



FEMA

February 3, 2015

MEMORANDUM FOR: James Featherstone
Chairman, National Advisory Council

FROM: W. Craig Fugate
Administrator 

SUBJECT: Response to National Advisory Council Recommendations from
September 2014 NAC Meeting

Thank you for your letter dated October 15, 2014, regarding the National Advisory Council (NAC) recommendations from the September 2014 NAC meeting. Below you will find FEMA's responses to your recommendations.

Collaboration with Public Works and Non-Profit Organizations

Issue: There is a lack of involvement of non-traditional responders, such as volunteer groups, non-profit agencies, and public works entities, at the local level in planning, training, and exercising opportunities. This lack of involvement has resulted in disjointed, delayed, and sometimes duplicative response efforts. While many FEMA-provided training courses encourage multidisciplinary and multijurisdictional training, in practice, these courses are being delivered primarily to the traditional response groups of emergency managers, police, and fire.

NAC Recommendation 1: FEMA should review the process of integrating volunteer groups and non-profit agencies into ongoing preparedness planning and disaster relief efforts. By implementing the practice of regularly scheduled group meetings with key non-profit organizations and Federal partners and by integrating pre-planned relief efforts into operational response plans and exercising those plans with partner volunteer and non-profit agencies, FEMA can improve collaboration with these groups in anticipation of the next disaster.

FEMA Response 1: FEMA agrees with this recommendation and will continue to expand its already expansive work with non-profit organizations across the Nation. FEMA maintains, and continues to build upon, relationships and interactions with voluntary agencies, non-profit organizations, and public works entities throughout the cycle of a disaster. FEMA coordinates with voluntary agencies and non-profit organizations through Emergency Support Function #6 (ESF #6), Voluntary Agency Liaisons, and the National Exercise Division.

Voluntary agencies and non-profit organizations are engaged as whole community partners under ESF #6 of the National Response Framework alongside state, tribal, and local partners. Together, all elements of a community work to build and support national, regional, state, tribal, and local disaster response and recovery capacity to respond to notice and no-notice disasters from small emergencies to catastrophic disasters. ESF #6 outreach to non-profit partners typically includes conference calls, webinars, planning initiatives, training, and exercises.

- **Conference calls** – As the ESF Coordinator and Primary Agency for ESF #6, FEMA regularly conducts conference calls with partner agencies and organizations to share best practices, provides briefings on program capabilities and innovations, and engages in discussions geared toward

capacity-building. Some examples of the specific topics addressed on these calls include discussions between U.S. Department of Agriculture Food and Nutrition Service subject matter experts and FEMA Headquarters and regional mass care/emergency assistance staff pertaining to applicable disaster programs; weekly Headquarters staff meetings with participation by the American Red Cross; and calls with individual partner agencies and organizations, including the Salvation Army, Southern Baptist Disaster Relief, the Civil Air Patrol.

- **Webinars** – ESF #6 regularly conducts webinars with whole community partners under the auspices of the National Mass Care Strategy. These webinars are intended to include mass care/emergency assistance practitioners across the nation. To date, the total number of participants for each webinar has exceeded 300 participants.
- **Planning initiatives** – ESF #6 engages voluntary agencies and non-profit organizations in FEMA-led interagency planning initiatives (including hurricane, earthquake, improvised nuclear device, biological incident annex, and others); supports regional catastrophic planning efforts (including the California Bay Area Earthquake plan, the Washington-Oregon Cascadia Plan and Minnesota/Wisconsin Nuclear planning); and facilitates the development of stand-alone mass care/emergency assistance-centric plans. Voluntary agencies and non-profit organizations are included in ESF #6 planning activities, which include multi-agency plan template and task force guidance development.
- **Training** – ESF #6 develops and makes available training to whole community partners, including voluntary agencies and non-profit organizations. Several courses on mass care are available to whole community partners and can be found on EMI's webpage at <http://www.training.fema.gov/emicourses/>.
- **Exercises** – Voluntary agencies and non-profit organizations are invited to participate in ESF #6 mass care/emergency assistance exercises, such as the annual National Mass Care Exercises and testing of FEMA's National Mass Evacuation Tracking System in Chicago, to increase national response and recovery capabilities. The National Mass Care Council (whose members include Federal agencies, voluntary and non-profit organizations) promotes annual mass care exercises to enhance the coordination among whole community members. In 2012, 2013 and 2014, National Mass Care exercises in Florida brought together over 100 participants for three days to implement mass care multi-agency task forces. In these exercises, voluntary organizations are asked to assume leadership positions in the planning, coordination, and delivery of mass care services working hand-in-hand with Federal and state staff, non-profit organizations, government contractors, and private sector representatives. In 2015, the National Mass Care exercise will take place in Texas with a projected participation of over 120 representatives from the whole community.

