2018 SUPPLEMENTAL APPROPRIATION STUDY INITIATION:

FUNDAMENTAL STEPS AND DOCUMENTATION

10 August 2018

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2018 SUPPLEMENTAL APPROPRIATION – LONG TERM DISASTER RECOVERY INVESTMENT PROGRAM

38 Investigations at full Federal expense

- Alabama
- California
- Florida
- Georgia
- Kentucky
- Louisiana
- New York
- Oklahoma
- Oregon
- South Carolina
- Tennessee
- Texas
- Vermont
- Washington
- US Virgin Islands
- Puerto Rico

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FOR PROJECTS NAMED IN THE SUPPLEMENTAL APPROPRIATION…

- Reach out to your non-Federal sponsors
- Identify a lead planner with applicable experience (Water Resources Certified Planner, when possible)
- Hold an initial PDT meeting and identify a “focused” team to perform initial scoping
- Execute a cost sharing agreement within 60 days
- Identify needs for engagement of external expertise (i.e. PCX’s, WRCP’s, planning mentors, risk champions)

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Feasibility Cost Sharing Agreement

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10 STEP FCSA EXECUTION PROCESS

1. Use model FCSA and supporting documents developed for these studies

2. Provide draft package to District Office of Counsel for certification of legal review.

3. Provide Self-Certification of Financial Capability to NFS for wet signature.

4. Route draft agreement package to MSC for review (with transmittal memo signed by DPM).

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10 STEP FCSA EXECUTION PROCESS (CONT'D)

5. If MSC has comments on the package, District will revise the documents accordingly and resubmit. Once MSC concurs with the documents as-written, MSC will provide a memo allowing the District to execute the FCSA.

6. Once approval from the MSC is received, provide FCSA (4 copies), Certification Regarding Lobbying, and Certificate of Authority to NFS to wet-sign.

7. NFS mails wet-signed originals back to District.

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10 STEP FCSA EXECUTION PROCESS (CONT'D)

8. District routes wet-signed FCSA (4 originals) to District Commander for signature, along with supporting documents. With the District Commander's signature on the FCSA, the agreement is in effect.

9. District mails a signed original FCSA to the NFS for their records.

10. District provides scanned copy of FCSA to their MSC.

FCSA PACKAGE COMPONENTS

1. Transmittal memo signed by DPM
2. “Clean” Draft FCSA
3. Certificate of Authority
4. Certification Regarding Lobbying
5. Deviation statement stating no deviations from model
6. District certification of legal review
7. Signed Sponsor’s Self-certification of Financial Capability for Agreements
8. Funds allocation table
9. Model FCSA with Track Changes
10. Updated LOI from the NFS (< 6 months old)

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MODEL FCSA

HYPERLINK TO BE ADDED ONCE MODEL AGREEMENT IS FINALIZED AND POSTED

CERTIFICATE OF AUTHORITY

CERTIFICATE OF AUTHORITY

I, ____________________, do hereby certify that I am the principal legal officer of the **[FULL NAME OF NON-FEDERAL SPONSOR]**, that the **[FULL NAME OF NON-FEDERAL SPONSOR]** is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the Department of the Army and the **[FULL NAME OF NON-FEDERAL SPONSOR]** in connection with the [**[FULL NAME OF STUDY OR PROJECT]**, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of the Agreement, as required by Section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and that the person who executed the Agreement on behalf of the **[FULL NAME OF NON-FEDERAL SPONSOR]** acted within **[his / her]** statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this ______________ day of _____________ 20___.

____
[INSERT TYPED NAME]
[Insert Full Title]

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CERTIFICATION REGARDING LOBBYING

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The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

[SIGNATURE OF PPA SIGNATORY]
[TYPED NAME]
[TITLE IN FULL]

DATE: ______________________________

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STATEMENT OF NO DEVIATIONS

I.e. "The model FCSA for 2018 Supplemental Appropriation projects, dated **[DATE]** was used for the draft agreement for the **[NAME OF STUDY]** Feasibility Study. There were no deviations from the model."

