Congressional City Conference

Lessons Learned from Crisis Leadership

March 11, 2017
Washington, DC
Blake Ratcliff, Steve Traina, Brian Delvaux, Erica Bueno
Institute for Building Technology & Safety

#NLCU
Workshop Agenda

EDDR Overview

- Eligibility
- Procurement

Introduction

- Grant Administration
- Subrecipient

In Hand
Workshop Agenda

Our four topics are chosen based on the learned experiences in each section and the importance they play in a successful federal grant program.

- Grant Management provides an overview of all facets of a successful grant program implementation.
- The Subrecipient relationship outlines the risks and benefits of a subrecipient arrangement in lieu of conventional Program Administrator contracting methods.
- Procurement is one of the two highest risk areas of grant administration.
- Eligibility, on all levels, becomes the second highest risk area of grant administration.
About IBTS

IBTS is a 501(c)(3) nonprofit organization
- provides technical expertise to support government functions
- national presence
- 350+ employees
- 40 year track record

Mission:
- meet the challenges of governance at all levels
- enhance public safety, economic development, and the general welfare of the community.
Board of Directors

IBTS is guided by a Board of Directors consisting of representatives of five national associations.
What We Do

- STATE & FEDERAL PROGRAMS
- LOCAL GOVERNMENT SOLUTIONS
- EDUCATION & TRAINING
- COMPLIANCE RISK MANAGEMENT
- TECHNOLOGY SERVICES
- ENERGY SOLUTIONS LEADERSHIP
- QUALITY ASSURANCE
- DISASTER PREPAREDNESS & RECOVERY
What does EDDR (Economic Development & Disaster Recovery) do?

Disaster Planning
What does EDDR (Economic Development & Disaster Recovery) do?

Disaster Management/Recovery Programs
What does EDDR (Economic Development & Disaster Recovery) do?

Disaster Management/Recovery Programs

Grant Management Services
What does EDDR (Economic Development & Disaster Recovery) do?

Construction Management Services
# Client & Project Examples

<table>
<thead>
<tr>
<th>Location</th>
<th>Monetary Value</th>
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<tbody>
<tr>
<td>State of Louisiana</td>
<td>$3,900,000.00</td>
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<table>
<thead>
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<th>Location</th>
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<tbody>
<tr>
<td>Texas</td>
<td>$827,000.00</td>
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# Client & Project Examples

<table>
<thead>
<tr>
<th>Home Program</th>
<th>Project Description</th>
<th>Location</th>
<th>Monetary Value</th>
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<td>TDHCA HOME HRA Program</td>
<td>Texas</td>
<td>$827,000.00</td>
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| NY State                              | CDBG-DR Housing Recovery Program     | New York City | $59,000,000.00 |

| Minot                                 | CDBG-DR Housing Recovery Program     | Minot, North Dakota | $768,000.00     |

| Illinois                              | CDBG-DR Housing Recovery Program     | Chicago, Illinois   | $692,000.00     |

| Cleveland County                      | CDBG-DR Infrastructure Recovery Program | Cleveland Co., Oklahoma | $1,225,000.00 |
Congressional City Conference

Grant Administration

Date of Session, 2017
Washington, DC
Blake Ratcliff
Director
Institute for Building Technology & Safety
What is a successful grant?

- Grant Management is a system, a process with many levels.
- Successful grant management starts long before the grant is awarded.
- You don’t have to be an expert, but you do have to know enough so that:
  (A) you aren’t dangerous
  (B) you’re aware when you’re out of your depth.

Successful grants start with the end in mind
Successful grants start with the end in mind

Highlights

What We Audited and Why
We audited the Municipality of Bayamón’s Emergency Shelter Grants and Emergency Solutions Grants programs. We selected this audit based on congressional and hotline complaints alleging that the Municipality improperly used Emergency funds to transport people from Puerto Rico to mainland U.S. cities to receive rehabilitation treatment. Our main audit objectives were to determine whether allegations included in the complaints had merit and whether the Municipality’s Emergency programs were administered in compliance with the U.S. Department of Housing and Urban Development’s (HUD) requirements.

