

TYLER COUNTY COMMISSIONERS COURT
SPECIAL MEETING
JUNE 26, 2015—10:00 a.m.

THE STATE OF TEXAS ON THIS THE 26th day of June, 2015 the Commissioners' Court in and for Tyler County, Texas convened in a Special Meeting at the Commissioners' Courtroom in Woodville, Texas the following members of the Court present, to wit:

JACQUES L. BLANCHETTE	COUNTY JUDGE, Presiding
MARTIN NASH	COMMISSIONER, PCT. #1
RUSTY HUGHES	COMMISSIONER, PCT. #2
JACK WALSTON	COMMISSIONER, PCT. #4
DONECE GREGORY	COUNTY CLERK, Ex-Officio

The following were absent: Commissioner Marshall thereby constituting a quorum. In addition to the above were:

JACKIE SKINNER	COUNTY AUDITOR
SUE SAUNDERS	COUNTY TREASURER
DALE FREEMAN	CONSTABLE PCT#1/EMERGENCY MANAGEMENT

The court met with Randy Whittington, Texas Division of Emergency Management (Lufkin office), representatives from the Houston field office, FEMA representatives, and others for an "applicant briefing" for the Disaster Declaration 4223 which was declared May 29, 2015. Incident period started May 4th and closed June 19th. The cost share: federal assistance is 75% with local match being 25%. There are 58 declared counties and expecting a total of approximately 90. Public Assistance is a reimbursement program to eligible applicants: counties, cities, Indian tribes, school districts, private non-profits, COGs, townships and agencies of local governments. Electrical, water & sewer co-ops are also eligible for assistance.

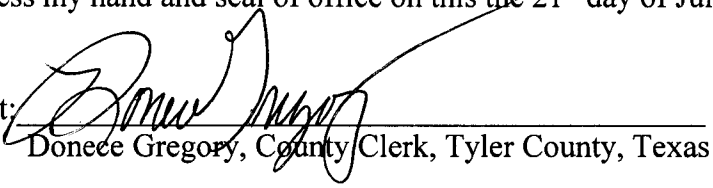
- 1st have to fill out a Request for Public Assistance (RPA). July 8th is the deadline for requesting public assistance.
- DUNS number is required in order to track the grants
- Eligibility is determined
- Designation of Applicant's Agent (DAA) form for contacts plus multiple forms for photographs, sketches & drawings, documentation
- Copy of insurance policy, procurement procedures, direct deposit authorization
- Standard 424 Federal Grant Application
- Small project: \$121,600 and less Large project: \$121,600 Projects under \$3040.00 will not be written
- Projects can be grouped together to meet the \$3040.00 minimum
- All damages have to be reported 60 days from the kick off meeting date
- www.FEMA.gov/schedule-equipment-rates
- "Cost plus" and "piggy-back" contracts are prohibited
- Monitoring will be done throughout the project with site visits
- Submit quarterly reports every three month
- For every contractor include the list that proves they are not on the debarred list
- Applicant can now retain income from debris recycling
- Straight time for "force account labor" involved in performance or administration of debris removal can now be eligible for reimbursement
- Debris has to be picked up within 190 days
- Have 60 days to identify additional damages after receiving the call that the project has been put into the system

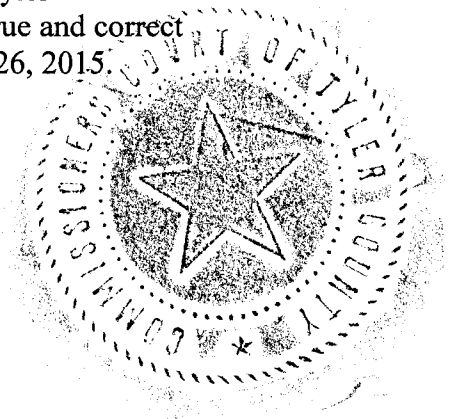
A motion was made by Commissioner Walston and seconded by Commissioner Hughes for the meeting to adjourn. All voted yes and none no.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED:10:50 a.m.

I, DONECE GREGORY, County Clerk and ex officio member of the Tyler Commissioners Court, do hereby certify to the fact that the above is a true and correct record of the Tyler County Commissioners Court session held on June 26, 2015.

Witness my hand and seal of office on this the 21st day of July, 2015.