[Project Manager Signature]

SPONSOR'S SELF-CERTIFICATION OF FINANCIAL CAPABILITY FOR AGREEMENTS

NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR AGREEMENTS

I, ______________________________, do hereby certify that I am the Chief Financial Officer [OR TITLE OF EQUIVALENT OFFICIAL] of the [FULL NAME OF NON-FEDERAL SPONSOR] (the "Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the [FULL NAME OF PROJECT OR STUDY]; and that the Non-Federal Sponsor has the financial capability to satisfy the Non-Federal Sponsor's obligations under the [FULL NAME OF AGREEMENT FOR THE PROJECT OR STUDY].

IN WITNESS WHEREOF, I have made and executed this certification this ________ day of ___________________, ________.

BY: ____

TITLE: ____

DATE: ____

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FUNDS ALLOCATION TABLE

Year	Federal Funding Needed
FY1	$--
FY2	$--
FY3	$--
Total	$--

*Estimates annual funding needs

THE FCSA IS EXECUTED! NOW WHAT?

- Provide scanned copy of the executed FCSA to your MSC.
- MSC requests Federal funding from HQPID
- Assemble your previously-identified focused team to perform initial iteration of the risk-informed planning process
- Begin documenting decisions and risks

IT'S ALL ABOUT RISK-INFORMED PLANNING!

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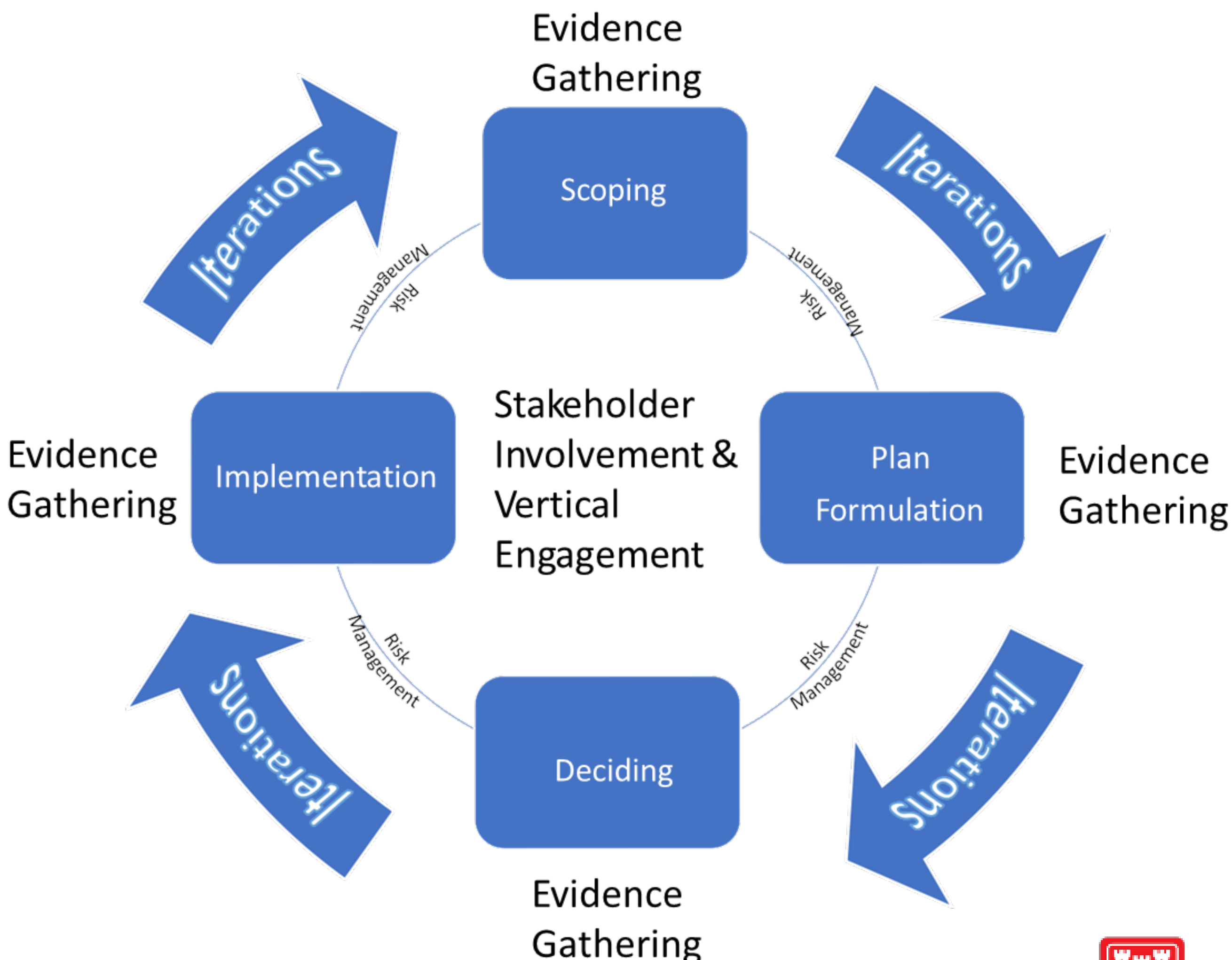
RISK
INFORMED
PLANNING

