

## **CHAPTER 18 – EMERGENCY CONTRACTING**

### **Contents**

Introduction .....	2
Emergency Procedures .....	2
Emergency Repairs .....	3
Emergency Projects.....	4

## Introduction

***The term Project Manager (PM) is a general term for the FDOT employee responsible for managing the project. In the context of this chapter, unless specifically indicated otherwise, PM refers to the FDOT Maintenance PM.***

Florida has experienced several catastrophic events, including hurricanes, wildfires, sinkholes and major crashes into structures, which have caused severe damage to the transportation infrastructure and closure of important transportation facilities.

The highway system is critical to the rapid and effective recovery of a devastated region. Getting these facilities back into service as rapidly as possible must be a very high priority in emergency response. A PM assigned to emergency response is in an extremely important position. Key to success will be finding innovative ways to produce quality work on dramatically compressed schedules. Compliance with environmental protection, good stewardship of public funds, standards, worksite safety and other requirements are still expected, but the overriding concern will be schedule.

## Emergency Procedures

Two statutes govern the emergency contracting process:

- Governor-declared emergencies, governed by [Emergency Management Powers of the Governor](#), Section 252.36, Florida Statutes (F.S.), are for regional or statewide events, such as hurricanes.
- Secretary-declared emergencies, governed by [Contracting Authority of Department; Bids; Emergency Repairs](#), Sub-section 337.11(6)(a), F.S., are used for localized events such as bridge damage from a crash or a sinkhole.

Depending on the scope and extent of the damage, activities likely to be initiated concurrently include:

- Emergency repairs, immediate actions necessary to provide access to first responders, to open roads to the public and to prevent further damage.
- A Project Development and Environment (PD&E) project, if necessary, to prepare National Environmental Protection Agency (NEPA) documentation for major reconstruction.
- Procurement of design-build contracts, to allow fast-tracking of replacement facilities design and construction.

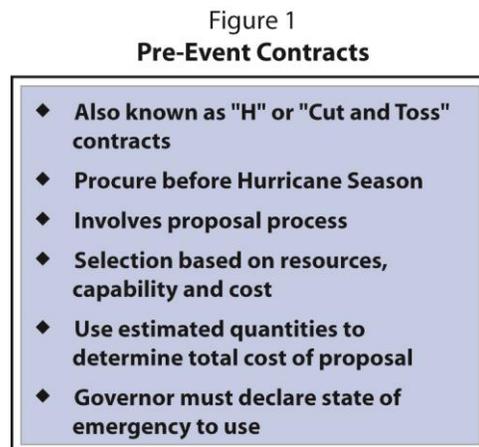
## Emergency Repairs

Emergency repairs must begin immediately on the damaged facilities to allow first responders and other emergency services access to damaged areas, to restore needed services to the public, and to complete any emergency repairs that may be required to protect the facility from further damage. Depending on the district, this work may be performed by maintenance forces, by contract maintenance or by construction.

Pre-event contracts are executed to clear all federal-aid eligible roadways to make them passable and to restore signals and roadway signs. These contracts are known as “H” or “Cut & Toss” contracts, Standard Scope of Services for which can be found on the [State Maintenance Office](#) website. These contracts should be procured in advance using a competitive format that meets Florida Department of Transportation (FDOT), Federal Emergency Management Agency (FEMA), and Federal Highway Administration (FHWA) requirements. **However, notice to proceed cannot give until the Governor declares a state of emergency.**

Procurement usually involves a proposal process with selection based on cost, resources and capabilities. Estimated quantities will be needed to establish the total costs of proposals. **Procedure No. 375-000-001, [District Contracts](#)**, is usually used to procure these services.

The PM will be responsible for activating the emergency contract and necessary Construction Engineering and Inspection (CEI) contracts when authorized, and for ensuring that the contractor stages equipment at predetermined locations by the deadline specified in the contract. These contracts should allow for use across district lines. Thus, if one district prepares contracts but an expected storm moves elsewhere, the impacted district can take advantage of another district’s contracts. Figure 1, **Pre-Event Contracts**, shows the key features of these contracts.



It is recommended that all “H” contract CEI work be assigned to one firm, using subcontracts as necessary. The PM will be responsible for ensuring that the CEI has enough manpower to adequately document the work efforts of all contractor crews. The PM should instruct the CEI to report the location of any road or bridge damage they encounter, so the PM can forward the information to the appropriate district office.

Federal-aid primary, secondary and special roadway designations are eligible for federal funds administered by FHWA. Work on all other roads is generally reimbursed through FEMA. The Construction PM should not authorize any

changes to the emergency contract without receiving prior approval by the FHWA through the district. The PM will be responsible for ensuring work efforts stay on Federal Aid Eligible roadways and that FHWA and FEMA documentation is separated. FEMA usually requires a spreadsheet that includes the date on delivery tickets, load ticket number, truck number, truck capacity and load site.

