

## COVER LETTER

March 3, 2026

Craig Palik  
Clinton Paul  
[as.materielpurchasing@nebraska.gov](mailto:as.materielpurchasing@nebraska.gov)

### **RE: Disaster Mitigation, Preparedness, Response, and Recovery Programs, RFP No. 12446905**

Dear Mr. Palik, Mr. Paul and Members of the Selection Committee:

Witt O'Brien's is pleased to submit this proposal to the State of Nebraska (the State) to support its Public Assistance (PA), Individual Assistance (IA), and Hazard Mitigation Assistance (HMA) programs. As a national leader in emergency management, we stand ready to help Nebraska navigate evolving FEMA requirements and implement efficient, compliant, and results-driven recovery and mitigation programs. Our team is committed to strengthening the State's disaster preparedness, response, recovery, and long-term resilience while maximizing eligible federal funding.

We understand that the State is seeking to select qualified bidders to provide knowledgeable and experienced personnel familiar with all disaster mitigation, preparedness, response, and recovery programs administered under the Stafford Act and the National Flood Insurance Act (NFIA), including Public Assistance (PA), Individual Assistance (IA), and Hazard Mitigation Assistance (HMA). Witt O'Brien's is fully prepared to provide technically qualified professionals who can support NEMA across these programs, integrate seamlessly with State leadership, and perform under a task order structure that demands responsiveness, precision, and accountability.

Since 2001, Witt O'Brien's has supported jurisdictions nationwide in securing and managing more than \$75 billion in federal disaster assistance following some of the country's most complex and high-impact events. Our experience spans the full lifecycle of disaster programs — from preliminary damage assessments and project formulation through obligation, reimbursement, appeals, and closeout. We understand not only what FEMA requires, but how to collect, document, and package eligible costs in a manner that produces clear, defensible, and audit-ready files.

We recognize the unique challenges facing Nebraska: fluctuating disaster workloads, evolving FEMA guidance, regulatory scrutiny, administrative capacity constraints, and the need to balance speed with compliance. To address these challenges, Witt O'Brien's is committed to:

- Providing experienced project managers, technical specialists, and program liaisons who bring operational knowledge of PA, IA, and HMA programs and can mobilize rapidly under written task order.
- Managing grants from initiation through closeout to reduce audit risk, mitigate funding exposure, and maximize eligible reimbursement.

- Supporting subrecipients with technical expertise in engineering review, environmental and historic preservation compliance, benefit-cost analysis, debris management, appeals, documentation development, and regulatory interpretation.
- Delivering structured reporting, transparent cost tracking, and leadership visibility consistent with NEMA's weekly, monthly, and task-specific requirements.
- Strengthening long-term resilience by integrating mitigation strategies and compliance safeguards into ongoing recovery operations.

We view this opportunity not simply as a staffing engagement, but as a partnership in safeguarding Nebraska's disaster funding, accelerating recovery timelines, and strengthening statewide resilience. Our team is committed to operating with integrity, professionalism, and full alignment with State and federal requirements.

We appreciate your time and consideration of our proposal. Witt O'Brien's reserves the right to negotiate terms and conditions applicable to any final agreement and, if selected, will negotiate in good faith with the State to enter into a mutually agreeable formal written agreement.

If you have any questions about our proposal or require additional information about our services or firm, please contact Suzannah Jones, MPA, MBA, CEM at (979) 229-2350 or [sjones@wittobriens.com](mailto:sjones@wittobriens.com) with a copy to [contractrequests@wittobriens.com](mailto:contractrequests@wittobriens.com).