THE PLANNING PROCESS IS ITERATIVE!



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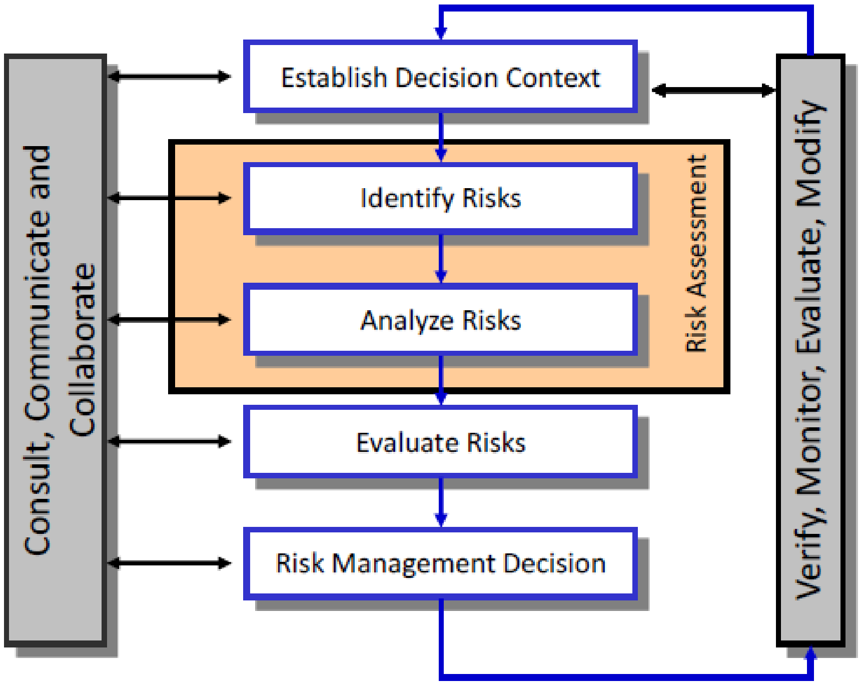
IMPLEMENT RISK INFORMED DECISION MAKING

- Only collect data needed to make the next decision
- Level of detail should increase over time
- Gain Vertical Team alignment on "acceptable" level of risk and uncertainty
- Develop feasibility report from the beginning of the study



