PUBLIC ASSISTANCE
ALTERNATIVE PROCEDURES
PILOT PROGRAM FOR DEBRIS REMOVAL

FEMA

Frequently Asked Questions

On January 29, 2013, President Obama signed into law the Sandy Recovery Improvement Act of 2013 (P.L. 113-2). This law amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to include Section 428, which authorized alternative procedures for the Public Assistance (PA) Program for debris removal. Section 428 authorizes the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) to implement the alternative procedures through a pilot program.

This document provides answers to frequently asked questions regarding the alternative procedures for debris removal. For additional information, refer to the *Public Assistance Alternative Procedures Pilot Program Guide for Debris Removal.*

General

1. **What are the alternative procedures for debris removal?**

   Section 428 authorized the following alternative procedures for debris removal:

   - Accelerated Debris Removal – Increased Federal Cost Share (Sliding Scale)
   - Recycling Revenues
   - Straight-Time Force Account Labor
   - Debris Management Plan and one (1) or more Pre-Qualified Contractor(s)

   FEMA is not currently implementing the alternative procedures for fixed estimate grants and use of excess funds for debris removal as part of this pilot program.

2. **Is it optional for the subgrantee to participate in the alternative procedures for Debris Removal?**

   Yes. Participation in the alternative procedures is voluntary.

3. **Can a subgrantee elect which alternative procedures it would use?**

   Subgrantees may elect to use one or more of the procedures for their debris removal projects. Utilizing multiple alternative procedures is allowed, but not required for any given debris removal project.

4. **How long will the alternative procedures be available?**

   The program will remain in place through June 27, 2015, at which point FEMA will determine whether to extend it for an additional performance period.

5. **How can a subgrantee request participation in the alternative procedures?**

   The subgrantee must notify the grantee and FEMA of its intent to participate in the alternative procedures by signing and submitting the *Public Assistance Alternative Procedures Pilot Program for Debris Acknowledgement* before obligation of its first subgrant for debris removal or within 60 days of the Kickoff Meeting, whichever occurs earlier.

6. **Can a subgrantee rescind its request to participate in the alternative procedures for debris removal?**

   Yes. If the subgrantee wishes to rescind its participation in one or more of the alternative procedures, and none of its subgrants for debris removal have been obligated, it must provide FEMA written notification within 60 days of the Kickoff Meeting. Once the subgrantee's first subgrant for debris is obligated or the 60 days after the Kickoff meeting have passed, the subgrantee may not alter its decision regarding participation in the alternative procedures.

7. **Do the alternative procedures apply to both small and large projects?**

   For disasters declared between June 28, 2013, and June 27, 2014, the alternative procedures apply only to large projects with the exception of the Straight-Time Force Account Labor Procedure, which applies to both small and large projects. For disasters declared on or after June 28, 2014, all of the alternative procedures apply to both small and large projects.

8. **How will FEMA obligate project costs with different federal cost share percentages?**

   FEMA will prepare versions to a project for each time period associated with a change to the federal cost share.

9. **Is Direct Federal Assistance (DFA) for debris removal available to be used in conjunction with the alternative procedures?**

   DFA is not authorized in conjunction with the Accelerated Debris Removal Procedure. If DFA is authorized under the declaration, the grantee (on behalf of the subgrantee) may request DFA in conjunction with other alternative procedures.

Accelerated Debris Removal - Increased Federal Cost Share (Sliding Scale)

10. What is the Accelerated Debris Removal Procedure?

The Accelerated Debris Removal Procedure is an increase in the federal cost share based on completion of debris removal work within the following timelines:

Debris Removal Completed (Days from Start of Incident Period)	Federal Cost Share
0-30	85%
31-90	80%
91-180	75%
No federal dollars for debris removal after 180 days (unless an extension is granted by FEMA)	

11. Under what circumstances will FEMA grant a time extension beyond 180 days?

FEMA grants time extensions based on extenuating circumstances or unusual project requirements that are beyond a subgrantee's control.

Recycling Revenues

12. Can the subgrantee retain revenues generated through recycling of eligible disaster-related debris?

Yes. The subgrantee may retain the revenue when used to:

- meet the non-federal cost sharing requirements of PA Program funding for debris removal;
- develop comprehensive disaster preparedness and assistance plans, programs, and capabilities;
- conduct activities that reduce the risk of future damage, hardship or suffering from a major disaster or emergency; or
- conduct activities to improve future debris removal operations or planning .

13. Is there a deadline to use the revenue?

Yes. Funds should be used prior to the period of performance deadline to complete the debris removal activities.

14. What are the subgrantee's requirements for notifying the grantee regarding receipt and use of recycling revenue?

The subgrantee should provide documentation of any revenue received no later than 30 days after completion of the debris removal operation, to include the quantity and types of debris recycled. The subgrantee should provide a detailed accounting of how the funds were used no later than 90 days after the period of performance deadline.

15. Is the cost of establishing and managing a recycling program or process eligible for PA Program funding?

No. The cost of establishing and managing a recycling program or process cannot be claimed as a direct project cost on the debris removal subgrant.

16. Is the cost of collecting, sorting, processing and transporting disaster debris to a recycling facility eligible?

The costs for collecting, sorting, processing and transporting disaster debris, including recyclable materials, may be eligible. However, costs related to additional sorting, processing and transporting debris for the purpose of recycling is not eligible.