Respectfully,  
Witt O'Brien's, LLC

*Cheryl Joiner*

Cheryl Detillieu Joiner, CPCU  
Director of Contracts & Compliance

**Attachment A  
Bidder Questionnaire  
RFP 124469 O5**

**Bidder Name:** Witt O'Brien's, LLC

**Bidder should provide a response to all questions in this attachment to meet the requirements of the RFP.**

<b>CORPORATE OVERVIEW</b>	
<b>1.1</b>	<p><b>BIDDER IDENTIFICATION AND INFORMATION</b> The bidder should provide the full company or corporate name, address of the company's headquarters, entity organization (corporation, partnership, proprietorship), state in which the bidder is incorporated or otherwise organized to do business, year in which the bidder first organized to do business and whether the name and form of organization has changed since first organized.</p> <p><b>Response:</b> Witt O'Brien's, LLC was formed in 2009 by a merger between O'Brien's Response Management (founded in 1983) and Witt Associates (founded in 2001). Our company headquarters are located at 818 Town and Country Blvd., Suite 200, Houston, TX 77024. Witt O'Brien's is incorporated in Delaware.</p>
<b>1.2</b>	<p><b>FINANCIAL STATEMENTS</b> The bidder should provide financial statements applicable to the firm. If publicly held, the bidder should provide a copy of the corporation's most recent audited financial reports and statements, and the name, address, and telephone number of the fiscally responsible representative of the bidder's financial or banking organization.</p> <p>If the bidder is not a publicly held corporation, either the reports and statements required of a publicly held corporation, or a description of the organization, including size, longevity, client base, areas of specialization and expertise, and any other pertinent information, should be submitted in such a manner that solicitation evaluators may reasonably formulate a determination about the stability and financial strength of the organization. Additionally, a non-publicly held firm should provide a banking reference.</p> <p>The bidder must disclose any and all judgments, pending or expected litigation, or other real or potential financial reversals, which might materially affect the viability or stability of the organization, or state that no such condition is known to exist.</p> <p>The State may elect to use a third party to conduct credit checks as part of the corporate overview evaluation.</p> <p><b>Response:</b></p> <p><b>Audited Financial Data (2024)</b> Below is the most recent audited financial statement from our parent company. This report has been signed and certified as accurate by the third party independent auditor BDO RCS Auditores Independentes SS Ltda. Due to file size limitations, we provide this link for access to the report. <a href="#">Ambipar 2024 Financial Data</a></p> <p>Additionally, a banking reference is provided at the end of this document.</p>

Witt O'Brien's is not currently a party to, and has not been a party to, any claim, controversy, legal dispute, litigation, bankruptcy, planned office closures, impending merger or other related legal matter where the basis of the claim involves the same or similar services as those referenced in this Request for Proposal.

1.3

**CHANGE OF OWNERSHIP**

If any change in ownership or control of the company is anticipated during the twelve (12) months following the solicitation response due date, the bidder should describe the circumstances of such change and indicate when the change will likely occur. Any change of ownership to an awarded bidder(s) will require notification to the State.

**Response:** There is no anticipated change in ownership or control of the company during the twelve (12) months following the solicitation response due date.

1.4

**OFFICE LOCATION**

The bidder's office location responsible for performance pursuant to an award of a contract with the State of Nebraska should be identified.

**Response:** Employees assigned to this project will primarily work from individual virtual offices located across the United States. Our team is fully equipped to provide remote support through virtual platforms, email, and phone, and we have staff available to travel to Nebraska as needed for meetings, project work, and on-site support. This approach ensures flexibility and responsiveness while leveraging our nationwide resources to deliver high-quality service.

1.5

**RELATIONSHIPS WITH THE STATE**

The bidder should describe any dealings with the State over the previous ten (10) years. If the organization, its predecessor, or any Party named in the bidder's solicitation response has contracted with the State, the bidder should identify the contract number(s) and/or any other information available to identify such contract(s). If no such contracts exist, so declare.

**Response:** Witt O'Brien's had an agreement with the Nebraska Department of Transportation, Agreement No. UK2306. The agreement expired December 31, 2025.

1.6

**BIDDER'S EMPLOYEE RELATIONS TO STATE**

If any Party named in the bidder's solicitation response is or was an employee of the State within the past twelve (12) months, identify the individual(s) by name, State agency with whom employed, job title or position held with the State, and separation date. If no such relationship exists or has existed, so declare.

If any employee of any agency of the State of Nebraska is employed by the bidder or is a subcontractor to the bidder, as of the due date for solicitation response submission, identify all such persons by name, position held with the bidder, and position held with the State (including job title and agency). Describe the responsibilities of such persons within the proposing organization. If, after review of this information by the State, it is determined that a conflict of interest exists or may exist, the bidder may be disqualified from further consideration in this solicitation. If no such relationship exists, so declare.

