



U.S. Department
of Transportation
**Federal Highway
Administration**

Florida Division

July 11, 2013

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In Reply Refer To:
HDA-FL

Mr. Tom Byron
Chief Engineer
605 Suwannee Street (MS-57)
Tallahassee, FL 32399-0450

Dear Mr. Byron:

As we enter the height of the 2013 Hurricane season, we wanted to make you aware of recent developments regarding Federal Highway Administration's (FHWA) Emergency Relief (ER) Program. The following information should be shared with District Emergency Management personnel as well as local agencies across Florida.

Interim ER Manual

A new version of the National FHWA ER Manual was released on May 31, 2013. The new manual provides updates to address MAP-21 changes and includes an increased focus on the concept of infrastructure resilience. This Manual is posted online at <http://www.fhwa.dot.gov/reports/erm/index.cfm>. This version supersedes the previous version, dated November 2009. Those sections that have changed are marked "Revised May 31, 2013" in the Table of Contents and within the section headers in the document.

Online Resources

The Florida Division Office maintains online resources that provide further ER guidance specific to Florida. There is a free online training course that has been updated to include recent MAP-21 changes at <https://connectdot.connectsolutions.com/floridaer/>. State and local agency personnel are highly encouraged to complete this course prior to any impending disaster. In addition, the Division has prepared an Emergency Relief Q&A, specific to Florida, which supplements the national ER Manual at <http://www.fhwa.dot.gov/fldiv/erpfaq.cfm>. The intent of this document is to serve as a guide to answer common questions that arise after an event occurs. ER funding is only available for Federal-aid roadways. This includes all public roads not functionally classified as local roads or rural minor collectors. A list of all federal-aid roadways can be found at <http://www.dot.state.fl.us/planning/statistics/fedaid/>. We recommend everyone have a copy of these documents and that they be easily accessible immediately after any ER event.

Contract Requirements

Listed below are some of the basic Federal-aid requirements that must be followed for both emergency repair and permanent restoration projects. These requirements apply to all State and

Local Agency contracts. Please be advised that failure to follow these requirements will result in a determination of ineligibility of ER funding.

- FHWA Form 1273 must be physically incorporated (not referenced) in all prime and subcontractor contracts. The only exception is for purchase orders, where the Form may be referenced.
- Davis-Bacon Wages
- Buy America
- Disadvantaged Business Enterprises (DBE)
- Americans with Disability Act (ADA)
- Convict Labor Prohibition

Emergency work is defined as work to restore essential traffic, minimize damage or protect remaining facilities. In addition to conventional low-bid contracting, emergency work may be procured through an expedited process of negotiated or solicited bidding. These methods should be thoroughly documented and justified. Low-bid contracting may also have a reduced advertisement period to facilitate quicker repairs. All permanent restoration work requires competitive bidding, similar to regular Federal-aid projects. FHWA must review and approve the permanent repair work in advance of contract advertisement. Pre-event contract may also be utilized to speed up the procurement process. A list of approved pre-event ER contracts is located at <http://www.dot.state.fl.us/statemaintenanceoffice/scopes.shtm>.

Timeliness

It is our goal to have all Detailed Damage Inspection Reports completed within 6 weeks of an event. Depending on the size of the event, this period may be extended. Our Transportation Engineers will be available within 24-48 hours after a storm to begin this process.

Emergency and permanent repairs must not be unreasonably delayed. Therefore, FDOT must coordinate with local agencies and submit an application that includes a comprehensive list of all eligible project sites and repair costs no later than 2 years after the natural disaster or catastrophic failure. Any project sites that are not identified within this timeframe will not be eligible for ER funding. FHWA may request additional documentation in order to justify projects which lag significantly in time.

Debris Removal

The Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law July 6, 2012 and amended the statutory authorization for FHWA ER funding related to debris removal. For events declared under the Stafford Act, in jurisdictions designated for Federal Emergency Management Agency (FEMA) Public Assistance (PA), all debris removal on federal-aid roadways will now be reimbursed through FEMA. Eligibility requirements will still apply through FEMA's PA program found in 44 CFR Part 206. For further information, please refer to FEMA Fact Sheet 9580.214 at <http://www.fema.gov/library/viewRecord.do?id=6640>.

Mr. Byron
July 11, 2013

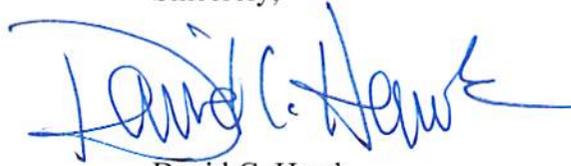
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Documentation

It is incumbent upon FDOT and local agencies to retain backup documentation for each ER site. In accordance with 49 CFR Part 19, financial records and supporting documentation shall be retained for a minimum of 3 years after final acceptance of the project. Before and after conditions at impacted sites should be thoroughly documented. Photos are critical in justifying cost reimbursements, particularly in cases where FHWA's staff can't visit the location prior to repairs being performed.

It is our goal for all agencies within Florida to be thoroughly prepared for any ER event so that full reimbursement can be achieved with minimal delays. For further information or if you have any questions, please contact Chad Thompson by email at Chad.Thompson@dot.gov or by phone at (850)553-2239.

Sincerely,

A handwritten signature in blue ink that reads "David C. Hawk". The signature is stylized with a large, sweeping initial "D" and a long horizontal flourish extending to the right.

David C. Hawk
Acting Division Administrator