# Iowa Homeland Security and Emergency Management

## Mark Schouten, Administrator

# Public Assistance Applicant Briefing

# DR-4126-IA

# Public Assistance DR-4126-IA

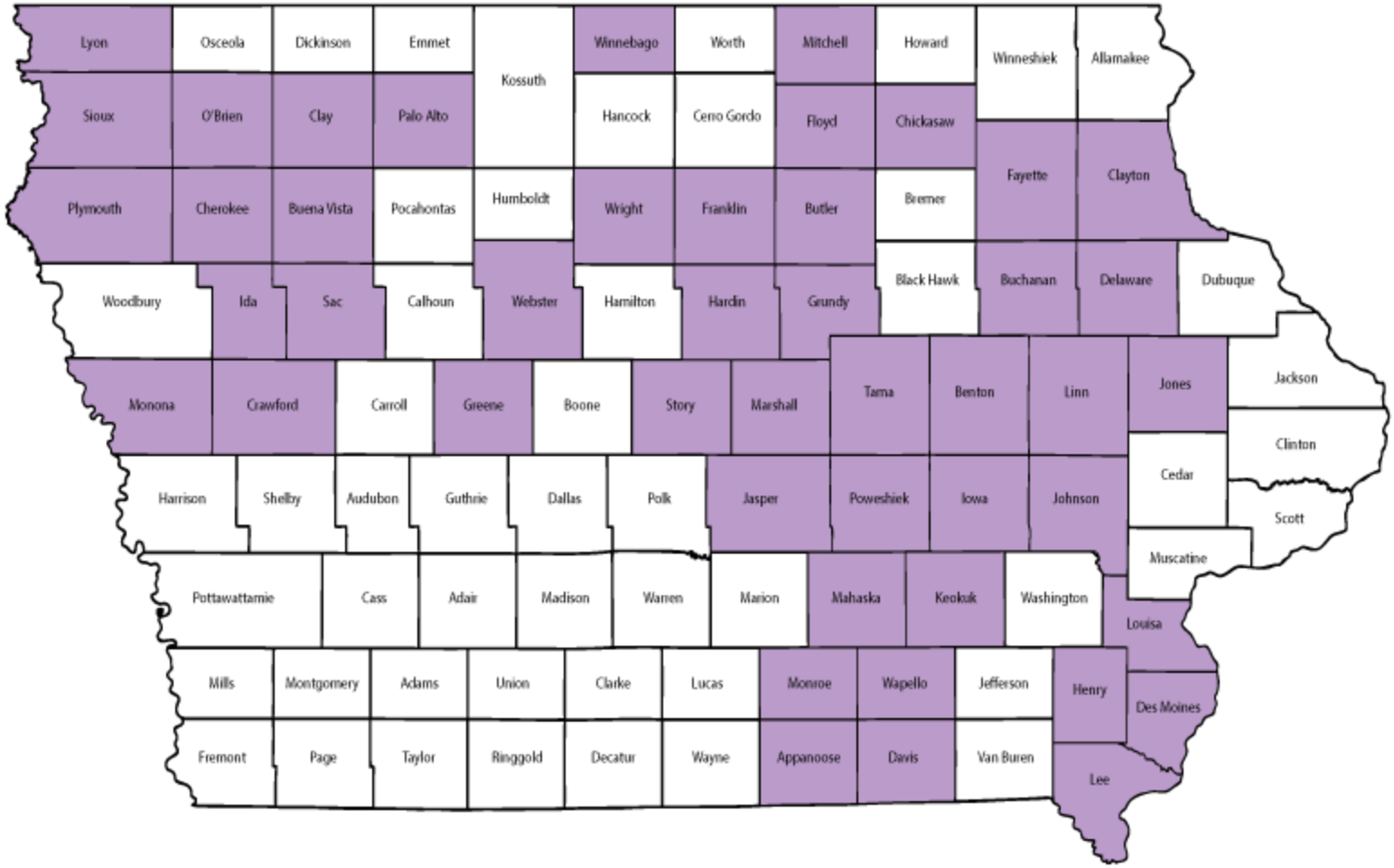
Event Type: Severe Storms, Tornadoes and Flooding

Incident Period: May 19-June 14, 2013

Declaration Date: July 2, 2013

# Public Assistance DR-4126-IA

## 47 Declared Counties



# People of Interest
## (State)

HSEMD Administrator/Governor's Authorized Representative:
Mark Schouten

State Coordinating Officer:
Patrick Hall

State Public Assistance Officer:
Patrick Hall

# People of Interest
## (FEMA)

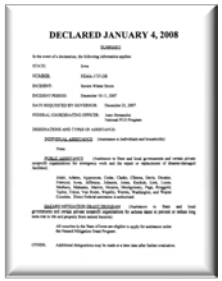
FEMA Region VII Administrator:
Beth Freeman

Federal Coordinating Officer:
Joe Girot

Federal Public Assistance Officer:
Greg Bosko

Disaster strikes

Preliminary Damage Assessment (PDA)




Declaration

Applicant Briefing

Request for PA

Kickoff Meeting

Project Worksheet formulation

Project Worksheet review by local, State and FEMA

Project Obligated - federal share available

Project(s) complete

Closeout

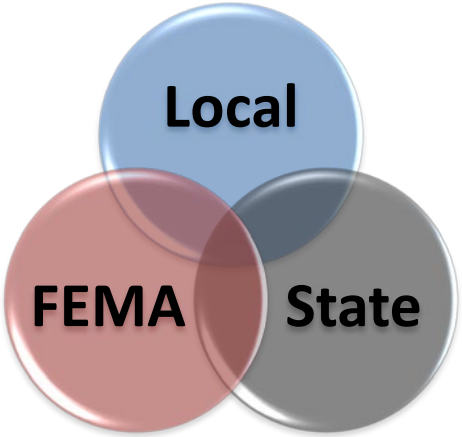
State share paid

# Public Assistance Program

- Debris removal
- Emergency protective measures
- Permanent restoration of infrastructure
- Hazard mitigation measures to protect against future damage

*Cost of disaster recovery planning is not an eligible expense

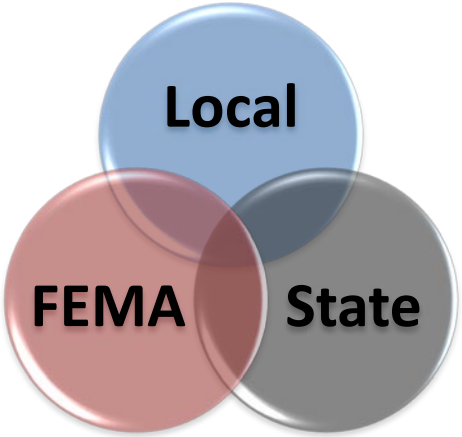
# Roles and Responsibilities




## FEMA

- Manages the program
- Approves project worksheets
- Provides technical assistance to State/applicants