Straight-Time Force Account Labor

17. What types of personnel are eligible for straight-time force account labor?

Straight-time is eligible for the labor of budgeted employees and extra hires who are engaged in eligible debris removal operations. Straight-time eligibility can also apply to salaried and exempt employees. The salary must be comparable to labor rates for similar types of work.

18. Is straight-time force account labor eligible for other emergency work activities?

No. Straight-time force account labor is only eligible for debris removal under these alternative procedures.

19. Does reimbursement of straight-time force account labor include associated fringe benefits?

Yes. Straight-time fringe benefits are eligible for reimbursement.

20. What documentation does FEMA require for reimbursement of straight-time force account labor?

The subgrantee should document all costs related to the work performed, including, but not limited to, the specific activities performed by each employee, volume and type of debris removed, employee rates, and breakdown of fringe benefits. Documentation should differentiate overtime versus straight-time work and costs.

Debris Management Plans

21. What are the requirements that a subgrantee must meet for the one-time two percent incentive?

The subgrantee must have a FEMA accepted Debris Management Plan and have identified one (1) or more pre-qualified debris removal contractor(s) before the date of the declaration's incident period. The adjustment is applied to debris removal work completed within 90 days from the first day of the incident period. Once a subgrantee utilizes this incentive, it is not available to the same subgrantee in a subsequent declaration during the course of the pilot program.

22. If FEMA reviewed a Debris Management Plan prior to the implementation of the Alternative Procedure Pilot Program for Debris Removal, must a jurisdiction re-submit its plan for review and acceptance to be eligible for the one-time two percent incentive?

Yes. The subgrantee should submit its plan to the grantee. The grantee will review and forward to FEMA for consideration. Prior to submission, the subgrantee should update its plan to incorporate any changes or additions.

23. What are the parameters of FEMA's review of a Debris Management Plan?

FEMA will ensure that the Debris Management Plan contains the basic components of a comprehensive plan that include at least the following planning elements:

- debris management overview
- events and assumptions
- debris collection and removal plan
- temporary debris management sites and disposal locations
- debris removal on private property
- use and procurement of contracted services
- use of force account labor
- monitoring of debris operations
- health and safety requirements
- environmental considerations and other regulatory requirements
- public information
- identify one (1) or more pre-qualified debris and wreckage removal contractors

Additional guidance is available in the Public Assistance Alternative Procedures - Debris Management Plan Review Job Aid.

24. By reviewing the Debris Management Plan, is FEMA committing to fund operations guided by the plan?

No. FEMA funding will be based on costs that are eligible under the PA Program.

25. When a subgrantee has identified a pre-qualified contractor, does the applicant need to competitively bid a contract?

Yes, the subgrantee must still comply with 44 CFR Part 13. A pre-qualified contractor is not a contractor that has been awarded a contract. The importance of identifying pre-qualified contractors is to have qualified contractors that can readily bid on the debris removal project.

26. How can stand-by contracts with debris removal contractors meet the requirement of being "pre-qualified"?

The process to pre-qualify contractors requires that the subgrantee identify and evaluate contractors' abilities to perform debris removal work (capabilities, bonding, insurance, availability, etc). If the subgrantee has signed a stand-by contract with debris removal contractors that meet the subgrantee's qualification standards to perform debris removal work, FEMA would consider those contractors as pre-qualified. If the subgrantee utilizes the stand-by contract, federal reimbursement will be based on reasonable costs and compliance with the procurement requirements detailed in 44 CFR Part 13.

27. Can the one-time incentive of a two percent increased cost share adjustment be used in conjunction with the Accelerated Debris Removal – Increased Federal Cost Share (Sliding Scale) Procedure?

Yes. If the subgrantee has a Debris Management Plan that FEMA has accepted, has identified at least one (1) pre-qualified contractor and elects to utilize both procedures, FEMA will add an additional two percent to the incentive associated with the sliding scale for the first 90 days of debris removal operations.

Special Considerations

28. How will insurance proceeds be applied to subgrants processed using the alternative procedures?

Any insurance proceeds will be deducted from the subgrant, inclusive of any private property debris removal subgrants, in order to comply with Section 312 of the Stafford Act, which prohibits duplication of benefits.

29. Will FEMA review alternative procedures subgrants for compliance with environmental and historic preservation (EHP) laws, regulations, and executive orders?

Yes. FEMA must review alternative procedure subgrants for compliance with all applicable EHP requirements. This includes the use of revenues generated from recycling disaster-related debris. Any use of revenue for expenditures such as equipment or training would not require additional EHP review; however, should funds be applied for a project that involves ground disturbing activities would require EHP review prior to construction. Additionally, when applicable, subgrantee should provide documentation demonstrating compliance with the Resource Conservation and Recovery Act (RCRA).

Grants Management, Closeout, and Appeals

30. When is a debris removal alternative procedures subgrant closed?

Debris removal alternative procedures subgrants are closed upon FEMA's receipt of a detailed accounting of the work performed and the grantee's certification that the subgrantee completed the approved scope of work.

31. Can a subgrantee submit an appeal for a debris removal alternative procedures subgrant?

Yes. A subgrantee may appeal any determination that FEMA makes during the subgrant approval and obligation process. A subgrantee may appeal changes that are made to an alternative procedures subgrant following an audit.