

ACTION ITEM – E

DATE: August 12, 2020
RE: FEMA DR-4432 & DR-4452 Disaster Repairs
TO: Honorable Board President and Harbor District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- FEMA has approved the Engineering Services Costs for both DR-4432 and DR-4452 projects. DR-4432 cost is estimated at \$39,600 and DR-4452 is \$80,400. Matching is 25% of the costs and Business Oregon has verbally said they would cover the matching.
- This portion of work is the first phase to repair Basin 2 slopes and dredging approximately 38,000 cubic yards of material from Basins 1 and 2.
- FEMA requires an electronic signature for DR-4432 and DR-4452 to proceed with the Engineering Services Costs. Oregon Emergency Management (OEM) normally follows up with a contract as well as Business Oregon.

DOCUMENTS

- FEMA DR-4432 Engineering Services Costs, 9 pages
- FEMA DR-4452 Engineering Services Costs, 8 pages

COMMISSIONERS ACTION

- **Recommended Motion:**
Motion to approve the Port Manager to electronically sign DR-4432 and DR-4452 for the Engineering Services Costs. Furthermore, approve the Port Manager to sign contracts from OEM and Business Oregon for DR-4432 and DR-4452 for the Engineering Services Costs.

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Project Applicant Project

SUBMIT

CANCEL

Review

4432DR-OR (4432DR) / Port of Brookings Harbor (015-UIZ5Q-00) / [104046] Dredging / Applicant Project Review

Project Information

Sign

General Information v0

PROJECT #

104046

PROJECT CATEGORY

G - Parks, Recreational Facilities, and Other Items

PROJECT TITLE

Dredging

PROJECT TYPE

Standard

APPLICANT

Port of Brookings Harbor (015-UIZ5Q-00)

EVENT

4432DR-OR (4432DR)

Scope

304670 Harbor - Basins 1 and 2

This damaged facility, Port of Brookings Harbor is being written for Version 0 to provide the Applicant with funding for Architect & Engineering (A&E) Service in order to determine a Method of

Repair to restore the facility back to pre-disaster condition.

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Work to be Completed

The applicant will utilize contracts for the repairs to harbor Basins 1 and 2 to return the facility back to its pre-disaster design, function and capacity (in-kind) within the existing footprint.

Facility Damage

A. Remove and dispose of 500 Cubic Yard of Sand/Soil/Mud debris from basin 1.

GPS: 42.047097, -124.266318 through 42.044543, -124.264013

B. Remove and dispose of 7,500 Cubic Yard of Sand/Soil/Mud debris from basin 2.


GPS: 42.051155, -124.268378 through 42.050387, -124.268139

Work to be Completed Preliminary Base Cost Total: \$ 628,039.36

CEF Total: \$ 972,299.00

Total Version 0 A & E (Architectural and Engineering Cost): \$ 39,600.00

Special Notes:

- a. The actual dredging work of this project, which will be captured in Version 1 (see project note #6 below), is directly associated with the dredging work of Project #110140 of DR4452OR, so the Engineering Services will include the composite design documents for both damages. Note: because the  Processing

projects are not mutually exclusive (e.g. as the sediment of the first event DR4432 is beneath the sediment of DR4452, it technically cannot be removed until the DR4452 sediment is removed), thus the need for a combined engineering program.

b. Engineering Services Costs: by combining the engineering efforts, the anticipated total A&E expenditure is \$120,000, as noted in document PR#104046_DR4432_POBH_5-6-20 telecon notes [Dredging Project Versioning].pdf. Due to the significant cost of the large rock excavation scope-of-work in DR4432 [\$270,000 for 3000CY = \$90/CY] compared to the regular pumped-to-settling basins procedure [approx. \$57/CY], the A&E cost distribution will be based on the weighted average of estimated total project cost , where Project#104406 is \$875,000 (Option#1) and Project#110140 is \$1,770,000 (Option#1), the \$120,000 will be allocated to each project as follows: Project#104406 (DR4432) 33% = approximately \$39,600, and Project#110140 (DR4452) 67% = approximately \$80,400.