**Response:** N/A

<p style="text-align: center;">1.7</p>	<p><b>CONTRACT PERFORMANCE</b></p> <p>If the bidder or any proposed subcontractor has had a contract terminated for default during the past ten (10) years, all such instances must be described as required below. Termination for default is defined as a notice to stop performance delivery due to the bidder's non-performance or poor performance, and the issue was either not litigated due to inaction on the part of the bidder or litigated and such litigation determined the bidder to be in default.</p> <p>It is mandatory that the bidder submit full details of all termination for default experienced during the past ten (10) years, including the other Party's name, address, and telephone number. The response to this section must present the bidder's position on the matter. The State will evaluate the facts and will score the bidder's solicitation response accordingly. If no such termination for default has been experienced by the bidder in the past ten (10) years, so declare.</p> <p>If at any time during the past five (5) years, the bidder has had a contract terminated for convenience, non-performance, non-allocation of funds, or any other reason, describe fully all circumstances surrounding such termination, including the name and address of the other contracting Party.</p>
<p>Response: N/A</p>	
<p style="text-align: center;">1.8</p>	<p><b>SUMMARY OF BIDDER'S CORPORATE EXPERIENCE</b></p> <p>The bidder should provide a summary matrix listing the bidder's previous projects similar to this Solicitation in size, scope, and complexity. The State will use no more than three (3) narrative project descriptions submitted by the bidder during its evaluation of the solicitation response.</p> <p>The bidder should address the following:</p> <ol style="list-style-type: none"> <li>i. Provide narrative descriptions to highlight the similarities between the bidder's experience and this Solicitation. These descriptions should include: <ol style="list-style-type: none"> <li>a) The time period of the project,</li> <li>b) The scheduled and actual completion dates,</li> <li>c) The bidder's responsibilities,</li> <li>d) For reference purposes, a customer name (including the name of a contact person, a current telephone number, a facsimile number, and e-mail address); and</li> <li>e) Each project description should identify whether the work was performed as the prime Vendor or as a subcontractor. If a bidder performed as the prime Vendor, the description should provide the originally scheduled completion date and budget, as well as the actual (or currently planned) completion date and actual (or currently planned) budget.</li> </ol> </li> <li>ii. Bidder and Subcontractor(s) experience should be listed separately. Narrative descriptions submitted for Subcontractors should be specifically identified as subcontractor projects.</li> <li>iii. If the work was performed as a subcontractor, the narrative description should identify the same information as requested for the bidders above. In addition, subcontractors should</li> </ol>

identify what share of contract costs, project responsibilities, and time period were performed as a subcontractor.

**Response:**

**Summary Matrix**

The Summary Matrix below provides details on select projects for declared disasters in the past five years that involved more than \$50 million in FEMA PA and hazard mitigation projects.

Client	Services Provided
<b>Tennessee Emergency Management Agency, TN</b> (2022 – Present)	We assisted the State in submitting FEMA PA project applications for more than <b>\$460 million</b> in COVID-19 response and recovery costs. We are also supporting the management of over <b>\$800 million</b> in FEMA PA in response to more than 15 other declared disasters (including winter storms, tornadoes, mudslides, flooding, and a bombing event).
<b>King County, WA</b> (2020 – Present)	Since 2020, we have provided comprehensive post-award grant management, audit, and closeout of more than \$1.3 billion in funding to address the impacts of COVID-19. This has included the administration of <b>\$266 million</b> in FEMA PA funding for emergency response, including mass vaccinations.
<b>Tulare County, CA</b> (2023 – Present)	We have provided disaster recovery support to Tulare County (and neighboring jurisdictions) following the “atmospheric river” events that resulted in catastrophic flooding in 2022 - 2023. We are currently managing more than <b>\$86 million</b> in FEMA PA—including <b>\$1.8 million in Section 406</b> mitigation—and \$22 million in FHWA-ER funding.
<b>Charlotte County, FL</b> (2023 –2025)	Following Hurricane Ian in 2022, we supported Charlotte County through the FEMA PA program totaling over <b>\$83 million</b> spanning 165 projects. We are also supporting the County in Section 404 HMGP and have submitted 44 hazard mitigation projects totaling more than <b>\$150 million</b> .
<b>State of New Mexico – Department of Homeland Security and Emergency Management (DHSEM)</b> (2022 – Present)	In response to multiple wildfire and flooding events across the state, we have assisted the DHSEM in developing more than <b>\$120 million</b> in mitigation applications (HMGP, BRIC, etc.) and <b>\$20 million</b> in hazard mitigation proposals under the FEMA PA Section 406 mitigation program.

As further demonstration of our reimbursement expertise, the Summary Matrix below highlights our success in helping clients secure recovery grant funding not only in FEMA PA but also FEMA HMA, including HMGP, and HUD CDBG-DR programs. (>\$100M)

