

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Monday, April 30, 2012 10:04 AM
To: Ostrum, John; 'Brian.Minns@dhs.gov'
Cc: 'William.H.Chase@fema.dhs.gov'; Curran, Jennifer; O'Sullivan, Robert; Rapaport, Dave; Duchac, Bill
Subject: RE: Submittal - Code Evaluation Report for Objective #2

Thanks for the report John, it was helpful but didn't address the electrical questions I have. I need to know: will the electrical panels need to be elevated by code because they were flooded? and; if not, will the dry flood proofing require the panels to be relocated because of the code requirements re: access? i.e. there will not be enough space to stand in front of the panels because of reduced ceiling height after the floor level is raised by the addition of concrete fill. I'll see what information I can come up with but anything you can provide will be appreciated. Thx, tjb

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM
[REDACTED]

From: Ostrum, John [mailto:John.Ostrum@state.vt.us]
Sent: Tuesday, April 24, 2012 2:23 PM
To: 'Brian.Minns@dhs.gov'
Cc: Brunette, Timothy; 'William.H.Chase@fema.dhs.gov'; Curran, Jennifer; O'Sullivan, Robert; Rapaport, Dave; Duchac, Bill
Subject: Submittal - Code Evaluation Report for Objective #2

Brian -

Attached is the **Waterbury Code Evaluation Report** prepared by Rolf Jensen & Associates dated 3/9/2012. Page 2 of the document is a summary of the applicable codes. This document is submitted to fulfill WSOC Operations Working Group - **Objective #2**. If you count down to my name, it is the 16th item line of Objective #2.

At our 4/23 meeting, Dave Rapaport suggested that each line of the various Objectives be assigned a number. I concur with this suggestion and recommend the group adopt a line numbering system.

John Ostrum
BGS Waterbury Project Manager/Architect
O. [REDACTED]
C. [REDACTED]
E. john.ostrum@state.vt.us

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Thursday, April 26, 2012 4:20 PM
To: Duchac, Bill
Subject: RE: FEMA reimbursement question

I would say they are eligible. However, time limits may apply but we'll see how that goes... Was a time extension granted for the temporary relocation of the Ag Lab? If so it will help the cause.

Paper delivery was lacking except for the latest 7 Days edition. Delivery will resume tomorrow. Safe travels and I'll see you Monday.

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM
[REDACTED]

From: Duchac, Bill [mailto:bill.duchac@state.vt.us]
Sent: Thursday, April 26, 2012 4:05 PM
To: Brunette, Timothy
Subject: Fwd: FEMA reimbursement question

Both qualify I think.

And did you save papers for the week?

Important stuff. See you Monday

Bill Duchac

[REDACTED] Direct
[REDACTED] Mobile
Sent from my iPhone

Begin forwarded message:

From: "Laferriere, Bill" <Bill.Laferriere@state.vt.us>
Date: April 26, 2012 1:44:49 PM EDT
To: "Duchac, Bill" <bill.duchac@state.vt.us>
Cc: "Laferriere, Bill" <Bill.Laferriere@state.vt.us>
Subject: FEMA reimbursement question

Bill,

UVM has requested that the ANR & AGR lab staff leave Jeffords Hall and they are working with us to get them more permanent space in the Hills Building.

This will be for a 3 yr lease and will require \$650K in fit up.

Will FEMA or insurance pay the expense?

Let me know

Bill

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Wednesday, April 25, 2012 5:59 PM
To: Andes, Mary; Hayward, Marie
Cc: Rose, Ben; Minns, Brian; Chase, William H; Duchac, Bill
Subject: RE: FEMA PA costs

Mary,

I'll check with Brian and Bil as I'd like them to attend as well. Can you provide me a list of your questions? Thx, tjb

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM


-----Original Message-----

From: Andes, Mary [mailto:Mary.Andes@state.vt.us]
Sent: Wednesday, April 25, 2012 4:34 PM
To: Hayward, Marie; Brunette, Timothy
Cc: Rose, Ben
Subject: RE: FEMA PA costs

Tim -- Can you meet with me and another finance person on Tuesday May 1st at the JFO? At 1:00 P.M?

Marie --- you are more than welcome to come join us

I have several follow-up questions from your training on allowable admin costs and I need some follow-up time.

Thanks!
Mary Andes
Irene Recovery Office

From: Hayward, Marie
Sent: Wednesday, April 25, 2012 3:50 PM
To: Timothy.Brunette@associates.fema.dhs.gov
Cc: Rose, Ben; Andes, Mary
Subject: FEMA PA costs

Good Afternoon,

I wanted to follow up on an issue from the April 17th FEMA Direct Cost Expense Training. I had a question on federally approved indirect rate. Could you let me know what the policy is on applying a indirect rate to the state's share of Public Assistance.

Thank you,

Marie Hayward
Account Audit Analyst
Vermont Department of Public Safety
Administrative Services Division

103 South Main Street
State Office Complex
Waterbury, VT 05671

W

Fax

marie.hayward@state.vt.us<mailto:marie.hayward@state.vt.us>

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Tuesday, April 24, 2012 3:38 PM
To: Cohen, David
Cc: Chase, William H; Donahey, Richard; Duchac, Bill
Subject: RE: fema expenses
Attachments: 9580_5_PW_fact_sheet.pdf

Hi David,

Thanks for getting back with me and putting your documentation together. You will need to keep all the back-up documentation. I will include a small sample with the PW. I can transfer the information onto a FEMA summary sheet and then include the totals in the PW. Let me know when's a good time to sit down with you and go over what you've put together. If you can provide an electronic copy of your totals, that'd be great as I can fill out the summary sheets ahead of time. If not, it's no big deal and I'll get the information when we meet. Let me know what works best for you and we can go from there. Thx, tjb

PS, I've attached a fact sheet on PW formulation to give you some background information on the PW and hopefully take some of the mystery out of it. Don't worry about the forms that are mentioned, I'll go over those when we meet.

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM


From: Cohen, David [mailto:David.Cohen@state.vt.us]
Sent: Tuesday, April 24, 2012 11:45 AM
To: Brunette, Timothy
Cc: Cohen, David
Subject: FW: fema expenses

Timothy - I know that you are backed up. I have finished what will be the expenditure back up for the mileage for the first project worksheet. Couple of questions:

1. Do you take all of the backup worksheets/expense sheets or do we retain them? The reason for the question is that they measure about 3" high and I only have one copy. If you do take them, I am going to have to make arrangements to have a second copy made.
2. Do you want me to fill in the PW or is that something that we do together. If there is something that I can do to facilitate this, I would be more than willing to do so.

Please let me know. Thanks.

Financial Director III
Department for Children and Families


david.cohen@state.vt.us

From: Lefebvre, Paula
Sent: Tuesday, April 24, 2012 9:50 AM
To: Cohen, David
Cc: Richardson, Joseph; Butts, Carol
Subject: fema expenses

Hello David,

Please let me know when I can bring over the FEMA expense reports. Sorry for any delays...

Sincerely,

Paula

Paula Lefebvre
Financial Specialist III

Mailing Address:

Department for Children and Families
Osgood 1, Business Office
103 So. Main Street
Waterbury, VT 05671-3711

Physical Address:

IBM Complex
Essex Jct., VT


Fax 802-769-2086



FACT SHEET

9580.5

ELEMENTS OF A PROJECT WORKSHEET

Overview

This Fact Sheet outlines the types of and order in which necessary documentation should be compiled to support a Project Worksheet (PW). It will be used to promote consistency in PW preparation by Public Assistance staff nationwide. The provision of timely, thorough, and accurate documentation will facilitate PW uniformity and expedite data entry, Quality Assurance/Quality Control (QA/QC), the obligation of funds, and eventual project closeout. States may require additional documentation applicable to sub-grantees.

PW Documentation

To facilitate efficient review and processing of PWs by Joint Field Office (JFO) staff, PW writers should compile all PW documentation (refer to Figure 1 and subsequent explanations) in the same order. Every PW must contain the required support documentation to substantiate the scope of work being funded. The scope of work documents "*work completed*" and/or "*work to be completed*."

Records for eligible "*work completed*" costs incurred should be included in summary format, and may include: labor, materials from inventory, materials purchased, equipment owned, equipment rented, services purchased (e.g., engineering), labor benefits, labor policies, etc. The format should follow (and must include all of the information indicated on) FEMA Forms 90-123 through 90-128, even if the Applicant elects not to use the FEMA forms. Source documentation, such as copies of time sheets, payroll records, and invoices should not be attached to a PW; instead, the PW writer should sample and note in the general comments section the percentage of source documents verified and percentage of errors. However, source documentation must be available for final closeout, audits, or other required follow-up actions. An Applicant is responsible for maintaining support documentation per 44 CFR Part 13.

Records for "*work to be completed*" should include detailed information that supports the estimated costs.

ELEMENTS OF A PROJECT WORKSHEET

Documentation for the PW should be compiled in the following order:

1. **Project Worksheet Cover – FEMA Form 90-91.** The PW is the primary form used to document the project and includes the location, damage description and dimensions, scope of work, and cost estimate for each project.
 - a. *Location*
 - i. Identifies location of all damages using addresses and/or proximity to landmarks.
 - ii. Includes latitude and longitude of the project, if known.
 - b. *Damage Description*
 - i. Describes the damage, including the cause of the damage.
 - ii. Quantifies specific disaster-related damages or emergency services provided.
 - iii. Quantifies specific non-disaster-related damages, if applicable.
 - c. *Scope of Work*
 - i. Describes the work necessary to remove and dispose of disaster-related debris, conduct emergency response measures, or repair or replace a disaster-damaged facility to pre-disaster condition.
 - ii. Documents the percentage of "work completed" and/or "work to be completed."
 - iii. Describes the basis for the cost estimate.
 - iv. Quantifies eligible costs.
 - v. Describes any Special Considerations that affect the scope of work.
 - vi. Documents ineligible work and associated costs.
 - d. *Cost Estimate*
 - i. Summarizes actual costs incurred or expected for the project.
 - ii. Identifies unit prices.
 - iii. Documents total project cost.
2. **Damage Description and Scope of Work Continuation Sheet – FEMA Form 90-91A.** Used, if necessary, to expand the PW blocks for damage quantities and description, scope of work, and cost extensions.
3. **Project Worksheet – Cost Estimating Continuation Sheet – FEMA Form 90-91B.** Includes Cost Estimating Format (CEF) worksheets for large permanent work projects. If the CEF is not applicable, the basis for the cost estimate should be clearly denoted in the scope of work.