Attest: 
Donece Gregory, County Clerk, Tyler County, Texas



DESIGNATION OF APPLICANT'S AGENT - FEMA -TX			
PUBLIC ASSISTANCE			
Texas Department of Public Safety - Division of Emergency Management			
Organization Name (hereafter named Organization) Northeast Texas Rural Rail Transportation District (NETEX)			
Primary Agent		Secondary Agent	
Agent's Name		Agent's Name	
Organization		Organization	
Official Position		Official Position	
Mailing Address		Mailing Address	
City ,State, Zip		City ,State, Zip	
Work Phone	Fax Number	Work Phone	Fax Number
E-Mail Address		E-Mail Address	
Cellular Phone	Pager	Cellular Phone	Pager
<p>The above Primary and Secondary Agents are hereby authorized to execute and file Application for Public Assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or otherwise available. This agent is authorized to represent and act for the Organization in all dealings with the State of Texas for all matters pertaining to such disaster assistance required by the agreements and assurances printed on the reverse side hereof.</p>			
Chief Financial Officer		Certifying Official	
Name		Official's Name	
Organization		Organization	
Official Position		Official Position	
Mailing Address		Mailing Address	
City ,State, Zip		City ,State, Zip	
Work Phone	Fax Number	Work Phone	Fax Number
E-Mail Address		E-Mail Address	
Cellular Phone	Pager	Cellular Phone	Pager
Applicant's State Cognizant Agency for Single Audit purposes (If a Cognizant Agency is not assigned, please indicate):			
Applicant's Fiscal Year (FY) Start			
		Month	Day:
Applicant's Federal Employer's Identification Number			
-			
Applicant's State Payee Identification Number			
-			
Certifying Official's Signature / Date			

APPLICANT ASSURANCES

The applicant hereby assures and certifies that he will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally-assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 205, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

DEPARTMENT OF HOMELAND SECURITY
 FEDERAL EMERGENCY MANAGEMENT AGENCY
REQUEST FOR PUBLIC ASSISTANCE

O.M.B. NO. 1660-0017
 Expires April 30, 2013

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 10 minutes. Burden means the time, effort and financial resources expended by persons to generate, maintain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the collection, including suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472. Paperwork Reduction Project (OMB Control Number 1660-0017). You are not required to respond to this collection of information unless it displays a valid OMB number. **NOTE: Do not send your completed questionnaire to this address.**

APPLICANT (Political subdivision or eligible applicant)

DATE SUBMITTED

COUNTY (Location of Damages. If located in multiple counties, please indicate)

DUNS NUMBER

APPLICANT PHYSICAL LOCATION

STREET ADDRESS

CITY

COUNTY

STATE

ZIP CODE

MAILING ADDRESS (if different from Physical Location)

STREET ADDRESS

POST OFFICE BOX

CITY

STATE

ZIP CODE

Primary Contact/Applicant's Authorized Agent

Alternate Contact

NAME

NAME

TITLE

TITLE

BUSINESS PHONE

BUSINESS PHONE

FAX NUMBER

FAX NUMBER

HOME PHONE (Optional)

HOME PHONE (Optional)

CELL PHONE

CELL PHONE

E-MAIL ADDRESS

E-MAIL ADDRESS

PAGER & PIN NUMBER

PAGER & PIN NUMBER

Did you participate in the Federal/State Preliminary Damage Assessment (PDA)? YES NO

Private Non-Profit Organization? YES NO

If yes, which of the facilities identified below best describe your organization? _____

Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: "... any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." Other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety services of a governmental nature. All such facilities must be open to the general public."

Private Non-Profit Organizations must attach copies of their Tax Exemption Certificate and Organization Charter or By-Laws. If your organization is a school or educational facility, please attach information on accreditation or certification.

OFFICIAL USE ONLY: FEMA -

-DR-

FIPS#

DATE RECEIVED

A Summary of Federal Procurement Standards

When Purchasing Goods and
Services under the Public
Assistance Program

FEDERAL PROCUREMENT STANDARDS
When Purchasing Goods and Services under the Public Assistance
Program

The Importance of Following Federal Procurement Procedures

Care must be taken when purchasing goods and materials and when contracting for services for projects approved under the Public Assistance program. All projects are subject to audit. Contracts must be of reasonable cost, generally competitively bid, and otherwise comply with Federal, state and local procurement standards. By Federal regulation, Applicants are to follow their own procurement procedures as long as those procedures meet or exceed the procurement standards in the Federal Regulations [2 CFR 200.318(a)]. FEMA will only reimburse fair and reasonable costs of any contract an Applicant enters into.

The following tables list the typical types of contracts entered into by Applicants and their service providers when performing work under the Public Assistance program; and summarize the four procurement methods allowed by Federal regulation and associated Federal procurement requirements.

The table listing typical types of contracts can serve as a checklist by the Applicant to determine the type of contract that is appropriate for a given project. Refer to the Federal Procurement Regulations contained in [2 CFR 200.320] if further clarification is needed. A copy of the regulations can be obtained by contacting the State's Public Assistance Officer.