Client	Funds/Grant \$ Managed
Government of the U.S. Virgin Islands (USVI)	\$21.2 B in FEMA PA and HMA, HUD CDBG-DR, and FHWA-ER funding
State of Louisiana	\$16.3 B in FEMA PA and HMA funding
Puerto Rico Electric Power Authority	\$3.6 B in FEMA PA, HMA, and CDBG-DR funding
<b>Florida Department of Transportation</b>	<b>\$2 billion in FEMA PA funding</b>
State of Iowa	\$1.5 billion in FEMA PA funding
King County, Washington	\$1.39 billion in FEMA PA
Tennessee Emergency Management Agency	\$1.2 billion in FEMA PA
<b>The Texas General Land Office</b>	<b>\$1.4 billion in FEMA PA funding</b>
State of New Jersey	\$950 million in FEMA PA and HMA funding
Univ. TX Medical Branch (Galveston), Texas	\$559 million in FEMA PA and HMA funding
Jefferson County, Alabama	\$328 million in FEMA PA funding

Galveston, Texas	\$300 million in FEMA PA and HMA funding
State of Kansas	\$256 million in FEMA PA funding
Charlotte County, Florida	\$160 million in FEMA HMA funding
Alabama Emergency Management Agency	\$147.5 million in FEMA HMA funding
Bay Medical Center, Florida	\$124 million in FEMA PA funding
Tulare County, California	\$108 million in FEMA PA and FHWA-ER funding
City of Houston (TX)	\$100 million in FEMA PA funding

## References

### Reference #1 – New Mexico Department of Homeland Security and Emergency Management (NM DHSEM) - Prime



<b>Time Period</b>	March 2023 – February 2025 (end of initial contract term) Extended until December, 2026
<b>Scheduled &amp; Actual Completion Dates</b>	February 2025 & December 2026
<b>Witt O'Brien's Responsibilities</b>	<p>WOB supports both Public Assistance and Hazard Mitigation efforts through:</p> <ol style="list-style-type: none"> <li>1. Technical Assistance (TA) for FEMA 406 Mitigation: <ul style="list-style-type: none"> <li>• Guiding sub-applicants on available mitigation options.</li> <li>• Reviewing Hazard Mitigation Proposals (HMPs).</li> <li>• Coordinating with FEMA on Requests for Information (RFIs).</li> </ul> </li> <li>2. HMGP (Hazard Mitigation Grant Program) Projects: <ul style="list-style-type: none"> <li>• Developing applications and conducting Benefit-Cost Analyses (BCAs).</li> <li>• Coordinating RFI responses to FEMA RFIs</li> <li>• Facilitating sub-grant agreement execution and conducting kick-off meetings.</li> <li>• Processing sub-grant amendments and reimbursement requests, completing quarterly reports, procurement reviews, and final closeouts.</li> </ul> </li> </ol> <p>Cost Estimate and Funding:</p> <p>This effort encompasses a Not-To-Exceed (NTE) contract value of \$3.2 million, covering technical assistance, project management, and long-term recovery services for large-scale and smaller, community-based mitigation projects.</p>
<b>Customer Contact Information</b>	Jeremy Klass, PhD, CFM Response and Recovery Bureau Chief (505) 479-0170; jeremy.klass@dhsem.nm.gov
<b>Project Description</b>	<p>As a subconsultant to Plexos Group, LLC, we are currently providing HMA and FEMA PA Section 406 mitigation staff augmentation services to the NM DHSEM. Our support includes providing technical assistance to sub-recipients with education, outreach, and application development tasks for multiple disaster declarations.</p> <p>While supporting NM DHSEM, we have developed over \$121 million i[JD3.1]n HMA applications, including providing SOW, cost estimating, and BCA services. We have provided grants management services and project implementation support, including processing payments and technical monitoring to disaster and non-disaster mitigation grants, including</p>

BRIC, FMA, Community Assistance Program – State Support Services Element (CAP-SSSE), PDM-L, PDM, and HMGP.

Under the PA 406 mitigation program, we have developed over \$20 million in hazard mitigation proposals and completed the FEMA-required hydrologic and hydraulic studies for over 100 culverts.