ELEMENTS OF A PROJECT WORKSHEET

4. **Special Considerations Questions** – FEMA Form 90-120.
5. **Hazard Mitigation Proposal (HMP)** – FEMA Form 90-61. Hazard mitigation applies to Categories C through G. In addition to the HMP itself, the proposal should include any documentation supporting the recommendation.
6. **Force Account Labor Summary Record** – FEMA Form 90-123.
7. **Applicant's Benefits Calculation Worksheet** – FEMA Form 90-128.
8. **Force Account Equipment Summary Record** – FEMA Form 90-127.
9. **Rented Equipment Summary Record** – FEMA Form 90-125.
10. **Materials Summary Record** – FEMA Form 90-124.
11. **Contract Work Summary Record** – FEMA Form 90-126.
12. **Contract Documentation** – Minimum documentation for contracted work should include: contract cover sheet or sheets, those portions of the contract defining principal parties, units of work bid, unit costs, and any other contract stipulations affecting scope of work or costs. Any addendums or extra work orders should be included, as well as procurement documentation indicating scope of work of the contract, number of bidders, and unit cost or lump sum bid by each bidder. If a bidder is disqualified, include an explanation. Frequently, a large portion of the contract defines general conditions. This portion of the contract is not required as an attachment, but should be maintained by the Applicant as source documentation.
13. **Insurance Information** – Attach only the information specific to the PW. This may include the Detailed Adjuster's Report, Statement of Loss, binders, settlement offers, insurance estimates, technical/engineering reports prepared by insurance company or adjuster, etc. In cases where several projects are covered by the same insurance policy, the information should be cross-referenced in the PW and the policy maintained in the Applicant's central file.
14. **Project Worksheet Maps and Sketches Sheet** – FEMA Form 90-91C. Used, as needed, to illustrate disaster-related damages, completed work, and proposed repairs. Limit attachments to 8.5 x 11-inch pages. If pages larger than 8.5 x 11 inches are required, they should be identified in the PW (title, date, preparer, number of sheets, etc.). Include a copy of the Flood Insurance Rate Map (FIRM) location and other site location maps.
15. **Project Worksheet Photo Sheet** – FEMA Form 90-91D. Used, as necessary, to illustrate and describe general project site conditions, disaster related damages, site irregularities, conditions relating to

ELEMENTS OF A PROJECT WORKSHEET

damaged elements, facility identification (e.g., front gate or building signs), and completed work, or to demonstrate the presence of an immediate threat.

16. **Other Documentation** – Other information as required (e-mails, communications, etc.).
17. **Do Not Copy/Scan Sheet** – Back up documentation behind this sheet is not scanned into the database.
18. **Materials Back up Documentation** – If applicable, may include:
 - a. Engineering/technical reports that were considered in eligibility determinations. Reference such reports in the PW's scope of work by title, subject, date, preparer, pages, etc.
 - b. Source documentation sampled by the PW writer, such as copies of time sheets, payroll records, and invoices.
 - c. Applicable codes and standards, if a code upgrade is triggered. A copy of the code/standard, a copy of the legal action (resolution, ordinance, etc.) formally adopting the code/standard, and/or amendments or annexes to the code/standard should be submitted and referenced in the PW scope of work.
 - d. Lease or rental agreements for facilities rented *by* an eligible Applicant or rented *to* an eligible Applicant. If insurance is required as part of the agreement, refer to the insured item.
 - e. Facility maintenance records are required for: roads (if condition or usage is questionable), engineered channels (other than flood control works), debris basins and reservoirs where debris removal is contemplated, beaches where repair to an engineered beach is contemplated, and other facilities requiring maintenance to ensure proper function or that capacity has been maintained.
 - f. Facility inspection/safety reports for bridges.
 - g. Mutual aid agreements (referenced in the body of the PW).

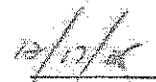
For more information on writing and compiling documentation for a PW, please refer to FEMA's *Public Assistance Program Project Worksheet Development Guide*.



Carlos J. Castillo

Assistant Administrator

Disaster Assistance Directorate



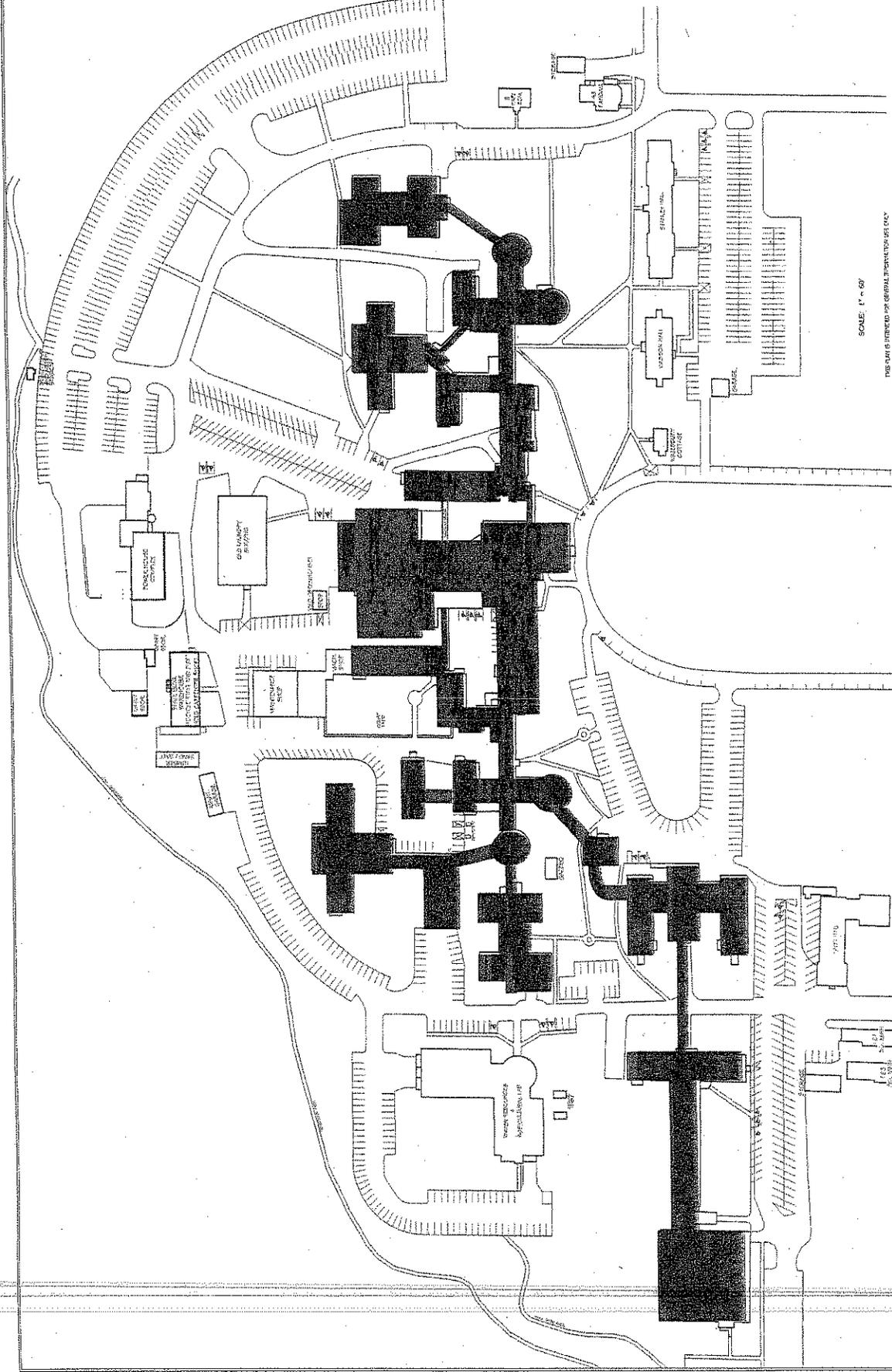
Date

Attachment

ELEMENTS OF A PROJECT WORKSHEET

Attachment

ELEMENTS OF A PROJECT WORKSHEET	Attached	
	Yes	No
1. Project Worksheet Cover – FEMA Form 90-91		
2. Damage Description and Scope of Work Continuation Sheet – FEMA Form 90-91A		
3. Project Worksheet – Cost Estimating Continuation Sheet – FEMA Form – 90-91B		
4. Special Considerations Questions – FEMA Form 90-120 (as applicable)		
5. Hazard Mitigation Proposal – FEMA Form 90-61 (as applicable)		
6. Force Account Labor Summary Record – FEMA Form 90-123		
7. Applicant’s Benefits Calculation Worksheet – FEMA Form 90-128		
8. Force Account Equipment Summary Record – FEMA Form 90-127		
9. Rented Equipment Summary Record – FEMA Form 90-125		
10. Materials Summary Record – FEMA Form 90-124		
11. Contract Work Summary Record – FEMA Form 90-126		
12. Contract Documentation		
13. Insurance Information		
14. Project Worksheet Maps and Sketches Sheet – FEMA Form 90-91C		
15. Project Worksheet Photo Sheet – FEMA Form 90-91D		
16. Other Documentation		
17. Do Not Copy/Scan Sheet		
18. Materials Back up Documentation		



SCALE: 1" = 50'
 THIS PLAN IS INTENDED TO BE USED IN CONJUNCTION WITH THE CITY OF WATERBURY ZONING ORDINANCE.

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Tuesday, April 24, 2012 12:06 PM
To: Hall, Heidi
Cc: Donahey, Richard; Giffin, Jim; Duchac, Bill; Chase, William H; Thompson, Shannon; Reed, Frank; Pope, Aimee; Rose, Ben
Subject: RE: Opps...

Hi Heidi,

Just to be clear... While only the OT costs for Force Account labor are FEMA eligible for the temporary relocation PWs (emergency work) we will need to identify all costs associated with having to relocate out of Waterbury (FEMA eligible & ineligible) for all departments. This is for insurance purposes and for the Benefit Cost Analysis (BCA) FEMA will develop to (hopefully) support the permanent relocation of the VSH and Boiler House.