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Project Notes:

1. This project is written for A&E costs only.
2. Version 0 of this project is to provide the applicant with funding for A&E costs in order to determine and design the required method of repair (plus applicable codes and standards) to address the damages listed in the DDD and restore the facility back to pre-disaster design, function and capacity.
3. FEMA will create a subsequent project version/amendment to approve and capture a required scope of work. Repair work must not be commenced without prior FEMA approval of the repair scope of work. The version approval will require a detail scope proposal,

Processing

cost estimate, and justification to support the required method of repair.

4. The estimated cost for the A&E services for the permanent work to be completed, is estimated and verified as being reasonable, using the CEF format cost for Section H of the Applicant's Project Management and Design Costs. [refer to documents titled: RE_ 4432DR-OR (4432DR) Port of Brookings Harbor (015-UIZ5Q-00) [104046] Dredging; ST 104046 Cost Estimate (1).xlsx.
5. If the Applicant's proposed method of repair includes changes to the facility's pre-disaster design or condition, then the Applicant must demonstrate that the proposed repair work is: (1) required to address damage caused by the declared disaster; (2) required to restore the facility's pre-disaster function; and (3) reasonable and consistent with the Applicant's general construction practices (see FEMA Public Assistance Program and Policy Guide (PAPPG) at pp. 19, 84-85).
6. Design/Engineering includes any/all specialty studies needed for the completion of the Plans, Specifications, and Engineering Estimate (H&H, flood plain analysis, or geotechnical studies) and to facilitate formal consultation with all federal environmental agencies (NMFS, USFW, & USACE) and historical preservation agencies (SHPO).
7. For Mitigation to be considered, Design/Engineering for any type of mitigation measures that could potentially apply to the damaged facility must follow FEMA approved guidelines.
8. Should the A&E Study require a geotechnical investigation to determine the appropriate damage repair, the geotechnical investigation would be limited to investigative borings that may be performed within the previously disturbed prism within the public right of way. Should it be determined that a geotechnical investigation would require equipment access and staging off of hard surfaces (e.g. preexisting paved or gravel surfaces) or

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any ground disturbing activities such as clearing and grubbing, shovel tests, trenching, etc., a scope of work for the proposed ground disturbing activities shall be provided for further review in advance of conducting the work.

9. Version 0 does not include approval for construction of any kind. Prior to going to construction, a subsequent Version 1 for this project will be written and will require a full FEMA review.

10. GPS coordinates: Applicant will confirm in writing that all relevant GPS information provided by Applicant and its consultants, is accurate.

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\$ Cost

Damage #	Line Item #	Code	Quantity	Unit	Total Cost	Section
304670	3	3510 (Engineering And Design Services (applicant provided cost))	1	Lump Sum	\$39,600.00	Uncompleted

10 Previous 1 Next

CRC GROSS COST	\$39,600.00
TOTAL 406 HMP COST	\$0.00
TOTAL INSURANCE REDUCTIONS	\$0.00
CRC NET COST	\$39,600.00

Processing FEDERAL SHARE (75.00%) **\$29,700.00**

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Subgrant Conditions

- As described in 2 CFR, Part 200 § 200.333, financial records, supporting documents, statistical records and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three (3) years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a sub-recipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. Exceptions, Part 200.333, (a) – (f), (1), (2). All records relative to this Project Worksheet are subject to examination and audit by the State, FEMA and the Comptroller General of the United States and must reflect work related to disaster-specific costs.
- In the seeking of proposals and letting of contracts for eligible work, the Applicant/Subrecipient must comply with its Local, State (provided that the procurements conform to applicable Federal law) and Federal procurement laws, regulations, and procedures as required by FEMA Policy 2 CFR Part 200, Procurement Standards, §§ 317-326.
- The Recipient must submit its certification of the applicant’s completion of all of its small projects and compliance with all environmental and historic preservation requirements within 180 days of the applicant’s completion of its last small project.
- The terms of the FEMA-State Agreement are incorporated by reference into this project award under the Public Assistance grant and the applicant must comply with all applicable laws, regulations, policy, and guidance. This includes, among others, the Robert T. Stafford Disaster Relief and Emergency Assistance Act; Title 44 of the Code of Federal Regulations; FEMA Policy No. 104-009-2, Public Assistance Policy and Program Guide; and other FEMA policy and guidance.
- The DHS Standard Terms and Conditions in effect as of the date of the declaration of this major disaster are incorporated by reference into this project award under the Public Assistance grant, which flow down from the Recipient to subrecipients unless a particular term or condition indicates otherwise.
- The Uniform Administrative Requirements, Cost Principles, and Audit Requirements set forth at 2 C.F.R. pt. 200 apply to this project award under the Public Assistance grant, which flow down from the Recipient to all subrecipients unless a particular section of 2 C.F.R. pt. 200, the FEMA-State Agreement, or the terms and conditions of this project award indicate otherwise. See 2 C.F.R. §§ 200.101 and 110.
- The applicant must submit a written request through the Recipient to FEMA before it makes a change to the approved scope of work in this project. If the applicant commences work associated with a change before FEMA approves