What We Found
Although the Municipality assisted in the transportation of persons from Puerto Rico to mainland U.S. cities to receive treatment, HUD funds were not used to pay for the transportation costs of the participants. However, the Municipality improperly used Emergency funds to pay for travel costs of employees who went to mainland U.S. cities to follow up on clients. The Municipality’s financial management system did not properly identify the source and application of more than $1.14 million in Emergency funds and allowed the use of more than $100,000 for ineligible expenditures. In addition, it did not support the eligibility of more than $34,000 in program charges and reported inaccurate information in HUD’s information system. As a result, HUD lacked assurance that funds were adequately accounted for, safeguarded, and used for required and eligible purposes and in accordance with HUD requirements.

What We Recommend
We recommend that the Director of the San Juan Office of Community Planning and Development require the Municipality to (1) complete the implementation of the new accounting system in accordance with HUD requirements; (2) submit all supporting documentation showing the eligibility and propriety of $942,551 in Emergency funds; and (3) reimburse its program $148,227 in non-Federal funds for ineligible expenditures.
Audit Report Number: 2016-FW-1010
Date: September 30, 2016
The State of Oklahoma Did Not Obligate and Spend Its Community Development Block Grant Disaster Recovery Funds in Accordance With Requirements

Highlights

What We Audited and Why
We audited the State of Oklahoma because it received $93.7 million in Community Development Block Grant Disaster Recovery (CDBG-DR) allocations for presidentially declared disasters that occurred in 2011, 2012, and 2013. The substantial amount of CDBG-DR funding required a review of the State’s program. Our objective was to determine whether the State obligated and spent its grant in accordance with requirements.

What We Found
The State did not obligate and spend CDBG-DR funds in accordance with requirements. The State failed to support how it determined activity eligibility, existence, disaster event qualification, reasonableness of cost estimates, prioritization, and fund allocation as required. It routinely did not determine compliance with procurement and environmental requirements. Further, it routinely made payments based on incomplete, insufficient, or no supporting documentation.

The State believed that its procedures for obligating and spending Federal funds were its choice based upon its understanding of CDBG requirements. The State’s failure to comply with requirements resulted in unsupported obligations and expenditures of more than $11.7 million and $4.3 million, respectively.

What We Recommend
We recommend that the Acting Deputy Assistant Secretary for Grant Programs require the State to (1) develop and implement policies and procedures to document and perform detailed review and testing to establish eligibility, existence, disaster event qualifications, reasonableness of cost estimates, prioritization, and fund allocation, both retroactively and prospectively, which would put $81.9 million to better use; (2) support or properly obligate more than $11.7 million in unsupported obligations; and (3) support or repay more than $4.3 million in unsupported expenditures.

Highlights

What We Audited and Why
We audited the Municipality of Wyoming’s Emergency Shelter Grants and Emergency Solutions Grants program. We selected the Municipality based on congressional and hotline complaint allegations that the Municipality improperly and inefficiently used grants to purchase goods and services. The Municipality distributed grants to the Emergency Solutions Grant (ESG) program, a component of the U.S. Department of Housing and Urban Development’s (HUD) program.

What We Found
Although the Municipality assisted in the transportation of persons from Puerto Rico to enrolled U.S. states to receive services, HUD funds were not used to pay for the transportation costs or expenditures associated with the relocation of persons. The Municipality purchased goods and services for ESG and ESG related activities, and did not prove that it reasonably determined costs of employees who were not enrolled in U.S. states to be eligible or necessary. The Municipality’s financial management system did not properly identify the costs and expenditures of over $11,000.00 for ineligible expenses. In addition, it did not support the eligibility of over $2,000.00 in program charges and improper disbursement information in HUD’s information systems. As a result, HUD cannot ensure that funds were adequately monitored for eligibility and used in accordance with ESG program requirements.

What We Recommend
We recommended that the Director of the State Office of Community Planning and Development require the Municipality to (1) continue the implementation of the financial accounting system to accommodate HUD’s requirements, (2) complete financial and fund management systems documentation, and (3) submit a financial status report for all HUD grantees.