Different Types of Contracts - When and When Not to Use

Types of Contracts	Standards	Type Used
Lump Sum	Contract for work within a prescribed boundary with a clearly defined scope and a total price	
Unit Price	Contract for work done on an item-by-item basis with cost determined on a unit basis.	
Cost Plus Fixed Fee	Either a lump sum or unit price contract with a fixed contractor fee added into the price	
Time and Materials or Time and Equipment	Should be avoided, but may be allowed for work necessary immediately after the disaster occurs when a clear scope of work cannot be developed and after a determination that no other contract is suitable; <u>must</u> include a cost ceiling or "not to exceed" provision in the contract [2 CFR 200.318(j)(1)]. Applicants must engage in comprehensive active monitoring activities to ensure contractor efficiency and must contact the state to ensure proper guidelines are followed. Some consideration is given to restoration of damaged electrical utilities when using time and equipment-type contracts.	
Piggyback Contracts	FEMA does not favor "piggyback contracts." The variables associated with scopes of work, cost considerations, and competitive procurement requirements make this an option to be avoided. If used, reimbursement for eligible work will be predicated on reasonable costs for the work performed.	
Cost Plus Percentage of Cost	Contracts awarded by an Applicant on the basis of cost plus percentage of cost shall not be used [2 CFR 200.323(d)].	
Contingency	Contract payment provisions should not include any language that makes payment to the contractor contingent upon the Applicant's receipt of funding from FEMA.	
Any contract awarded to debarred contractors	Contracts awarded by an Applicant to debarred contractors are prohibited [2 CFR 200.318(h)] and [2 CFR 200.212]. No Federal funding will be awarded for otherwise eligible work.	

Procurement Methods - A Guide and Checklist to Help Determine an Appropriate Contract

To Purchase....	Procurement Methods	Standards	Award based on ...
Services and supplies under \$150,000	Small purchases [2CFR 200.320(b)]	<ul style="list-style-type: none"> • Do not exceed simplified acquisition threshold of \$150,000 • Obtain price or rate quotation from adequate number of qualified sources • Relatively simple and informal method 	Awarded based on lowest documented price quote
Construction, debris services, etc.	Sealed bids (formal advertising) [2 CFR 200.320(c)]	<ul style="list-style-type: none"> • Bids publicly solicited and advertised and a firm-fixed-price contract (lump sum or unit price) awarded • Adequate and realistic description of project is available. • Two or more responsible bidders are able to compete effectively • Allow sufficient time for bidders to respond • Invitation for bids defines project adequately • Bids publicly opened at time and place prescribed in invitation • Approved and awarded in writing • All bids may be rejected for sound documented reason 	Awarded to the responsible bidder whose bid conforms with invitation for bid and whose bid is lowest in price
Architectural, engineering or professional services	Competitive proposals [2 CFR 200.320(d)(5)]	<ul style="list-style-type: none"> • Bids publicly advertised; identify all evaluation factors that will be used • Any response shall be honored to the maximum extent practical • Proposals solicited from an adequate number of qualified sources • Method for conducting technical evaluations of proposals in place 	Contracts are awarded to responsible firm based on contractor qualifications subject to fair and reasonable
When it can be documented that competition is inadequate or public urgency for work will not permit delay	Noncompetitive proposals [2 CFR 200.320(f)]	<p>Procurement by noncompetitive proposals may be used only when the award of a contract is not feasible under small purchase procedures, sealed bids or competitive proposals, <u>and</u> one of the following exists:</p> <ul style="list-style-type: none"> • Item is only available from one source; • Public exigency or emergency will not permit delay; • Awarding agency authorizes noncompetitive proposal; or • Competition is determined inadequate after soliciting from a number of sources. <p>Applicants must conduct a cost (price) analysis. <u>Preauthorization is required</u> in most instances.</p>	Proposal is received from only one source, or after solicitation from a number of sources, competition is documented inadequate

Summary of Federal Procurement Regulations and Criteria [2 CFR 200]

Federal Regulation	Regulatory Criteria
Procurement Standards [2 CFR 200.318(a)]	1. Applicants are to follow their own procurement procedures as long as those procedures meet or exceed the procurement standards in the federal regulations. 2. Contracts must be monitored to assure compliance with terms, conditions and specifications of contracts or purchase orders 3. Applicant must maintain written code of standards governing award and administration of contracts (conflicts of interest, selection and award, etc.) 4. Applicant will review proposed procurements to avoid unnecessary or duplicate purchases 5. Intergovernmental agreements for procurement are encouraged 6. Use of excess and surplus property is suggested when feasible 7. Use of value engineering clauses in construction contracts of sufficient size is encouraged 8. Contracts will be awarded only to responsible contractors possessing ability to perform 9. Supporting documents must be maintained to be included - rationale for method of procurement, selection of contract type, contractor selection or rejection and basis for contract price 10. Use of time and material contracts is limited to situations where 1) no other contract is feasible, and 2) includes a ceiling price. 11. Applicants will have responsibility for settlement of all contractual and administrative issues arising out of procurements 12. Applicants to have protest procedures to handle and resolve disputes relating to procurements
Competition [2 CFR 200.319(a)]	1. All procurement transactions will provide full and open competition. Examples of restrictive competition include: a. Unreasonable requirements on firms in order for them to qualify b. Requiring unnecessary experience or excessive bonding c. Noncompetitive awards to consultants on retainer d. Organizational conflicts of interest e. Specifying only brand name products f. Any arbitrary action in the procurement process 2. Geographical preferences in evaluation of bids is restricted 3. Written selection procedures must be in place for all procurements identifying all requirements. 4. Ensure all pre-qualified lists of persons, firms or products are current and include enough qualified sources to ensure maximum open and free competition
Methods of Procurement [2 CFR 200.320]	<ul style="list-style-type: none"> • See Checklists
Affirmative Action [2 CFR 200.321]	Grantee will take all necessary affirmative action steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible
Contract Cost and Price [2 CFR 200.323]	1. Applicants must perform cost or price analysis in connection with every procurement action 2. Applicants must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. 3. Costs and prices based on estimated costs will be allowable only to the extent that they are consistent with Federal cost principles. 4. Cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

