



STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT
Governor

BRYAN W. KOON
Director

September 18, 2017

IN ORDER TO EXPEDITE DEBRIS REMOVAL WHILE PROTECTING TAXPAYER DOLLARS, I AM ISSUING THE FOLLOWING GUIDANCE TO COUNTIES AS THEY NAVIGATE THEIR DEBRIS REMOVAL PROCESS. THE GOVERNOR'S CLEAR DIRECTIVE TODAY STATED THAT PLANS MUST BE SUBMITTED TO THE DIVISION OF EMERGENCY MANAGEMENT NO LATER THAN 12:00 PM ON SEPTEMBER 19, 2017. COUNTIES SHALL SUBMIT THEIR PLANS AND THE PLANS OF ANY MUNICIPALITY WITHIN THEIR TERRITORIAL BOUNDARIES TO THE DIVISION'S SHAREPOINT PORTAL. EACH PLAN SHOULD INCLUDE AN ESTIMATED COMPLETION DATE FOR DEBRIS REMOVAL IN YOUR COMMUNITY.

FURTHERMORE:

2 CFR Part 200 imposes fiscal management responsibilities upon the State in administering Federal grant dollars to local governments.

In order to qualify for reimbursement under the FEMA's Public Assistance ("PA") Program, debris removal costs, at a minimum, must be reasonable. 2 CFR §200.404 defines "reasonable costs." That standard will apply to all requests for Federal reimbursement processed through the Division. Among other factors, the definition includes "[m]arket prices for comparable goods or services for the geographic area."

2 CFR §200.320(f)(2) allows for emergency, non-competitive procurements when "[t]he public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation."

Section 257.012(25), Florida Statutes, defines a "responsible vendor" as "a vendor who has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance."

Pursuant to section 252.37(5)(a), Florida Statutes, the State of Florida pays "one-half of the required match for grants to local governments" under the FEMA PA Program.

If a local government has a current contract for debris removal but the vendor refuses to perform at the current contract rate, then the local government may pursue an emergency, non-competitive procurement in accordance with 2 CFR §200.320(f)(2).

Under these circumstances, however, I caution against re-negotiating with the same vendor at a higher rate for the following reasons:

DIVISION HEADQUARTERS •

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Tallahassee, FL 32399-2100

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www.FloridaDisaster.org

• STATE LOGISTICS RESPONSE CENTER

2702 Directors Row
Orlando, FL 32809-5631

- The vendor may not qualify as a “responsible vendor” under State law; and,
- The higher prices may not qualify as “reasonable” under the Federal Rules.

Under the authority granted to me in Executive Order 17-235, the State will pay to “one-half of the required match” based upon the local government’s pre-disaster, negotiated contract rates for debris removal. If a local government did not have pre-disaster, negotiated contract, then the “one-half of the required match” will be based upon “market prices for comparable... services for the geographic area.”

Additionally, in fulfilling the responsibilities imposed by 2 CFR Part 200, the State may limit the amount of Federal reimbursement to the rates established in pre-disaster, negotiated contracts. For local government without pre-disaster, negotiated contracts, the State may limit the amount of Federal reimbursement to the geographic average. Any amount above those rates may not be subject to reimbursement.

Bryan Koon