No changes from previous year.
Audit Report Number: 2016-AT-1012
Date: August 29, 2016
The Municipality of Bayamon, PR, Did Not Always Ensure Compliance With HUD Program Requirements

Highlights

What We Audited and Why
We audited the Municipality of Bayamon’s Emergency Shelter Grants and Emergency Solutions Grants programs. We selected this audit based on congressional and hotline complaints alleging that the Municipality improperly used Emergency funds to transport people from Puerto Rico to mainland U.S. cities to receive rehabilitation treatment. Our main audit objectives were to determine whether allegations included in the complaints had merit and whether the Municipality’s Emergency programs were administered in compliance with the U.S. Department of Housing and Urban Development’s (HUD) requirements.

What We Found
Although the Municipality assisted in the transportation of persons from Puerto Rico to mainland U.S. cities to receive treatment, HUD funds were not used to pay for the transportation costs of the participants. However, the Municipality improperly used Emergency funds to pay for travel costs of employees who went to mainland U.S. cities to follow up on clients. The Municipality’s financial management system did not properly identify the source and application of more than $1.14 million in Emergency funds and allowed the use of more than $189,000 for ineligible expenditures. In addition, it did not support the eligibility of more than $338,000 in program charges and reported inaccurate information in HUD’s information system. As a result, HUD lacked assurance that funds were adequately accounted for, safeguarded, and used for requested and eligible purposes and in accordance with HUD requirements.

What We Recommend
We recommend that the Director of the San Juan Office of Community Planning and Development require the Municipality to (1) complete the implementation of the new accounting system in accordance with HUD requirements, (2) submit all supporting documentation showing the eligibility and propriety of $982,851 in Emergency funds, and (3) reimburse its program $189,227 from non-Federal funds in ineligible expenditures.
Six Areas of Grant Management
Six Areas of Grant Management

- Procurement
- Financial
- Building Department
- Monitoring and Oversight
- Special Requirements
- Staffing
Procurement Challenges

- Program requirements exceed current standards
- Existing standards require deviations
- Policies don’t support program goals
- Review guidelines
- Modify guidelines
- Create “program” specific policy
- Professional review of policy and compliance
- 3\textsuperscript{rd} party QA/QC
- Reporting requirements
- Understanding Federal/State requirements
- Training and software required by Federal/State systems

Financial Challenges
- Verifying eligible activities
- Accessible documentation of all transactions
- Compliance is followed
- Reporting processes are immediately instituted
- Augment staff
- 3rd Party QA/QC oversight

Financial Solutions
- Additional or updated codes
- Plan Review and/or Field Inspection augmentation
- Additional training or certifications

Building Department Challenges
- Update department standards
- Anticipate department workload
- Provide training
- Augment department staff
- 3rd party QA/QC

Building Department Solutions
- Eligibility
- National Objective
- Federal/State requirements
- Oversight and Quality Control

Monitoring & Oversight Challenges
Anticipate planning & zoning requirements
Prepare for special sessions and emergency meetings

Monitoring & Oversight Solutions
- City/Council could need revisions
- Special City Council and Commissioners Court meetings may be required
- Anticipate the needs to adjust planning & zoning requirements
- Be prepared for special sessions and emergency meetings

Special Requirements Solutions
- Staff assigned to multiple projects
- Technical requirements
- Temporary staff still requires training & management support
- Specific expertise may be required

Staffing Challenges
- Evaluate potential requirements prior to grant award
- Utilizing professional consultants
- Implementing a program administrator

Staffing Solutions
The 2 priority areas

Procurement

Monitoring & Oversight
Areas of Grant Management

- Staffing
- Procurement
- Financial
- Building Department
- Monitoring & Oversight
- Special Requirements
Understanding a Subrecipient Agreement

Date of Session, 2017
Washington, DC
Steve Traina
Program Director
Institute for Building Technology & Safety
What is a Subrecipient?

§ 200.93 Subrecipient.

Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.
What is a Subrecipient?

The best way to identify what a subrecipient is, would be to compare it to the well known contractor.

