

# Procurement and Contracting / Managing Debris



# Procurement & Contracting

This section provides information on Federal procurement and contracting requirements.

*This presentation does not cover all Federal procurement and contracting requirements.*

*Please refer to 2 C.F.R. Part 200 (Uniform Rules) for Federal procurement and contracting requirements. PLEASE educate yourself!*

# Procurement & Contracting (Cont.)

- **State government Applicants** must follow the same policies and procedures they would use for procurements with non-Federal funds; comply with 2 CFR § 200.322, Procurement of recovered materials; and ensure that every purchase order or other contract includes any clauses required by 2 CFR § 200.326, Contract provisions.
- **Non-State Applicants** (Tribal and local governments and PNPs) must use their own written procurement procedures that reflect applicable State, Tribal, and local government laws and regulations, provided that the procurements conform to applicable Federal law and standards. This requirement applies to Tribal Governments even when the Tribe is a Recipient.

# Procurement & Contracting (Cont.)

Tribal and local governments and PNPs must use one of the following procurement methods:

- Micro-purchases (<\$10,000) - May be awarded without soliciting competitive quotations if price is considered reasonable
- Small Purchase (<\$250,000)- Informal, several price quotes (min. 3)
- Sealed Bids (formal advertising)
- Competitive Proposals - Qualifications-based
- **Non-Competitive Procurement (Caution) - Limited primarily to emergency work. One or more of the following must apply:**
  1. Item is only available from a single source;
  2. The public **exigency or emergency** for the requirement will not permit delay resulting from competitive solicitation;
  3. FEMA or Recipient expressly authorizes in response to written request from Applicant;
  4. After solicitation of a number of sources, competition is determined inadequate.

# Procurement Conducted Under Exigent or Emergency Circumstances

- Noncompetitive procurements are allowable under certain circumstances:
  1. Immediate action is required to address the public exigency or emergency and cannot be delayed by competitive solicitation. **(This represents exception to federal requirements for full and open competition)**
- FEMA approval is not required, **HOWEVER**,
  1. Does not relieve you from complying with other procurement requirements, and
  2. From ensuring costs are reasonable

# Procurement & Contracting (Cont.)

## Acceptable Contract Types:

- Lump Sum
- Unit Price
- Cost Plus Fixed Fee
- Time & Materials (If no other contract is suitable, limited time, must have ceiling price, Applicant to provide high degree of contractor oversight !)

**WARNING:** FEMA does NOT reimburse costs incurred under a cost-plus-percentage contract!

Federal Contract Provisions-required within body of contract or as an attachment to contract. (2 CFR Part 200 Appendix II) <https://ecfr.gov>

Must not use suspended or debarred contractors:

<https://www.sam.gov>

# T & M Contracts-Common Pitfalls

- Open ended/no ceiling (No contractor incentive to be efficient)
- Not ensuring costs are reasonable (Negotiate rates!)
- Failed to include termination for cause and for convenience (contracts in excess of \$10K)
- Not checking debarment and suspension/irresponsible contractors
- Lack of contractor oversight (You drive the ship!)

# Debris Management-FEMA Guidance

- Debris Removal Phases
- Debris Eligibility
- Documentation
- Proper Disposal
- Field Estimating Tips

# Debris Removal Phases

- Initial debris clearance activities to eliminate threats to public health and safety
- Debris removal activities as a means to recovery

# Debris Removal Phases (Cont.)

- Initial debris clearance activities to eliminate threats to public health and safety
  1. Clearing of roadways sidewalks
  2. Clearing other heavily accessed public areas
  3. Removing dangerous toppled or leaning trees, and dangerous hanging limbs (hangers) directly above heavily accessed public areas

# Debris Removal Phases (Cont.)

- Debris removal activities as a means to recovery
  1. Collection of scattered debris from public areas people frequent less
  2. Removal of dangerous hanging limbs (hangers) from public areas people frequent less
  3. Transferring debris from staging sites to final resting place (Landfill, burn/grinding site)
  4. Reducing debris (burning, grinding, chipping)
  5. Hauling away ash, grindings, chips

**NOTE: It's time to competitively procure!**

# Debris Eligibility

## Eligible-

- Debris generated as a result of the event
- Debris is located within a designated disaster area
- Debris removal is the legal responsibility of the local jurisdiction
- Debris must pose an immediate public health and safety threat

# Debris Eligibility (Cont.)

## **Not Eligible** (Examples)-

- Debris on private property
- Gated communities
- Commercial properties

NOTE: Certain circumstances may allow for the above examples with **PRIOR** FEMA approval.