We can count both FEMA eligible and ineligible costs for the BCA calculations which will be used to determine if it is cost-effective for FEMA to permanently relocate the VSH and/or the Boiler House.

Please let me know if I've confused the issue and/or if you have any questions... thx, tjb

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM


From: Hall, Heidi [mailto:Heidi.Hall@state.vt.us]
Sent: Wednesday, April 18, 2012 9:23 AM
To: Brunette, Timothy
Cc: Donahey, Richard; Giffin, Jim; Duchac, Bill; Chase, William H; Thompson, Shannon; Reed, Frank
Subject: RE: Opps...

Thank you Tim. This is very helpful in continuing to develop the "lense" for which I view possible eligible expenses.

Heidi Hall
Financial Director II, DMH
 office
- cell

From: Brunette, Timothy [mailto:Timothy.Brunette@associates.fema.dhs.gov]
Sent: Wednesday, April 18, 2012 8:05 AM
To: Hall, Heidi
Cc: Donahey, Richard; Giffin, Jim; Duchac, Bill; Chase, William H
Subject: Opps...

Hi Heidi,

Yesterday Jim pointed out that I provided you with incorrect information re: the costs related to programming the space at Morrisville. While the work is eligible, the costs are subject to the rules for emergency work; i.e. only overtime is eligible for the force account labor used to perform the work.

Sorry for the confusion and not thinking this thru before passing on the FEMA advice. However, material and equipment (mileage) costs associated with the work are eligible. Straight time and OT are only eligible if the work was done by a contractor or temporary employee. Please accept my apologies and let me know if you have any other questions. Thx,
tjb

Timothy J Brunette (CTR)
Project Specialist
Technical Assistance Contractor, AECOM
FEMA-DR-4022-VT


Timothy.brunette@associates.fema.dhs.gov

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Thursday, April 19, 2012 5:10 PM
To: Giffin, Jim
Cc: Duchac, Bill; Rousseau, Paul; Rose, Ben; Chase, William H; Andes, Mary; Pope, Aimee
Subject: Force Account Labor - OT & Regular time
Attachments: 9525_7._Emg_Work.pdf

Jim,

Here's some information to follow up with our discussion this afternoon. My comments are in red. Please let me know if you have any questions. Thx, tjb

44 CFR §206.228(a)(2) **Force Account Labor Costs**. The straight- or regular-time salaries and benefits of a subgrantee's permanently employed personnel are not eligible in calculating the cost of eligible work under sections 403 and 407 of the Stafford Act, 42 U.S.C. 5170b and 5173. For the performance of eligible permanent restoration under section 406 of the Act, 42 U.S.C. 5172, straight-time salaries and benefits of a subgrantee's permanently employed personnel are eligible.

See below from the PA Guide which can be found at
http://www.fema.gov/government/grant/pa/pag07_2.shtm#Work

Labor

Force account labor is defined as labor performed by the applicant's employees, rather than by a contractor. Force account labor costs associated with the conduct of eligible work may be claimed at an hourly rate. Labor rates include actual wages paid plus fringe benefits paid or credited to personnel. Different eligibility criteria apply to labor rates for different kinds of employees and work, as described below.

Permanent Employees. For debris removal and emergency protective measures (includes temporary relocation PWs), only overtime labor is eligible, regardless of normal duties or assignments. (See FEMA Policy 9525.7, Labor Costs - Emergency Work.)

For permanent work, both regular time and overtime are eligible. Regular time of permanent employees who are funded from an external source (e.g., by a grant from a Federal agency, statutorily dedicated funds, or rate payers) to work on specific non-disaster tasks is an eligible cost when the employee is performing emergency work. Overtime or compensatory time for "exempt" employees is not eligible, except where written policies allow for it, and cannot be contingent upon Federal funding. The costs of salaries and benefits for individuals sent home or told not to report due to the emergency conditions are not eligible for reimbursement. (((However, extraordinary costs for essential employees who are called back to duty during administrative leave to perform disaster-related emergency work are eligible if the procedures were provided for in a written policy prior to the disaster.))) - This applies to folks who were called back to work when the rest of the State employees were sent home and/or paid not to report.

Regular Time and Overtime. For debris removal and emergency protective measures (includes temporary relocation PWs), only overtime labor is eligible for permanent employees, regardless of normal duties or assignments. For permanent work, both regular time and overtime are eligible for all employees. Policies for payment of overtime or premium pay must be reasonable and not be contingent on Federal funding. The policy must have set criteria for its activation and not be open to the discretion of management.

Section 324, Direct Admin Costs (DAC) for the work to assemble the PWs; both OT & regular time are eligible regardless of the category of the PW (emergency work or permanent work) if the work is directly related to production of the PW.

See http://www.fema.gov/pdf/government/grant/pa/9525_9.pdf

Timothy J Brunette (CTR)
Project Specialist
Technical Assistance Contractor, AECOM
FEMA-DR-4022-VT


Timothy.brunette@associates.fema.dhs.gov

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Thursday, April 19, 2012 3:34 PM
To: Duchac, Bill
Subject: FW: Copies of handouts for DAC
Attachments: 9525_9_DAC_highlight.pdf; 9525_6_PM_Costs.pdf; 9525_9_DAC_activity_list.pdf; 9525_9_DAC_costs_memo.pdf

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM
[REDACTED]

From: Brunette, Timothy
Sent: Wednesday, April 18, 2012 3:29 PM
To: Rose, Ben
Cc: 'Andes, Mary'; Pope, Aimee
Subject: FW: Copies of handouts for DAC

Hi Ben,

Per your request, please find electronic copies of the handouts from yesterdays briefing. All of the FEMA policies can be found at <http://www.fema.gov/government/grant/pa/9500toc.shtm>

OMB Policies and the 44 CFR can be found at <http://www.fema.gov/government/grant/pa/resources.shtm>

I'm glad folks found the information helpful and I appreciate the opportunity to be of service. Thx, tjb

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM
[REDACTED]

From: Brunette, Timothy
Sent: Monday, April 16, 2012 5:30 PM
To: Whitton, Kelli; Curran, Jennifer
Subject: Copies of handouts for DAC

Hi Kelli & Jennifer,

Sorry for the short notice but can you please provide copies of the attached documents for the class? I suggest 2-sided not in color except for 9525.9 DAC highlight (if possible, if not; B&W will do). Check with Amiee Pope and/or Mary Andes is you need to know how many folks are planning on attending. Thx, tjb

Timothy J Brunette (CTR)
Project Specialist
Technical Assistance Contractor, AECOM

FEMA-DR-4022-VT
[REDACTED]



FEMA

Section 324 Management Costs and Direct Administrative Costs

Disaster Assistance Policy 9525.9

I. **TITLE:** Section 324 Management Costs and Direct Administrative Costs

II. **DATE:** March 12, 2008

III. **PURPOSE:**

The purpose of this policy is to identify section 324 management costs and other grant management and administrative costs that are eligible under the Public Assistance (PA) Program and to clarify the process through which grantees and subgrantees can request reimbursement for these costs.

IV. **SCOPE AND AUDIENCE:**

The policy is applicable to all major disasters and emergencies declared on or after November 13, 2007. It is intended for personnel involved in the administration of the PA Program.

V. **AUTHORITY:**

Section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5165b, and 44 Code of Federal Regulations (CFR) Part 13, §206.207, §206.228, and Part 207.

VI. **BACKGROUND:**

The Disaster Mitigation Act of 2000 (P.L. 106-390) amended the Stafford Act by adding section 324 "Management Costs." In that section, Congress directed the Federal Emergency Management Agency (FEMA) to promulgate regulations that establish management cost rates and require that until the management cost regulation is published the associated expense percentages in section 406(f) of the Stafford Act apply to management costs. On October 11, 2007, FEMA published the *Management Costs* interim final rule (72 FR 57869) that established the management costs rates for emergencies and major disasters. The interim final rule went into effect on November 13, 2007. With publication of the interim final rule, section 406(f) of the Stafford Act, *Associated Expenses*, does not apply to disasters and emergencies declared on or after November 13, 2007.

VII. **POLICY:**

A. **Definitions:**

1. *Chief Financial Officer* (CFO) is the senior financial FEMA representative.
2. *Direct Administrative Costs* are costs incurred by the grantee or subgrantee that can be identified separately and assigned to a specific project. (See 44 CFR §207.6 (c)) In accordance with OMB Circular No. A-87, treatment of direct costs must be consistent across all Federal awards and other activities of the grantee or subgrantee. Such costs can include staff's time to conduct an initial inspection, prepare and submit a Project Worksheet (PW), and make interim and final

inspections of the project.

3. *Indirect Costs* are costs a grantee or subgrantee incurs for a common or joint purpose benefiting more than one cost objective that are not readily assignable to the cost objectives specifically benefited. (See 44 CFR §207.2)
4. *Lock-in* is the amount of management cost funds available to a grantee for a particular major disaster or emergency. (See 44 CFR §207.2)
5. *Management Costs* are any indirect costs, administrative expenses, and any other expenses that a grantee or subgrantee reasonably incurs in administering and managing the PA grant that are not directly chargeable to a specific project. (See 44 CFR §207.2)
6. *Pass-through funds* are the percentage or amount of management costs that the grantee determines it will make available to subgrantees. (See 44 CFR §206.207(b)(1)(iii)(K))

B. Eligibility:

1. Only PA grantees with PA grants awarded pursuant to major disasters and emergencies declared by the President on or after November 13, 2007, are eligible to apply to FEMA for section 324 management costs.
2. FEMA will reimburse section 324 management costs on a category Z PW in an amount not to exceed 3.34 percent of the Federal share of projected eligible program costs, not including direct Federal assistance, for major disaster declarations and 3.90 percent of the Federal share of projected eligible program costs, not including direct Federal assistance, for emergency declarations. The amount of funding available for section 324 management costs cannot exceed the amount as calculated in accordance with 44 CFR §207.5(b)(4).
3. Requests for and documentation of section 324 management costs must comply with 44 CFR Part 207 and be addressed in the grantee's approved State Administrative Plan for PA. (See 44 CFR §206.207(b))
4. In addition to section 324 management costs, FEMA will reimburse direct administrative costs incurred by grantees and subgrantees that are properly documented and directly chargeable on a PW for a specific project. Actual costs must be reasonable for the work performed and accounted for in accordance with 44 CFR §13.22 - Allowable Costs. (See 44 CFR §207.6(a) and (c)) A cost cannot be assigned to a PA project as a direct administrative cost if similar costs incurred for the same purpose in like circumstances have been allocated to indirect costs.
5. Although grantees and subgrantees are responsible for the grant management and administrative requirements in 44 CFR parts 13, 206, and 207, grantees and subgrantees are not required to request section 324 management costs, nor are they required to seek reimbursement for direct administrative costs.