§ 200.93 Subrecipient.

*Subrecipient* means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.
Contractor/Subrecipient

- A contractors purpose is to obtain goods or services.
- A subrecipients purpose is to carry out a portion of the Federal award.
## Contractor/Subrecipient

<table>
<thead>
<tr>
<th></th>
<th>Contractor</th>
<th>Subrecipient</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Original Procurement</strong></td>
<td>90 Days</td>
<td>5 – 10 Days</td>
</tr>
<tr>
<td><strong>Fees</strong></td>
<td>$150 - $250/hour</td>
<td>30% - 40% less</td>
</tr>
<tr>
<td><strong>Responsibilities</strong></td>
<td>Limited/Contractual</td>
<td>Vested, Direct Flow Down from Grantor</td>
</tr>
</tbody>
</table>
Contractor/Subrecipient

- **Subrecipient characteristics:**
  - Performance is measured against objectives of the Federal program
  - Responsible for programmatic decision-making
  - Required to adhere to Federal program requirements

- **Contractor characteristics:**
  - Provides goods or services within the normal operations
  - Goods or services are viewed as just support to the operation of the Federal program.
  - NOT accountable for the requirements of the agreement made by the Federal program
Subrecipient

This arrangement ensures absolute “alignment” between the subrecipient and community.
Subrecipient

§ 200.101

Sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of non-Federal entities expending Federal awards. These provisions also provide the policies and procedures for Federal awarding agencies and pass-through entities when using the results of these audits.

(e) For OMB guidance to Federal awarding agencies on Challenges and Prizes, please see M-10-11 Guidance on the Use of Challenges and Prizes to Promote Open Government, issued March 8, 2010, or its successor.

§ 200.101 Applicability.

(a) General applicability to Federal agencies. The requirements established in this part apply to Federal agencies that make Federal awards to non-Federal entities. These requirements are applicable to all costs related to Federal awards.

(b)(1) Applicability to different types of Federal awards. The following table describes what portions of this part apply to which types of Federal awards. The terms and conditions of Federal awards (including this part) flow down to subawards to subrecipients unless a particular section of this part or the terms and conditions of the Federal award specifically indicate otherwise. This means that non-Federal entities must comply with requirements in this part regardless of whether the non-Federal entity is a recipient or subrecipient of a Federal award. Pass-through entities must comply with the requirements described in Subpart D—Post Federal Award Requirements of this part, §§200.330 Subrecipient and contractor determinations through 200.332 Fixed amount Subawards, but not any requirements in this part directed towards Federal awarding agencies unless the requirements of this part or the terms and conditions of the Federal award indicate otherwise.
Original Procurement

There are no competitive procurement requirements because selecting a subrecipient is *NOT CONSIDERED A PROCUREMENT.*
Original Procurement

- State or Local Governments should follow their applicable administrative statutes, regulations, and policies.
- Ensure potential Subrecipient is not debarred or suspended.
- Evaluate the Risk Posed by the Subrecipient.
  - This is a critical step because the Subrecipient will be held accountable for compliance throughout the agreement.
Evaluating Risk

cerning closeout of the subaward.

(b) Evaluate each subrecipient’s risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraph (e) of this section, which may include consideration of such factors as:

(1) The subrecipient’s prior experi...
Evaluating Risk

- (1) The subrecipients prior experience with the same or similar subawards
- (2) The results of previous audits
- (3) Whether the subrecipient has new personnel or new or substantially changed systems
- (4) The extend and results of Federal awarding agency monitoring
Evaluating Risk

As good practice, PTEs should also consider the Federal Agency evaluation factors listed at 2 CFR 200.205
Evaluating Risk

When evaluating a subrecipient, the FTE should use a risk-based approach and could consider the following.

- Financial stability
- Quality of management systems and ability to perform management standards
- History of the subrecipients performance including timeliness of compliance and conformance to terms
- Previous findings from audits
- Subrecipients ability to effectively implement statutory, regulatory, or other requirements imposed
Common Interests

- **Federal program regulations and standards**
  - Purpose of award
  - Reporting requirements
  - Performance metrics
  - Compliance Requirements

- **Payment right**
  - Allowable or unallowable costs
  - Payment schedule and terms
  - Audit and reconciliation requirements
Common Interests

As per HUD guidelines, subrecipients are not allowed to profit from program administration activities.