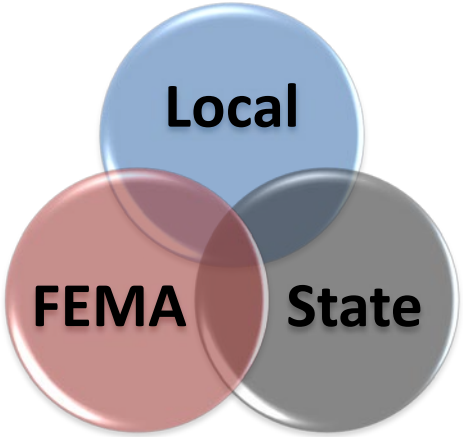
# Roles and Responsibilities




## State

- Educates potential applicants
- Works with FEMA to manage the program
- Administers project funds
- Monitors the projects awarded under the program

# Roles and Responsibilities




## Applicant

- Identifies damage
- Provides data for FEMA to develop an accurate scope and cost estimate
- Manages their projects funded by the program

# Applicant Briefing

- Provide information on the Public Assistance (PA) Program
- Review required documentation (found within folder provided)
- Funding cannot be released until all of the “critical documents” are completed and returned to the State

# Applicant Briefing

*(Continued)*

- Review rules and procedures necessary to obligate funding and make claims
- Gather request for Public Assistance

# Request for Public Assistance

- Notifies FEMA and the State of intent to apply for Public Assistance
- Complete and return, to the State, the Request for Public Assistance (RPA) form at the conclusion of this briefing
- Deadline for submitting RPAs is 30 days from the date of county declaration

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

O.M.B. No. 1660-0017
Expires October 31, 2008

**PAPERWORK BURDEN DISCLOSURE NOTICE**

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APPLICANT *(Political subdivision or eligible applicant.)* | DATE SUBMITTED

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

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:**

FEMA Form 90-49, FEB 08 REPLACES ALL PREVOUS EDITIONS.

# Kickoff Meeting

- Introduce Applicant and FEMA/State Public Assistance Coordinators (PACs)
- Explain PA process, forms, timelines, and project management requirements
- Discuss damage (All damage must be identified within 60 days from the date of an Applicant's kickoff meeting)

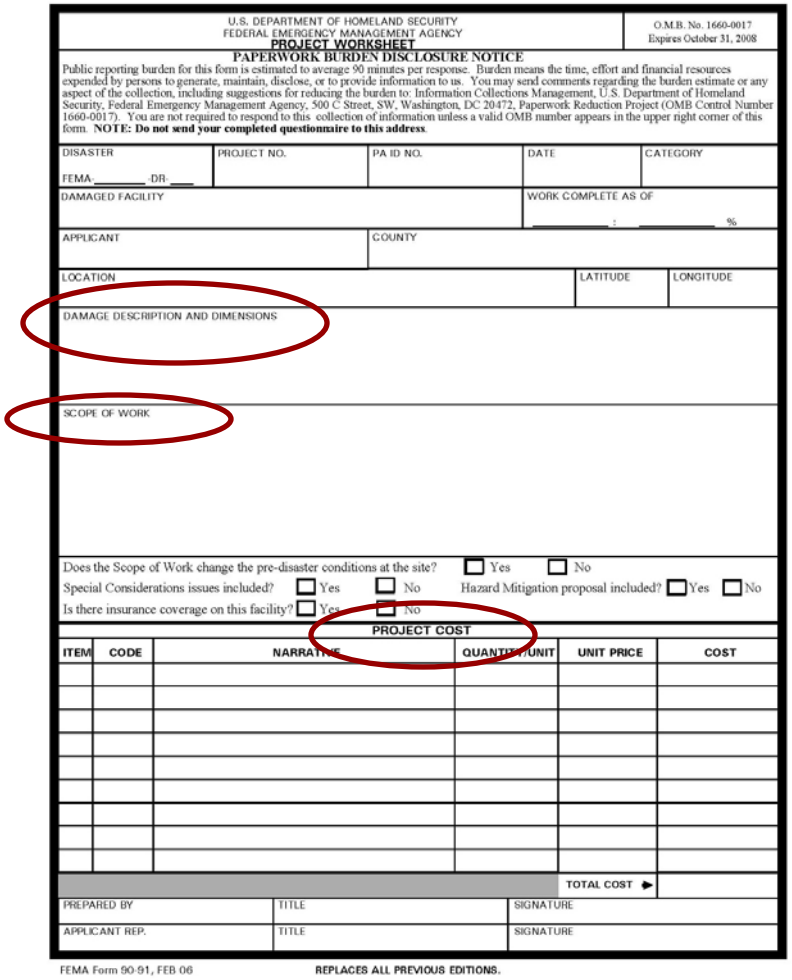
# Kickoff Meeting

*(Continued)*

- Assess Applicant needs
- Answer Applicant questions

# Project Worksheet (PW)

- Captures damage description, scope of work and costs to replace/restore publicly-owned facilities
- Written by FEMA and State reps
- Reviewed by local, State, and FEMA reps
- Minimum project amount = $1,000
- Consolidating facilities



U.S. DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT WORKSHEET

O.M.B. No. 1660-0017
Expires October 31, 2008

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| DISASTER | PROJECT NO. | PA ID NO. | DATE | CATEGORY |
|---|---|---|---|---|
| FEMA-_____-DR-___ | | | | |

DAMAGED FACILITY

WORK COMPLETE AS OF _____ : _____ %

APPLICANT

COUNTY

LOCATION

LATITUDE

LONGITUDE

DAMAGE DESCRIPTION AND DIMENSIONS

SCOPE OF WORK

Does the Scope of Work change the pre-disaster conditions at the site? ☐ Yes ☐ No

Special Considerations issues included? ☐ Yes ☐ No

Hazard Mitigation proposal included? ☐ Yes ☐ No

Is there insurance coverage on this facility? ☐ Yes ☐ No

PROJECT COST

| ITEM | CODE | NARRATIVE | QUANTITY/UNIT | UNIT PRICE | COST |
|---|---|---|---|---|---|
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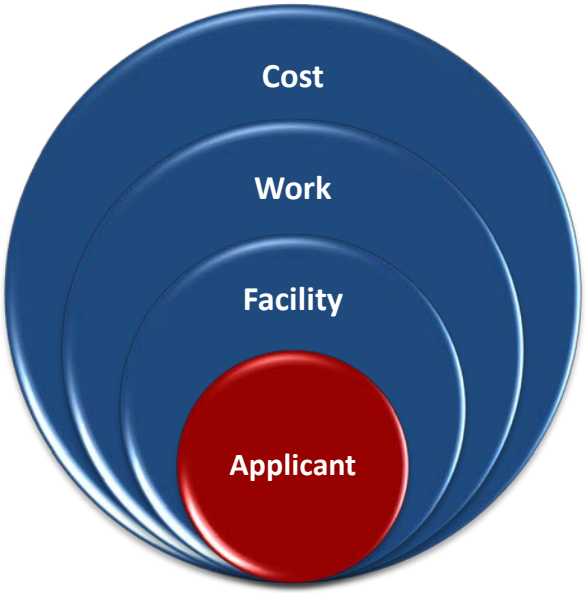
| | | | | | |
| | | | | TOTAL COST ▶ | |

| PREPARED BY | TITLE | SIGNATURE |
|---|---|---|
| APPLICANT REP. | TITLE | SIGNATURE |

FEMA Form 90-91, FEB 06 REPLACES ALL PREVIOUS EDITIONS.