C. Section 324 Management Costs:

1. An approved State Administrative Plan must be on file with FEMA before PA grants will be approved. (See 44 CFR §206.207(b)(3))
2. The grantee must amend its State Administrative Plan to include procedures for determining the reasonable amount or percentage of section 324 management costs that it will pass-through to the subgrantee, as well as closeout and audit procedures before FEMA will obligate any section 324 management costs. (See 44 CFR §207.4(c) and §207.7(b)) It is entirely up to the State to determine how much if any management costs it will pass-through to the subgrantee. FEMA has not established any minimum or maximum for what constitutes a reasonable amount.
3. If a State and Native American Tribe both serve as grantees, then each is eligible for section 324 management costs. (See 44 CFR §207.2)
4. The CFO determines the lock-in amount for section 324 management costs at 30 days (preliminary lock-in), six months (interim lock-in), and 12 months (final lock-in) from the date of the declaration. (See 44 CFR §207.5(b))
 - a. The lock-in amount is 100 percent Federally funded.
 - b. The lock-in amount is capped at \$20 million for a single declaration, unless the CFO approves an exception. (See 44 CFR §207.2 and §207.5(d))
 - c. The CFO informs the Regional Office of the lock-in amount and the Regional Office informs the grantee of the lock-in amount.
5. In order to receive section 324 management costs funding, the grantee must request it upon notification of the preliminary lock-in (initial funding request) and upon notification of the final lock-in (final funding request). (See 44 CFR §207.7(c) and (f)) The grantee may request interim funding upon notification of the interim lock-in (interim funding request). (See 44 CFR §207.7(e))
6. The grantee will submit its initial section 324 management costs funding request to the Regional Administrator using a PA PW. Upon receipt of the PW and in accordance with 44 CFR §207.7(b) and (c), the Regional Office will obligate 25 percent of the estimated lock in amount. (See 44 CFR §207.5(b)(1) and 44 CFR §207.6(c)) To simplify processing and tracking, *Standard Project 853- Section 324 Management Costs* has been established in the National Emergency Information Management System (NEMIS) and the Emergency Management Mission Integrated Environment (EMMIE). The PW will be processed under category Z.
7. The grantee must abide by the requirements of 44 CFR §207.7(d). The grantee must submit documentation no later than 120 days after the date of the declaration to support costs and activities for which the projected lock-in amount will be used.
 - a. The documentation must include:
 - i. A description of activities, personnel requirements, and other costs for which the grantee will use section 324 management costs funding throughout the disaster;

- ii. The grantee's plan for expending and monitoring the funds provided and ensuring sufficient funds are budgeted for grant closeout; and
 - iii. An estimate of the reasonable percentage or amount of pass-through funds the grantee will make available to subgrantees, including the basis, criteria, or formula for determination.
 - b. In extraordinary circumstances, the grantee may request to submit the required documentation after 120 days. The request for additional time must be made to the Regional Administrator within the 120-day period. The Regional Administrator will respond to the time extension request within 30 days.
 - c. The Regional Office will approve or reject the documentation for eligible costs and activities within 30 days of receiving it.
 - d. If documentation is rejected, the grantee will have 30 days from the date of the rejection letter to resubmit it for reconsideration and approval. The Regional Office will not obligate the balance of the section 324 management costs lock-in until the grantee's documentation is approved.
8. If the grantee can justify a bona-fide need for an interim obligation at six months, the grantee may submit a request to the Regional Administrator. An interim obligation will not exceed 10 percent of the six-month lock-in amount. The grantee will submit written justification, including a version/amendment of the section 324 management costs PW, to the Regional Administrator. The Regional Administrator will forward his/her recommendation to the CFO for approval. (See 44 CFR §207.5(d) and §207.7(e))
9. After notification of the final lock-in amount, the grantee must submit a final section 324 management costs request, including a version/amendment of the section 324 management costs PW, to the Regional Administrator. The Regional Office will make the final obligation of the remaining lock-in funding. (See 44 CFR §207.7(f)) The grantee should drawdown these funds in accordance with 44 CFR §13.21 - *Payment*.
10. Final payment of section 324 management costs is based on actual costs incurred.
11. The grantee can submit a written request to the Regional Administrator to change the amount of the lock-in or the cap, or the time at which lock-in amount is determined. The Regional Administrator will forward his/her recommendation to the CFO for approval. (See 44 CFR §207.5(d))
12. The grantee can expend section 324 management costs funds for allowable costs for a maximum time of (See 44 CFR §207.8(b)(1) and (2)):
 - a. Eight years from the date of a major declaration, or 180 days after the latest performance period of a non-management cost PA PW, whichever is sooner.
 - b. Two years from the date of an emergency declaration, or 180 days after the latest performance period of a non-management cost PA PW, whichever is sooner.

13. The grantee can submit a written justification for an extension on the period of availability to the Regional Administrator. The Regional Administrator will forward his/her recommendation to the CFO for approval. The additional time is limited to no more than 180 days after the expiration of any performance period extensions granted under PA for project completion of a non-management cost PA PW. (See 44 CFR §207.8(b)(3))
14. FEMA will de-obligate any funds not liquidated by the grantee in accordance with 44 CFR §13.23. (See 44 CFR §207.8(b)(3))
15. The grantee must provide section 324 management cost quarterly progress reports to the Regional Administrator. (See 44 CFR §207.8(c))

D. Direct Administrative Costs:

1. Direct administrative costs include costs that can be tracked, charged, and accounted for directly to a specific project, such as staff time to complete field inspection and preparation of a PW. Direct costs are limited to actual reasonable costs incurred for a specific project. Such costs will be considered project costs.
2. A grantee or subgrantee cannot direct charge costs to a PA project that are considered indirect costs for any other Federal award or activity of the grantee or subgrantee or if similar costs incurred for the same purpose in like circumstances have been allocated to indirect costs. (See OMB Circular No. A-87, Attachment A.) Indirect costs are considered to be eligible section 324 management costs.
3. If a project is completed when the PW is prepared, actual direct administrative costs (labor, equipment, or other expenses) will be included in the PW for the subgrantee and the grantee's direct administrative costs will be included in separate category Z PW (See D.7). The summary of the actual costs will be attached to the PW.
4. If a project is not completed when the PW is prepared, an estimate of direct administrative costs that can be separately identified to the project will be included in the PW. An estimate of direct administrative costs, such as labor and equipment costs and other expenses, will be attached to the PW. These estimated costs cannot be based on a percentage of project costs.
5. Direct administrative costs are cost-shared at the prevailing cost-share rate for the declaration. They are cost-shared because they are part of a specific project.
6. Subgrantee:
 - a. The following text should be entered into each project's scope of work to describe the subgrantee's direct administrative costs:
"The subgrantee is requesting direct administrative costs that are directly chargeable to this specific project. Associated eligible work is related to administration of this PA project only and in accordance with 44 CFR §13.22. These costs are treated consistently and uniformly as direct costs in all Federal awards and other subgrantee activities and are not included in

any approved indirect cost rates."

- b. The following **line item cost code** should be entered in the project cost: **"9901 - DIRECT ADMINISTRATIVE COSTS (SUBGRANTEE)"**
- c. Final payment of direct administrative costs on large projects will be based on actual costs incurred, in accordance with 44 CFR §206.205(b).
- d. Final payment of direct administrative costs on small projects will be paid to the grantee upon approval, in accordance with 44 CFR §206.205(a).

7. Grantee:

- a. The grantee may document its direct administrative costs on a separate category Z PW for each project. The grantee will not claim direct administrative costs for multiple individual projects on a single category Z PW.
- b. Each direct administrative cost category Z PW will use the **Standard Project 854 Direct Administrative Costs (Grantee)**.
- c. The scope of work should include the subgrantee's name, PA ID number, and cross reference to the associated work project PW.
- d. The following text should be entered into the project's scope of work:
"The grantee is requesting direct administrative costs that are directly chargeable to this specific project. Associated eligible work is related to administration of this PA project only and in accordance with 44 CFR §13.22. These costs are treated consistently and uniformly as direct costs in all Federal awards and other grantee activities and are not included in any approved indirect cost rates."
- e. The following **line item cost code** should be entered in the project cost as a lump sum costs: **"9902 - DIRECT ADMINISTRATIVE COSTS (GRANTEE)"**
- f. Final payment of direct administrative costs on large projects will be based on actual costs incurred, in accordance with 44 CFR §206.205(b).
- g. Final payment of direct administrative costs on small projects will be paid to the grantee upon approval, in accordance with 44 CFR §206.205(a).
- h. A category Z PW with an estimate less than \$1,000 is not eligible.

VIII. **RESPONSIBLE OFFICE:** Disaster Assistance Directorate (Public Assistance Division).

IX. **SUPERSESSION:** Not applicable.

X. **ADDITIONAL INFORMATION:** Copies of this policy, the Management Costs interim rule, all public comments received, and additional information may be found on the docket for the Management Costs rulemaking. The docket can be found at www.regulations.gov under

Docket ID: FEMA-2006-0035.

XI. **REVIEW DATE:** This policy will be reviewed, but will not automatically terminate, 3 years from date of publication or upon publication on the Management Costs final rule.

//signed//

Carlos J. Castillo,
Assistant Administrator
Disaster Assistance Directorate

Disaster Assistance Policy 9525.9 - Section 324 Management Costs and Direct Administrative Costs (PDF 2.58 MB)

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Wednesday, April 18, 2012 6:50 PM
To: Giffin, Jim
Cc: Duchac, Bill; Donahey, Richard; Chase, William H; Minns, Brian; Rose, Ben
Subject: RE: Opps...