- Subrecipients can be reimbursed for allowable cost such as:
  - Indirect cost from contractors or vendors, with no mark up
  - Direct labor wages with Federal and State taxes, fees, and benefits if applicable
The Pass Through Entity (PTE) will always be responsible for the proper use and management of federal funds by the subrecipient.
Closeout Compliance

- At closeout, the PTE should
  - Review and document that all proposed programmatic activities were carried out
  - Review and document that cost were allowable and ensure that contract terms are completed
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CDBG Procurement

Date of Session, 2017
Washington, DC
Brian Delvaux
Contracts Manager
Institute for Building Technology & Safety
Each subrecipient has the option of either utilizing a list of builders whom have been prequalified by the GLO (Option 1) or to prepare a RFQ and qualify builders on their own to bid on the construction of housing units in their jurisdiction (Option 2).

<table>
<thead>
<tr>
<th>Builders prequalified by GLO</th>
<th>Builders prequalified by the Subrecipient</th>
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</thead>
<tbody>
<tr>
<td>This option allows the subrecipient to utilize the prequalified list of builders and proceed to the next step of preparing the RFP which will be used to acquire construction cost estimates for the plans.</td>
<td>Under this option, each subrecipient will use local procurement methods to qualify builders such as preparing a RFQ and submitting it through public advertisement to solicit proposals from prospective builders in order to qualify companies to undertake reconstruction services.</td>
</tr>
</tbody>
</table>
Once the prequalified builders have been selected, the subrecipient may prepare an RFP Bid Package that should include the scope of work and cost proposal template.
RFP (Request for Proposal)

- The RFP may include the following information:
  - A clearly defined scope of work that addresses the number of homes to be reconstructed and other services as required
  - The standardized house plans and construction specifications or the format in which builders should supply their plans and specifications
  - Standardized cost proposal template for each floor plan and building footprint
  - A timeline for completing the bid package
CDBG Procurement Regulations

- Regulations are shown in 2 CFR 200.318 through 200.326. Some highlights:
  - 200.318a – Must have written procurement procedures
  - 200.318b – Must maintain oversight to ensure selected contractors perform
  - 200.318i – Must maintain records of procurement activities
Simplified Acquisition Threshold (SAT)

The Value Tiers of SAT guides how an entity conducts procurement from RFP selection to engagement of a contractor.
Simplified Acquisition Threshold (SAT)

The Value Tiers of SAT guides how an entity conducts procurement from RFP selection to engagement of a contractor.

- **Less than or equal to $3,500** – very informal procurement process
- **Between $3,501 and $150,000** - informal procurement process
- **Greater than $150,000** – formal procurement process
Simplified Acquisition Threshold (SAT)

- Less than or equal to $3,500 – very informal procurement process
Simplified Acquisition Threshold (SAT)

- Between $3,501 and $150,000 - informal procurement process
Simplified Acquisition Threshold (SAT)

- Greater than $150,000 – formal procurement process
Procurement by Sealed Bids

- Preferred for procuring construction
- Public solicitation
Procurement by Sealed Bids

- **To facilitate a sealed bid procurement, you need to have:**
  - An adequate specification and/or scope of work description;
  - For contracts in excess of $2,000, solicitation needs to have a provision for contractor to comply with Davis-Bacon Act, including placing a copy of the current wage determination issued by the Dept of Labor in each solicitation. Part 200, App. II(D)
  - Two or more responsible bidders are willing and able to compete for the business
  - Awarded to lowest responsible bidder
  - Firm fixed-price contract. Cost-plus-percentage-of-cost or percentage of construction cost methods cannot be used. 2 CFR 200.323(d)
  - You can reject any or all bids as long as you have a sound, documented reason for doing so. 2 CFR 200.320(c)(2)(v)
Procurement by non-competitive proposals

