

Emergency Relief (ER) funds from the Federal Highway Administration (FHWA) are eligible for the repair or reconstruction roads and bridges on Federal-aid highways that are damaged as a direct result of a natural disaster or catastrophic failure from an external cause. Federal-aid highways are public roads that are classified as arterial, urban collectors and major rural collectors. Highways that are classified as minor rural collectors or local roads are not eligible for ER funding even if other Federal-aid funds have been used on those roads.

DEFINITIONS

Emergency Repairs: Emergency repairs are those repairs during and immediately following a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities.

Permanent Repairs: Permanent repairs are those repairs undertaken, normally after the emergency repairs have been completed, to restore the highway to its pre-disaster condition.

270 Day period: Emergency repairs accomplished within the first 270 days that restore essential travel, to minimize the extent of damage or to protect the remaining facilities may be reimbursed at 100% Federal Share. The 270 days typically begins on the date of the Disaster Declaration but can be adjusted based on when emergency repairs began. The State takes into consideration the needs of all Counties involved. Please check with the State before you begin major work to verify the official start date of the 270-day period. After 270 days the work will be reimbursed at the regular Federal-aid pro-rata share.

81.95% reimbursement vs. 100% reimbursement: Only Emergency Repairs completed within the 270-day period are eligible for 100% reimbursement. Emergency Work completed after the 270-day period will be reimbursed at 81.95% or current federal reimbursement rates. **ALL** Permanent Repair or restoration will be reimbursed at the 81.95% or current federal reimbursement rates.

Basin Flooding: ER funding is available to raise the grades of critical Federal-aid highways faced with *long-term* loss of use due to an *unprecedented* rise in basin water level when basin flooding is considered a natural disaster for the purpose of ER program. Only those

routes that are critical to restoring traffic service are eligible for a grade raise.

Critical Federal-Aid Highways: Factors to take into account for evaluating individual routes to be critical could include functional classification, provision of essential community services such as access for school, ambulance, fire, and mail vehicles, availability of alternate routes, length of detours, average daily traffic (ADT), etc. The FHWA Division office in cooperation with the State, will jointly determine those critical Federal-aid routes eligible for grade raises.

Site Minimum: \$5000 per site (may be able to group several smaller sites if in close proximity to each other).

Grade Raises: The local government must submit a template or set of plans to the State DOT for any grade raises for approval by FHWA. SDDOT will notify the local government of FHWA approval. SDDOT will let the grade raise projects for bidding purposes.

Contracting Requirements: Emergency repairs may be completed by force account, solicited contracts, negotiated contracts, or by competitive bidding. Permanent repairs not accomplished as emergency repairs, must be done by contract awarded by competitive bidding.

Contract Requirements: Contracts for both permanent repair work and emergency repairs must incorporate all applicable federal requirements. As such, FHWA 1273 Form must be included in all contracts. Davis Bacon wage rates must also be included as a condition of the FHWA 1273 requirements. Please see the ER Manual for more information.

Reimbursement of Expenditures: Payment is on a reimbursement basis for work accomplished.

Necessary Documentation for Reimbursement of ER expenses: When submitting an invoice for reimbursement all relevant invoices for materials, subcontracts, vendors must be included with the local government invoice. For reimbursement of local government labor or equipment, there should be documentation of hours worked and rate charged. Prior to submitting the first invoice to the State or with the first invoice there should be a rate calculation worksheet

for equipment and/or payroll additive submitted. Only **ACTUAL** costs will be reimbursed.

Equipment Rates & Payroll Additive Rates: The State will **only reimburse for actual costs**. The rate used must be calculated on previous actual costs. Also, the local government must submit to the State DOT their rate calculations worksheet for Equipment and Payroll Additives with the first invoice for reimbursement.

Warehouse Issues: The State DOT will reimburse for inventory from a local government warehouse at Inventory costs.

Davis-Bacon Act: Davis-Bacon Wage Rates are required for any federal-aid projects. Any contractor or subcontractor hired to perform work on ER projects must comply with Davis-Bacon. This includes both Emergency Repair and Permanent Repair.

Bid Laws: The local government is reminded to follow all State and Federal Bid Laws when competitively letting any ER project.

Design and Construction Standards: Reconstruction of damaged roadway and bridge facilities must meet adequate design and construction standards that are appropriate for the type and volumes of traffic that such a facility will carry over its design life.

CHECKLIST

- ✓ Verify with SDDOT the official start date of the disaster. All costs incurred prior to the official start date are unallowable for reimbursement.
- ✓ **Take pictures** of all damages prior to repairing them. Make sure there is a date on the photo.
- ✓ Equipment Rate and Payroll Additive Calculations need to be sent to SDDOT.
- ✓ Check that all invoices for reimbursement from the State include all supporting documentation.
- ✓ Dates the actual work activity was performed need to be on invoice or supporting documentation.
- ✓ FHWA form 1273 must be included in all contracts (emergency and permanent work).
- ✓ All bidding laws apply.

2024 EMERGENCY RELIEF (ER) PROJECT INFORMATION

- ✓ Davis-Bacon Wage Rate apply to all contractors and subcontractors.
- ✓ Grade Raises – Set of plans or template must be submitted to SDDOT for FHWA approval.
- ✓ Work performed must be within the Scope of work identified on the Damage Assessment Report. Work outside this scope must have prior approval from SDDOT and FHWA.

PROCEDURES

- Local Governments request Disaster Declaration.
- Governor makes Disaster Declaration & signs Proclamation.
- Governor notifies DOT.
- DOT determines if there is a minimum of \$700,000 (Federal share) in damage Statewide.
- DOT sends Letter of Intent to FHWA.
- FHWA sends Acknowledgement Letter.
- Determine Start Date:
Date of Disaster requested by DOT.
Any date other than the date of the Disaster Declaration needs written justification.
- DOT selects team members to conduct damage inspections.
- Detailed Damage Inspection Reports are Completed by FHWA-DOT-Local Government Team.
- DOT submits request for ER funds to FHWA.
- *For projects being let for permanent restoration, SDDOT Environmental Office will need to coordinate with resource agency contacts.*
- FHWA approves funding request at Division level and notifies DOT of the sites approved and not approved for ER funding.
- *Project numbers are set up and loaded into the computer systems.*

- DOT puts together Agreements with the Local Governments.
- DOT submits detailed project authorization (292) to FHWA including a detailed cost estimate for each approved site.
- Local Government submits copies of templates or set of plans to DOT for any Grade Raises. DOT submits to FHWA for approval. **All** Grade Raises must have prior FHWA approval of templates or set of plans.
- CCO's of significant dollar amount need to have verbal approval by FHWA.
- Local Government submits billings to DOT Administration Program for reimbursement.
- Final Inspections of the projects are done by FHWA & DOT, or photos of completed projects are submitted by the Local Government.

EMERGENCY RELIEF MANUAL:

<http://www.fhwa.dot.gov/reports/erm/er.pdf>

SDDOT WEBSITE:

<https://dot.sd.gov/doing-business/local-governments/emergency-relief-er>

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