The PM is responsible for ensuring all invoices are submitted to the district in a timely and accurate manner. The PM shall require the CEI to sign the invoice recommending payment followed by the PM's signature. The PM shall ensure that additional funds are requested prior to exhausting the original funding. The PM shall ensure that additional time is requested, if it is justified, prior to exhausting the original time.

The PM will be responsible for coordinating any efforts of the local agencies that might overlap the Department's contract. The PM will be responsible for notification of the completion of the emergency work by completing the Final Acceptance Letter and the Final Inspection and Acceptance of Federal-Aid Project, Form 700-010-32.

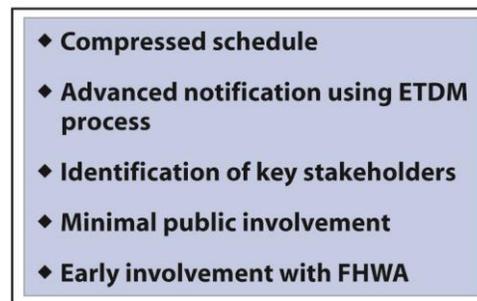
## **Emergency Projects**

**PD&E:** When damage is so severe that major reconstruction is required, it may be necessary to prepare NEPA documentation using an abbreviated PD&E study process. Key elements of this shortened process are highlighted in Figure 2.

Necessary PD&E projects must be pursued aggressively with the objective of producing the necessary environmental documentation as quickly as possible. This aggressive PD&E process includes an advanced notification using the Efficient Transportation Decision Making (ETDM) process. Key stakeholders must be identified early and coordination begun immediately. The minimum public involvement requirements must be scheduled concurrent to other early activities, even though project data may not be fully developed to the point normally required. FHWA must be involved at the beginning of the effort to ensure their agreement with the abbreviated scope and aggressive schedule. Depending upon potential environmental complications and degree of public acceptance, it would not be unusual for an emergency PD&E effort to be accelerated to 16 weeks, from advanced notification to FHWA approval of the NEPA document.

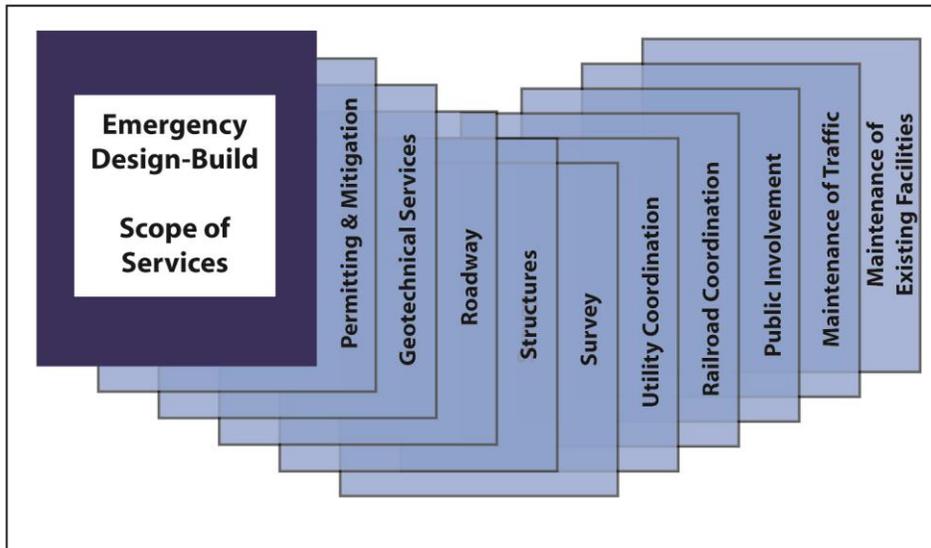
**Design-Build Projects:** The primary vehicle for completing major reconstruction is the design-build contract, which allows the maximum flexibility for early completion of major work. Procurement is a critical link in the schedule. The

Figure 2  
**Abbreviated PD&E Process**



Professional Services Unit will assist the PM in the development of a scope of services and other necessary procurement activities. A pre-proposal conference will be a key event because much essential information can be conveyed in a presentation when there is not time to prepare comprehensive Request for Proposal (RFP) packages. Potential competitors must be invited to the pre-proposal conference. Figure 3, **Emergency Design-Build Scope of Services**, illustrates key components that should be included in the scope of services.

Figure 3  
**Emergency Design-Build Scope of Service**



Competitors for emergency design-build contracts will be given a minimum response time for their proposals. Proposals must be reviewed and selections made. Negotiations will be abbreviated, so parties must expect hard negotiations and must be able to make immediate decisions.