



# Oregon

Kate Brown, Governor

Department of Transportation

Office of the Director

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Senator Lee Beyer, Co-Chair  
Representative Susan McLain, Co-Chair  
Joint Committee on Transportation

Dear Co-Chairs Beyer and McLain, and members of the committee,

Thank you for the opportunity to appear before your committee and provide information about ODOT's role in wildfire response and recovery. The committee raised a few questions during this presentation; please find below responses and further information.

- 1. How has ODOT involved the Oregon Office of Emergency Management (OEM) in the contracting decisions? How is ODOT ensuring every FEMA dollar possible flows to Oregon and these fire communities? Why was the decision made to have ODOT be the lead contracting agency? Why isn't the ECC/Unified Command structure more involved?**

The Debris Management Task Force (DMTF) is led by the Directors of ODOT, OEM, and the Department of Environmental Quality (DEQ); upon initial creation of the debris management task force and continuing into the future, the agencies will continue to partner closely to determine the best path forward for the State of Oregon as we respond to and recover from the 2020 Labor Day fires. The DMTF works closely with Federal Emergency Management Agency (FEMA), U.S. Environmental Protection Agency (EPA), and Federal Highway Administration (FHWA) to ensure Oregon is maximizing every dollar of federal reimbursement available. OEM is the primary coordinating state agency responsible for working with FEMA on eligibility determination and submitting approval requests for typically ineligible work (like private property debris removal, commercial property debris removal, removal of hazard trees on federal land, etc.).

ODOT was selected by the Wildfire Economic Recovery Council and the Governor's Disaster Cabinet as the lead debris cleanup agency based upon ODOT's experience in contracting and contract administration, relationships with the contracting community, and ability to quickly and adeptly mobilize staff to manage this new body of work. ODOT recognizes the unique factors present in debris removal work and is therefore utilizing a nationally recognized firm specializing in disaster recovery and FEMA programs as ODOT's owner representatives to help oversee and work with the contractors and monitoring firm to ensure FEMA compliance. The

DMTF and ODOT's Emergency Manager regularly coordinate and meet with ECC. This strong and coordinated partnership between ODOT, OEM, and their consultants will exist throughout the duration of the cleanup work.

The ECC and ESF structure has transitioned to recovery coordination and utilization of our State Recovery Function agency leads to align with the federal Recovery Support Function agencies. This structure, led by the State Coordinating Officer (OEM Director) and State Disaster Recovery Coordinator (OEM Mitigation and Recovery Deputy Director) is directly involved in coordinating every aspect of recovery integrated with the Joint Field Office, organized utilizing the Incident Command System. Field-based operations are establishing operational command structures to organize their work.

**2. Would the State be better to slow down and wait for new information from the new federal administration and from FEMA? Who is Oregon's FEMA expert inside ODOT, or at OEM? How are they involved?**

Based on current understanding, a new federal administration is unlikely to significantly alter what elements of debris cleanup efforts are eligible for federal reimbursement. For both hazard tree removal and structural ash and debris removal, it is imperative the cleanup work begin as soon as possible. Additional days or weeks of step 2 removal delay represents additional days and weeks Oregonians must wait to begin rebuilding.

OEM has several staff with decades of experience working with FEMA and FEMA disaster recovery programs (OEM Director, OEM Deputy Director, OEM Public Assistance Officer, OEM Individual Assistance Officer). OEM Public Assistance staff review all requests for FEMA eligibility and shepherd requests for reimbursement through that process. OEM staff is fully integrated into the Joint Field Office. As stated above, ODOT is working with AC Disaster Consulting (ACDC), a nationally recognized firm specializing in disaster recovery and FEMA programs. ODOT, OEM, ACDC and FEMA have coordinated closely throughout the process and will continue to do so throughout the debris operation.

**3. How is ODOT evaluating and scoring RFPs? How will you limit cost over-runs and change orders? What factors did ODOT consider in the contracting process and were the experiences of other states taken into account?**

ODOT has executed three types of contracts to support debris cleanup efforts.

- 1) Monitoring contract: A single firm independent of the cleanup contractors and state agencies will monitor the cleanup work and soil testing, and note completion of Step 2 property by property. Monitoring oversight is required by FEMA to control costs, reduce waste, and help eliminate fraud.
- 2) Hazard tree removal: Contractors will remove trees that professional arborists determine are threats to public safety or property damage on public and private lands.
- 3) Structural ash and debris: Contractors will remove structural ash and debris to a degree that allows property owners to rebuild. Debris includes burned cars, boats, trailers and structural

debris, including concrete and other household and construction materials, and dead or dying trees that represent a threat to cleanup crews or public rights of way like roads.

As of December 14, the monitoring contract, all hazard tree removal contracts, and all but one (of five) structural ash and debris removal contracts have been awarded. ODOT utilized a competitive emergency procurement process in selecting its contractors. ODOT developed its solicitation documents in partnership with OEM, California's Office of Emergency Services, and FEMA to ensure reflection of best practices, maximum utilization of federal reimbursement funds, and sufficient flexibility and protection is embedded within the contracts. Review criteria prioritized contractors with expertise in Oregon's geography and operational needs, a commitment to Oregon values, expertise with FEMA reimbursement and disaster recovery work, and a commitment to local, diverse, and underserved communities and firms—among other considerations.

ODOT worked closely with its federal and state agency partners to structure the hazard tree and structural ash and debris contracts to ensure accountability and funds stewardship; additionally, ODOT's monitoring firm, CDR Maguire, provides supplemental oversight to control costs, reduce waste, and maximize federal funds. Change orders are reasonably anticipated as conditions on the ground are uncovered and ODOT's contractual process and contract documents contemplate these changes.

**4. What safeguards did ODOT build into the contracting process to ensure that the work is completed to a satisfactory level and that lots will be left in a buildable condition?**

Utilizing national best practices as well as incorporating feedback from state and federal partners, ODOT built terms and conditions into each contract to ensure lots will be rebuild ready. After hazard trees are removed, crews will remove and properly dispose structural ash and debris, including vehicles, outbuildings, and damaged concrete; crews will also test property soil for hazardous materials. After all debris is removed and soil is deemed safe, property owners will receive notice indicating the property is ready for rebuilding.

Through oversight and contract administration, ODOT will ensure contractors maintain strict adherence to the contract's terms; as necessary, ODOT has contractual authority to demand cure and ultimately terminate. ODOT and its monitoring consultant, CDR Maguire, stand ready to protect Oregonians and Oregon firms involved in the wildfire recovery efforts.

As always, please let me know if I can answer additional questions or provide more information.

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