# Applicants

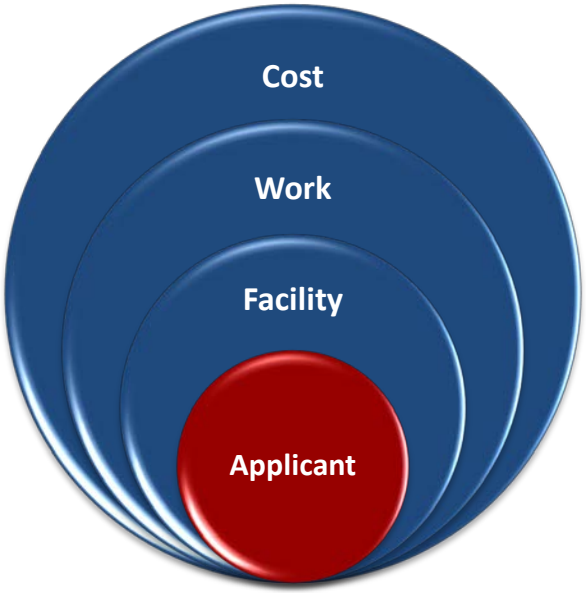
- State, county, municipal government agencies
- Municipal authorities
- School districts
- Taxing districts



# Applicants
*(Continued)*

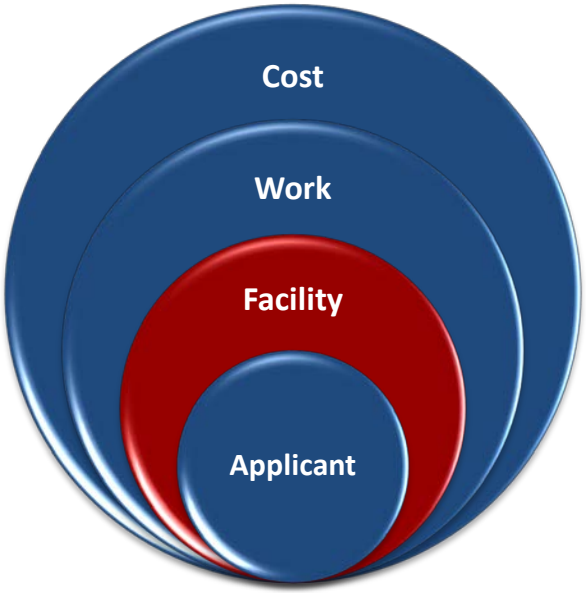
- Indian tribes

- PNP organizations that own or operate facilities that provide certain services of a governmental nature are eligible for assistance

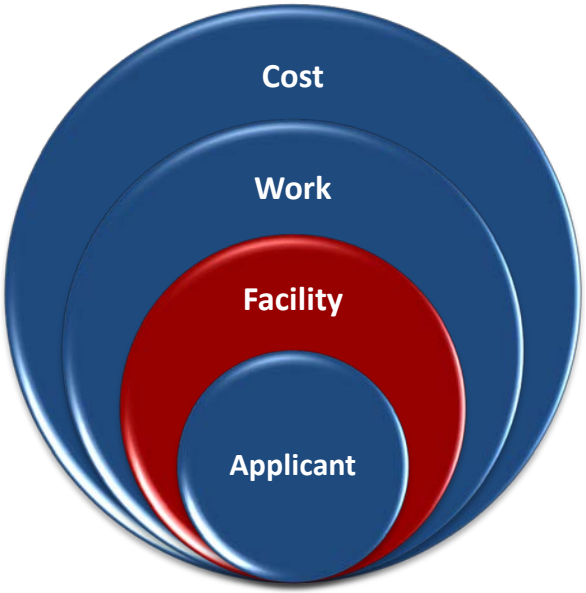


# Facility

- Damaged as a result of a declared event
- Located within a declared area
- The legal responsibility of an eligible applicant



# Facility
*(Continued)*




- In active use at the time of the disaster
- Not under the authority of another federal agency (i.e. NRCS, USACE, FHWA)

# Work

- **Emergency**
  (Category A-B)

- **Permanent**
  (Category C-G)

# Permanent Work

- Repair/replacement is eligible to pre-disaster conditions
- Codes and standards upgrades may be eligible
- Relocation assistance may be eligible (temporary/permanent)
- Normal maintenance, surveys for damage, replacement of trees/groundcover are not eligible

# Category A

## Debris Removal

- Eliminate immediate threat to life, health and safety
- Eliminate immediate threat to improved property
- Debris removal on private property is generally not eligible

# Category A

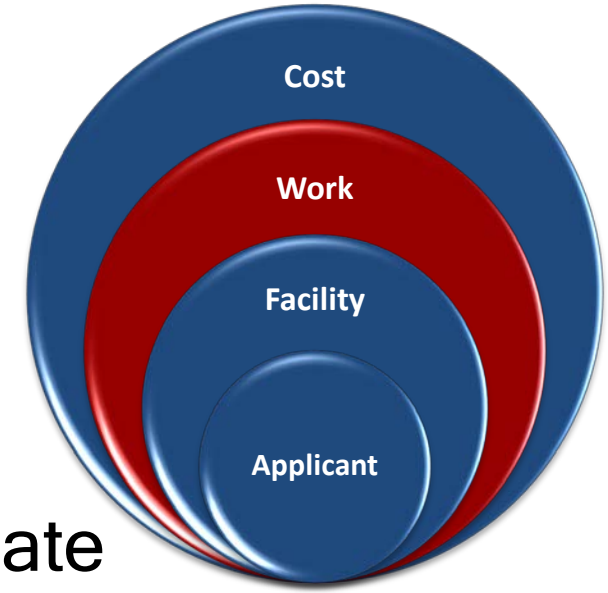
## Debris Removal

*(Continued)*

- Debris removal on federal-aid highways in jurisdictions designated for FEMA PA are eligible for FEMA PA program funding (subject to work and applicant eligibility requirements as well as specific debris removal criteria)

# Category B

## Emergency Protective Measures




Activities to save lives, protect public health and safety, and protect improved public and private property

- Sandbagging
- Search and rescue
- Demolition of public and private structures (Section 403)
- Donated resources

# Category C

## Roads and Bridges

Repair/replacement of:

- Roads
- Bridges
- Culverts

Federal-aid roads, streets, and highways are not eligible for permanent work Public Assistance funding

# Category D

## Water Control Facilities

Repair/replacement of:

- Dams
- Levees, berms, dikes
- Drainage channels
- Shore protective devices
- Pumping facilities