Federal Regulation	Regulatory Criteria
Awarding Agency Review [2 CFR 200.324]	<ol style="list-style-type: none"> 1. Applicants must make available to awarding agency technical specifications on proposed procurements and, on request, make pre award documents available i.e. requests for proposals or invitations for bids, independent cost estimates, etc. 2. <u>Review is required in all cases when Applicant's procurement procedure fails to comply with standards</u>, procurement exceeds simple acquisition threshold and is awarded without competition or only one bid or offer is received, or is awarded to other than low bidder or brand name is specified. 3. Applicant may request that its procurement system be reviewed to determine whether its system meets these standards, or Applicant may self-certify its procurement system
Bonding Requirements [2 CFR 200.325]	<p>For construction or facility improvement contracts exceeding simplified acquisition threshold (\$100,000), the awarding agency may accept the Applicant's bonding policy and requirements. If such a determination has not been made, the following are minimum bonding requirements:</p> <ol style="list-style-type: none"> 1. A bid guarantee from each bidder equivalent to 5% of bid price; 2. A performance bond from contractor for 100% of the contract price; and 3. A <u>payment bond on the part of the contractor for 100% of the contract price.</u>
Contract Provisions [2 CFR 200.326]	<p>Contracts must contain these provisions</p> <ol style="list-style-type: none"> 1. Administrative, contractual or legal remedies in instances where contractors violate or breach contract terms 2. Termination clause for cause and for convenience 3. Compliance with Equal Employment Opportunity regulations 4. Compliance with Anti-Kickback regulations 5. Compliance with Davis-Bacon Act 6. Compliance with Contract Work Hours and Safety Standards Act 7. Notice of reporting requirements and regulations pertaining to reporting 8. Notice of requirements pertaining to patent rights 9. Notice of requirements pertaining to copyrights and rights in data 10. Access of any records by grantee, sub grantee, Federal grantor, Comptroller or any duly authorized representatives 11. Records must be retained for at least three years after final payments are made 12. Compliance with CAA, CWA, EPA 13. Mandatory standards relating to energy efficiency

Post-Disaster Procurement and Contracting

After a disaster, contractors play a major role in rebuilding an affected community. Local jurisdictions face difficult recovery choices and are often inundated with offers of consultants and contracting services. Jurisdictions need to be aware that while these services can often be beneficial to locals, there can also be pitfalls to using contractors. To ensure eligible expenses are covered under FEMA Public Assistance, there are regulations and rules that must be followed. Here are some things to keep in mind.

Don't be fooled by claims that "FEMA will cover the costs."

Be very wary of claims that contractor costs can be passed to FEMA. Review rules on direct administrative cost and the requirement to tie them directly to a specific project. If planning to use contractors for a project, discuss that information with FEMA and TDEM during project formulations. FEMA may not agree that all the contracting costs are necessary or reasonable.

There is no such thing as a FEMA or TDEM approved contractor.

Neither TDEM nor FEMA authorizes contractors. It is important to remember that costs incurred by contractors used regularly, who do not meet federal procurement guidelines, will not be eligible for reimbursement under the disaster. This could include firms used regularly for services such as accounting, legal, engineering, waste management, building maintenance, road repair/maintenance and many other services.

Maintain control over projects.

Do not allow contractors to write your requests for bids or proposals. Carefully monitor contractors to ensure they provide the products or services in accordance with all contract provisions. Review invoices to ensure you do not pay for products or services not received.

Follow federal procurement guidelines.

Follow all required federal procurement guidelines when hiring contractors. Procurement rules are found in 2 CFR 200 and 44 CFR Part 13. Below is a list of common issues that are found by auditors to be in non-compliance with federal procurement rules.

