernmental agreements	_____
<input type="checkbox"/> Proof of a contract administration system	_____
<input type="checkbox"/> History of each contract procurement	_____
<input type="checkbox"/> Rationale for method of procurement	_____
<input type="checkbox"/> Selection method for contract type	_____
<input type="checkbox"/> Contractor selection/rejection criteria	_____
<input type="checkbox"/> Basis for contract price	_____
<input type="checkbox"/> Publicly advertised request for bids	_____
<input type="checkbox"/> Proof of public opening of bids	_____
<input type="checkbox"/> Copies of received bids	_____
<input type="checkbox"/> Bid acceptance mechanism (minutes, PO, etc)	_____
<input type="checkbox"/> Contractor/Sub-contractor EPLS debarment check	_____
<input type="checkbox"/> Documented reason lowest bid was not accepted	_____
<input type="checkbox"/> Contracts	_____
<input type="checkbox"/> Proof of State & applicant contract monitoring	_____
<input type="checkbox"/> Contractor invoices	_____
<input type="checkbox"/> Proof of payment	_____
<input type="checkbox"/> Copies of check front and back	_____
<input type="checkbox"/> Copies of check front and bank statement	_____
<input type="checkbox"/> System payment logs w/bank statement	_____
<input type="checkbox"/> Direct deposit warrants	_____
<input type="checkbox"/> FEMA Forms 90-126 or equivalent	_____
<input type="checkbox"/> Reason Time & Materials contract exceeds 70 hours	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____

<u>SUB-CONTRACTOR CONTRACTS</u>	<u>Initial</u>
<input type="checkbox"/> Subcontractor EPLS debarment check	_____
<input type="checkbox"/> Contract	_____
<input type="checkbox"/> Proof of applicant & contractor contract monitoring	_____
<input type="checkbox"/> Sub-contractor invoices	_____
<input type="checkbox"/> Proof of payment	_____
<input type="checkbox"/> Copies of check front and back	_____
<input type="checkbox"/> Copies of check front and bank statement	_____
<input type="checkbox"/> System payment logs w/bank statement	_____
<input type="checkbox"/> Direct deposit warrants	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____

<u>NON-COMPETITIVE PROPOSAL CONTRACTS</u>	
<input type="checkbox"/> Justification of public exigency or emergency	_____
<input type="checkbox"/> Proof of only single source availability	_____
<input type="checkbox"/> Proof TDEM authorized proposal method	_____
<input type="checkbox"/> Proof competition is determined inadequate	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____

<u>QUALIFICATION BASED CONTRACTS (A&amp;E)</u>	
<input type="checkbox"/> Copies of request for proposal	_____
<input type="checkbox"/> Proof of adequate number of sources solicited	_____
<input type="checkbox"/> Contractor proposal technical evaluation method	_____
<input type="checkbox"/> Reason for selection	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____

Note: All initialed items are on file in the in this PW's audit package maintained by the Audit Unit, Standards and Compliance Section, TDEM.

WORKING PAPER					
Applicant: _____				Funded at: _____ %	
DR _____	PW _____	CAT _____	Period of PW: _____		to _____

<u>DEBRIS REMOVAL (CAT. A)</u>	<u>Initial</u>
<input type="checkbox"/> First pass FHWA debris removal documentation	_____
<input type="checkbox"/> Proof of disposal site certification	_____
<input type="checkbox"/> Proof of truck load certification	_____
<input type="checkbox"/> Haul and/or disposal site tickets	_____
<input type="checkbox"/> Salvage value statement	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____

<u>INSURANCE</u>	
<input type="checkbox"/> Letter explaining reason for no insurance coverage	_____
<input type="checkbox"/> Letter explaining why did not file insurance claim	_____
<input type="checkbox"/> Insurance policy	_____
<input type="checkbox"/> Insurance claim/filing	_____
<input type="checkbox"/> Insurance deductible & how it applies	_____
<input type="checkbox"/> Insurance approval/denial document	_____
<input type="checkbox"/> Insurance proceeds how applied to each PW	_____

<u>(ANTICIPATED INSURANCE)</u>	
<input type="checkbox"/> Expected application of insurance to each PW	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____

<u>INCIDENTALS</u>	<u>Initial</u>
<input type="checkbox"/> FEMA cost overrun permission	_____
<input type="checkbox"/> Applicant cost underrun explanation	_____
<input type="checkbox"/> FEMA scope of work change permission	_____
<input type="checkbox"/> Other funds explanation letter	_____
<input type="checkbox"/> Duplication of benefits denial certification	_____
<input type="checkbox"/> Interest on advance funds resolution letter	_____

<u>Donated Resources</u>	
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____
<input type="checkbox"/> _____	_____

Note: All initialed items are on file in the in this PW's audit package maintained by the Audit Unit, Standards and Compliance Section, TDEM.



Date:

OVERALL CLAIM SUMMARY

Applicant:

DR:

PW:

Approved:

CAT:

Substantiated:

\$0.00

Note: Substantiated is defined as applicant total costs that are validated by the auditor either by sampling or 100% validation. They do not include any questioned costs.

Funded at:

Obligate:

\$0.00

De-obligate:

\$0.00

Note 1:

Brief explanation of a mismatch between FEMA Approved, Applicant Claimed and TDEM Substantiated.