Federal levees are not eligible for permanent or emergency <u>repair</u> work

# Category E

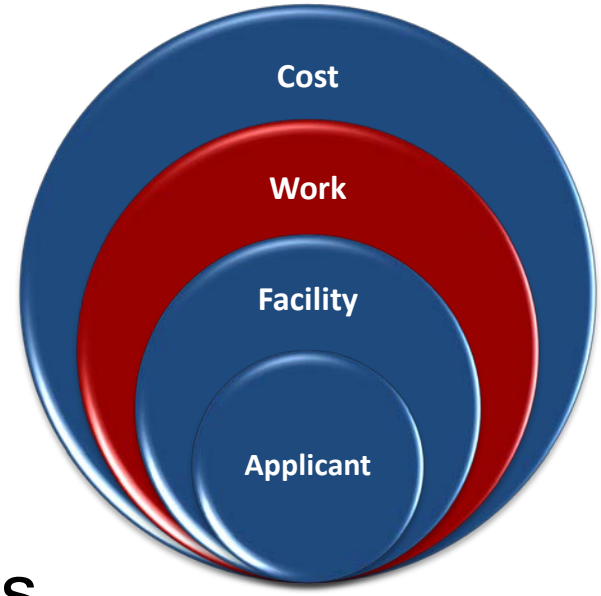
## Buildings and Equipment

Repair/replacement of (less any insurance):

- Buildings/contents
- Equipment (all types, including vehicles)

# Category F

## Utilities




Repair/replacement of:

- Wastewater treatment plants and delivery systems
- Power generation and distribution facilities
- Sewage collection systems and treatment plants
- Communications

# Category G

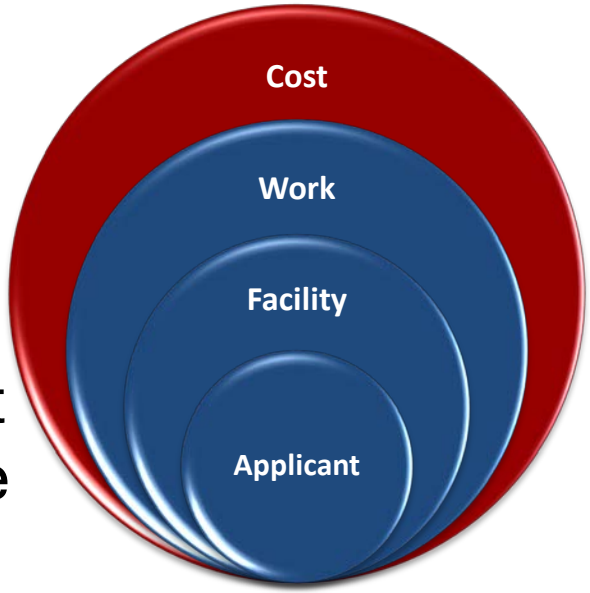
## Public Parks, Recreational, and Other

Repair/replacement of:

- Buildings, roads, utilities, etc. located in parks or in similar areas
- Playground equipment, swimming pools, tennis courts, etc. are also eligible
- Structured beaches that meet a certain criteria are eligible

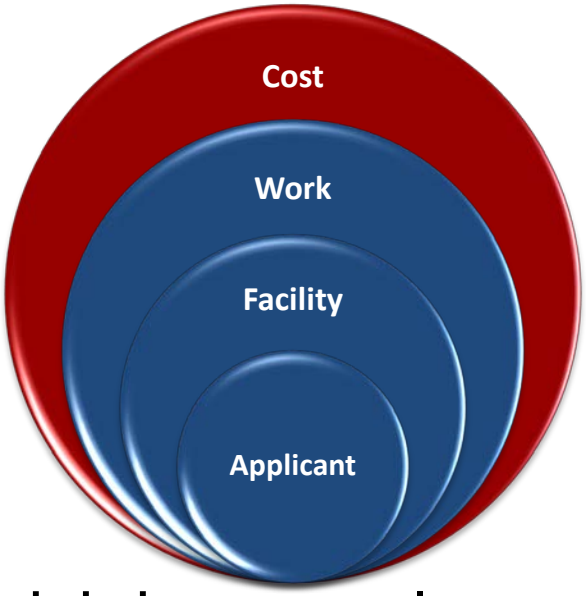
Recreational facilities for PNPs are not eligible

# Cost



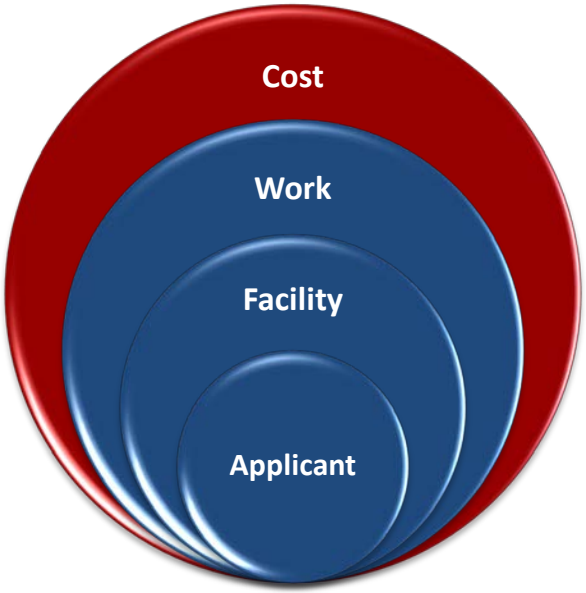

- Reasonable and necessary cost
- Procurement and contracting must be incompliance with federal, state and local laws
- Insurance proceeds, salvage value, and purchase discounts must be deducted
- Increased operating expenses are typically not eligible (cost of operating a facility or providing a service that increases due to or after a disaster)

# Force Account Labor (FA)



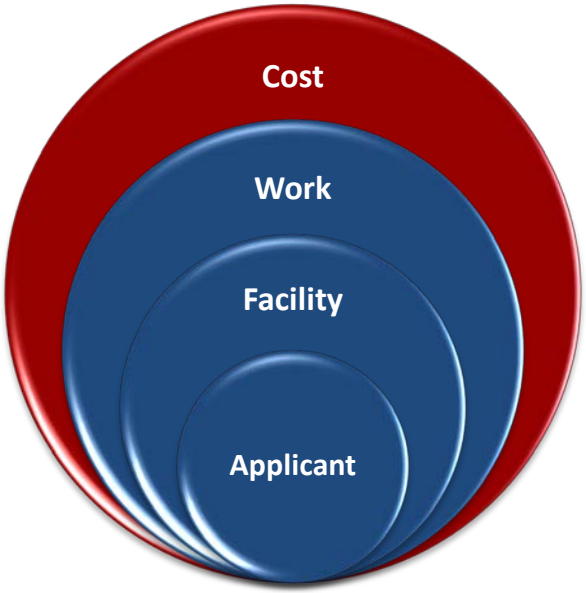

- Regular and overtime FA labor are eligible for permanent work categories
- Only overtime costs are eligible for debris removal and emergency protective measures
- Overtime costs are only eligible if it is an established policy to pay overtime
- Fringe benefit rates are eligible for reimbursement

