



Code and Standards

Christina Moore <chief@halifaxems.org>

Mon, Aug 6, 2012 at 5:25 PM

To: townclerk@halifaxvermont.com, Edee Edwards <edee.edwards@hughes.net>, Earl Holtz <halifaxvt@gmail.com>

In the past, Halifax has signed the "Codes and Standards" document that the State of Vermont has handed us.

We have to protect ourselves from future issues regarding this ANR/AOT tangle. My thought is that we can add a phrase similar to:

"meeting the permit standards for all applicable state and federal agencies." to the document. We'd re-type it, enter it as a Selectboard Motion with a new date and let it stand until the State of VT drafts something better and such.

here is my justification for this:

- 1) VT Municipalities have a long history of sovereign autonomy. A real challenges at times, but may play to our favor here.
- 2) Without the advice of legal counsel, the intent and language of a "lay author" is treated far more generously in a court/hearing/appeal.
- 3) If challenged, we (Town of Halifax) can say: "We are attempting to mitigate past errors" which is part of our duty.

We're about to head into another hurricane season, followed by blizzards and ice. If we pass this and need it, yay for us, even if FEMA and State of VT don't solve their problem. If we do need it and get rejected on appeal, so what, we tried. If we don't need it, it took 10 minutes in a public meeting. A good investment when the costs of failure are measured in the \$100,000s.

The phrase I learned at FEDEX as a project manager was: "Then enemy of better is not best." I fear the State of VT may not solve the problem with an interim solution until they find the perfect best solution. One baby step the right way is ok sometimes.

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Project Close outs

Christina Moore <chief@halifaxems.org>

Mon, Aug 6, 2012 at 5:57 PM

To: Edee Edwards <edee.edwards@hughes.net>, Earl Holtz <halifaxvt@gmail.com>, townclerk@halifaxvermont.com

We have 10 large projects. Each of these projects have to go through "project close out". This process seems to be a close duplication of two other processes. It resembles the PW drafting process and it closely resembles the payment submission request process. To the 99%, it is the same documents in the same binders submitted to the same people.

Oddly, we have to submit complete documents entirely separately for each project. For example 100% of the town time cards for each of the 10 projects have to be printed two more times. These two new copies will go to the State of VT (they will submit one to FEMA).

You will see additional costs and time as I prepare these documents. This is more paper, more toner, more 3-ring binders, more hours. FEMA will cover these costs as Direct Administrative Costs. Failure to comply will result in poor audits and return of funds to FEMA. Compliance is a good thing.

There we go. I will commence shortly. You'll the hours go up and the routine bills from Staples go up for a bit. Thankfully, it is only the 10 large.

Ok....

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Actions required for "Improved Projects"

Christina Moore <chief@halifaxems.org>

Mon, Aug 6, 2012 at 5:10 PM

To: townclerk@halifaxvermont.com, Edee Edwards <eedee.edwards@hughes.net>, Earl Holtz <halifaxvt@gmail.com>

Selectboard Members
(cc: Joe T)

Lewis and I attended a lengthy and detailed meeting with FEMA today about several advanced aspects of large projects. This email is not meant to be a complete re-cap of that meeting or our lessons we are to follow through on. There are more than one action to be taken. These notes deal only with future bridge projects.

At present, our two up-coming bridge projects (DEER PARK, and HALE RD) share a common issue in that VT ANR is requiring a longer bridge than was previously at these sites. Under current guidance, these bridge projects will be "improved projects." FEMA will fund a replacement bridge built to Codes and Standards. As noted previously, VT Codes and Standards were drafted by VT AOT and seems to have ignored the requirements of VT ANR. Therefore FEMA is stating that because ANR permitting standards are not noted in the "Codes and Standards", then FEMA isn't required to build bridges to that higher specification. This issue is being appealed and in a legal challenge between State of VT and FEMA. State may lose, it may be months, etc, etc. We ignore this issue while we continue...

An IMPROVED PROJECT has two elements:

- 1) There is a recognized Scope of Work (SOW) for the replacement project, and there is a project cost associated with this.
- 2) There is a delineation between this REPLACEMENT SOW and the final project with its scope of work and costs.

The gap (or delta) between the two becomes the financial burden of the town.