**Reference #2 - State of Tennessee - Prime**



<b>Time Period</b>	September 20, 2022 – September 19, 2025
<b>Scheduled &amp; Actual Completion Dates</b>	September 19, 2025
<b>Witt O'Brien's Responsibilities</b>	<ul style="list-style-type: none"> <li>• Preparing and submitting project applications and supporting documentation for more than 250 applicants.</li> <li>• Comprehensive FEMA PA support, including staff augmentation.</li> <li>• Direct assistance to over 100 sub-applicants.</li> <li>• Enhance the FEMA PA program.</li> </ul>
<b>Customer Contact Information</b>	<p>Jessica Burr            Public Assistance Program Administrator            629-250-1047; jessica.burr@tn.gov</p>
<b>Project Description</b>	<p>In 2022, we partnered with TEMA to assist with FEMA PA-funded projects related to COVID-19. To date, our team has secured over \$460 million in COVID-19 cost reimbursements for the State by preparing and submitting project applications and supporting documentation for more than 250 applicants.</p> <p>As a result of our successful support of COVID-19, we were asked to provide comprehensive FEMA PA support to TEMA including staff augmentation for PA liaison staff for all their disaster work, including new major disaster declarations. This includes full grant lifecycle work from FEMA's Request for Public Assistance (RPA) to closeout support. Our support for the State includes direct assistance to over 100 sub-applicants, including the development of standard operating procedures (SOPs) to improve efficiency and compliance. Our team currently manages over \$800 million in FEMA PA funding across the State, covering more than 15 natural disasters (e.g., winter storms, tornadoes, mudslides, flooding) and a bombing event.</p> <p>To assist the project formulation process, our team is providing staff augmentation support as TEMA Regional Liaisons to provide technical support to sub-applicants, which includes counties, municipalities, schools and universities, special districts, utilities, non-profits, and houses of worship. Our liaisons are walking the sub-applicants through the entire FEMA PA process from beginning to end, including project formulation. We assist them in collecting damages, entering data into Grants Portal, reviewing documentation, supporting site inspections, and providing cost estimation support.</p> <p>Program Management Value add-on: Witt O'Brien's was hired by the State of Tennessee to enhance the FEMA PA program. Upon initiation, the team uncovered opportunities for the State to increase efficiency. By implementing best practices for Recipient program management, we transformed the State's approach, eliminating labor intensive and costly tracking of individual COVID-19 projects. This implementation streamlined operations and resulted in substantial financial savings, cutting thousands of dollars in unnecessary expenses.</p>

**Reference #3 - City of Houston - Prime**



<b>Time Period</b>	July 2024 – June 2025
<b>Scheduled &amp; Actual Completion Dates</b>	June 2025
<b>Witt O'Brien's Responsibilities</b>	<p>In addition to our comprehensive disaster recovery efforts, our team provided crucial strategic support to the City of Houston in several key areas.</p> <p>One of our primary contributions was in the realm of Funding Strategy. We offered strategic advice on funding priorities, ensuring expedited funding for both Category A (Debris Removal) and Category B (Emergency Protective Measures) projects. Our efforts included collaborative work with FEMA and drafting a formal letter to the Governor of Texas, requesting additional financial support to bolster the city's recovery efforts.</p> <p>Furthermore, we took the lead on Project Formulation, working closely with city officials and FEMA to ensure that local recovery priorities were adequately addressed. This collaborative initiative was vital for aligning city needs with federal resources, facilitating a more effective recovery process.</p> <p>Additionally, our team conducted a thorough Legislative Analysis, assessing pending legislation at the state level that could potentially impose negative impacts on disaster-related taxes. By identifying these risks early, we were able to advise the city on proactive measures to mitigate adverse effects.</p> <p>Finally, we played a pivotal role in developing a strategy for Local Cost Share. Our team supported the city in successfully soliciting state funds to cover the local cost share, ensuring that Houston received the necessary financial backing to aid its recovery efforts.</p>
<b>Customer Contact Information</b>	<p>Fazal Syed  Assistant Director, Finance Department, Financial Reporting and Operations Division  (832) 393-9037; Fazal.Syed@houstontx.gov</p>
<b>Project Description</b>	<p>In 2022, Witt O'Brien's signed a five-year agreement with the City of Houston to provide standby assistance for disaster recovery efforts. In June 2024, the City was hit by a powerful Derecho (DR-4781 - Severe Storms, Straight-line Winds, Tornadoes, and Flooding), followed by Hurricane Beryl (DR-4798) in July. Our team quickly mobilized, arriving on the ground in Houston within just 24 hours after Hurricane Beryl made landfall.</p> <p>The team provides technical assistance and staff augmentation for the full range of FEMA PA tasks. We started with damage assessment, creating detailed inventories and collecting supporting documentation, followed by procurement analysis, site inspections, and project formulation. To provide City personnel with the necessary skills and knowledge to navigate the recovery process, we organized just-in-time training sessions that focused on damage inventories, documentation, procurement processes, and site inspections. Our support has included engaging with more than 25 City departments, including Finance, Public Works, Solid Waste, the Houston Airport System, and the Houston Fire and Police Departments, as well as General Services. Our commitment to supporting Houston's recovery continues strongly, with ongoing projects that have exceeded \$100 million in value.</p>

The team has supported initial projects of more than \$111 million for Hurricane Beryl (of which \$90 million is emergency work Categories A and B) and \$40 million for the derecho (\$38 million for emergency Cat A and B).