# Force Account Labor (FA) Documentation




- Payroll
- Personnel Activity Report (PAR)
    - Completed by each employee
    - Must account for 100% of all hours worked during the period of time being claimed
    - Must delineate each federal activity (project) and all non-federal activities (normal job)
    - Must coincide with the employee payroll period

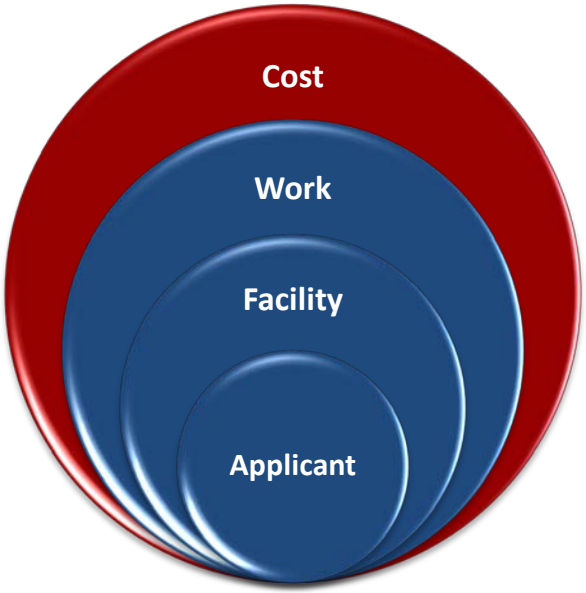
# Materials




- Cost of materials purchased or from stock and used during the performance of eligible work is eligible

- Invoices, purchase orders, proof of payment (cancelled checks, accounting records) and records of material taken from stock must be kept for these cost to be claimed

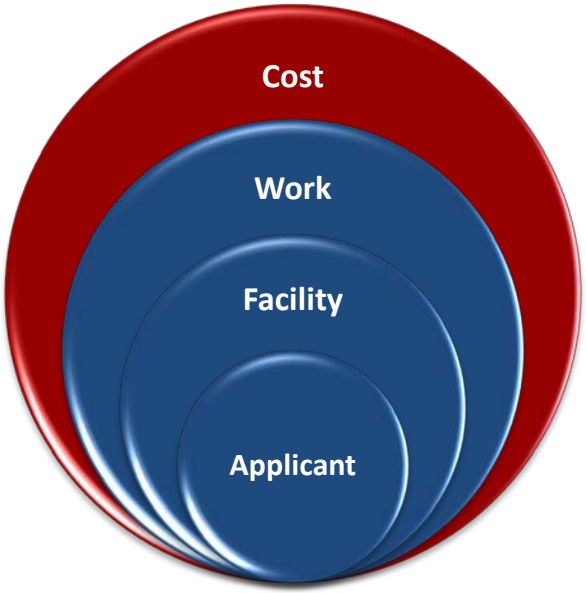
# Equipment




- Eligible for regular time and overtime, but NOT standby time
- Must use FEMA cost codes or your own cost codes

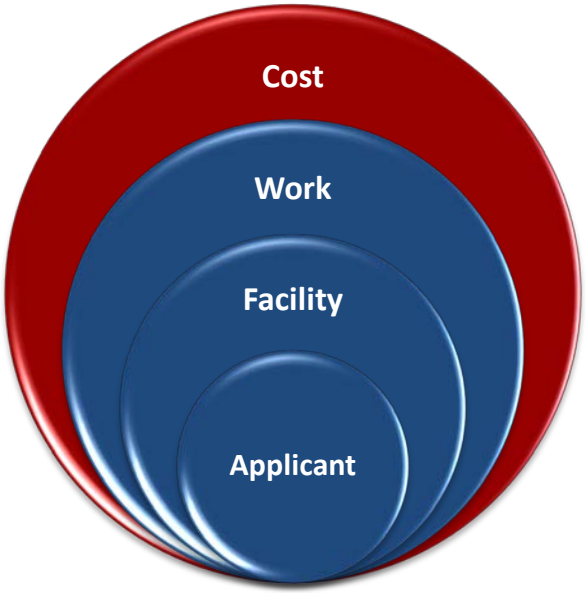
FEMA cost codes typically include operation (including fuel), insurance, depreciation, and normal maintenance. Does not include labor to operate.

# Equipment
*(Continued)*




- Cost of purchasing equipment and supplies in order to respond to the disaster is eligible if necessary and reasonable
- Equipment and supplies with a value of $5,000 will be subject to a reduction for salvage value
- Rental equipment is also eligible

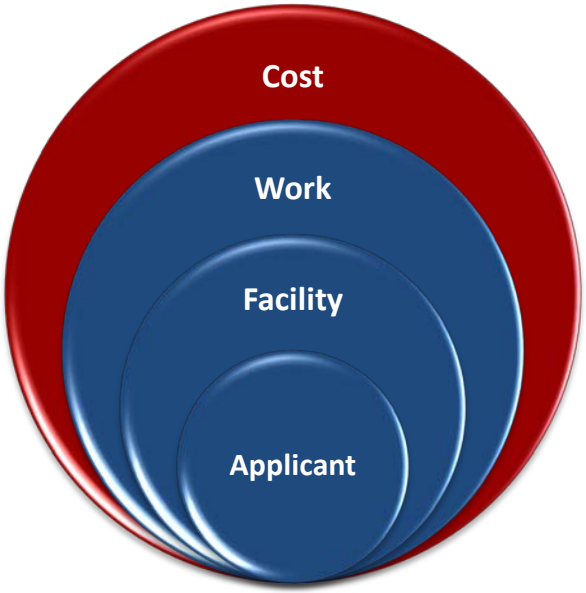
# Procurement




- Reasonable cost
- Competitive procurement <u>required</u>
- Procurement must comply with federal, state and local laws and regulations (follow local laws as long as they are <u>at least</u> as stringent as federal laws).

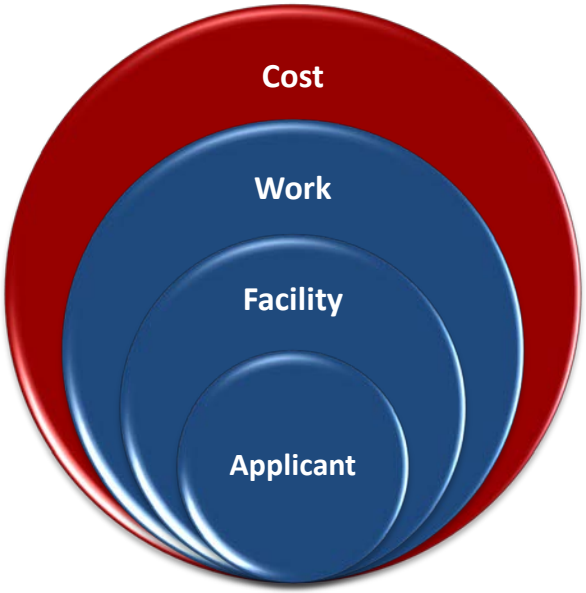
# Procurement
*(Continued)*

- Small purchase (<$100,000)
  - Informal, several price quotes (min. 3)
- Sealed bids
- Competitive proposals