Was the right type of contracting/procurement used?	
Did the subrecipient use the right kind of contracting process as determined by the cost?	2 CFR 200.320 (formerly 2 CFR 215.42, 44, 46 & 47) See also 44 CFR 13.36(d)
If a small purchase (under \$100,000) were an adequate number of quotes obtained? (3 or more)	2 CFR Appendix II and 2 CFR 200.320(b) (formerly & 2 CFR 215.44(a)) See also 44 CFR 13.36(d)(1))
If over \$100,000, was the contract bid to assure full and open competition?	2 CFR 200.319(a) (formerly 2 CFR 215.43) See also 44 CFR 13.36(c)(1)
If non-competitive, did public exigency or emergency apply?	2 CFR 200.319(a) (formerly 2 CFR 215.46(b)) See also 44 CFR 13.36(d)(4)(i) and 13.36(d)(4)(i)(B)

If non-competitive, was profit negotiated as separate element?	2 CFR 200.323(b) (formerly 2 CFR 215.46(b) See also 44 CFR 13.36 (f)(2)
Time & Material (T&M) Contracts	
Was there a determination that no other contract is suitable?	2 CFR 200.318(j)(1) (formerly 2 CFR 215.44) See also 44 CFR 13.36(b)(10)(i)
Does the T&M contract include a ceiling that the contractor exceeds at its own risk?	2 CFR 200.318(j)(2) See also 44 CFR 13.36(b)(10)(ii)
Did claim exceed contract ceiling cost?	2 CFR 200.318(j)(2) See also 44 CFR 13.36(b)(10)(ii)
General Contracting Requirements	
Did the subrecipient maintain adequate procurement history records?	2 CFR 200.318(i) (formerly 2 CFR 215.42, 44(a), 46 & 47) See also 13.36(b)(9) & (c)(3)
Did the subrecipient utilize debarred contractors? Do they have a copy of the debarment check dated prior to hire?	2 CFR 200.205(d) (formerly 2 CFR 215.13) See also 44 CFR 13.35 & 13.36(b)(8)
Did the subrecipient maintain a contract administration system for each contract (properly oversee/manage contract)?	2 CFR 200.318(b) (formerly 2 CFR 215.47) See also 44 CFR 13.36(b)(2)
Was a cost or price analysis performed?	2 CFR 200.323 (formerly 2 CFR 215.45) See also 44 CFR 13.36(f)(1)
Was the Contractor Bonded?	2 CFR 200.325 (formerly 44 CFR 13.36(h)) & 2 CFR 215.48(c))
Did the contract contain required provisions, as applicable? <ul style="list-style-type: none"> • Administrative, contractual, or legal remedies • Termination for cause and for convenience • Equal Employment Opportunity • Contract Work Hours and Safety Standards Act • Rights to Inventions Made Under a Contract or Agreement, Copyrights and Patents • Access to Records and Records Retention • Clean Air Act, Clean Water, EPA and , Energy Policy and Conservation • Debarment and Suspension • Byrd Anti-Lobbying Amendment • Procurement of recovered materials 	Appendix II to 2 CFR Part 200 (formerly 2 CFR 215.48) See also 44 CFR 13.36(i)
Were affirmative steps taken to assure small and minority businesses, women's enterprises and labor surplus firms were used? If steps were not taken, is vendor small, minority, women or labor surplus enterprise?	2 CFR 200.321 (formerly 2 CFR 215.44(b)) See also 44CFR 13.36(e)

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
ROBERT J. BODISCH, SR.
DEPUTY DIRECTORS



COMMISSION
A. CYNTHIA LEON, CHAIR
MANNY FLORES
FAITH JOHNSON
STEVEN P. MACH
RANDY WATSON

June 16, 2015

Dale Freeman
Emergency Management Coordinator
Tyler County
201 Veterans Way
Woodville, TX 75979

Re: FEMA-4223-DR-TX
Texas Severe Storms, Tornadoes, Straight-line winds, and Flooding
Applicant's Briefing for Public Assistance

Dear Mr. Freeman:

Pursuant to the disaster declaration which has been approved for Tyler County for Public Assistance (PA), we have scheduled an applicant's briefing to begin the application process and cover important program information. *Therefore, attendance by department heads, Emergency Management Coordinators, a finance representative and those who will be directly involved in administering this program on behalf of each applicant is recommended. The chief elected official for each jurisdiction is highly encouraged to attend.*

Day	Time	Location
6/26/2015	10:00 PM	201 Veterans Way RM C Woodville, TX 75979

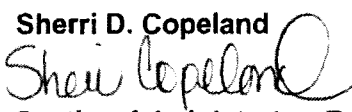
1. The Public Assistance program makes federal funds available to repair damages and reimburse applicants for eligible costs associated with certain disaster-related activities due to the Texas Severe Storms, Tornadoes, Straight-line winds, and Flooding recently declared. The incident period is May 4th and continuing for DR-4223.
2. Eligible applicants under this program include local governments or governmental entities, special utility districts, certain private non-profit (PNP) organizations and Tribal organizations. Eligible PNP organizations must own or operate educational, utility, irrigation, emergency, medical, custodial care, or essential governmental service facilities. Essential governmental service facilities include museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, and other facilities which provide a health and safety service of a governmental nature. Governmental services include low-income housing, alcohol and drug rehabilitation centers,

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facilities offering food programs and daycare centers for children, senior citizens and special needs individuals. All such facilities must be open to the general public.