**Subcontractor References**

Plexos – State of Florida Department of Economic Opportunity



<b>Time Period</b>	April 2020 to July 2020
<b>Scheduled &amp; Actual Completion Dates</b>	April 2020 to July 2020
<b>Plexos Responsibilities</b>	- Deploying IT Support - Staff Augmentation - Virtual Call Center Solution
<b>Customer Contact Information</b>	Scott Edelman PE, SVP, AECOM 336-314-3435; <a href="mailto:scott.edelman@aecom.com">scott.edelman@aecom.com</a> ;
<b>Project Description</b>	The State of Florida Department of Economic Opportunity needed to quickly increase capacity of its unemployment hotline to handle massive surges in COVID-19 unemployment claims. Through a contractual relationship with AECOM, Plexos rapidly deployed much-needed IT support and a virtual call center solution and staffing augmentation. Over the course of the program, Plexos hired, trained, and equipped more than 750 Floridians to work remotely and safely from their homes. Our call center services helped hundreds of thousands of Floridians with questions about their claims.

TerraFort – Santa Cruz County, CA



<b>Time Period</b>	July 2024 – Present
<b>Scheduled &amp; Actual Completion Dates</b>	Scheduled: June 2026 Actual: November 2025
<b>TerraFort Responsibilities</b>	TerraFort is responsible for all disaster recovery activities from damage assessments through to appeals and grant closeout. This also includes after action reviews, business process reengineering, and continuous improvement.
<b>Customer Contact Information</b>	David Reid Director, Office of Response, Recovery, and Resilience (831) 454-3407; <a href="mailto:David.Reid@santacruzcountyca.gov">David.Reid@santacruzcountyca.gov</a>
<b>Project Description</b>	TerraFort was hired by Santa Cruz County in June 2024 following several years of overwhelming major disaster declarations.

Our team was tasked to conduct a comprehensive audit of the County's response and recovery readiness capabilities with a focus on processes and systems that support efficient disaster recovery.

Additionally, TerraFort took over all cost recovery activities from County staff including implementing the TerraFort platform to enhance organization and operational readiness. TerraFort conducted all site inspections, developed the Damage Dimensions and Descriptions, Scopes of Work and Cost estimates for new disasters and worked with FEMA and the State of California to remediate issues with past FEMA Public Assistance projects.

Finally, TerraFort has also been responsible for all appeals, closeout activities as well as broader grant compliance functions. The original scope of work included two years worth of the most recent disaster declarations but has since been expanded to include all legacy disasters as well as future events that may be declared.

<b>1.9</b>	<p><b>SUBCONTRACTORS</b> If the awarded bidder(s) intends to subcontract any part of its performance hereunder, the awarded bidder(s) should provide:</p> <ul style="list-style-type: none"> <li>i. name, address, and telephone number of the subcontractor(s),</li> <li>ii. specific tasks for each subcontractor(s),</li> <li>iii. percentage of performance hours intended for each subcontract; and</li> <li>iv. total percentage of subcontractor(s) performance hours.</li> </ul>
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**No Response Required:**

**TECHNICAL RESPONSE**

<b>2.1</b>	<p><b>Describe bidder's process for providing PA technical services.</b></p> <p>The bidder should address the following:</p> <ul style="list-style-type: none"> <li>i. Bidder's process for reviewing projects for sub-recipients not yet obligated by FEMA</li> <li>ii. Bidder's process for reviewing projects for sub-recipient(s) after obligation to ensure eligible payments made to sub-recipient(s) and smooth closeout process</li> <li>iii. Bidder's process for working with sub-recipients to ensure needs of project are met (Please provide at least one narrative description of previous work with a sub-recipient)</li> </ul>
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**Response:**

**Introduction**  
Witt O'Brien's understands that the State of Nebraska serves a dual and uniquely complex role under the FEMA Public Assistance (PA) Program. As the Recipient, the State is responsible for program oversight, policy implementation, compliance monitoring, technical guidance, financial stewardship, and ensuring timely reimbursement of federal funds. At the same time, the State may also serve as an applicant for its own eligible projects—requiring internal coordination, documentation, cost validation, and adherence to the same federal requirements imposed on its sub-recipients. Simultaneously, the State must support and manage a diverse portfolio of sub-recipients—each with varying levels of experience, capacity, and disaster impact. Our team has operated on both sides of this framework.

Witt O'Brien's includes former State emergency management and recovery leaders who have administered FEMA PA programs from the Recipient perspective—developing policy, managing federal-state coordination, overseeing grants management systems, monitoring compliance, and balancing statewide recovery priorities. We understand the pressures associated with cash flow management, quarterly reporting, audit risk, closeout backlogs, and ensuring federal compliance while maintaining strong local partnerships. We also understand the

operational realities of advancing the State's own projects through damage inventory development, project formulation, documentation standards, procurement compliance, and closeout.