FEMA's team of headquarters and regionally based Voluntary Agency Liaisons work directly with voluntary organizations active in disasters (VOAD) and state and local level recovery committees whose goal is to help disaster survivors who need additional recovery assistance. Voluntary organizations and local communities play a critical role in the recovery of survivors and communities following a disaster. Following the National VOAD four "C"'s principle—communicate, coordinate, collaborate, and cooperate—the Voluntary Agency Liaisons facilitate the interaction among Federal, tribal, state, and local level agencies and organizations of the whole community ensuring that relationships are developed and established prior to disasters. As every disaster is local, FEMA regional Voluntary Agency Liaisons work directly with state VOADs to coordinate at local levels to emphasize the importance of planning and preparedness to help their communities.

The National Exercise Division (NED) is responsible for implementing the National Exercise Program, which serves as the principal exercise mechanism for examining and validating the whole community's ability to build, sustain, and deliver the necessary preparedness capabilities to achieve the goal of a secure

and resilient Nation. Recognizing that disasters require more than just Federal and state partners, NED has expanded relationships with voluntary agencies, non-governmental organizations, and local and tribal entities by coordinating with these groups to develop and change existing exercises to represent the roles they play in disasters. This may include guidance and technical knowledge, which can greatly expand connections to local emergency managers and communities to empower them to build, sustain, and improve their capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

Recommendation 2: FEMA should advance improvement in relations between response agencies at the local level by encouraging the inclusion of public works entities in planning, training, and exercising opportunities at the Federal level, specifically with FEMA-provided training and exercises activities. The goal is to develop a universal recognition within the practice of emergency management of the public works sector as a responder. All FEMA-provided training and exercising should encourage cross-disciplinary involvement to increase opportunities for public works agencies to engage with other public safety personnel and public officials that make decisions regarding funding for training, exercising, and resources. Many public safety responders have no knowledge of the resources and skills that their local public works partners may bring to emergency management. The inclusive cross-disciplinary training and exercises will promote the relationships that are needed to allow a more effective and coordinated response.

FEMA Response 2: FEMA agrees with this recommendation as we recognize the importance of engaging with the public works sector across all mission areas. The National Preparedness Directorate (NPD) promotes an integrated approach to planning through the National Preparedness System (NPS). NPD consults with stakeholders as a standard practice in the development of national planning doctrine, policy and training development. As communicated in our June 24, 2014 response to the NAC's recommendation that FEMA engage and educate the whole community on regional response and recovery capability, we remain committed to re-engage with our non-traditional stakeholders to include public works entities.

FEMA-provided training directly supports public works entities in developing capabilities in planning for, mitigating, responding to, and recovering from emergencies and disasters. Training provided by FEMA's Emergency Management Institute (EMI), the National Training and Education Division and our national training partners target specific technical subject matter areas designed for public works entities. Courses also offer focus on whole community – taking a multi-jurisdictional and multi-discipline approach where students collaboratively work together on substantive issues that challenge the emergency management and homeland security community. There are several independent study courses and management level courses on the topic of public works. Specifically, EMI's Integrated Emergency Management Courses (IEMC) advise that public works personnel be included in the training, not limited to the Public Works Director/Assistant Director; Public Works Dispatcher; Water Superintendent; Street Superintendent; Sewer Superintendent; Building and Safety Official; electric, gas, and telephone company representatives; and water department representatives/Superintendent. Finally, EMI has relationships with several nationally recognized professional organizations, including the American Public Works Association, the American Society of Civil Engineers, and the American Society of Engineering Management, and interfaces with them through training, symposiums, and exercises. These partnerships prove invaluable as FEMA continues to engage the public works community.

