

Bureau of Indian Affairs  
Office of Facilities Management  
and Construction  
Emergency Reimbursement Program  
Policies and Procedures

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# EMERGENCY REIMBURSEMENT PROGRAM

## Table of Contents

- 1.0 Purpose.....1
- 1.1 Scope.....1
- 1.2 Authorities.....1
- 1.3 Policy .....1
- 1.4 Procedures.....2
  - ERP Funding Requests .....2
  - Soliciting Emergency Funding .....2
  - Advance Emergency Funding.....3
  - Definition of an Emergency.....3
- 1.5 Required Documentation .....3

## Attachments

- Attachment A – Emergency Checklist..... 1 page

# **EMERGENCY REIMBURSEMENT PROGRAM**

## **1.0 Purpose**

The Bureau of Indian Affairs (BIA) has the responsibility of providing safe Bureau facilities. When an emergency occurs and results in the facility presenting an immediate threat to life or property, the Bureau must correct the situation as soon as possible. The BIA has established the Emergency Reimbursement Program to fulfill this responsibility. The purpose of this document is to provide guidance regarding implementation of the Emergency Reimbursement Program (ERP). This document has been prepared for BIA Regional Agencies and Offices, Bureau of Indian Education Programs and Office of Justice Services Facilities Management personnel.

## **1.1 Scope**

The Emergency Reimbursement Program (ERP) provides funding for reimbursement for facilities-related costs necessary to correct immediate threats to life or property at the Bureau's educational, non-educational and law enforcement facilities. This program does not provide funding for repairs to community or tribally-owned systems or funding for projects more appropriately covered by the Minor Improvement and Repair Program (MI&R).

## **1.2 Authorities**

The authorities governing the Emergency Reimbursement Program are contained in:

- A. Public Law-561 Education Amendments of 1978, TITLE XI**
- B. 25 CFR (Chapter 1) 4-01-86**
- C. Federal Register Notice, Volume 53, No. 149, August 8, 1989**
- D. Federal Register Notice, Volume 54, No. 162, August 23, 1989**

## **1.3 Policy**

The policy of the Facilities Management Program (FMP) is to provide funds from any facilities source to resolve emergency situations at the Bureau facilities. The Emergency Reimbursement Program then provides financial compensation for facilities related costs that were incurred to correct immediate threats to life or property. The Office of Facility Management and Construction (OFMC) is responsible for implementing the Emergency Reimbursement Program.

- A. The minimum and maximum funding levels are:

Minimum:     \$ 2,500 per backlog item

Maximum:    \$100,000 per backlog item

Emergency requests of less than \$2,500 or in excess of \$100,000 normally are not considered; however, extenuating circumstances may necessitate a variance of the funding level. If a variance in the maximum or minimum funding limits is requested, the requestor must provide substantial documentation to support the variance. Variances will be evaluated on a case-by-case basis by OFMC.

- B. Repairs to community or tribally owned systems are not covered under this program, and are not eligible for reimbursement.
- C. Funding is provided based on the availability of current year funds.
- D. Prior year emergencies. Emergencies which occurred and were reported, but not submitted in prior fiscal years, will not be considered for current year Emergency funding.

EXCEPTIONS: The following exceptions may be applicable if the emergency occurred in August or September and a complete request package was received at OFMC by the end of December of the current calendar year. For example: If an emergency occurred August 19, 2008, the request package must be received by December 31, 2008.

- (a) Locations have fiscal year carryover authority, such as P.L. 100-297 Grant and P.L. 93-638 Contract Schools.
- (b) If un-obligated MI&R or Employee Housing (Quarters Improvement and Repair – QI&R) funds were used to fund the correction of the emergency situation.
- (c) If Indian Student Education Fund funds are used.
- (d) If there were administrative delays in obtaining reimbursement support documents

## **1.4 Procedures**

The following procedures will be used to determine whether a requested emergency will be funded. All emergency requests will be considered as presented to OFMC; consequently well-documented emergencies will receive more consideration than a request that does not provide sufficient documentation to support the need for emergency reimbursement. An example would be, “Our pump went out and we need some money.” This would prompt the questions: (1) What amount is being requested? (2) Are there backup pumps? (3) What caused the pump failure? (Lack of Preventive Maintenance (PM)? and (4) What was the threat to life or property?

- A. ERP Funding Requests.** All ERP funding requests are to be routed by the locations through the agency and reviewed by the Regional Facilities Management (RFM), who must concur with the request. Grant schools should route their requests to the RFM through their respective Education Line Officer (ELO), who must concur with the emergency request.
- B. Soliciting Emergency Funding.** Once an emergency situation has been identified, the affected location must complete the following steps to request emergency funding:
  - (1) Advise the Region/Agency of the situation within 24 hours of the emergency. Grant locations should advise their appropriate ELO, who will then advise the RFM.
  - (2) The RFM concurs with the emergency and notifies OFMC Branch of Special Programs, telephone (505)563-5160 or Fax (505)563-5145. If the Agency/Location is unable to contact the RFM, they may contact OFMC directly at those numbers.
  - (3) Backlog Entry. The Region shall assure that a backlog (U-1) is entered into the FMIS system, indicating the circumstances and estimated cost of the emergency situation. This entry can be made at the Agency level.