From "Foundations of SMART Planning" webinar, 2012

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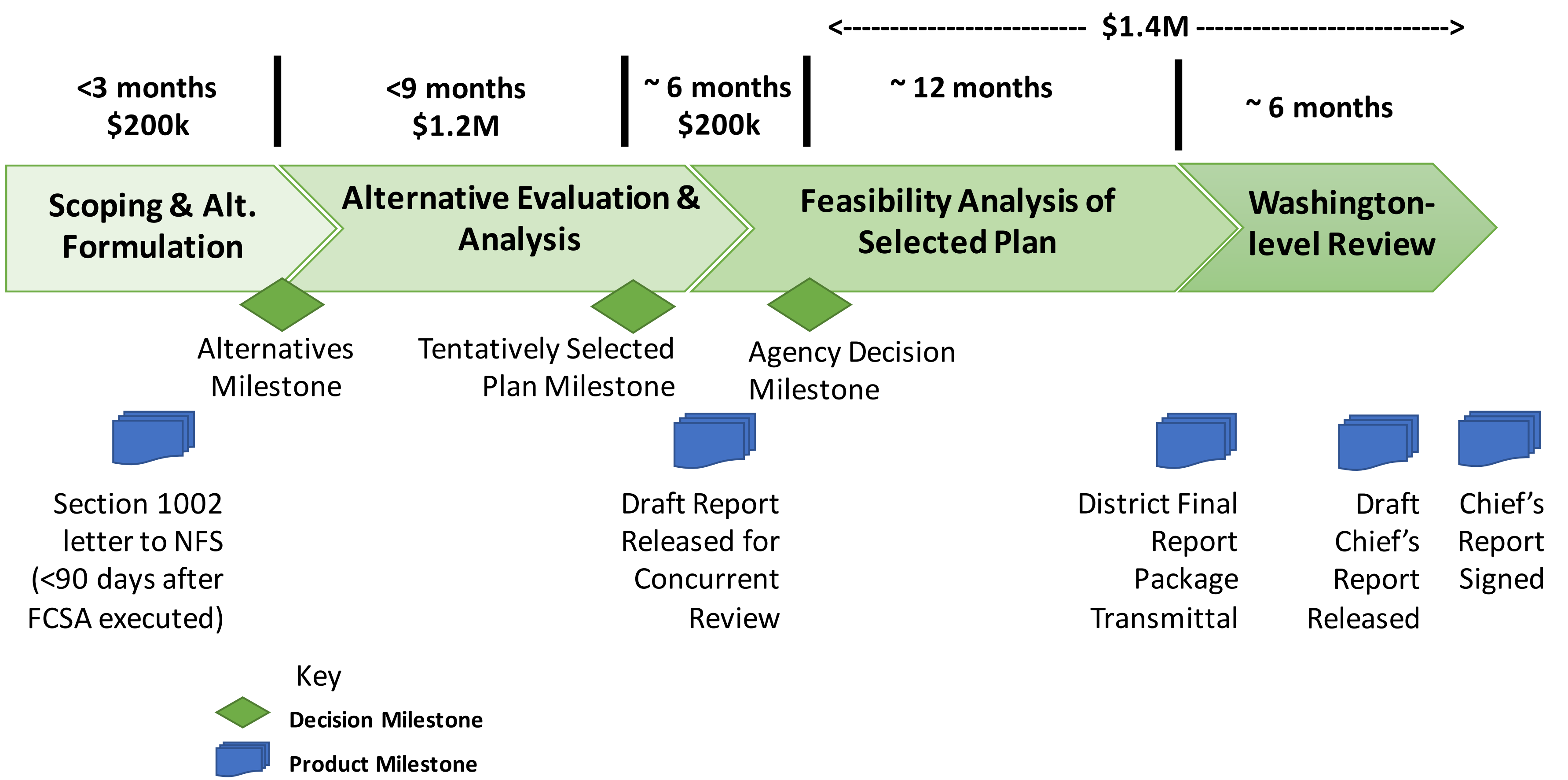
THE FEASIBILITY STUDY PROCESS: KEY DECISION & PRODUCT MILESTONES IN A 3-YEAR, $3M STUDY (3X3)



CHARETTES THEN

- Weeks of preparation
- 2-3 days
- On-site
- Expensive
- Dozens of stakeholders
- Entire PDT
- USACE Vertical Team

CHARETTES NOW

- Simplified
- 1 day
- In-house staff / virtual as needed
- Efficient
- Non-Federal Sponsor
- Focused PDT
- Planning Mentor or Risk Champion

WHAT REMAINS THE SAME?

- Emphasis on decision making
- Scope clarification
- Issue resolution
- Risk assessment using the Risk Register

DOCUMENTATION IS KEY TO SUCCESS

START DOCUMENTING!