Recognizing the importance of exercises, the National Exercise Program (NEP) includes a focus on, and the active participation of local, state, tribal, territorial, private sector, non-governmental organizations, non-profits, and faith-based partners. The exercise planning teams that support NEP events endeavor to represent a range of capabilities, requirements, and appropriate representatives of the whole community throughout the exercise process. FEMA continues to identify opportunities to integrate public works

entities into exercises, thereby reinforcing both their important role preparedness and response efforts, but also to support public works specific capabilities in planning for, protecting against, mitigating, responding to, and recovering from emergencies and disasters.

Translating Lessons Observed into Lessons Learned

Issue: Preparedness is improved by enabling continuous improvement among the whole community through the development and sharing of knowledge and experience. While lessons learned are disseminated because of national and local exercises as well as actual events, the following questions remain:

- Are lessons learned being produced by and actively disseminated to the various stakeholder groups within the whole community?
- Are FEMA's stakeholders reviewing lessons learned and incorporating those lessons learned as best practices into their respective preparedness plans?
- Is the quality of lessons learned being sufficiently evaluated?

The NAC recognizes that while it is not FEMA's responsibility to ensure that lessons are actually *learned* by the whole community, the value of these lessons should be measured to determine whether essential stakeholders are receiving and using them to improve their respective preparedness and response plans. The NAC identified the Lessons Learned Information Sharing (LLIS.gov) as an area, or specific platform, through which FEMA can improve upon the measurement and translation of lessons observed into lessons learned.

Recommendation 3: FEMA should undertake a review of the LLIS.gov system that includes but is not limited to the following items:

1. A study to determine the usability, effectiveness, and the extent of penetration, or outreach, of the LLIS.gov system into stakeholder communities;
2. Measurement, if applicable, of lessons learned in LLIS.gov that are incorporated into the various plans of similarly situated communities, organizations, or other stakeholders in significant events;
3. Periodic systematic evaluations of lessons learned which are posted to the LLIS.gov system to identify and communicate common deficiencies and best practices in preparedness and response plans;
4. Assessment of dissemination mechanisms for identifying and "pushing out" those lessons learned from large disasters with national level significance; and
5. Outreach sessions that are utilized to review any recognized "promising" practices as well as identify emerging trends.

FEMA Response 3: FEMA agrees with and is already implementing some parts of this recommendation. Measuring the quality, dissemination, and effectiveness of lessons learned is an important aspect of information sharing. In order to provide a more efficient user experience, FEMA is transitioning *LLIS.gov's* FEMA-authored products to *FEMA.gov*, where they can be accessed by a broader audience, and consolidating the remaining whole community content with the already substantial emergency management library on the Homeland Security Digital Library (HSDL), *HSDL.org*. The HSDL is a national online collection of both public and private documents related to homeland security policy, strategy, and organizational management. The HSDL is sponsored by FEMA's National Preparedness Directorate and the Naval Postgraduate School's Center for Homeland Defense and Security. Similar to LLIS, HSDL's mission is to strengthen the national security of the United States by supporting local, state, tribal, territorial, and Federal analysis, debate, and decision-making needs and to assist academics of all disciplines in homeland defense and security related research.

FEMA will continue to conduct whole community outreach to identify promising practices and emerging trends. The LLIS team identifies common deficiencies through its analysis of whole community after-

action reports (AARs) and other sources. It publishes the results of its research in trend analysis documents, which, in addition to describing common deficiencies, provides resources to help emergency managers address identified issues. The LLIS team then conducts whole community research and interviews to provide examples of how jurisdictions have handled or resolved the issues identified in the trend analyses. All LLIS documents are written to inform the whole community and allow emergency managers to apply the information in their jurisdictions as they choose. The LLIS documents are disseminated through the Internet, newsletters, and social media. In addition to disseminating deficiencies identified from state and local experiences, the National Preparedness Assessment Division analyzes recurring issues from FEMA and Federal interagency AARs to present to the appropriate Continuous Improvement Working Group for prioritization and resolution and to the National Exercise Program for inclusion in upcoming exercise planning.