Jim,

Let's set up a meeting so we can get clear on what costs can be claimed where...

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM
[REDACTED]

From: Giffin, Jim [mailto:Jim.Giffin@state.vt.us]
Sent: Wednesday, April 18, 2012 9:01 AM
To: Brunette, Timothy
Cc: Duchac, Bill; Donahey, Richard
Subject: RE: Opps...

Timothy

Thanks for yesterday.

So what I learned new yesterday (that maybe I should have understood, but didn't) was that cost for State employees working on a temporary Irene PW are part of the State's allowed 3.34% direct administrative cost. Not correct. Only OT costs for time spent by Force Account employees on Temporary Relocation PWs if that time can be directly attributed to a specific PW. Contract employees and temporary employees can charge OT & straight time. The 3.34% allowance is for indirect costs (management costs). Direct Admin Costs (DAC) are not capped. The only exception would be State employee Overtime that could be charged as a direct PW expense.

The State (Grantee) is getting 3.34% for indirect ad min costs but they are not sharing any of that money with the sub-grantees (Applicants) See- http://www.fema.gov/government/grant/pa/9525_9.shtm for the policy

However, State employees regular time (and OT) working on a permanent Irene PW are allowed to charge those expenses directly to the PW and they would (be eligible as DAC) not be part of the direct administrative expense.

Correct?

If the above is correct then the only permanent PW's I see looking at list of potential AHS PW's are:

VSH replacement (new acute care building) yes and no (Rochester Cemetery internment=
emergency work).

Do you agree with my statements above and what you think are permanent PW's.

The work described below appears to be emergency work except where noted

DAIL OT, Mileage

DMH First 48 hour emergency response VSH MH

DMH Relocation expenses paid by VSH/MH.

DMH Brattleboro Retreat Renovations.

DMH Rutland Regional Medical Center.

DMH State Run Acute Inpatient Facility.

DMH Brattleboro Retreat. Emergency inpatient rental

DMH Fletcher Allen Health Care emergency inpatient rental

DMH Rutland Regional Medical Center emergency inpatient rental

DMH Forensics

DMH Sheriff's Transport

DMH Food = permanent work

DMH Pharmaceutical = permanent work

DMH Purchase of lost supplies and fixtures = permanent work

DMH Hotel Cost

DMH Lost inventory not replaced = permanent work

DMH Morrisville fit up

DOC Misc.??

DOC Costs associated with Emergency Closing ? could be increased operating expense

CO OT, Mileage

CO BO reporting

DCF Mileage

DCF Second call center move

VDH Rochester reinterment (OT, contractor costs, mileage, etc.)

VDH HOC (OT, mileage, and other operating costs less Federal Grant funds already claimed) /

Jim

[REDACTED]

From: Brunette, Timothy [<mailto:Timothy.Brunette@associates.fema.dhs.gov>]

Sent: Wednesday, April 18, 2012 8:05 AM

To: Hall, Heidi

Cc: Donahey, Richard; Giffin, Jim; Duchac, Bill; Chase, William H

Subject: Opps...

Hi Heidi,

Yesterday Jim pointed out that I provided you with incorrect information re: the costs related to programming the space at Morrisville. While the work is eligible, the costs are subject to the rules for emergency work; i.e. only overtime is eligible for the force account labor used to perform the work.

Sorry for the confusion and not thinking this thru before passing on the FEMA advice. However, material and equipment (mileage) costs associated with the work are eligible. Straight time and OT are only eligible if the work was done by a contractor or temporary employee. Please accept my apologies and let me know if you have any other questions. Thx,
tjb

Timothy J Brunette (CTR)

Project Specialist

Technical Assistance Contractor, AECOM

FEMA-DR-4022-VT

[REDACTED]
Timothy.brunette@associates.fema.dhs.gov

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Wednesday, April 18, 2012 7:56 AM
To: Flood, Patrick
Cc: Clasen, Michael; Duchac, Bill; Chase, William H
Subject: RE: Work project for Morrsville

Thanks Patrick,

A project narrative, the contract and costs for the fit-up will be a good start. Operations costs are not eligible though. The information re: the traffic light instalation will be helpful as well. Thx, tjb

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM


From: Flood, Patrick [<mailto:Patrick.Flood@state.vt.us>]
Sent: Tuesday, April 17, 2012 4:35 PM
To: Brunette, Timothy
Cc: Clasen, Michael; Duchac, Bill
Subject: Work project for Morrsville

Tim – by now you are probably aware of our plans to open an 8 bed temporary hospital in Morrsville until such time as the new state owned and operated facility in Berlin opens.

I don't believe you have received a project description for that to include in our FEMA application. However, I can put one together pretty quickly. I am writing to ask if there is a format or key information you need. I assume project narrative, capital and operations costs. Let me know and I will get you something by COB on Friday.

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Tuesday, April 17, 2012 2:01 PM
To: Donahey, Richard
Cc: Duchac, Bill; Giffin, Jim
Subject: RE: Dog bone

No, as long as the function and capacity remain the same...

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM
[REDACTED]

From: Donahey, Richard [mailto:Richard.Donahey@state.vt.us]
Sent: Tuesday, April 17, 2012 1:57 PM
To: Brunette, Timothy
Cc: Duchac, Bill; Giffin, Jim
Subject: Dog bone

Hi Tim,

After sitting in on yesterday's call and listening to the issues surrounding the definition of the "dog bone", we're wondering if a similar building vs. facility definition may affect the VSH replacement PWs given the locations for acute care under the new model.

Thanks,

Rich

Richard Donahey, MPA
Financial Director
AHS Central Office Fiscal Operations
208 Hurricane Lane, Williston, VT 05495
richard.donahey@state.vt.us
O: [REDACTED]

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Thursday, April 12, 2012 4:43 PM
To: Duchac, Bill; Ostrum, John; Clasen, Michael; Rose, Ben; Minter, Sue; Nagy, Ross
Cc: Chase, William H; Minns, Brian; Whitton, Kelli; O'Sullivan, Robert
Subject: Dog Bone Definition - Determination
Attachments: Waterbury Site Plan.pdf; Dog Bone Map 04122012.pdf

All,

Please find a map of the structures at the WSOC that make up the Dog Bone building and a site plan for reference. These are provided as a starting point for discussion.

FEMA (Chase & Brunette) and the State (Ostrum & Duchac) have agreed on this definition (structures in red). Consensus from the State re: this determination (definition) is desired and will help move the 406 HMP and PW writing process forward without further ado.

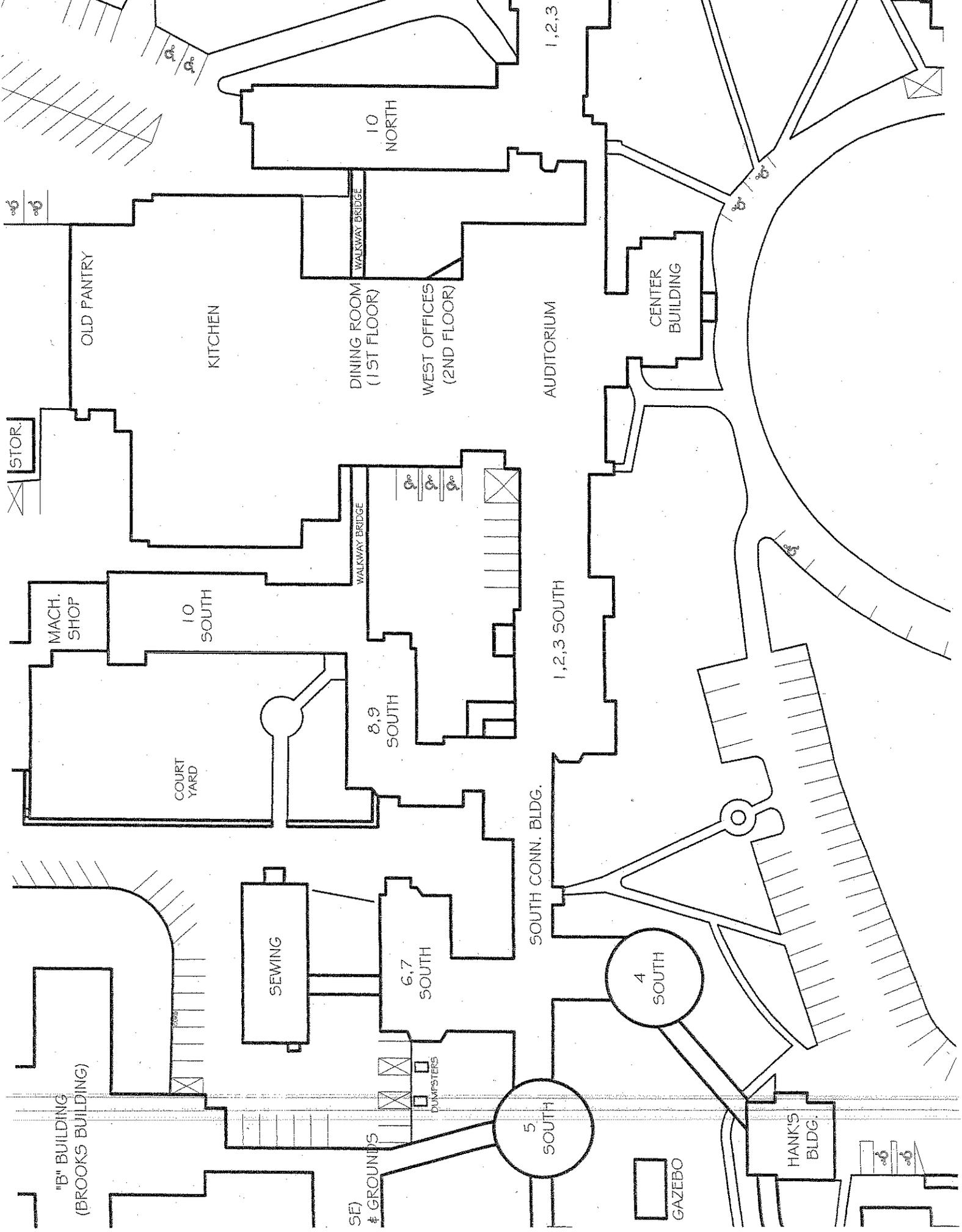
If changes are requested, let's set a time to get together so FEMA and the State can hopefully agree on the definition of the behemoth known as the Dog Bone.