Processing

the change, it will jeopardize financial assistance for this project. See FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide.

- The Subrecipient provided the estimate for this PW. FEMA validated the estimate and found it to be reasonable for the work to be performed.

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Insurance

Additional Information

8/4/2020

Based on the attached insurance denial letter, no insurance coverage is anticipated for the damaged.

Property insurance coverage for the facilities represented on this project are not insured or insurable. No insurance relief is anticipated. No Obtain and Maintain requirement will be made.

FEMA requires the Applicant to take reasonable efforts to pursue claims to recover insurance proceeds that it is entitled to receive from its insurer(s). In the event that any insurance proceeds are received for these expenses those proceeds must be reduced from FEMA Public Assistance funding to ensure no duplication of benefits has occurred.

No duplication of benefits from insurance is anticipated for work described in this application. In the event any part or all costs are paid by an insurance policy, a duplication of benefits from insurance will occur. Applicant must notify grantee and FEMA of such recoveries and the Sub-Grant award amount must be reduced by actual insurance proceeds.

No insurance requirements will be required for this project. Insurance requirements are specific to permanent work to replace, restore, repair, reconstruct, or construct buildings, contents, equipment, or vehicles. (FEMA Recovery Policy FP 206-086-1).

No insurance Narrative will be produced or uploaded into documents or attachments Processing

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A standard NFIP flood policy is the primary factor used to determine if a structure or item can be reasonably insured for the peril of flood. As a result, the requirement to obtain and maintain insurance is not being mandated for the work described in this project.

CTR, Tsura Simpson, PA Insurance Specialist- CRC West

O&M Requirements

There are no Obtain and Maintain Requirements on **Dredging**.

Mitigation

There are no additional mitigation information on **Dredging**.

Environmental Historical Preservation

Is this project compliant with EHP laws and orders? Yes

EHP Conditions

- Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
- This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize funding.
- If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archaeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

EHP Additional Information

There are no additional environmental historical preservation information on **Dredging**.

I CONFIRM THAT I HAVE REVIEWED ALL PROJECT INFORMATION AND AM READY TO SIGN THE PROJECT.



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Project Applicant Project

SUBMIT

CANCEL

Review

4452DR-OR (4452DR) / Port of Brookings Harbor (015-UIZ5Q-00) / [110140] Port Dredging / Applicant Project Review

Project Information

Sign

General Information

v0

PROJECT #

110140

PROJECT CATEGORY

G - Parks, Recreational Facilities, and Other Items

PROJECT TITLE

Port Dredging

PROJECT TYPE

Standard

APPLICANT

Port of Brookings Harbor (015-UIZ5Q-00)

EVENT

4452DR-OR (4452DR)

Scope

318038 Port of Brookings Harbor

Work to be Completed

Processing

The applicant will utilize contracts for the repairs to harbor Basins 1 and 2 to return the facility back to its pre-disaster design, function and capacity (in-kind) within the existing footprint.