Equally important, we have extensive experience supporting sub-recipients directly—helping local governments, school districts, utilities, and special districts navigate eligibility determinations, cost reasonableness, documentation standards, and long-term compliance requirements. We understand how local execution directly affects the State's oversight responsibilities and audit exposure.

Our technical approach, described below, reflects a comprehensive Public Assistance lifecycle process applicable to all FEMA PA applicants. What differentiates our team is our practical understanding of the nuanced interplay between Recipient and applicant roles. We structure our support to strengthen the State's oversight function while simultaneously building sub-recipient capability, accelerating obligation timelines, reducing risk exposure, and positioning Nebraska for efficient reimbursement and compliant closeout.

In short, we understand the State's responsibility to lead, oversee, and perform—and we structure our support to enhance each of those roles.

We possess extensive experience—spanning over two decades—in collaborating with FEMA PA applicants at all levels of government including state, county, and municipal entities. To that end, we are uniquely positioned to assist the state of Nebraska as we comprise former professionals who have served at the state level in key leadership roles such as state directors, deputy directors, and PA disaster recovery experts. This diverse experience provides us with an intimate understanding of the challenges and priorities inherent at each level of government. Consequently, we are able to effectively represent our clients' interests and perspectives.

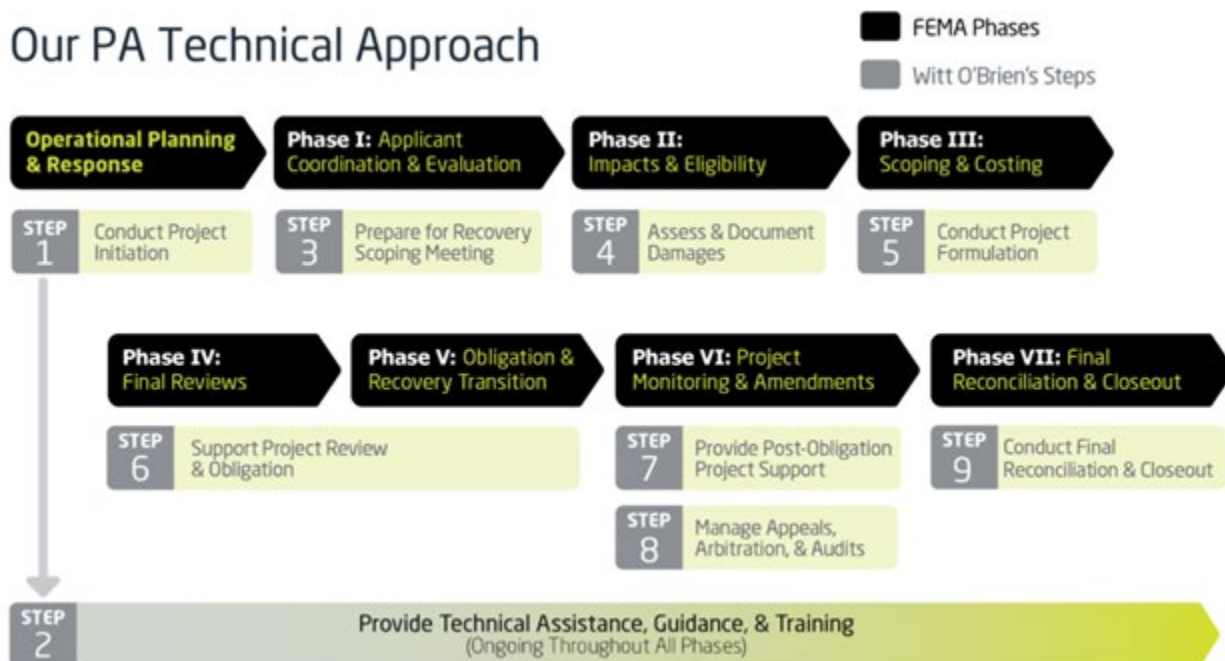
We are particularly attuned to the nuanced challenges facing state applicants who bear the responsibility of managing pass-through funding to sub-applicants, serving as the primary liaison with FEMA, advocating for local jurisdictions, and overseeing their own state level PA projects. Our team maintains a current and comprehensive understanding of the legal, regulatory, and policy framework governing FEMA PA—including the ongoing revisions and updates that characterize the disaster recovery environment.