The question (determination) of all buildings and infrastructure at the WSOC being treated as a single facility is being addressed independently of the Dog Bone definition (determination). The Dog Bone (in whatever configuration) is just one building of many that is being addressed in the ongoing research and analysis process being used to formulate a determination by FEMA re: the WSOC as a single facility. Comingling these separate issues (determinations) will result in unnecessary delays.

Let me know your thoughts and we can go from there... thx,tjb

Timothy J Brunette (CTR)
Project Specialist
Technical Assistance Contractor, AECOM
FEMA-DR-4022-VT

Timothy.brunette@associates.fema.dhs.gov



1,2,3 I

10 NORTH

WALKWAY BRIDGE

DINING ROOM (1ST FLOOR)

WEST OFFICES (2ND FLOOR)

AUDITORIUM

CENTER BUILDING

STOR.

OLD PANTRY

KITCHEN

WALKWAY BRIDGE

10 SOUTH

MACH. SHOP

COURT YARD

8,9 SOUTH

1,2,3 SOUTH

SOUTH CONN. BLDG.

SEWING

6,7 SOUTH

4 SOUTH

"B" BUILDING (BROOKS BUILDING)

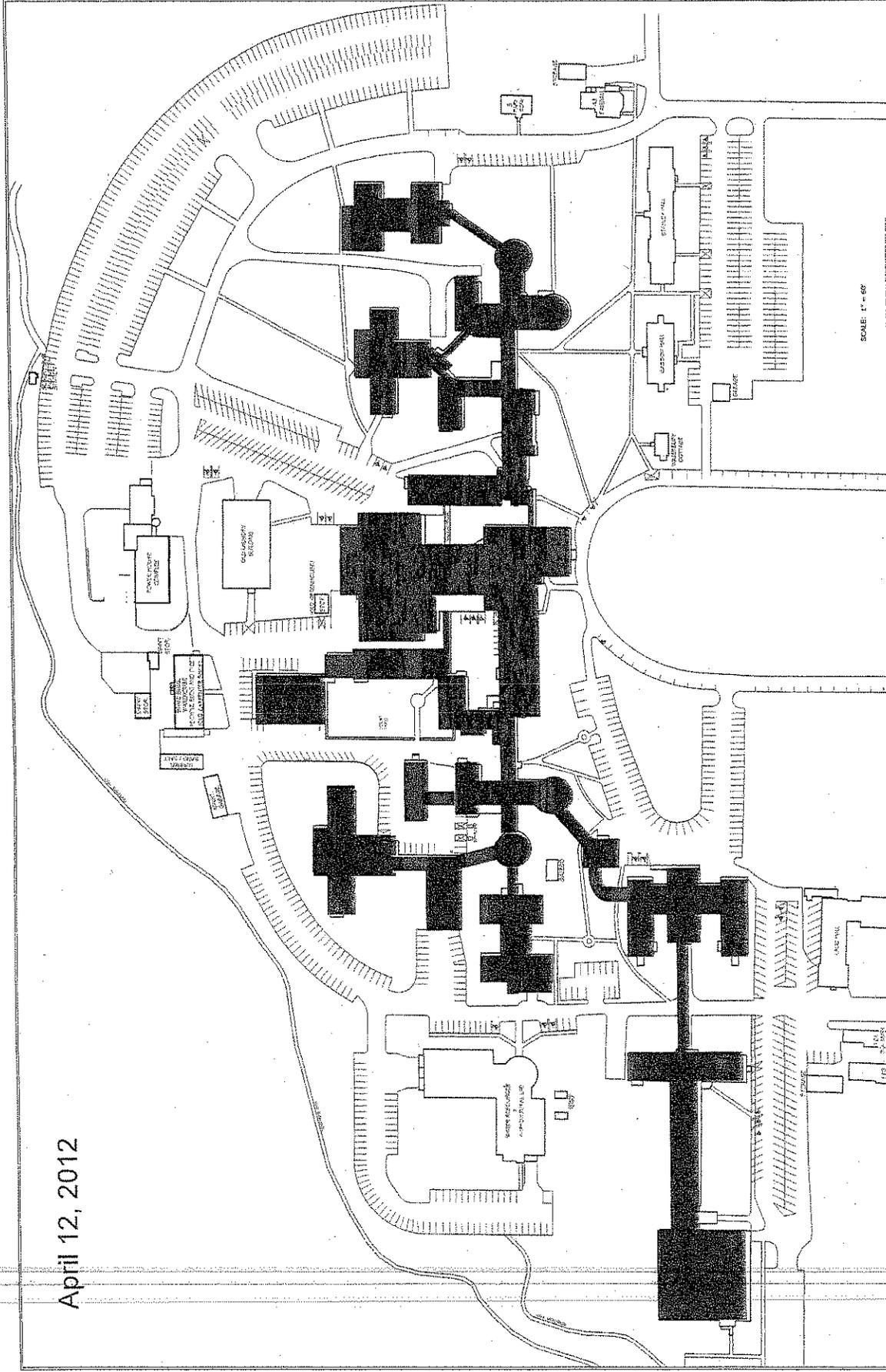
SE) # GROUNDS

DUMPSTERS

5 SOUTH

GAZEBO

HANKS BLDG.



SCALE: 1" = 60'

DESIGN BY: WATERBURY STATE OFFICE COMPLEX

April 12, 2012

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Thursday, April 12, 2012 12:03 PM
To: Duchac, Bill; Ostrum, John
Cc: Clasen, Michael
Subject: FW:
Attachments: new dog bone map.pdf

Bill & John,

Here's a visual representation of what we discussed re: the structures that make up the Dog Bone. All, please let me know if you've got any issues with it... thx, tjb

Michael,

I will start drafting the analysis for determining if FEMA can classify the WSOC as one "facility" as noted in the latest revision of Objective #2. Can you have the Witt folks detail the benefits of having FEMA recognize the WSOC as one facility and the shortfalls if we view the Dog Bone as one facility and all non-Dog Bone structures as individual buildings? This may help me make the case... thx, tjb

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM


From: Chase, William H
Sent: Thursday, April 12, 2012 11:48 AM
To: Brunette, Timothy; Whitton, Kelli; Curran, Jennifer
Subject: FW:

The devil's in the details.....

Bil Chase
Squad Lead - State Agencies
FEMA DR 1995, 4001, 4022, 4043 VT
Cell: 
E-mail: william.h.chase@fema.gov

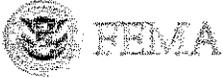


From: Curran, Jennifer
Sent: Thursday, April 12, 2012 11:33 AM
To: Chase, William H
Subject: RE:

The attachment?

Jennifer Curran
Documentation Unit Leader
FEMA-4022-DR VT

30 Allen Martin Dr.
Essex Junction, VT 05452
Phone: [REDACTED]
FEMA cell: [REDACTED]



From: Chase, William H
Sent: Thursday, April 12, 2012 11:26 AM
To: Brunette, Timothy; Whitton, Kelli
Cc: Curran, Jennifer
Subject:

Attached is the new dog bone map including the "center building"

Bil Chase
Squad Lead - State Agencies
FEMA DR 1995, 4001, 4022, 4043 VT
Cell: [REDACTED]
E-mail: william.h.chase@fema.gov

A handwritten signature in black ink that reads "Bil".

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Thursday, April 12, 2012 9:19 AM
To: Duchac, Bill
Subject: FW: RE:

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM
[REDACTED]

From: Clasen, Michael [mailto:Michael.Clasen@state.vt.us]
Sent: Wednesday, April 11, 2012 4:49 PM
To: Brunette, Timothy
Subject: Re: RE:

Let me see what I can get from ANR.

Michael Clasen
State of Vermont
Agency of Administration
802-828-3322
Sent from my iPad

On Apr 11, 2012, at 4:40 PM, "Brunette, Timothy" <Timothy.Brunette@associates.fema.dhs.gov> wrote:

Thanks Michael, it looks good and I'll use it as supporting documentation. Bill suggested I should include the ANR water lab as well. I think I've made a strong argument for the Ag Lab as being a critical action but it wouldn't hurt to have something from the water quality folks as well. If I have time after I finish up the demolition as mitigation argument, I'll pull some stuff off the web re: the ANR lab.

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM
[REDACTED]

From: Clasen, Michael [mailto:Michael.Clasen@state.vt.us]
Sent: Wednesday, April 11, 2012 4:30 PM
To: Brunette, Timothy
Subject:

This is a description of the critical nature of the services provided by the Ag Lab--FYI.

Michael J. Clasen
Deputy Secretary
Agency of Administration
State of Vermont
Pavilion Office Building
109 State Street

Montpelier, VT 05609-0201


michael.clasen@state.vt.us

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Thursday, April 12, 2012 9:18 AM
To: Duchac, Bill
Subject: FW:
Attachments: Lab - Critical Resource - 4-12.docx

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM
[REDACTED]

From: Clasen, Michael [mailto:Michael.Clasen@state.vt.us]
Sent: Wednesday, April 11, 2012 4:30 PM
To: Brunette, Timothy
Subject:

This is a description of the critical nature of the services provided by the Ag Lab---FYI.

Michael J. Clasen
Deputy Secretary
Agency of Administration
State of Vermont
Pavilion Office Building
109 State Street
Montpelier, VT 05609-0201
[REDACTED]
michael.clasen@state.vt.us

To: Jeb Spaulding, Secretary, Agency of Administration

From: Chuck Ross, Secretary, Agency of Agriculture, Food & Markets

Date: 7/30/2012

Re: **Vermont Agency of Agriculture Laboratory Critical Functions**

The Agency of Agriculture Laboratory provides critical functions for the Agency, industry, the general public, and other state and federal agencies. These functions facilitate Vermont products entering interstate commerce, protect consumers, protect animal health and human health, and provide for environmental protection. The State of Vermont needs the Agency of Agriculture laboratory to fulfill its obligations as required by law. The following information details critical functions/analyses conducted by the Agency of Agriculture Lab:

Dairy: Analyses protect human health and safety, and allow for the interstate shipment of milk and milk products.