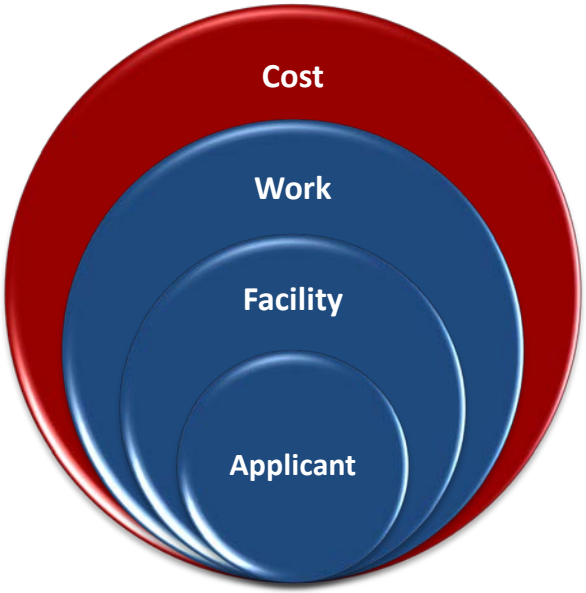


# Procurement
*(Continued)*

- Non-competitive proposals
  - Single source, under limited circumstances
  - Competition not reasonable
  - Limited primarily to emergency work

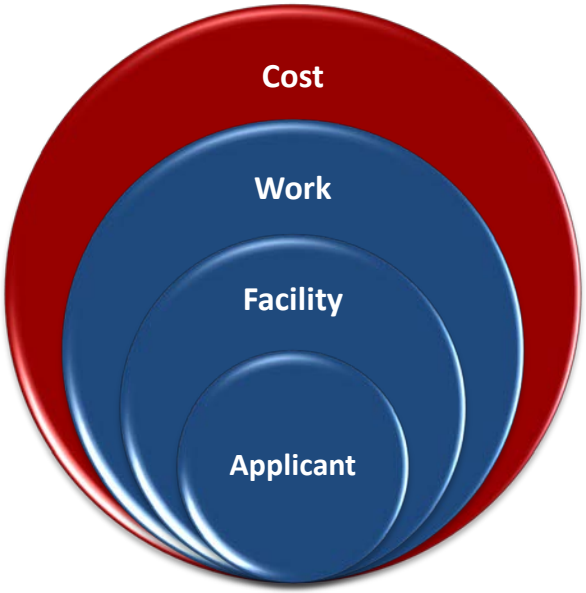


# Contracts




- Acceptable types:
  - Lump sum
  - Unit price
  - Cost plus fixed fee
- Federal contract provisions are required within the body of the contract or as an attachment to the contract

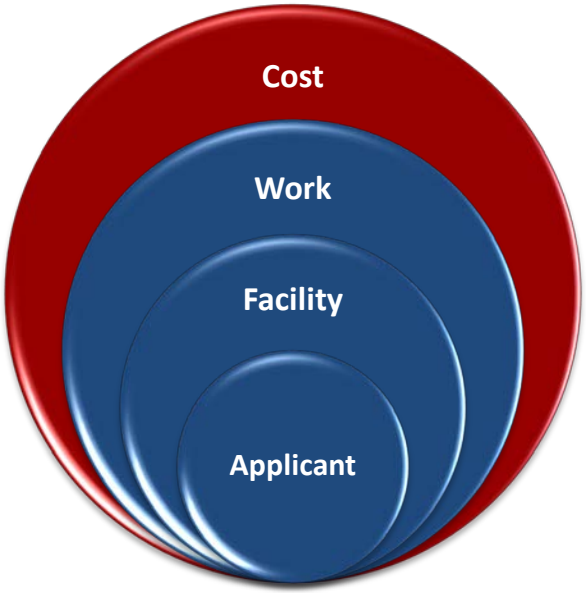
# Contracts
*(Continued)*




- Avoid
  - Time and materials after the first 70 hours
- Not acceptable
  - Cost plus percentage of cost contracts
  - Contingency contracts
  - Suspended, debarred contractors

https://www.epls.gov/

# Direct Administrative Costs (DAC)

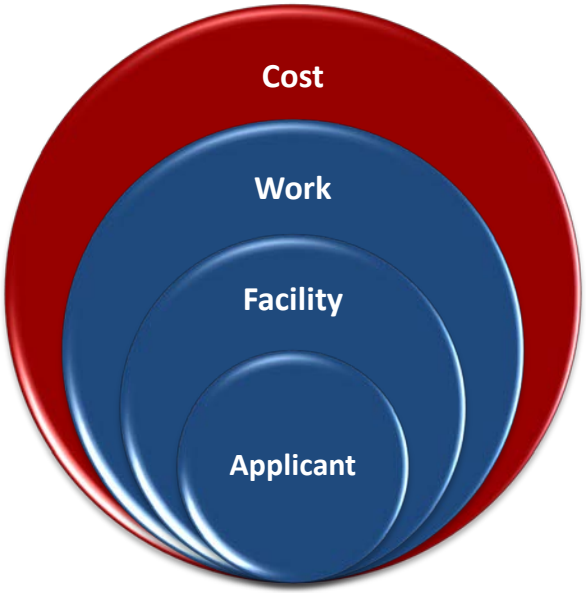



- DAC are costs that can be tracked, charged and accounted for directly to a specific project

- During the project grant writing process the sub-grantee can decline to include/claim DAC on a project

# Direct Administrative Costs (DAC)

*(Continued)*




- All claimed costs must be documented to the approved project
  - Salary and benefits = Personnel Activity Reports (PARs) and payroll records
  - Supplies and other costs = receipts, invoices etc.
  - Must be necessary and reasonable

# Special Considerations

Issues other than basic program eligibility that affect the scope of work and funding of a project worksheet

- Insurance
- Hazard mitigation
- Environmental/historic preservation compliance

# Special Considerations

*(Continued)*

- Joint application for floodplain development
  - www.iowadnr.gov/InsideDNR/RegulatoryLand/FloodPlainManagement/FloodPlainDevPermits.aspx
  - MUST have a response from both Iowa DNR and the U.S. Army Corps of Engineers to determine if a flood plain permit is required. No project closeout until proof is provided by the applicant.
  - Self-certification

# Special Considerations

*(Continued)*

Failure to identify and address these issues may result in:

- Loss of funding
- Delays
- Legal action
- Loss of opportunity
- Negative publicity

# Insurance

- FEMA will reduce eligible project costs for facilities that are insured by the actual or anticipated insurance proceeds

- FEMA will reduce eligible project costs for facilities that are uninsured but are within the Special Flood Hazard Area (SFHA) and damaged by flood waters, by the maximum amount of insurance proceeds that could have been obtained from the standard NFIP flood insurance policy; or the value of the facility at the time of the disaster, whichever is less

# Insurance

*(Continued)*

Insurance must be obtained and maintained

- On insurable facilities for which PA funding has been provided
- Proof of obtaining must be submitted to the State prior to final payment
- Projects less than $5,000 are exempt

# Insurance

*(Continued)*

Self-insurance

- Applies only to the State for PA purpose

Insurance requirements waiver

- State Insurance Commissioner certification required if insurance is not reasonably available

# Iowa Code 455B.262A
# Flood Insurance Participation

- State participation in funding financial assistance (10 percent cost-share) for a flood-related disaster requires participation in the National Flood Insurance Program (NFIP) for a city or county with an effective FEMA-published flood map that identifies the Special Flood Hazard Area (SFHA).