- Debris in natural wooded areas
- Other unmaintained public property
- Debris that existed prior to the event

# Debris Eligibility (Cont.)

## **Vegetative Eligible-**

- Scattered Limbs and branches
  1. In public ROW and poses public health and safety threat
  2. In parks, trails, and other public property posing health and safety threat

NOTE: Contractor charge generally on unit price for volume (cubic yards) or weight (tons)

# Debris Eligibility (Cont.)

## **Vegetative Eligible-**

- Hazardous Hanging Limbs (Hangers)
  1. Must pose an immediate threat to public
    - a. Hanging over public use areas – Parks, trails, sidewalks, playgrounds
    - b. From trees located on private property ONLY when protruding out and above public ROW (without entering private property)
  2. Must be 2 inches or greater in diameter

# Debris Eligibility (Cont.)

## Vegetative Eligible-

- Whole Tree Removal - Must be 6 inches or greater diameter
  1. Has a split trunk;
  2. Has a broken canopy; or
  3. Leaning at an angle greater than 30 degrees
  4. Must be flush cut at ground level

NOTE: Charge should be on a per tree basis. GPS coordinates for **each tree** is required by FEMA!

# Debris Eligibility (Cont.)

## Vegetative Eligible-

- Stump Removal
  1. ONLY when 50% of root ball is exposed
  2. Grinding of stump IF less costly than extraction AND meets criteria above

NOTE: Per FEMA, flush cutting generally eliminates the public health and safety threat. GPS location required for each location by FEMA.

# Debris Eligibility (Cont.)

## **Vegetative Not Eligible-**

- Pruning or trimming for aesthetic reasons
- Stump extraction/grinding not meeting previous criteria mentioned
- Tree removal not meeting previously mentioned criteria and for aesthetic reasons

# Documentation

FEMA requires debris collection and disposal be quantified and documented by number of, by cubic yards or tons.

1. Truck logs – number of loads hauled (truck # and capacity required)
2. Landfill scale tickets (tonnage)
3. Measuring stockpiles (CY) Visualize piles as rectangles
4. Measuring ash piles (CY)
5. Trees removed – how many, diameter, and GPS location
6. Trees with dangerous hangers removed – number of trees (not each hanger), and GPS location
7. Estimating (Extrapolating)

# Documentation

- Tree / Stump Removal
  1. Actual counts required
  2. Assign each tree/stump a number (#) with spray paint
  3. Log each tree/stump into a spreadsheet, to include
    - a. Tree/stump #
    - b. GPS location
    - c. Address
    - d. Diameter

**NOTE: If removal has already occurred, FEMA will still require this information.**

# Documentation (Cont.)

FEMA requires documentation to support method of debris removal.

- Contractual
  1. Executed Contracts
  2. Documentation supporting reason and method of procurement
  3. Truck logs for unit price contracts
  4. Landfill tickets (scale tickets for contracts paid by weight) Must demonstrate final, proper disposal
  5. Invoices
  6. Photos!!!!!!!

# Documentation (Cont.)

FEMA requires documentation to support method of debris removal.

- FA Labor and Equipment (local jurisdictions own labor force and equipment)
  1. Summary of labor hours worked (regular & OT) per employee and date
  2. Summary of equipment hours (all time used) per unit, and date, and identify operator name.
  3. Employee time sheets
  4. Employee pay rates
  5. Equipment rates (may use FEMA's rates)
  6. Demonstration of proper disposal
  7. Photos!!!!!!

# Proper Disposal

FEMA requires that all types of debris be legally disposed of. Please refer to IDNR “Disaster Debris Disposal Options” packet

**DISASTER DEBRIS DISPOSAL OPTIONS**

The Department of Natural Resources is responsible for protecting public health and the environment. During times of disaster the best means specific solid waste disposal rules to speed up and efficient disposal of generated waste.

**Waste Types**

Burning of woody debris is allowed under two provisions of laws code.

- 317 ILCS Administrative Code (AC) 21.020 "V" Disaster Rubbish

The IDNR will allow the accumulation of disaster debris (including primarily asbestos containing material) for burning at the site for the duration of the disaster proclamation. At the end of the proclamation no additional debris can be taken to the burn site. Following the end of the proclamation the managing jurisdiction will have an additional 90 days to complete the burn under 317 ILCS 21.020 "v."

