

Case Study

Alexandria, Louisiana

The financial impacts to a city that loses FEMA reimbursements are significant. This potential consequence provided a major incentive for Alexandria to develop its pre-contracts and secure qualified and experienced haulers and monitors in advance of future storms.

Since Gustav, Alexandria established pre-contracts with private haulers and monitors. These contracts cover a period of one year of services, with an additional two years of optional renewal at no cost to the city if cleanup services are not required in the first year. This advance contracting assures



the city that, in the event of a major disaster, professional and qualified debris haulers, arborists and monitors are on standby to deploy in the immediate aftermath of a major storm. This allows for a speedy cleanup with no delays in securing contractors, but most importantly allows the city time to review the qualifications of contractors, specifically ensuring professional arborists are contracted.

In Alexandria's case, a city arborist developed the pre-contract and included specific criteria for hazardous tree removal. **This gave the contracted arborists mitigating hazardous trees and hangers the criteria to make judgment calls on storm damaged trees, which resulted in fewer urban trees being removed post-storm.** These specifications can be crafted more carefully during a pre-contracting process, rather than during or just after a storm when City operations are busy with emergency response.

Check out the full case study at:
http://gicinc.org/storm_mit.htm

What Is a Pre-Contract?

A pre-contract is a qualifying contract that goes through the competitive solicitation and procurement of services *prior* to an event happening. In the case of a disaster cleanup response, pre-contracts are typically for debris removal and debris monitoring services.

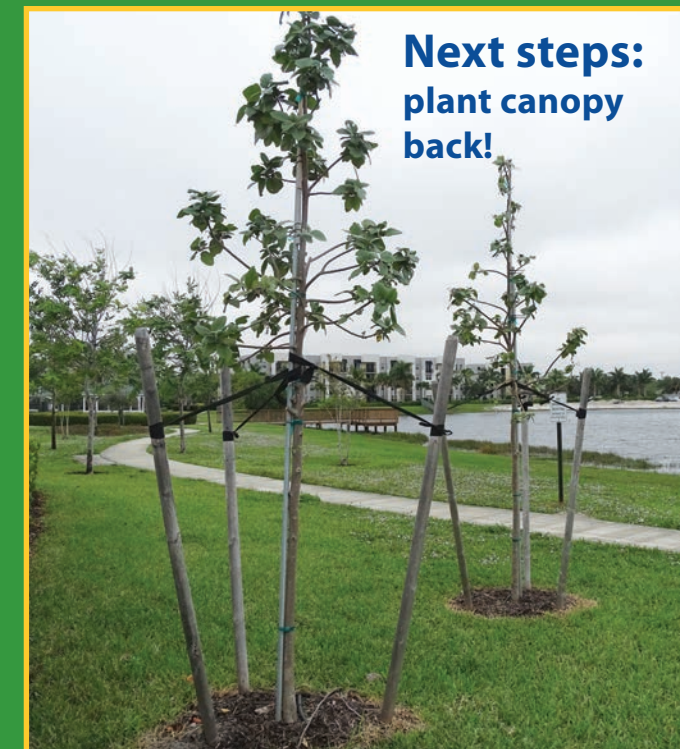
Why does it matter?

- Quicker deployment for debris cleanup.
- Secure highly qualified contractors.
- Reduce the number of trees lost.
- Better monitoring efforts.
- Higher reimbursement rate from FEMA.
- Develop a more streamlined cleanup response.
- Identify any gaps in disaster cleanup response.



Additional Resources

- Appendix G, FEMA RP9580.201, Fact Sheet: Debris Removal - Applicant's Contracting Checklist
- Community Forest Storm Mitigation Manual <http://www.gicinc.org/resiliency.htm>
- Urban Forest Strike Team <https://southernforests.org/urban/ufst>



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-A, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

Is Your Community Ready to Cleanup From a Major Storm?



The Benefits of Pre-Contracts for Disaster Cleanup Response

LET'S GET STARTED!



Useful Tips

- No obligation unless you need the services
- Ensure local leadership is onboard
- Request for services in the pre-contract, do not use time and materials contracts or piggyback onto existing contracts
- Make sure to have RFPs for both debris cleanup and monitoring services
- Create appropriate categories in procurement listings
- Do a robust advertisement announcement



FEMA REQUIRED elements in your pre-contract**

- ✓ Comply with Executive Orders (EOs) 11246 and 11375 (Equal Employment Opportunity EEO) and nondiscrimination statements.
- ✓ No collusion statements.
- ✓ Contracts must be of reasonable cost, competitively bid, and comply with Federal, State, and local procurement standards.
- ✓ Do not include any language that makes payment to the contractor contingent upon the applicant's receipt of funding from FEMA.
- ✓ All contracts in excess of \$10,000 must contain a provision for termination for cause and for convenience by the applicant according to 44 CFR Part 13.36(i)(2).
- ✓ Administrative and legal remedies for violation and breach of contract.
- ✓ Comply with the Copeland Anti-kickback Act.
- ✓ Comply with the Clean Air Act, the Clean Water Act, and Environmental Protection Agency (EPA) regulations.
- ✓ Required to state that contractor is subject to FEMA and/or GOHSEP reporting requirements.
- ✓ Notice of awarding agency requirements to patent rights and inventions.
- ✓ Awarding agency requirements pertaining to copyrights and data.
- ✓ Access to contractor grant-related records.
- ✓ Retention of required records for three (3) years after the closeout.
- ✓ For contracts over \$100,000 the applicant must follow minimum bonding requirements in accordance with 44 CFR Part 13.36(h).
- ✓ Must score and rank applicants on an established set of criteria. Price must be a selection criteria for an RFP.

FEMA RECOMMENDED elements in your pre-contract

- ✓ The applicant's legal staff needs to review for compliance with 44 CFR Part 13 requirements.
- ✓ Applicants should conduct reference checks on a contractor's history of performance before awarding contracts.
- ✓ A contract provision that the contractor is to restore and/or repair, at the contractor's cost, all damaged infrastructure back to its pre-existing condition if caused by their activities.
- ✓ Bid solicitation and final contract documents should include details on how the applicant will monitor the contractor's work and how to verify the contractor's costs and payment.
- ✓ There must be no conflict of interest between the monitoring contractor and the debris removal contractor.
- ✓ Monitoring contracts should contain a not-to-exceed clause per the requirements of 44 CFR Part 13.
- ✓ Require contractors to submit the following reports:
 - Debris collected.
 - Debris accepted.
 - Debris recycled/reduced.
 - Any operational or safety issues.

Other Key Elements

- ✓ Specify contractors must use a licensed or certified arborist for tree mitigation work and they coordinate with a municipal staff representative.
- ✓ Establish criteria and specifications in the contract for hazard tree removals, leaners (leaning trees) and hangers. In unclear situations, the arborist contacts a municipal representative for a final decision.

**This list of required elements in advanced readiness contracts to meet FEMA requirements is not necessarily exhaustive nor does it cover all grant funding programs offered by the federal agency. You should research and communicate with FEMA and/or your state's emergency management office to determine what elements are required in meeting FEMA standards for advanced contracting.