The REPLACEMENT SOW and COST are currently estimated by FEMA. I suggest that the Town of Halifax make a request of our engineering firm to make a "STATEMENT OF PROBABLE COSTS" for our two upcoming projects. This STATEMENT OF PROBABLE COSTS is a standard form. It needs to be based on the shorter "FEMA" (non-ANR) bridge specification.

I believe that the FEMA prices are too low, especially for DEER PARK BR. We want that number as high as possible (and honest). It needs to be an apples - to - apples comparison. If SVE says 18' footers, then both original and improved get the same footers. If SVE says 18' is standard, then both bridges original and improved are 18'. We don't have that.

The next thing, I would like to ask of the selectboard, is to extend the window between bid submission and award. FEMA has suggested that we take the new (post-design/post-bid) Scope of Work and Costs, then run it through the State/FEMA process as a Change of Scope process. This means all of the check-points including regulatory affairs have to re-examine the project. This takes time. To execute prior to FEMA's approval would jeopardize our reimbursement on the portion we are due.

If this were a game of poker, we'd all play with our cards face up on the table at all times.

Joe, when the Selectboard or its chair says: "Go" on this and asks you to request at STATEMENT OF PROBABLE COSTS, we need to provide SVE with the rough guidelines for the non-ANR specified bridges. These bridges are have shorter spans. We'll do this together when we have the documents in front of us.

To: Halifax Selectboard
Joe Tamburrino, Purchasing Agent
Patty Dow, Clerk/Treasurer

From: Christina Moore
Irene Recovery Project Manager

Date: 06 AUG 12

Re: Meeting Notes FEMA/Municipalities Newfane 06AUG12

Meeting led by: Jay Jackson, Dana Danieli FEMA
Attended by: Ben Rose, State of VT
14 towns

VT ANR/Bridge issue with Codes and Standards is in appeal within FEMA Region 1.
For State of VT, grant administration will remain within AOT. The FEMA liaison role (Ben Rose) is moving to VEM.

A slide deck, publications and list of terms were presented to the attendees. These notes are presented in chronological order. With improved projects, we will want to make sure that the FEMA original project SOW and funding is accurate. We can verify/modify that value through a few options:

- 1) Asking engineering firm for Statement of Probable Costs for the original FEMA SOW.
- 2) Bid out the original SOW
- 3) Ask winning bidder to draft a cost of the original SOW.

SCOPE CHANGE

When large projects (bridges) are bid out, we should submit the final engineered scope of work and bidding documents back through the State of VT as a scope change. This will then go through FEMA including EHP (environmental, historical preservation). Also inflationary pressure on material costs can also trigger scope change.

ALTERNATE PROJECTS

Funds from a FEMA project can be re-directed to an alternate project. 90% of the 90% of funds can go to an unrelated project. Notification of project must happen before 01SEP12.

APPEALS

Clock on the appeals process starts at notification of obligation (the letter we get from Gary Schelley).

On ANR-impacted bridge projects:

We can submit one document to the state with a simultaneous Scope Change/Improved project request.

EMMIE External
Still not available.

FEMA Exit Interviews

We need to complete this process. I was too tired and didn't have time/energy or sufficient documentation with me to confirm their numbers/values, etc.

DEBRIS PROJECTS

Lots of complicated foolishness unless the projects were bid at fix-price and contracted that way. Halifax used a fixed-bid, public bid process in compliance with our rules. We're in the super-simple column. Ignored all other information on debris projects.

PROJECT CLOSE OUT

The formal project close out process is necessary for all large projects. We have 10. We need to deliver duplicate documents for all large projects. In each packet (book) will be all information on our bidding process, all time cards, all related permits and all invoices/payments as related to that project. Copies of policy will be made for each book. So, yes, some documents will be submitted 20 times.

Our Project Books are the gold standard per Ben Rose at the state. In the past, I followed FEMA guidelines on presenting 20% of time cards for each project. For close out, I'll need to provide 100% of time cards for all large projects. That is a LOT of paper.

We'll need to document Direct Administrative Costs (DAC) per project with time cards, invoices, etc. We used a percentage during the drafting of project worksheets. At close out, we collect on "actuals".

SAIC/BECK

This consulting company has had a role in helping Ben Rose organize complicated data. Their contract ends this month. They become a non-player.

Email with specific action items were generated as a result of digesting these data. Those email may be found under separate cover.