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Facility Damage

A. Remove and dispose of 15,500 Cubic Yard of Sand/Soil/Mud debris from basin 1, area 1.

GPS: 42.047097, -124.266318 through 42.044543, -124.264013

B. Remove and dispose of 3,000 Cubic Yard of Sand/Soil/Mud debris from basin 1, area 2.

GPS: 42.047097, -124.266318

C. Remove and dispose of 12,500 Cubic Yard of Sand/Soil/Mud debris from basin 2, area 4.

GPS: 42.051155, -124.268378 through 42.050387, -124.268139


Work to be Completed Preliminary Base Cost Total: \$ 1,352,257.64

CEF Total: \$ 1,894,692.00

Applicant provided estimated cost is Reasonable


Architectural and Engineering Cost Applied to Project: \$ 80,400.00


Special Notes:

- a. The actual dredging work of this project, which will be captured in Version 1 (see project note #6 below), is directly associated with the dredging work of Project #110140 of DR4452OR, so the Engineering Services will include the composite design  Processing

documents for both damages. Note: because the projects are not mutually exclusive (e.g. as the sediment of the first event DR4432 is beneath the sediment of DR4452, it technically cannot be removed until the DR4452 sediment is removed), thus the need for a combined engineering program.

b. Engineering Services Costs: by combining the engineering efforts, the anticipated total A&E expenditure is \$120,000, as noted in document PR#104046_DR4432_POBH_5-6-20 telecon notes [Dredging Project Versioning].pdf. Due to the significant cost of the large rock excavation scope-of-work in DR4432 [\$270,000 for 3000CY = \$90/CY] compared to the regular pumped-to-settling basins procedure [approx. \$57/CY], the A&E cost distribution will be based on the weighted average of estimated total project cost, where Project#104406 is \$875,000 (Option#1) and Project#110140 is \$1,770,000 (Option#1), the \$120,000 will be allocated to each project as follows: Project#104406 (DR4432) 33% = approximately \$39,600, and Project#110140 (DR4452) 67% = approximately \$80,400.

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Project Notes:

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2. Version 0 of this project is to provide the applicant with funding for A&E costs in order to determine and design the required method of repair (plus applicable codes and standards) to address the damages listed in the DDD and restore the facility back to pre-disaster design, function and capacity.
3. FEMA will create a subsequent project version/amendment to approve and capture a required scope of work. Repair work must not be commenced without the FEMA approval of the repair scope of work.

The version approval will require a detail scope proposal, cost estimate, and justification to support the required method of repair.

4. The estimated cost for the A&E services for the permanent work to be completed, is estimated and verified as being reasonable, using the CEF format cost for Section H of the Applicant's Project Management and Design Costs. [refer to documents titled: RE_ 4432DR-OR (4432DR) Port of Brookings Harbor (015-UIZ5Q-00) [104046] Dredging; ST 110140 Cost Estimate.xlsx].
5. If the Applicant's proposed method of repair includes changes to the facility's pre-disaster design or condition, then the Applicant must demonstrate that the proposed repair work is: (1) required to address damage caused by the declared disaster; (2) required to restore the facility's pre-disaster function; and (3) reasonable and consistent with the Applicant's general construction practices (see FEMA Public Assistance Program and Policy Guide (PAPPG) at pp. 19, 84-85).
6. Design/Engineering includes any/all specialty studies needed for the completion of the Plans, Specifications, and Engineering Estimate (H&H, flood plain analysis, or geotechnical studies) and to facilitate formal consultation with all federal environmental agencies (NMFS, USFW, & USACE) and historical preservation agencies (SHPO).
7. For Mitigation to be considered, Design/Engineering for any type of mitigation measures that could potentially apply to the damaged facility must follow FEMA approved guidelines.
8. Should the A&E Study require a geotechnical investigation to determine the appropriate damage repair, the geotechnical investigation would be limited to investigative borings that may be performed within the previously disturbed prism within the public right of way. Should it be determined that a geotechnical investigation would require equipment access and staging off of hard

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surfaces (e.g. preexisting paved or gravel surfaces) or any ground disturbing activities such as clearing and grubbing, shovel tests, trenching, etc., a scope of work for the proposed ground disturbing activities shall be provided for further review in advance of conducting the work.

9. Version 0 does not include approval for construction of any kind. Prior to going to construction, a subsequent Version 1 for this project will be written and will require a full FEMA review.

10. GPS coordinates: Applicant will confirm in writing that all relevant GPS information provided by Applicant and its consultants, is accurate.