Major decisions
- Decision Management Plan
- Decision Log

Risks
- Risk Register

Scope, schedule, and budget
- PMP
- P2 schedule
- Resource plan
- Vertical alignment docs

Federal funding needs
- Justification sheets
- Civil Works Integrated Funding Database (CWIFD)

Review requirements
- Review Plan

Policy issues
- Study Issue Checklist

Milestone achievements
- Post-milestone MFR

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DECISION MANAGEMENT PLAN

- The DMP outlines the steps required to make a particular decision.

- It answers the questions:
  - What decision are we trying to make?
  - What criteria will be used to make the decision?
  - What is the sequence of events required to make the decision?
  - Who will develop this information, and when?
  - Who will make the decision, and how?
  - When will the decision be made?

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DECISION LOG

- The Decision Log allows the PDT to document decisions made, to reduce chances of a dispute down the road.

- Characteristics
  - Living document
  - Makes decisions easy to identify for future re-evaluation
  - Informs the MFR

- Components
  - Decision identifier/number
  - Date decision was made
  - Description of what was agreed to, and why
  - Who agreed to the decision
  - Where you can find additional information or supporting documentation

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RISK REGISTER

- The Risk Register is used to document and manage risk over the course of the study. It answers the question, “What happens if I make a poor decision?”

- Characteristics
  - Assesses impacts of decision-making under uncertainty
  - Identifies risk management strategies for high risk items
  - Communicates risk to others (i.e. Vertical Team)

- Components
  - Task
  - Risk and cause
  - Consequence
  - Likelihood
  - Risk Management Options
  - Recommendation

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PROJECT MANAGEMENT PLAN

- The PMP documents the latest information with regard to scope, schedule, and budget.

- Characteristics
  - Approved by DPM
  - Living document (initial PMP doesn't detail entire study)
  - Updated no less frequently than at each milestone

- Components
  - Project Information
  - PDT Identification
  - Scope of Work
  - Milestone Schedule
  - Study Budget

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P2 SCHEDULE

- Work with your scheduler to get a basic schedule entered; focus on major milestones
- Gradually add more detailed activities between each milestone as study scope is refined
- Review monthly for accuracy

RESOURCE PLAN

- Estimates resourcing of study funds over the course of a fiscal year to each org code, updated at each milestone
- Includes District PDT members, as well as other USACE and non-USACE support (i.e. A/E, IEPR)
- Developed by the PM with their program analyst, and reviewed semi-annually

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VERTICAL ALIGNMENT DOCUMENTATION

- Purpose is to clearly inform the scope, schedule and funding stream
- Required BEFORE obligating funding on work that was not previously agreed upon
- Required to support budgetary consideration of continuing studies
- Required to remain current throughout the life cycle of a study

JUSTIFICATION SHEETS

- Required for budgetary consideration of new start, continuing, and new phase projects

- Provide an overview of the project, including authority, primary issues, identification of the NFS, and Federal funding needs

CWIFD

- Means of submitting and justifying work packages for Federal funding of USACE projects

- Allows for ranking of packages within Districts, Divisions, and nationally

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REVIEW PLAN

- Provides the review procedures for ensuring quality and credibility of USACE decision documents

- Characteristics
  - Endorsed by the RMO
  - Approved by MSC Commander
  - Living document

- Components
  - Purpose and Requirements
  - Project Description and Information
  - District Quality Control
  - Agency Technical Review
  - Independent External Peer Review
  - Policy and Legal Compliance Review
  - Review Schedule and Costs
  - Model Certification and Approval

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STUDY ISSUE CHECKLIST

- Discusses sensitive policy areas that require Vertical Team coordination

- Characteristics
  - Submitted before each major milestone meeting
  - Based on knowledge available at the time
  - All issues must be resolved prior to requesting approval of the decision document

- Components
  - NEPA concerns
  - 902 limits
  - Work-In-Kind
  - Locally Preferred Plans
  - Mission-specific

POST-MILESTONE MFR

- Documents achievement of milestone
- Summarizes topics of discussion
- Outlines major decisions made
- Identifies follow-up tasks
- Lays out the scope, path forward, and current schedule of upcoming major milestones
- Includes funding stream and participants list

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IWR-APT ONLINE TOOL

- IWR-APT provides a central location for planners and project managers to house and create study deliverables

- Characteristics
  - Makes SMART planning requirements easier to track
  - Provides consistency
  - Facilitates collaboration and transparency

- Capabilities
  - Risk Register
  - Decision Management Plan
  - Decision Log
  - Study Issue Checklist
  - SMART Planning Deliverable Workflow

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SO WHAT EXACTLY DOES IT TAKE TO REACH THE ALTERNATIVES MILESTONE?