- 317 ILCS 21.020 "N" Trees and Tree Trimmings

Burning trees and brush outside the time frame of 317 ILCS 21.020 "V" is allowed if the following criteria are met:

- o Burn site must be operated by a local government entity
- o Access must be controlled and site supervised during burning
- o Conducted only when weather conditions are conducive to safe burning conditions
- o Site is at least one fourth mile from inhabited property unless a written waiver is received or written
- o Only woody debris originating from trees or brush is burned (no structural debris, such as construction and demolition waste)

**Chipping and Grinding of non-Construction and Demolition Waste**

- Woody debris can be chipped and ground without prior approval if:
  - o Final disposal is a beneficial use, or it is
  - o Taken to a composting site, or
  - o Taken to a landfill
- Chipped/ground woody debris can be broadcast at the site where it originated with IDNR authorization

**Beneficial Use**

- Woody debris can be put to beneficial use as:
  - o A fuel or energy source
  - o Bulking agent for composting
  - o Mulch
  - o Animal bedding
  - o Raw material in the manufacture of paper products, particle board, or similar materials

**Landfilling**

- While landfilling remains an option it is discouraged by IDNR in favor of beneficial uses or volume reduction (burning and chipping).

**Asphalt**

- Asphalt burning woody debris can be managed the following ways:
  - o Landfill disposal (asphalt can mix with soil for daily cover with IDNR approval)
  - o Carbon source and bulking agent at composting sites
  - o Concrete aggregate
  - o Lined applied to surface to improve soil

**DEBRIS MANAGEMENT FORM**

This form contains the information that FEMA requests from IDNR when considering reimbursement requests. Please send this form to your Local DNR Field Office. IDNR will send an approval letter to the applicant that can be used for FEMA reimbursement. IDNR Field Office contact information can be found at <http://www.idnr.state.il.us/fieldoffice>

It is the applicant's responsibility to comply with all other applicable federal, state, or local statutes, rules, regulations, ordinances, and orders.

Applicant: \_\_\_\_\_ County: \_\_\_\_\_  
Primary Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

Debris Disposition (check all that apply, describe each activity, and provide location in the box below)

- Chipping/Grinding Vegetation for Reuse (mulch or other beneficial use)
- Chipping/Grinding Structural Material for Landfill Disposal
- Chipping/Grinding (Temporary use)
- Landfill (enter permit number & name) \_\_\_\_\_
- Burning of disaster debris (during disaster proclamation)
- Burning of tree and tree trimmings
- Temporary Transfer Status/Construction & Demolition Recovery Site/Material Recycling Site
- Other (attach detailed explanation for review) \_\_\_\_\_

Site Name of Burn Types

- Landfill (enter permit number & name below)
- Land application/Reclamation
- Reuse

1. TYPE OF DEBRIS DISPOSAL ACTIVITY \_\_\_\_\_  
Address/Location \_\_\_\_\_ GPS (decimal degrees) \_\_\_\_\_

2. TYPE OF DEBRIS DISPOSAL ACTIVITY \_\_\_\_\_  
Address/Location \_\_\_\_\_ GPS (decimal degrees) \_\_\_\_\_

3. TYPE OF DEBRIS DISPOSAL ACTIVITY \_\_\_\_\_  
Address/Location \_\_\_\_\_ GPS (decimal degrees) \_\_\_\_\_

For additional sites, attach additional sheets

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Date

3/2013 IDNR 3/2013

# Proper Disposal (Cont.)

- Vegetative
  1. Burning (ash requires proper disposal)
  2. Landfill
  3. Chipping/mulching (may be used by community)
- Hazardous Waste – taken to legal authorized drop off points
- Construction Type / White Goods / E-Waste
  1. Taken to landfill or other required drop off point
  2. recycled

# Field Estimating Tips (Cont.)

- Estimating Scattered Vegetative Debris
  1. For purpose of damage assessment
    - a. Boots on ground – Start by
      - i. Identifying impacted areas on a street map
      - ii. Divide the impacted areas into smaller sections such as quadrants
      - iii. Identify a 20% representation of all sections (this is key)
      - iv. Physically visit the 20% of sections and measure debris
      - v. Use this debris measurement and multiply by number of remaining sections
    - b. Aerial photography (i.e. drones) – To estimate use same methodology as above

# Field Estimating Tips (Cont.)

- Estimating Scattered Vegetative Debris (cont.)
  2. For purpose of executing contract
    - a. Unit price contracts (CY or ton) – estimating methodology on previous slide is acceptable to establish a “starting point”
      - i. Heavy monitoring will be required to track collection sites and disposal sites
    - b. Lump Sum Contracts
      - ii. Better defined scope is required. More precise measurements
      - iii. For large area (cities, counties) consider breaking up areas into separate contracts

# Field Estimating Tips

- Conversions

1. Length FT x Width FT x Height FT x / 27 = CY
2. Vegetative debris – 4 to 6 CY = 1 ton
3. Construction type debris – 2 CY = 1 ton
4. Mixed debris – 4 CY = 1 ton
5. Pickup load = 1 to 2 CY
6. Dump Trucks = dump box capacity

# Other Items

- Structures in fear of full or partial collapse
  1. Follow your local codes and ordinances to address such structures
  2. Ensure structure is secure from public entry
  3. Placarding of structures notifying no entry

# Contacts

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