- <u>Applies to disasters declared after July 1, 2011</u>

# Iowa Code 455B.262A
# Flood Insurance Participation

*(Continued)*

For NFIP participation information, contact the Iowa Department of Natural Resources:

- **Ken Bouma**
  515.281.6907 or ken.bouma@dnr.iowa.gov
- **Jason Conn**
  515.281.4333 or jason.conn@dnr.iowa.gov

# Hazard Mitigation (Section 406)

Cost-effective action taken to prevent or reduce the threat of future damage to a facility

- Applies only to permanent work projects (Cat. C-G)
- Must prevent future similar damage and must apply to the damaged element
- Must be determined cost-effective by FEMA
- Examples: Flood relocation, increasing culvert size, line drainage ditches

# Environmental Preservation

- National Environmental Policy Act requires that FEMA perform a review of a project to evaluate the impact of that project and any possible alternatives

- Review must be completed before work is started since the review may identify steps to be taken or conditions to be met before the project can be implemented

# Historic Preservation

- National Historic Preservation Act requires FEMA to consider, prior to funding, the effects of projects on historic properties listed in or eligible for listing in the National Register of Historic Places

- Is the structure older than 50 years?  Historical significance?

# Payment

Cost share

- 75% Federal
- 15% Applicant
- 10% State (paid upon final closeout)

# Payment

*(Continued)*

Size of project

- Small project
- Large project

Funding options

- Improved project
- Alternate project

# Small Project

- Estimated project cost under $67,500
- Paid on estimate
- Small projects are closed when all of an applicant’s small projects are 100% complete

# Small Project Overrun

- Applicants may appeal for a “net” small project cost overrun within 60 days of completing all small projects and the “net” is 20% or greater

- Must document all work for all small projects to receive consideration for a “net” small project cost adjustment

# Large Project

- Greater than $67,500; funding is based on documented actual final costs
- Large projects are generally written and approved based on estimated costs but are closed on actual costs
- Subject to federal cash management requirements
  - Federal funds received must be expended by the Applicant within <u>60 days</u> of receipt

# Large Project

*(Continued)*

- Funds must be requested by the Applicant
  - Reimbursement; proof of payment is required prior to reimbursement
  - Advances; only in special circumstances, approved by alternate GAR; documentation required within 60 days to show funds were expended
  - Can receive up to 75% of the Federal share for reimbursement and advances prior to project closeout

# Cost Overruns: Large Projects

**Immediately** advise Iowa HSEMD of anticipated cost overruns for each large project. Failure may result in the overrun not being reimbursed.

Cost overruns are normally a result of one or more of the following:

- Variations in unit prices
- Changes in the scope of eligible work
- Delays in timely starts or completion of work

# Cost Overruns: Large Projects

*(Continued)*

Submit sufficient information to support the eligibility of all claimed work and costs for each large project

IF IN DOUBT, CALL!

# Closeout of Large Project Worksheets

## A Final Accounting

- Applicant must provide a summary sheet of costs showing the amount being claimed

- Once the project is complete, HSEMD will establish a deadline after consulting with the applicant. An outline of the needed documentation will be provided and the applicant will be required to provide the documentation by the established deadline.

- Applicants will be required to identify fringe benefits for force account labor costs.

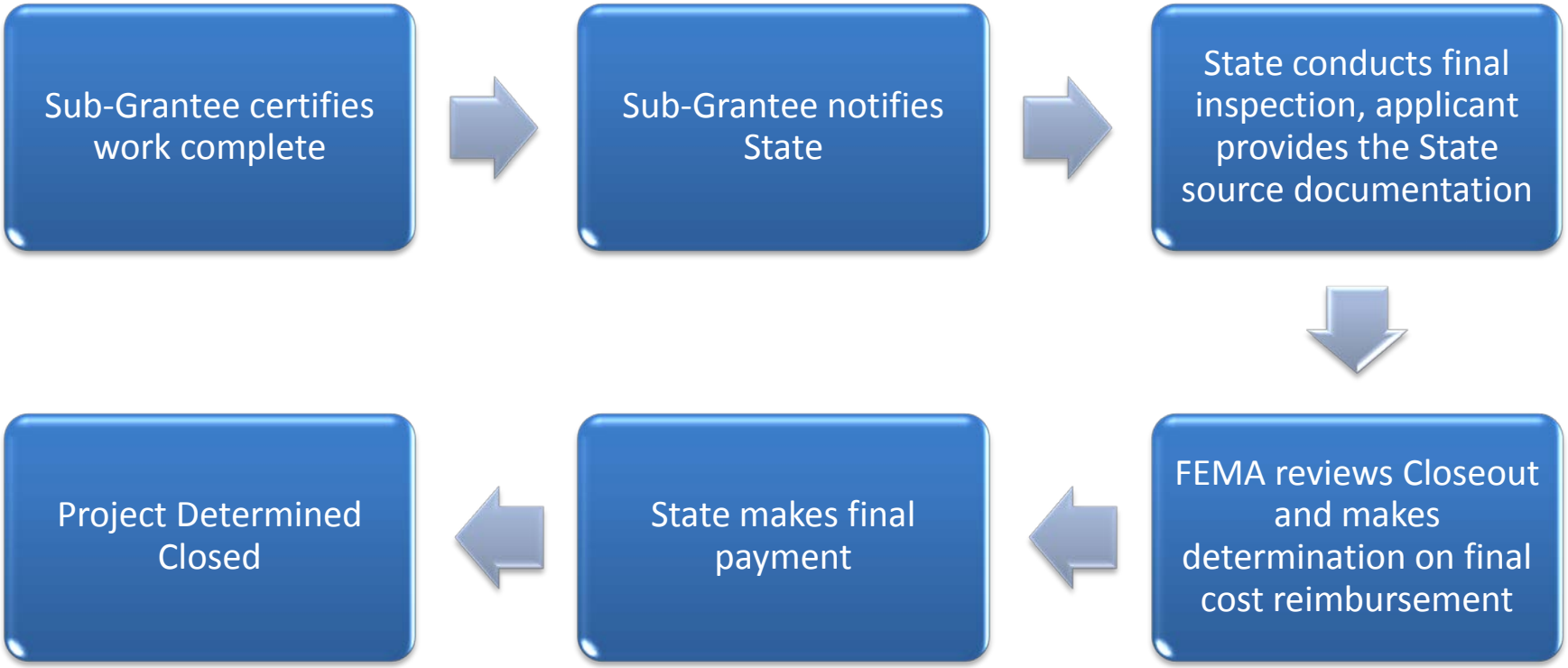
# Closeout of Large Project Worksheets

*(Continued)*

**A process for grant evaluation of:**

- Work completed
- Funds disbursed

# Process of a Large Project Closeout



# Improved Project

- Permanent work only
- Funding is limited to the federal share of the costs that would be associated with repairing or replacing the damaged facility to pre-disaster design
- Improved project must be approved prior to beginning of work