FEMA agrees that it should conduct a study to determine the effectiveness of its products and their incorporation into preparedness and planning documents. FEMA will begin to determine the best way to survey stakeholders when the transition from *LLIS.gov* to *FEMA.gov* is complete.

Federal Procurement Education and Outreach

Issue: The National Business Emergency Operations Center (NBEOC) serves as FEMA's clearinghouse for information sharing between public and private sector stakeholders regarding emergency management matters in support of ESF #15 of the National Response Framework (NRF). While the NBEOC is a valuable concept, it is still new in development and implementation. Contracting related issues between public and private sector partners continues to be a challenge during recovery and disaster closeouts.

During disasters, affected areas may need the support of the private sector through "just-in-time" logistics or unanticipated needs requiring resource that are not covered by existing contracts. Procurement laws at all levels of government may have significant impacts on a business, potentially leading to Federal, state, local, tribal, and territorial contracting compliance issues. A local emergency declaration oftentimes waives local procurement rules associated with bidding procedures. A state emergency declaration oftentimes waives state procurement rules as well as other provisions, orders, or rules that would in any way prevent, hinder, or delay necessary action in responding to or recovering from a disaster. There needs to be a similar provision at the Federal level during times of emergency.

Recommendation 4: The NAC requests that the FEMA Administrator direct FEMA's Office of the Chief Procurement Officer (OCPO), in coordination with the NBEOC, to establish a program with state, local, tribal, and territorial governments and the private sector (both for-profit and non-profit entities) to educate them on promising practices in contracting before, during, and after a disaster. This education and outreach campaign should include a toolkit that includes a FEMA-developed template based on best practices on gubernatorial proclamations that temporarily waive the state's procurement laws that invoke contractor status, allowing timely coordination of resources and a robust private industry response in the period immediately after a disaster. FEMA should also work with major associations such as the National Emergency Management Association (NEMA) and the International Association of Emergency Managers (IAEM) as well as EMI and other emergency management entities in this education process.

FEMA Response 4: FEMA partially agrees with this recommendation. The recommended program would be an unfunded requirement and would need to be supported by additional resources, such as a web-based knowledge management solution with ESF partnership access and adequate staff dedicated to support the whole community initiative.

Recommendation 5: To better leverage private sector support, the NAC requests the FEMA Administrator work with the U.S. General Services Administration (GSA) to define and obtain flexibility in the Federal procurement regulations during declared emergencies and/or disasters, and continuity of

contracts and services throughout response and recovery, at any level (Federal, state, local, tribal, territorial).

FEMA Response 5: FEMA disagrees with this recommendation. FEMA OCPO receives its procurement authority and guidance from the Department of Homeland Security (DHS) and the Federal Acquisition Regulation (FAR), which is managed by the Federal Acquisition Regulatory (FAR) Council in accordance with Title 41, Chapter 7, Section 421 of the Office of Federal Procurement Policy (OFPP) Act. The FAR Council coordinates, controls, and monitors the maintenance and issuance of changes in the FAR. In accordance with the OFPP Act, the FAR Council membership consists of: the Administrator for Federal Procurement Policy and (A) the Secretary of Defense, (B) the Administrator of National Aeronautics and Space; and (C) the Administrator of General Services. FAR Part 18 provides flexibilities in contracting during emergency and contingency operations. In the response to Superstorm Sandy, FEMA OCPO requested and was given authority from DHS to raise the micro purchase and Simplified Acquisition thresholds. The micro purchase threshold was raised from \$3,000.00 to \$15,000.00, which allowed FEMA Government Purchase Cardholders additional flexibilities. The Simplified Acquisition Threshold was raised from \$150,000.00 to \$300,000.00. One of the FAR principles is to limit FAR requirements/provisions/clauses to the minimum necessary to implement statutes and Executive branch policy, correct a critical problem or deficiency, or otherwise add value to the overall procurement process. The best way FEMA can leverage private sector support during declared emergencies and/or disasters is through competition and transitioning to local buys under the Stafford Act.