All analyses (antibiotic residue, bacteria etc.) are required by the Federal Food and Drug Administration. Without these analyses dairies would be unable to ship milk and producers would be unable to ship products. The State Agricultural lab is the only certified lab in Vermont that can perform these analyses.

In addition, the Vermont Agricultural laboratory provides certification services for industry labs doing their own bacteriological laboratory work. Without these certifications producers would not be able to ship products. This includes all cheese and milk product distributors/producers in the state

Animal Health: Disease screening allows for interstate and intrastate movement of livestock.

Pesticide Programs: Residue analyses of water, soil, vegetation, swabs of surfaces etc.

The laboratory's capabilities in responding to pesticide use emergencies are critical to the state's ability to protect the health and safety of Vermonters. The Agency responds to pesticide use issues and complaints and manages associated risks from pesticide use. Laboratory residue analysis provides the information needed to be able to assess potential threats to health and safety posed by pesticide use.

Groundwater monitoring and enforcement programs would be unable to continue (these are required by statute). The Agency has authority for groundwater/drinking water investigations relative to pesticide use as well as all issues related to farm water quality.

Molecular Biology: Analyses for West Nile Virus and Eastern Equine Encephalitis in mosquitoes. Critical to protection of human health in case of disease outbreaks.

Emergency Response capability: The state agricultural laboratory has the capability to provide analytical services in response to emergencies related to a wide variety of potential contaminants in food, feed and water. Examples of these issues include lead in maple syrup, penta treated utility poles, and the flooded feed mitigation plan.

CC:

Michael Clasen, Deputy Secretary, Agency of Administration

Jolinda LaClair, Deputy Secretary, Agency of Agriculture

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Wednesday, April 11, 2012 7:12 PM
To: Duchac, Bill; Clasen, Michael
Subject: Draft analysis for Objective #2 response
Attachments: OBJECTIVE_2_answers 4.12.12.docx

Please see attached draft for your review and comment. I'm planning on getting it to Kelli by 10 tomorrow so the FEMA folks can go over it at our 1:30 meeting. Get your red pens out and make it bleed... Thx, tjb

Timothy J Brunette (CTR)
Project Specialist
Technical Assistance Contractor, AECOM
FEMA-DR-4022-VT


Timothy.brunette@associates.fema.dhs.gov

WSOC Ops Group Objective #2- Analysis/Response

Define facilities within the WSOC. Ensure "Dog Bone" FEMA and State definitions are the same.

John Ostrum, Bill Duchac (State), Bil Chase and Timothy Brunette (FEMA) have identified the following buildings as integral elements which taken together comprise the behemoth structure known as the *historic core* or Dog Bone: Public Safety, Weeks, Hanks, Dale, Old Storehouse, Brooks, Sewing, 6,7 South, Center Building, Core, A Building, 10 North, 1,2,3 North, North Connector, 5 North, Osgood, 4 North, 5 South, 4 South, South Connector, 8,9 South, 10 South, BGS Maintenance Shop, 8,9 North, 6,7 North and 1,2,3 South. See attached drawing and photographs for a visual representation.

Is the Boiler House a *critical action* as defined by 44 CFR §9.4 *Critical Action*? Yes.

Is it cost effective? (See Objective #3)

Definition:

Critical Action means an action for which even a slight chance of flooding is too great. The minimum floodplain of concern for critical actions is the 500-year floodplain, i.e., critical action floodplain. Critical actions include, but are not limited to, those which create or extend the useful life of structures or facilities:

- (a) Such as those which produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials;
- (b) Such as hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- (c) Such as emergency operation centers, or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- (d) Such as generating plants, and other principal points of utility lines.

Rational:

The Boiler House generates steam and is the principal point of entry for electrical power to the WSOC which meets the definition of 44 CFR §9.4 *Critical Action*, (d).

Because the Boiler House serves all buildings in the WSOC and is an integral component for operation and occupancy of the WSOC, it meets the definition of the first sentence of §9.4 for *Critical Action*.

Failure of the Boiler House to generate steam and/or distribute electricity would render the buildings at the WSOC unfit for occupancy thereby requiring the entire workforce to be relocated until functions of the Boiler House were restored; this also meets the definition of the first sentence of §9.4 for *Critical Action*.

Is the Ag Lab a *critical action* as defined by 44 CFR §9.4, *Critical Action*? Yes.

Is it cost effective? (TBD)

Background:

The Vermont Agriculture Laboratories (Ag Lab) provide a variety of analytical and diagnostic agricultural testing which include the following laboratories: Animal Health Laboratory, Central Dairy Testing Laboratory, Feed and Fertilizer Laboratory, Meat Inspection Laboratory, Molecular Biology Laboratory, Pesticide Analysis Laboratory. All sections of the Ag Lab are approved by their Federal counterparts to do the official analysis for the interstate shipment of animals, dairy products, meats, animal feeds and fertilizers. See attached supporting memo from the Agency of Agriculture.

Rational:

Because the testing done at the Ag Lab provides a critical function (element) in ensuring food safety for the masses and; disruption of the testing performed at the Ag Lab would have an immediate impact upon the process that ensures the safety of food and dairy products produced and consumed in the State of Vermont and for out of state shipment, it can therefore be reasoned the Ag Lab meets the definition of the first sentence of §9.4 for *Critical Action*.

The Pesticide Analysis Laboratory provides critical services for the Agrichemical Management section to ensure safety of the public from the misuse of pesticides thereby it can be reasoned the Ag Lab meets the definition of the first sentence of §9.4 for *Critical Action*.

The Ag Lab uses and stores dangerous chemicals which meets the definition of 44 CFR §9.4 *Critical Action*, (a).

The Ag Lab stores test results (records) that may become lost and; provides testing services which could be interrupted in a flood event which meet the criteria of 44 CFR §9.4 *Critical Action*, (d).

Is the Sewage Lift Station a *critical action* as defined by 44 CFR §9.4, *Critical Action*? Yes

Rational:

Because the Sewage Lift Station serves all buildings in the WSOC and is an integral component for safe and sanitary operation (occupancy) of the WSOC, it can therefore be reasoned it meets the definition of the first sentence of §9.4 for *Critical Action*.

Failure of the Sewage Lift Station to remove sanitary waste products from the WSOC would render the buildings at the WSOC unfit for occupancy thereby requiring the entire workforce to be relocated until the function of the Sewage Lift Station was restored; this reasoning meets the definition of the first sentence of §9.4 for *Critical Action*.

Additional information re: 406 Hazard Mitigation:

Appendix A of DAP9526.1 *Hazard Mitigation Funding Under Section 406* lists dry flood-proofing and elevation of sewage lift stations as being cost-effective if they do not exceed 100% of the project cost.

Is the Vermont State Hospital (VSH) a critical action as defined by 44 CFR §9.4, Critical Action? Yes.

Rational:

The VSH is a hospital which meets the definition of 44 CFR §9.4 *Critical Action*, (b) as well as meeting the definition of the first sentence of §9.4 *Critical Action*.

Can demolition of buildings at the WSOC be considered hazard mitigation? Yes.

Definitions:

44 CFR §9.4 *Mitigation* means all steps necessary to minimize the potentially adverse effects of the proposed action, and to restore and preserve the natural and beneficial floodplain values and to preserve and enhance natural values of wetlands.

44 CFR §201.2 "*Hazard mitigation* means any sustained action taken to reduce or eliminate the long term risk to human life and property from hazards.

44 CFR §206.2(a)(14) *Hazard mitigation*: Any cost effective measure which will reduce the potential for damage to a facility from a disaster event.

Background:

The Federal Insurance and Mitigation Administration's FEMA Fact Sheet *Increased Cost of Compliance Coverage* states "Increased Cost of Compliance (ICC) coverage is one of several resources for flood insurance policy holders who need additional help rebuilding after a flood. It provides up to \$30,000 to help cover the cost of mitigation measures that will reduce flood risk." ... and ... "ICC coverage can help pay for four types of mitigation activities ..." and ... "FEMA will count the ICC claim monies as non-Federal matching funds when applying for mitigation grants ..."

Demolition, elevation, flood proofing and relocation are four types of mitigation measures identified and funded with the ICC coverage provided with a National Flood Insurance Program (NFIP) Standard Flood Insurance policy.

Rational:

Removal (demolition) of flood damaged buildings from the Special Flood Hazard Area (SFHA) within the WSOC will help to restore the beneficial floodplain values; eliminate the future risk of flood damages to

improved property at that location and reduce the risk to human life, thereby achieving *hazard mitigation*.

Relocating the function (office space) of the razed buildings into a newly remodeled, elevated section of the Dog Bone, will meet the definitions of *hazard mitigation* as identified and defined above and by the ICC coverage provided by a Standard NFIP Policy.

Will demolition of buildings at the WSOC be considered eligible for hazard mitigation funding under Section 406? (TBD)

Background:

44 CFR Subpart H – Public Assistance Eligibility §206.220 states in part “... Assistance under this subpart must also conform to requirements of 44 CFR Part 201, Mitigation Planning” ... and ... “Regulations under 44 CFR Part 9 – Floodplain Management ...”

44 CFR §9.1 states “This regulation sets forth the policy, procedure and responsibility to enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands.

Executive Order (EO) 11988 – *Floodplain Management* calls to avoid the adverse impacts associated with the occupancy of the floodplain. Section 1 states “Each agency shall provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains ...” Section 2 states “... the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. ...”

FEMA Disaster Assistance Policy (DAP) 9526.0 *Hazard Mitigation Funding Under Section 406 (Stafford Act)* provides guidance on the appropriate use of hazard mitigation discretionary funding available under Section 406 of the Robert T Stafford Disaster Relief and Emergency Assistance Act (Act). Par. VII, A states in part “The mitigation measures must be related to eligible disaster-related damages and must directly reduce the potential of future, similar disaster damages to the eligible facility.” and “In some instances, an eligible mitigation measure may not be an integral part of the damaged facility, FEMA will consider these exceptions on a case-by-case basis.” Par. VII, D states in part “... FEMA will evaluate the proposed hazard mitigation projects for cost effectiveness, technical feasibility, and compliance with statutory, regulatory and executive order requirements. ...” Appendix A of DAP 9526.1 lists mitigation measures that have been determined to be cost-effective and contains a caveat which states “This list will continue to be evaluated and will evolve over time as new information becomes available.”