Initiating a Supplemental Appropriation Study

NLT 60 days after HQUSACE publication of model FCSA

- ✓ Hold initial meeting with all PDT disciplines; identify a focused team to perform initial scoping
- ✓ Identify external sources of expertise (i.e. risk champions, planning mentors, PCX's, etc).
- ✓ Create and fund labor codes as applicable
- ✓ Execute Feasibility Cost Sharing Agreement & provide a scanned copy to your MSC
- ✓ Request Federal funding allocation

NLT 30 days after FCSA execution

- ✓ Assemble your focused team and perform 1st iteration of the risk-informed planning process: What do we know?
- ✓ Initiate Risk Register and Decision Management Plan, and use as a basis for Project Management Plan (PMP) development
- ✓ Initiate environmental coordination
  - Conduct pre-Notice of Intent (NOI) scoping to ascertain appropriate NEPA class of action and determine what other environmental approvals are likely necessary
  - Request Species List from USFWS/NMFS

NLT 60 days after FCSA execution

- ✓ Develop initial PMP
- ✓ Enter initial study schedule into P2
- ✓ Develop Resource Plan with your Program Analyst
- ✓ Perform 2nd iteration of the risk-informed planning process: What do others know?
  - Based on new information/evidence gathered from stakeholders and the NFS, do any of your measures/alternatives change? What about your criteria for evaluation?
  - Confirm focused array of alternatives for additional analysis
- ✓ Begin developing Report Summary
- ✓ Begin developing PowerPoint Presentation for Alternatives Milestone Meeting
- ✓ Continue early environmental coordination
  - Perform MSA coordination
  - Initiate FWCA Coordination

NLT 90 days after FCSA execution

- ✓ Submit Section 1002 letter to NFS, post to District public website, and provide copy to the RIT
- ✓ Obtain MSC approval of Review Plan
- ✓ Publish NOI to develop an Environmental Impact Statement, if applicable
- ✓ Submit read-ahead documents for Alternatives Milestone Meeting to MSC no later than one week ahead of time
  - Report Summary
  - Study Issue Checklist
  - PowerPoint Presentation slide deck
- ✓ Hold Alternatives Milestone Meeting

GETTING TO THE ALTERNATIVES MILESTONE

Prior to the Alternatives Milestone:

- Study Scoping
- Initial environmental coordination and NEPA Scoping
- Publish Notice of Intent (NOI) to prepare an Environmental Impact Statement, if applicable

Read-Ahead Submittals:

- Report Summary
  - Discuss risk drivers and consequences
  - Include risk register summary
- Study Issue Checklist – many items will be “pending” at this point
- Presentation – Slide Deck
- Send to Vertical team no later than **1 week** prior to meeting

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ALTERNATIVES MILESTONE MEETING

Decision

- Decision maker and PDT agree on focused array of alternatives & criteria to evaluate/compare alternatives to select a recommended plan
- Study scope, schedule, funding stream, and objectives are consistent with USACE authorities and priorities
- MSC Planning & Policy Chief is decision maker at AMM

PDT should be prepared to answer:

- What is the risk in implementing plan(s) or path forward in feasibility?
- What is uncertainty associated with risk?
- What is path to reduce uncertainty?
- What funding/resources needed to reach next milestone?

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TIPS FOR SUCCESS

- PMs: Work with your Lead Planner and Program Analyst
  Lead Planners: Work with your PM
- Build in schedule contingency
- Coordinate early and often with the vertical team
- Document and communicate!
- Use the planning tools available to you
- Use each milestone meeting to tell the risk story

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QUESTIONS?