# Alternate Project

- Permanent work only
- Federal funding will be 90 percent of the federal estimate of the cost to repair, restore, reconstruct or replace the facility and of management expenses
- Private nonprofit facilities will be 75 percent of the federal share

# Alternate Project
*(Continued)*

- Deadline to request alternate project is within 12 months of the kickoff meeting

- Alternate project must be approved prior to beginning of work

# Project Management

- Record keeping
- Time limits
- Progress reports
- Audits

# Record Keeping

- Applicants <u>must</u> establish a PA disaster-specific file. The file will contain the specific information for each project containing all documentation pertaining to each specific project by Project Worksheet #

- Supporting documentation is required for all claimed costs

# Record Keeping
*(Continued)*

- Retain documents for all approved work, including costs incurred and claimed, for <u>three years</u>. This retention period starts on the day the Applicant submits their final project completion and certification report (P.4).

# What should be in each Project File?

- Obligated project printout
- Completed special considerations questions form
- Estimated and actual costs
- Force account labor documentation
- Force account equipment documentation

# What should be in each Project File?

*(Continued)*

- Rented equipment invoices
- Materials and purchases invoices and receipts
- Insurance information
- Photographs of damage, work underway, work completed

# What should be in each Project File?

*(Continued)*

- Environmental and/or historic alternatives and hazard mitigation opportunities considered for large, improved or alternate projects
- Environmental review documents

# What should be in each Project File?

*(Continued)*

- Records of donated goods and services
- Permits
- Correspondence
    - Extensions
    - Approvals (improved, alternate)
    - Emails

# Time Limits

- RPA deadline date is 30 days from the date of declaration

- Damage must be identified within 60 days of the first substantive meeting (kickoff meeting)

# Time Limits

*(Continued)*

Work completion deadlines are from the date of declaration:

- Emergency and debris removal – 6 Months
- Permanent work – 18 Months
- The State has the authority to extend emergency work (Cat. A and B) by six months and permanent work (Cat. C-G) by 30 months

# Time Limits

*(Continued)*

Extension requests past the State's authority will be forwarded by the State to FEMA for a determination

# Progress Reports

- Quarterly
- Project status
- Anticipated completion date
- Anticipated final project cost
- Potential problems

IOWA HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

PUBLIC ASSISTANCE PROGRESS REPORT

FOR THE QUARTER ENDING:

DISASTER #:

PA ID #:
Applicant:

| PW # | thru vsn | Cat | L / S | Completion Date | Approved Project Cost | % Complete | Estimated Completion Date | Estimated Total Project Cost | Comments |
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Prepared by: _____ Date: _____

# Audits

- **Single Audit Act:** This act requires grant recipients expending $500,000 or more in federal funds in a fiscal year to perform a single audit

- **DHS/FEMA Office of Inspector General (OIG) audits:**
  - Items not covered by the single audit
  - Project scope of work and related expenditures
  - Source documentation (records should be retained for a minimum of 3 years)

# Representative Audit Findings

- Unsupported contractor costs
- Unsupported force account costs
- Ineligible costs
- Unreasonable costs
- Failed to establish a project file containing all documentation pertaining to the project

# Representative Audit Findings
*(Continued)*

- Failed to keep specific source documentation, including cancelled checks, paid bills, payroll, time and attendance records, contracts, etc.

- Failed to maintain records that adequately identify the source and application of funds provided for financially assisted activities

- Failed to follow federal procurement regulations

# Appeals

There are two levels of appeal:

- First appeal goes to the FEMA regional director
- Second appeal goes to FEMA headquarters

# Appeals
*(Continued)*

- Applicants must file an appeal with the State within 60 days of receipt of a notice of the action that is being appealed
- The State will provide a recommendation with the Applicant's appeal and forward to region within 60 days of its receipt from the Applicant
- FEMA region and headquarters have 90 days from the date of receipt to take action

# Arbitration

New

- Independent review panel
- Opportunity for arbitration in place of a second appeal
- Amount in dispute must not be less than $1,000,000
- Applicant must have received a decision on a first appeal

# Arbitration

*(Continued)*

New

- If arbitration is chosen an applicant is forgoing rights to any further appeal
- If the independent review panel determines that the basis for review is frivolous, the applicant may have to pay a reasonable cost to FEMA for the cost of the review by the independent review panel.
- Sunset – Dec. 31, 2015

New

# Alternative Procedures Pilot Program for Permanent Work

# Alternative Procedures
# Projects based on Fixed Estimates

- Projects based on fixed estimates option is a requirement to receive any of the other funding options under the Pilot Program

- Applies only to permanent work large projects

- Applicant does not have to choose the Pilot Program for all of their projects but can use it in combination

# Alternative Procedures Projects based on Fixed Estimates

*(Continued)*

- If estimate is less than actual costs, FEMA will not approve additional funds
- If actual costs are greater than the estimate, the sub-grantee may request the use of excess funds for:
  - Hazard mitigation activities
  - Activities that improve future PA program permanent work operations, such as training and planning for future disaster recovery operations
  - For consolidated sub-grants, as an improved or alternate project

# Alternative Procedures Other Funding Options

- In-lieu contribution without reduction (must be approved by FEMA)
- Use of funds for cost-effective activities that reduce the risk of future damage to improve future PA operations or planning

# Alternative Procedures Other Funding Options

*(Continued)*

- Consolidating facilities
  - Must request within 12 months of declaration
  - Funding can be shared across facilities
  - Funding can be used as an alternate or improved project
  - Must be approved by FEMA

# Alternative Procedures Engineering Estimates

Requires the FEMA administrator to

- Make available an independent expert panel to validate the estimated eligible cost if requested by the sub-grantee, for a project of at least $5 million

- Consider properly conducted and certified cost estimates prepared by professional licensed engineers (mutually agreed upon by the administrator and the sub-grantee)

# References

- Public Assistance Digest (FEMA 321)
  http://www.fema.gov/pdf/government/grant/pa/pdigest.pdf
- Public Assistance Guide (FEMA 322)
  http://www.fema.gov/pdf/government/grant/pa/paguide07.pdf
- Applicant Handbook
  http://www.fema.gov/pdf/government/grant/pa/fema323_app_handbk.pdf
- 44 Code of Federal Regulations (CFR)
  http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title44/44tab_02.tpl

# References

- Robert T. Stafford Act, as amended
  http://www.fema.gov/robert-t-stafford-disaster-relief-and-emergency-assistance-act-public-law-93-288-amended

- 9500 Policy Series
  http://www.fema.gov/government/grant/pa/9500toc.shtm

- www.fema.gov

- www.homelandsecurity.iowa.gov

# Points of Contact

- HSEMD main phone (515) 725-3231
- HSEMD main fax (515) 725-3260
- Public Assistance fax (515) 725-9408

Please submit your RPA prior to leaving