## Organization Chart

Staffing Pattern during Field Deployment – These boxes may represent individuals, teams or multiple teams depending on the size of the disaster.

The amount of staffing will be scalable and determined using a variety of factors, such as those listed below:

- Size of the disaster
- # of impacted entities
- Size of the response
- # amount of estimated damages
- Sophistication of subgrantees (reference knowledge of grant rules and procedures)
- # of grant programs awarded
- # of categories awarded
- Total # of subgrants awarded
- # of PWs over \$1 million
- # of PWs over \$10 million

ALT GAR – RMS Deputy Assistant Director

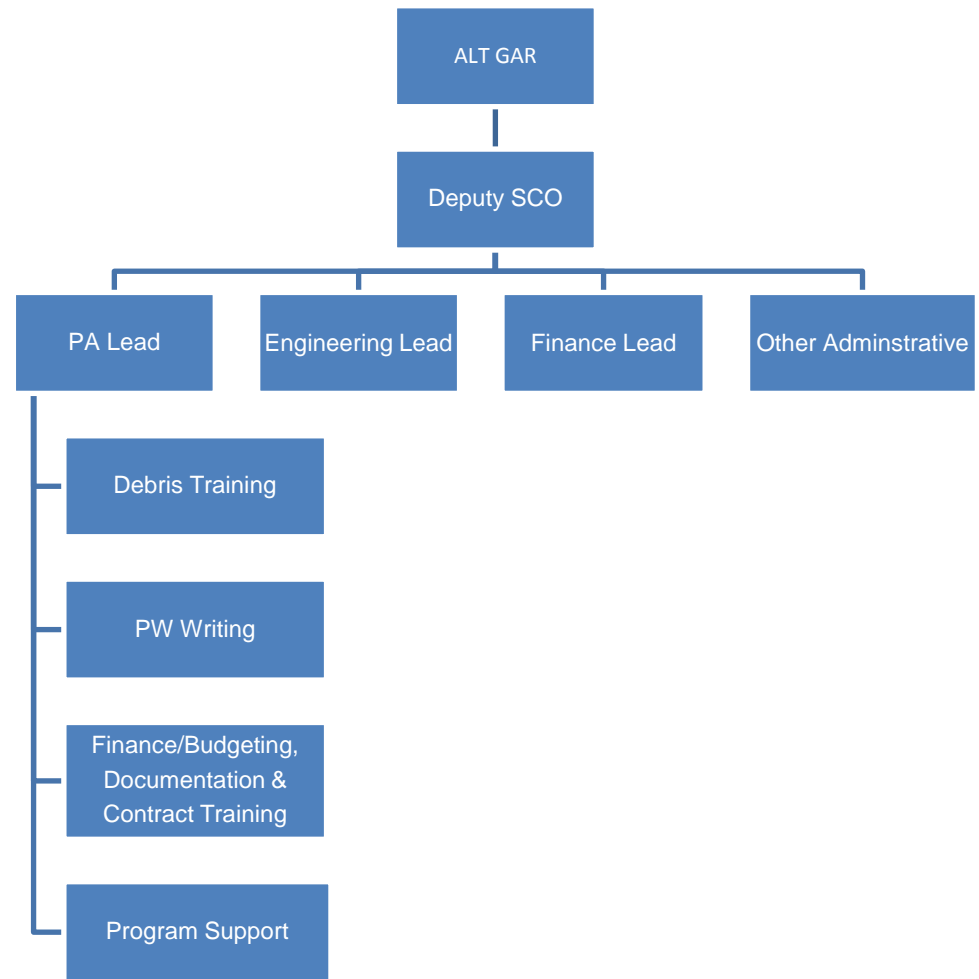
Deputy SCO(s) – Recovery State Coordinator – could also include other RMS SCs if large disaster

Engineering Lead – TDEM Engineer – includes architect, engineer and construction estimating staffing

Finance Lead – Funds Management Section Administrator – includes FMS staff, Field Finance Coordinators and DPS Finance staff

Other Administrative – includes such things as Grant Software administrators and Standards officers

PA Lead – Houston or Austin Recovery Section Administrator – the duties in each of the sections underneath will be performed by ROs, AROs or PSTs and can include both TDEM staff and contractors





ATTACHMENT 13

**[SAMPLE LANGUAGE HARDSHIP FUNDING REQUEST]**

Date:

To: Recovery Officer  
Texas Division of Emergency Management  
P.O. Box 4087  
Austin, Texas 78773-0228

Subject: FEMA XXXX DR TX, Hardship Letter

As a result of the declared disaster, the (jurisdiction name), is in severe financial constraints and is unable fund projects without interim funding from the Division.

(Describe the financial situation of the jurisdiction, i.e. current budget limitations in completing the Project Worksheet(s).

I, (name) attest that (agency) cannot make payment for this Project Worksheet from the available funding without experiencing an economic hardship; therefore I am requesting advance funding for the following PWs:

PW# -

I understand that I will be required to provide TDEM with a spend plan that details phases/processes of the project as well as the estimated project expenses for the phases. Additionally, I understand that once funds are expended I will promptly send to TDEM all supporting documentation related to the expenditures.

Sincerely,

Enclosures:

Funding request  
Spend Plan