3. Funding for the PA program in each of these disasters is shared between the federal government (75%) and the applicant (25%).

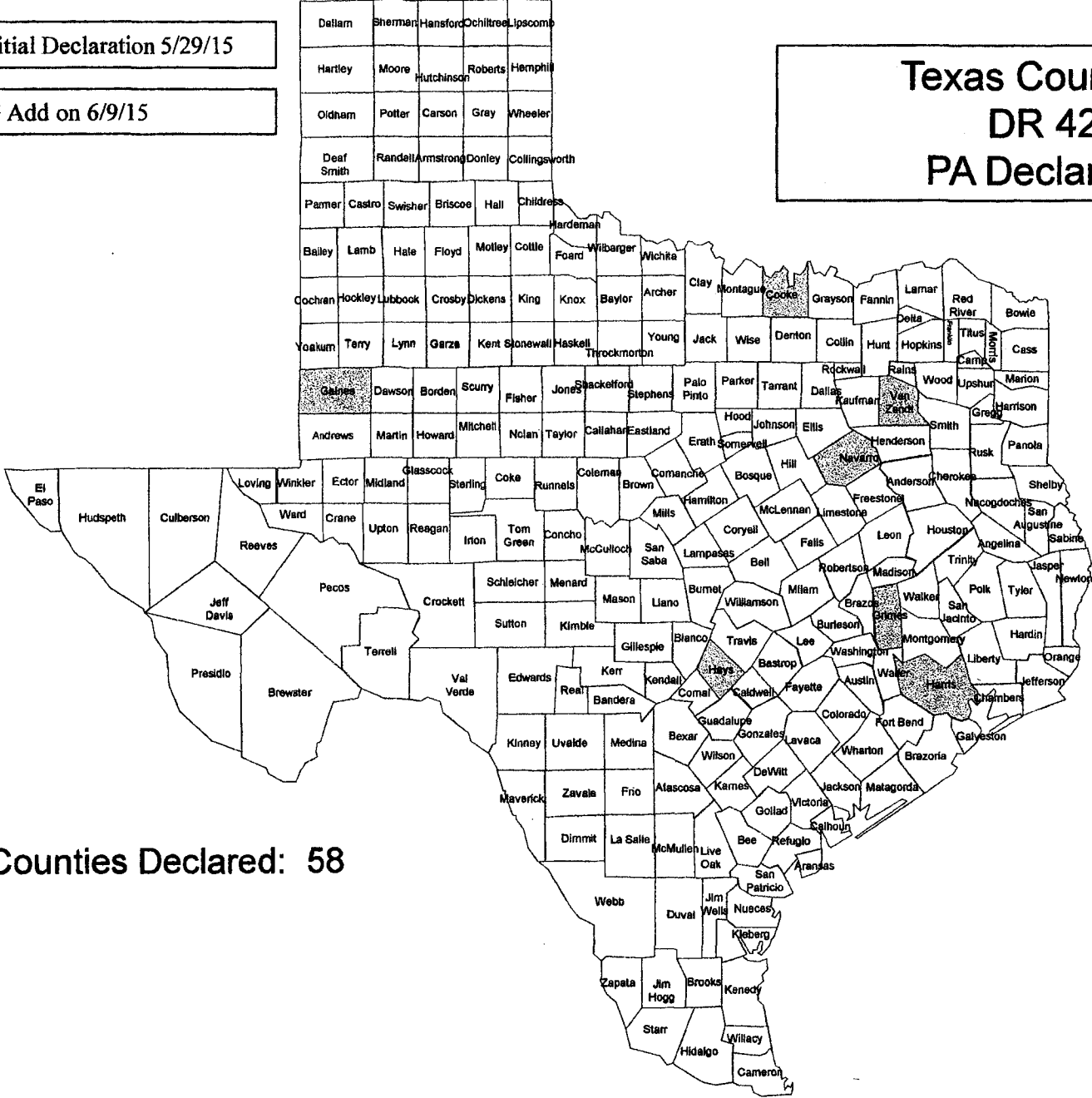
If you have any further questions, please contact Sherri Copeland at 737-703-8199 or sherri.copeland@dps.texas.gov

Sherri D. Copeland

Section Administrator, Recovery and Mitigation
Houston Field Office
Texas Division of Emergency Management
Texas Homeland Security
Texas Department of Public Safety

CC: J. Hall
R. Whittington

Initial Declaration 5/29/15
 1st Add on 6/9/15

Texas County Map
DR 4223
PA Declarations



Total Counties Declared: 58

Billing Code 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4223-DR]

Docket ID FEMA-2015-0002

Texas; Amendment No. 2 to Notice of a Major Disaster
Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster
declaration for the State of Texas (FEMA-4223-DR), dated
May 29, 2015, and related determinations.