- (4) **Written Request to OFMC.** The Region must submit a written request to OFMC for emergency funding, citing all the pertinent details including the location name and code where the emergency occurred, backlog sequence number, requested amount and verification that the emergency has been corrected. The Emergency Checklist (Attachment A) must accompany the request.
- (5) **OFMC Response.** A Fund Distribution Document (FDD) will be prepared and funding provided if OFMC agrees that an emergency situation did exist. If funding is denied, then an explanation will be provided to the Regional Office, with a copy sent to the requestor.

**C. Advance Emergency Funding.** Under special circumstances, advance emergency funding may be approved by OFMC to correct emergency situations. Situations that may qualify for advance funding include:

- (1) The emergency situation may cost more than the Region/Agency/Location has in current unobligated balances.
- (2) The emergency situation may exceed the funding threshold.

In both instances, the Region/Agency/Location must clearly demonstrate that funding resources are not available to effect emergency repairs.

**D. Definition of an Emergency.** All emergency situations must be considered on a case-by-case basis. General decision parameters for funding the Emergency Reimbursement Program have been developed by OFMC. These parameters have been incorporated into the definition of what constitutes an emergency situation, as enumerated below:

- (1) **THREAT TO LIFE or PROPERTY.** There must be a clear and demonstrated threat to life or property. Normal wear and tear and/or failure to perform or plan routine and preventive maintenance to plant facilities which precipitated a system/equipment failure are not considered an emergency. Equipment that has frequent failures and exceeds normal O&M should be submitted immediately for replacement under the ERP to prevent the program from being disrupted.
- (2) **EMERGENCIES ARE CORRECTED IMMEDIATELY.** Emergency situations are corrected immediately using funds available at the local site or at the Region/Agency level. For example, if the only well pump at a school location failed during the school year and the pump was replaced immediately using operations and maintenance (O&M) funds, the request would most likely be approved. Conversely, if emergency funds are requested to fix inoperative equipment (i.e., a stand-by boiler) and the location/school is functioning normally, the request would be denied.
- (3) **BUREAU-FUNDED OPERATIONS ONLY.** The emergency program is intended to compensate for unscheduled equipment/system failures experienced by the operators of Bureau-funded facilities, Grant Schools and P.L. 93-638 Contract facilities only.

## **1.5 Required Documentation**

The ERP assumes that the Region/Agencies/locations take immediate actions to identify, verify and correct an emergency situation first and then request reimbursement for the expenses incurred. It is not normally an advance funding program such as the MI&R program. Documentation indicating that the

work has been accomplished is required to evaluate the merits of the emergency request. The following are examples of required documentation:

A. Force Account Work. (Accomplished by the local crews)

- (1) Employee time and attendance sheets, paid invoices or canceled checks from local equipment and hardware vendors, and/or statements from vendors indicating the equipment or work has been paid for. The reimbursement of operation and maintenance (O&M) funds is allowable.

B. Contracted Work.

- (1) Paid invoices or canceled checks or statements from the contractor and vendor indicating that the work has been accomplished or the equipment has been paid for.
- (2) Federal Finance System (FFS) documentation that the purchase orders have been obligated.
- (3) Statement of payment utilizing government issued impact cards.

Notes:

- (1) Request for Emergency Reimbursement must be submitted no later than 90 days after the incident, unless extenuating circumstances would preclude furnishing all required documentation.
- (2) The emergency program is not to be used as a supplement to other programs.

## EMERGENCY REIMBURSEMENT CHECKLIST

**THIS CHECKLIST MUST BE INCLUDED AS AN ATTACHMENT FOR ALL EMERGENCY REIMBURSEMENT REQUESTS**

CHECKLIST	REGION				OFMC - TAT	
I. VERIFICATION	Yes	No	Date	Surname	Date	Surname
1. Has the Region/Agency verified that an emergency situation (as defined in the Guidelines) exist.						
2. Was the emergency caused by a lack of preventative maintenance?						
II. BACKLOG ENTRIES						
1. Has the Region verified that the Region/Agency Location category and sequence numbers have been encoded as a U-1 backlog entry into the FMIS System?						
2. Have category and sequence numbers been included in this request for emergency reimbursement package?						
III. SUPPORT DOCUMENTATION						
1. Time and attendance sheets if work was done by force account, are required.						
2. FFS Documents indicating that funds have been expended or obligated for the full amount or if the emergency occurs during August or September that the funds have been obligated, are required.						
3. Paid invoices or written statements from the appropriate vendor indicating the service and/or equipment has been paid for, are required. (cancelled checks)						
<b>Region:</b> _____ <b>Loc Code:</b> _____ <b>Bldg #:</b> _____ <b>Backlog #:</b> _____ <b>Cost:</b> _____						
<b>Comments:</b>						