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\$ Cost

Damage #	↓	Line Item #	Code	Quantity	Unit	Total Cost	Section
318038		1	3510 (Engineering And Design Services (applicant provided cost))	1	Lump Sum	\$80,400.00	Uncompleted

10

Previous 1 Next

CRC GROSS COST	\$80,400.00
TOTAL 406 HMP COST	\$0.00
TOTAL INSURANCE REDUCTIONS	\$0.00
CRC NET COST	\$80,400.00

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FEDERAL SHARE (75.00%) \$60,300.00

NON-FEDERAL SHARE (25.00%) \$20,100.00

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Subgrant Conditions

- As described in 2 CFR, Part 200 § 200.333, financial records, supporting documents, statistical records and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three (3) years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a sub-recipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. Exceptions, Part 200.333, (a) – (f), (1), (2). All records relative to this Project Worksheet are subject to examination and audit by the State, FEMA and the Comptroller General of the United States and must reflect work related to disaster-specific costs.
- In the seeking of proposals and letting of contracts for eligible work, the Applicant/Subrecipient must comply with its Local, State (provided that the procurements conform to applicable Federal law) and Federal procurement laws, regulations, and procedures as required by FEMA Policy 2 CFR Part 200, Procurement Standards, §§ 317-326.
- The Recipient must submit its certification of the applicant's completion of all of its small projects and compliance with all environmental and historic preservation requirements within 180 days of the applicant's completion of its last small project.
- The terms of the FEMA-State Agreement are incorporated by reference into this project award under the Public Assistance grant and the applicant must comply with all applicable laws, regulations, policy, and guidance. This includes, among others, the Robert T. Stafford Disaster Relief and Emergency Assistance Act; Title 44 of the Code of Federal Regulations; FEMA Policy No. 104-009-2, Public Assistance Policy and Program Guide; and other FEMA policy and guidance.
- The DHS Standard Terms and Conditions in effect as of the date of the declaration of this major disaster are incorporated by reference into this project award under the Public Assistance grant, which flow down from the Recipient to subrecipients unless a particular term or condition indicates otherwise.
- The Uniform Administrative Requirements, Cost Principles, and Audit Requirements set forth at 2 C.F.R. pt. 200 apply to this project award under the Public Assistance grant, which flow down from the Recipient to all subrecipients unless a particular section of 2 C.F.R. pt. 200, the FEMA-State Agreement, or the terms and conditions of this project award indicate otherwise. See 2 C.F.R. §§ 200.101 and 110.
- The applicant must submit a written request through the Recipient to FEMA before it makes a change to the approved scope of work in this project. If the applicant can demonstrate a processing associated with a change before FEMA approves

the change, it will jeopardize financial assistance for this project. See FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide.

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Insurance

Additional Information

07/30/2020

Property insurance coverage for the facilities represented on this project are not insured or insurable. No insurance relief is anticipated.

FEMA requires the Applicant to take reasonable efforts to pursue claims to recover insurance proceeds that it is entitled to receive from its insurer(s). In the event that any insurance proceeds are received for these expenses those proceeds must be reduced from FEMA Public Assistance funding to ensure no duplication of benefits has occurred.

No duplication of benefits from insurance is anticipated for work described in this application. In the event any part or all costs are paid by an insurance policy, a duplication of benefits from insurance will occur. Applicant must notify grantee and FEMA of such recoveries and the Sub-Grant award amount must be reduced by actual insurance proceeds.

No insurance requirements will be mandated for the damages included in this project. Insurance requirements are specific to permanent work to replace, restore, repair, reconstruct, or construct buildings, contents, equipment, or vehicles. (FEMA Recovery Policy FP 206-086-1).

Jackie Mitchell PA Insurance Specialists
CRC West Sacramento, CA

O&M Requirements

There are no Obtain and Maintain Requirements on Port Dredging.



Mitigation

There are no additional mitigation information on **Port Dredging**.

Environmental Historical Preservation

Is this project compliant with EHP laws and orders? **Yes**


EHP Conditions


- Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
- This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize funding.
- If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archaeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

EHP Additional Information

There are no additional environmental historical preservation information on **Port Dredging**.

I CONFIRM THAT I HAVE REVIEWED ALL PROJECT INFORMATION AND AM READY TO SIGN THE PROJECT.

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