EFFECTIVE DATE: June 9, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of
Response and Recovery, Federal Emergency Management Agency,
500 C Street, SW, Washington, DC 20472, (202) 646-2833.


SUPPLEMENTARY INFORMATION: The notice of a major disaster
declaration for the State of Texas is hereby amended to
include the following areas among those areas determined to
have been adversely affected by the event declared a major
disaster by the President in his declaration of May 29, 2015.

Angelina, Archer, Atascosa, Baylor, Bowie,
Burleson, Cass, Cherokee, Clay, Comal, Comanche,
Fannin, Fayette, Garza, Gillespie, Grayson,
Harrison, Hood, Houston, Jasper, Kaufman, Kendall,

Lamar, Lee, Liberty, Lynn, Madison, Nacogdoches, Newton, Polk, Refugio, Sabine, San Jacinto, Tyler, Uvalde, Walker, Wharton, Wilson, and Zavala Counties for Public Assistance.

Bastrop, Blanco, Caldwell, Denton, Henderson, Johnson, Milam, Montague, Rusk, Travis, Williamson and Wise Counties for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance - Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households - Other Needs; 97.036, Disaster Grants - Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.



W. Craig Fugate,

Administrator,

Federal Emergency Management Agency.

Disaster Summary Outline

Date: 6-2-15
Time: 1:41 pm

GENERAL

Jurisdiction (*County*): Tyler Population: **22,257**

Type of Disaster (*Flood, Hurricane, Tornado, etc.*) **Flood, Winds, Heavy Rain**

If this is a flood event, does the City/County participate in the National Flood Insurance Program (*NFIP*)?
Yes/No

Inclusive dates of the disaster: **May 4, 2015 - Present**

Was a local disaster declaration issued? **Yes/ No** (*Not applicable for Agriculture assistance*)

Contact Person: Dale Freeman Title: Emergency Management Coordinator

Address: **201 Veterans** City: **Woodville** Zip Code: **75979**
Phone (**409**) **331-0874** Fax (**409**) **283-6351**

Pager (**409**) **781-2731** 24- Hour Duty Officer/Sheriff's Office **409-283-2172**

INDIVIDUAL ASSISTANCE

Casualties: (Contact local area hospitals)

- A. Number of Fatalities 0
- B. Number of Injuries 0
- C. Number Hospitalized 0

Number of homes isolated due to road closure (high water, etc.): 40

Agricultural Losses: Contact the Farm Service Agency in your county

Is agricultural assistance needed? Yes/ **No** If yes, please attach USDA damage assessment report.

Residential Losses - Primary Residence Only: (*Local Damage Assessment*) See guidelines on page 4.

Type of Homes	Affected	Minor Damage	Major Damage	Destroyed	% Covered by Insurance
Single Family Homes	77				0
Mobile Homes	40				0
Multi-Family Units					
Totals	117				0

Estimated number of persons whose situation will not be satisfied by volunteer organizations (Contact local volunteer organizations) _____

Are shelters opened? **Yes**/No How many? 1

Name, location, capacity, and current occupancy of shelters?

United Methodist Church in Woodville, Texas . Staged to hold 141 occupants

Business Losses/Impacts:

	Number	# Covered by Adequate Insurance	Total estimated repair cost
Minor Damage (less than 40%)	0		\$
Major Damage (greater than 40%)	0		\$
Totals	0		\$

How many businesses have ceased operations: 0

How many businesses have experienced economic injury: 0

Estimated number of persons unemployed because of this disaster 30

(Contact affected businesses and the local Texas Workforce Commission Office)

PUBLIC ASSISTANCE

NOTE: All disaster related costs should be separated into the seven damage/work categories listed below:

Category	Subcategory	No. of Sites	Estimated Repair Costs	Anticipated Insurance *
Debris Clearance		77	\$20,000	\$0
Emergency (EMS, Fire, Police)		4	\$10,000	\$0
Road & Bridge	Roads - Paved	10	\$70,000	\$0
	Roads - Unpaved	42	\$190,000	\$0
	Bridges - Destroyed	1	\$24,000	\$
	Bridges - Closed & Repairable		\$	\$
	Bridges - Damaged & Serviceable		\$	\$
	Culverts - Totally washed away		\$	\$
	Culverts - Damaged & still in place		\$	\$
Water Control Facilities (Dams, levees, dikes)			\$	\$
Buildings & Equipment			\$	\$
Public Utility Systems (Gas, Electric, Sewer, Water)			\$	\$
Other (Recreational Facilities, Airports, etc.)			\$	\$
Totals			\$314,000	\$

* Anticipated insurance is normally calculated by subtracting any deductible, depreciation or uncoverable loss from the estimated repair cost.