Rational:

Demolishing the damaged buildings in the SFHA will reduce future development and active use of the SFHA by not reoccupying or restoring buildings which are susceptible to future flooding.

Removing buildings from the SFHA will help restore the beneficial values of the floodplain in accordance with 44 CFR Part 9.

The razed buildings will no longer be able to be damaged by flooding thereby achieving *Hazard mitigation*.

Relocating the function of the damaged buildings (office space) into a wet flood-proofed, (elevated) remodeled addition to the Dog Bone, will minimize the possibility of future flood losses and provide *hazard mitigation* measures to an existing building in the SFHA.

In keeping with the intent of EO 11988, the NFIP has provided a mechanism for achieving mitigation (demolition) with their Standard Flood Insurance Policy and the ICC coverage afforded policy holders.

Authority provided by Section 406 of the Act and further clarified by FEMA DAP 9526.1 allows for the discretionary funding of *hazard mitigation* measures to undamaged elements of a facility on a case-by-case basis and for evaluation as new information becomes available.

Demolition of the flood damaged buildings will directly reduce the potential of future, similar disaster damages, restore the beneficial values of the floodplain and provide an opportunity to incorporate additional *hazard mitigation* measures (relocation, elevation, wet and dry flood-proofing) in the restoration of the Dog Bone.

Providing Section 406 funding for the demolition of flood damaged buildings at the WSOC will meet the intent of EO 11988 and conform to the guidance set forth by the regulations under 44 CFR Part 9, Floodplain Management and the requirements of 44 CFR Part 201, Mitigation Planning.

Recommendation:

Request approval from the FEMA Disaster Assistance Directorate to recognize demolition as a viable option for Section 406 *Hazard Mitigation* funding.

Revise DAP 9526.1 to include demolition as being pre-determined to be a cost-effective mitigation measure and reflect the changes in Appendix A.

Collect the required cost data and determine if demolition of the damaged buildings are cost-effective in accordance with DAP 9526.1 Par. VII, B on a building-by-building basis.

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Wednesday, April 11, 2012 4:20 PM
To: Chase, William H; Duchac, Bill
Cc: Downer, Richard; Minns, Brian; Whitton, Kelli; Thomas, Peter
Subject: FW: Waterbury complex drawing
Attachments: Waterbury Site Plan.pdf

Here's a site plan for WSOC for your files you may or may not find useful... Once the Dog Bone has been identified, we can use this in the Project Planning Tool.

Timothy J Brunette (CTR)
Technical Assistance Contractor, AECOM
[REDACTED]

From: Hersey, Nicole [mailto:Nicole.Hersey@state.vt.us]
Sent: Wednesday, April 11, 2012 3:31 PM
To: Brunette, Timothy
Subject: RE: Waterbury complex drawing

Is this what you are looking for?

Nicole Hersey
Engineering Graphic Illustrator
Buildings & General Services
[REDACTED]

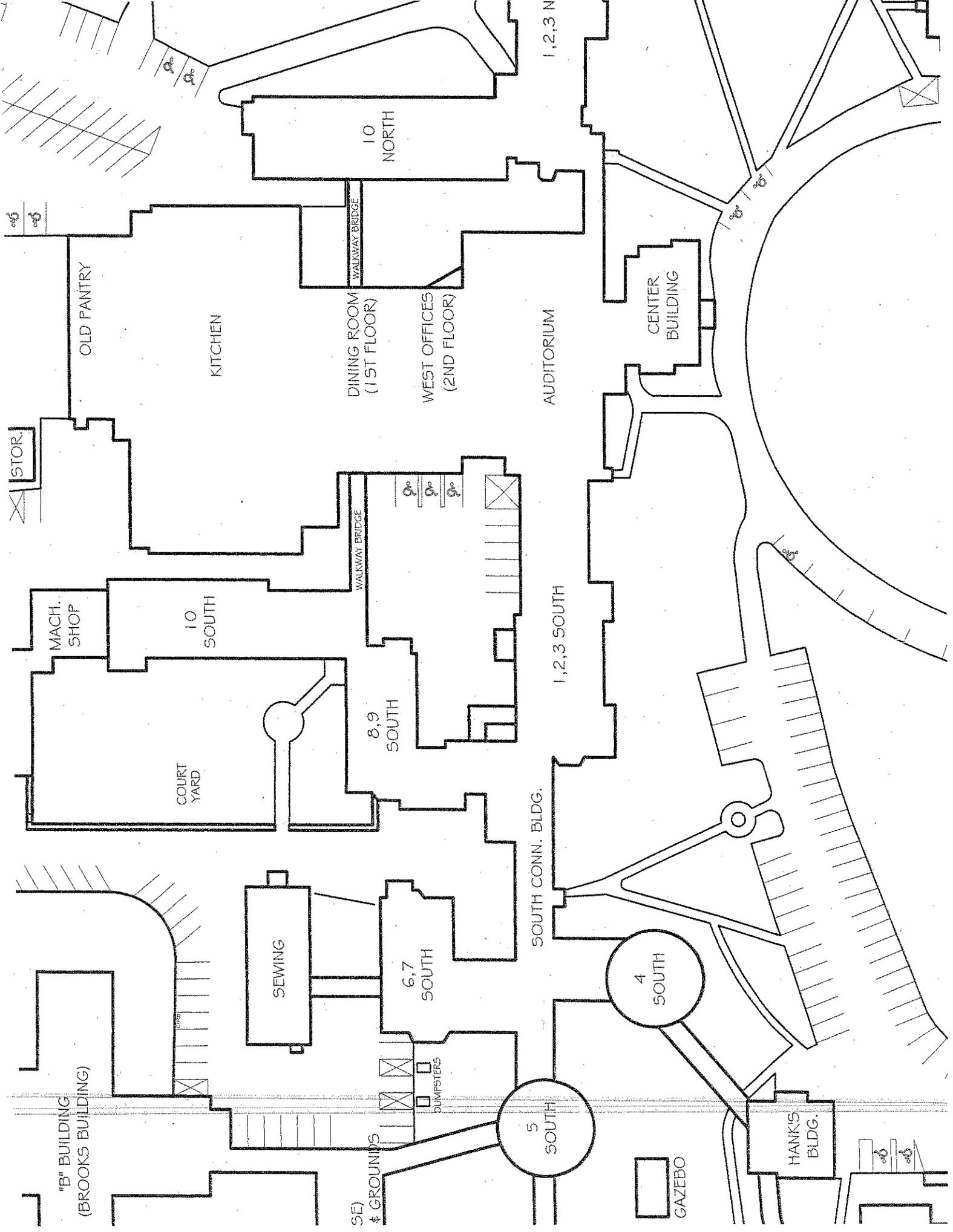
From: Brunette, Timothy [mailto:Timothy.Brunette@associates.fema.dhs.gov]
Sent: Monday, April 09, 2012 3:12 PM
To: Hersey, Nicole
Cc: Duchac, Bill
Subject: Waterbury complex drawing

Hi Nicole,

I'm working with Bill Duchac on the FEMA grants and was wondering if I can get an electronic copy of the Waterbury Complex August 2011 Flood High Water Marks drawing? I don't need the water marks drawing per say, just something that I can color in to define the buildings that make up the historic core (Dog Bone). Thx, tjb

Timothy J Brunette (CTR)
Project Specialist
Technical Assistance Contractor, AECOM
FEMA-DR-4022-VT
[REDACTED]

Timothy.brunette@associates.fema.dhs.gov



STOR.

MACH. SHOP

COURT YARD

SEWING

4 SOUTH

SOUTH CONN. BLDG.

HANKS' BLDG.

GAZEBO

SE) & GROUNDS

6,7 SOUTH

5 SOUTH

8,9 SOUTH

1,2,3 SOUTH

10 SOUTH

DINING ROOM (1ST FLOOR)

WEST OFFICES (2ND FLOOR)

AUDITORIUM

CENTER BUILDING

10 NORTH

1,2,3 N

OLD PANTRY

KITCHEN

WALKWAY BRIDGE

WALKWAY BRIDGE

London, Sarah

From: Brunette, Timothy [Timothy.Brunette@associates.fema.dhs.gov]
Sent: Wednesday, April 11, 2012 1:26 PM
To: Duchac, Bill
Subject: WSOC as a single facility

Per your request...

If an airport is a facility, could the argument be made that the WSOC can then also be considered one facility that includes multiple buildings much like an airport?

206.221(h) Public facility means the following facilities owned by a State or local government: any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility; any non-Federal aid, street, road, or highway; and any other public building, structure, or system, including those used for educational, recreational, or cultural purposes; or any park.

206.201(h) Predisaster design means the size or capacity of a facility as originally designed and constructed or subsequently modified by changes or additions to the original design. It does not mean the capacity at which the facility was being used at the time the major disaster occurred if different from the most recent designed capacity.

(i) A project is a logical grouping of work required as a result of the declared major disaster or emergency. The scope of work and cost estimate for a project are documented on a Project Worksheet (FEMA Form 90-91).

(1) We must approve a scope of eligible work and an itemized cost estimate before funding a project.

(2) A project may include eligible work at several sites.

206.224 Debris removal.

(a) Public interest. Upon determination that debris removal is in the public interest, the Regional Director may provide assistance for the removal of debris and wreckage from publicly and privately owned lands and waters. Such removal is in the public interest when it is necessary to:

(1) Eliminate immediate threats to life, public health, and safety;

or

(2) Eliminate immediate threats of significant damage to improved public or private property; or

(3) Ensure economic recovery of the affected community to the benefit of the community-at-large; or

(4) Mitigate the risk to life and property by removing substantially damaged structures and associated appurtenances as needed to convert property acquired through a FEMA hazard mitigation program to uses compatible with open space, recreation, or wetlands management practices. Such removal must be completed within two years of the declaration date, unless the Associate Director for Readiness, Response and Recovery extends this period.

Timothy J. Brunette (CTR)

Project Specialist

Technical Assistance Contractor, AECOM

FEMA-DR-4022-VT


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