You may procure through solicitation of a single source only if:

- A public emergency will not allow the time to perform competitive solicitation; and/or
- The needed item or service is available from only a single source; and/or
- After soliciting from a number of sources, there is only one respondent (i.e. competition is inadequate); and/or
- You make a written request to the Federal awarding agency to allow sole-source, and that agency expressly authorizes it.
Contracting with MWSBE

You must take affirmative steps to assure that minority / women’s / small businesses are used when possible.
Contracting with MWSBE

- **Affirmative steps must include:**
  - Including MWSBEs on your solicitation lists;
  - Divide up the total scope into smaller task/quantities to encourage participation by MWSBE enterprises;
  - Establish delivery schedules which encourage participation by MWSBE enterprises;
  - Require the prime contractor to take these same affirmative steps in letting any subcontracts.
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Eligibility Requirements

Date of Session, 2017
Washington, DC
Erica Bueno
Program Coordinator
Institute for Building Technology & Safety
Eligibility Levels

Program
Project
Homeowner
Eligibility Levels

Program

- Program Requirements will vary with Grant requirements.
- Some common requirements are:
  - National Objectives
  - Meet unmet needs
  - Disaster tie backs if applicable
Eligibility Levels

Program

- Grant award does not imply that submitted program has been approved.
- Supporting documentation must be available to demonstrate that program meets the stipulated objectives.
Eligibility Levels

Project

- THE PROJECT MUST BE DOCUMENTED IN THE UNMET NEED ASSESSMENT (UNA) REPORT
  - UNA is the first phase in a three phase process a DR grant recipient will undertake in the implementation of their long-term recovery efforts.
Eligibility Levels

Project

- DOCUMENT THE PROJECT IS IMPACTED AND DIRECTLY RELATED TO THE DECLARED DISASTER.
Eligibility Levels

**Project**

- **DETERMINE THE PROJECT NATIONAL OBJECTIVE.**
  - Each activity funded with CDBG-DR funds is required to meet one of the three national objectives. The three objectives are Benefit to low and moderate income (LMI) persons, aid in the prevention or elimination of slums or blight, and meet a need having a particular urgency (referred to as Urgent Need).
Eligibility Levels

Project

- All projects should be able to
  - tie-back to related disaster
  - Benefit the LMI population
Eligibility Levels

Homeowner

- Income documentation that is required from all members of the household that are over the age of 18 and the request applies
Eligibility Levels

Homeowner

- Ownership Verification
  - Clear and marketable title/deed to home
  - Verification of residence
  - Paid tax statements or proof of current payment plan or deferment
  - Death certification, will, or divorce decree to determine ownership
Eligibility Levels

Homeowner

- Benefit Verification
  - Home owners insurance, claim information
  - Flood insurance claim and benefit information
  - FEMA acceptance, appeal, or denial letters
  - SBA acceptance or denial letters
Eligibility Levels

Homeowner

- **Accurate reporting of damages**
  - Receipts for any and all work done to damaged property
  - Photos of damage
  - Determine if third party verification is required
  - Calculate if homeowner has duplication of benefits
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Introduction to www.IBTSOnHand.org
Challenges

- Develop solutions to address stakeholder challenges:
  - I didn’t know that... **UNDERSTANDING**
  - I didn’t mean to do that... **RISK**
  - I didn’t have people to do that... **RESOURCES**
  - I didn’t think that was possible... **AWARENESS**
  - I didn’t believe that would ever happen...
Solution: Website

- Beta-test version functional & available to share
- Content development & prioritization underway
Solution: Customization

CUSTOMIZE YOUR CONTENT

Customized, actionable content at your fingertips. Find information by peril, stakeholder group, location and more.
Solution: Tools

Example: Developed FEMA financial management tool

Wizard integrates field data collection with in-office data management

Real-time FEMA database interaction
www.IBTSOnHand.org Feedback

Login: NLCU
Password: NLCUpass
Feedback & suggestions for content, case studies, functionality, tools, etc.
Website Partial Sitemap
Questions? Contact us.

Steve Traina
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straina@ibts.org