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Total annual maintenance budget (i.e. Public Works, Road & Bridge): **\$ 3,417,091.58**

Start of Fiscal Year: Month **January**

Others (Contact non-profit or governmental, medical, emergency, utility, educational, custodial care facilities, etc.)

Organization/ Facility	No. of Sites	Estimated Repair Costs	Anticipated Insurance *
American Red Cross staged at EOC	1	4,000.00	0.00
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
Totals		\$	\$

This form is for damage assessment reporting purposes only. In accordance with the State Emergency Management Plan, if a Mayor/County Judge determines that a situation is of such severity and magnitude that an effective response is beyond the affected jurisdiction's capability to recover, a letter outlining the disaster impact and the need for supplemental State and/or Federal assistance must accompany this DSO.

Once this form is completed, submit pages 1-3 to your local Disaster District Committee, and to:

Texas Department of Public Safety
Texas Division of Emergency Management
P.O. Box 4087
Austin, Texas 78773 or FAX to: 512-424-2444

RESIDENTIAL LOSS GUIDELINES

Affected: Structure is habitable. Some minor damage may be eligible for assistance. Look for the following:

A few missing shingles;

Some broken windows;

Damage to cars;

Damage to Air Conditioner Compressor only;

Single Family/Multi Family Residences - 0" - 6" of water
Mobile Homes- Ground level to within 12" of bottom board.

Minor: Structure is habitable with minor repairs. Look for the following:

Many missing shingles, broken windows and doors;

Siding loose, missing or damaged;

Minor shifting or settling of foundation;

Damaged septic systems (flood);

Single Family/Multi-Family Residences - 6" to 18" of water,
Mobile Homes- Within 12" of bottom board to 3" above floor level.

Major: Structure is currently uninhabitable and extensive repair is required to make it habitable. Look for the following:

Portions of the roof, including decking, missing;

Twisted, bowed or cracked walls;

Penetration of structure by trees or cars, etc.;

Single Family/Multi Family Residences - 18" - 48" of water,
Mobile Homes - 3" - 12" above floor level.

Destroyed: Structure is permanently uninhabitable and can not be repaired. Look for the following:

Structure gone, only foundation remains;

Major sections of walls missing or collapsed;

Entire roof gone with noticeable distortion of the walls;

Structure has shifted off of its foundation;

*Single Family/Multi-Family Residences - More than 48" of water,

*Mobile Homes - over 12" for mobile homes.

*requires further investigation

Estimating Insurance: The following are general guidelines to estimating insurance coverage.

Renters are less likely to have insurance.

Low income residents are less likely to have insurance.

Homeowners who are still paying off their mortgage will normally have the appropriate type of insurance.

Residents who are flooded and reside in an area that does not participate in the NFIP or in an area that has been sanctioned for NFIP code enforcement violations will not have flood insurance.

Residents who are flooded but whose property is not located in the Special Flood Hazard Area (SFHA) will probably not have flood insurance.



Marshall Absent + Jachio, Sue, Dale
TYLER COUNTY COMMISSIONERS COURT
 County Courthouse, Room 101 / Woodville, Texas

Friday, June 26, 2015 10:00 am

Martin Nash, Commissioner, Pct. 1 Rusty Hughes, Commissioner, Pct. 2 Jacques L. Blanchette, County Judge Mike Marshall, Commissioner, Pct. 3 Jack Walston, Commissioner, Pct. 4

NOTICE Is hereby given that a *Special Meeting* of the Tyler County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed;

*CDs Kathy Bennett Ivahre
 Diane Freeman, Sue Spindler, Trevis
 FEMA reps*

Agenda

"the wisdom to know what's right...the courage to do it"

Randy Withington w/ TXDPS Emu Mtg

> **CALL TO ORDER**

- Establish Quorum

A. Texas Department of Emergency Management (TDEM) Briefing regarding recovery activities pertaining to recent flooding issues associated with the county's Disaster Declaration.

du May 29?

> **ADJOURN** *75% Fed 25% local
 ComMash ask about Water Corps in the ca if they qualify*

I do hereby certify that the above Notice of Meeting of the Tyler County Commissioners Court is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice at the Tyler County Courthouse in a place readily accessible to the general public at all times and that said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting, as is required by Section 551.002 & 551.041.

Executed on June 18 2015 Time 10:05AM

*July 8 is deadlv
 Reg P/A st/ke
 Reg Plc*

Donece Gregory, County Clerk/Ex Officio Member of Commissioners Court

By: Roxanne Spad (Deputy)

w/H adj 10:50 AM