The FEMA PA process (consistent with the PAPPG v5 and the Public Assistance Program Delivery Guide) includes eight phases, each with key tasks required to secure funding for emergency work (Categories A and B) and to establish the approvals necessary for permanent project work in additional PA categories. As shown in **Exhibit 1**, our nine-step technical approach aligns with these eight phases.

Note that some activities can be performed concurrently. Also, we recognize that our team may be engaged at any stage of the PA process—including after initial steps have already been completed.

Exhibit 1: Witt O'Brien's Technical Approach to the FEMA PA Process

## Our PA Technical Approach



### STEP 1

#### CONDUCT PROJECT INITIATION

**OUTCOME:** Establishment of working relationships and clarification of your expectations, priorities, and immediate support needs.

During this step, we will help the state formally begin the FEMA PA grant process to maximize your cost recovery. At the kick-off meeting we will confirm your current PA status, clarify expectations, and identify any immediate steps we can take to initiate FEMA procedures and speed up your recovery.

#### Contract Kick-off

We will begin our contractual engagement with the state by holding a formal kick-off meeting to discuss the project management approach including developing a shared vision of goals, timelines, deliverables, and approach. Our discussion may include financial reimbursement goals under FEMA's PA program, recovery goals for the community, or other goals related to program administration. We will also establish operational procedures, discuss use of state systems of record, and identify expectations and requirements the state has for our support.

Following this meeting, we will develop a Project Management Plan (PMP), which will serve as the roadmap for our management of the project. It will include high-level tasks; activities; deliverables; schedule; key milestones; staffing; and methods for monitoring, controlling, and reporting on the work.

#### Communication and Coordination

As part of the PMP, we will work with the state to identify the relevant internal and external stakeholders—including FEMA, state, and local organizations—to be involved throughout the process. We will develop a Communication Management Plan to ensure that the state and other project stakeholders receive the necessary information to help with project understanding and oversight. Our CMP will define the communications requirements, including regularly scheduled meetings and project update reports. These meetings will allow us to discuss issues that impact the work effort and ensure all partners understand the progress that has been made.

#### Review of Current FEMA PA Status

As part of project initiation, we will assess the disasters for which our support is needed and where you are in the PA process for each. For new disasters, our team can assist as follows:

- **Pre-declaration.** If you are in the pre-declaration phase, we can help with coordination, staffing, management of Preliminary Damage Assessments (PDAs) and drafting declaration requests. Effective PDAs are key to securing a major disaster declaration from the federal

government and developing situational awareness on the impacts to communities during an incident. Obtaining a Stafford Act Major Disaster Declaration requires the state to meet required cost thresholds based on population and per-capita indicators. Our expert team of program and policy experts can deploy to the state to serve as a force multiplier during the damage assessment phase, bringing capacity and the latest tools to support the state with quick and effective PDAs. Our team is experienced in developing successful disaster declaration requests and appeals.

- **Post-declaration.** If you have a declaration but have not yet requested assistance from FEMA, we can help submit the required Request for Public Assistance (RPA) for FEMA PA funding. Submitting an RPA through FEMA PA Grants Portal must occur within 30 days of the respective area being designated for PA in the declaration. If an extension past the 30 days is required for submission of the RPA, our team can also support that effort.
- **Support the Exploratory Call.** Once the RPA is approved, preparation for project formulation and the grants management phases of project applications will begin. Following the RPA, FEMA will conduct an Exploratory Call (EC) with the applicant to introduce FEMA staff and review disaster impacts. Our staff can assist in collecting the data needed for the EC and in preparing for the Recovery Scoping Meeting (RSM).

### Immediate Funding Needs

Our team will ensure the process for addressing any immediate needs funding is worked on alongside the regular project process. We will partner with the state to develop an initial funding strategy to maximize cash flow priorities. This will include a review of emergency work reimbursement options to include expedited funding requests. For example, the state might prioritize expedited funding applications to more quickly access funds—in other words submit as soon as practical for Categories A and B (emergency work). Once the RPA is approved, our team can provide support as the state identifies temporary emergency work critical to maintaining operations vital to public health and safety that can be funded under FEMA PA emergency work.



### PROVIDE TECHNICAL ASSISTANCE, GUIDANCE, & TRAINING

**OUTCOME:** Leaders and program personnel are equipped with technical knowledge of FEMA PA and any new policy guidance.

Compliance with current Federal procurement guidelines is paramount for maximizing access to and keeping PA funding. Financial compliance issues often arise from inadequate documentation and violations of Federal procurement regulations and policies. From the beginning of the process, our priority will be to provide your staff with technical assistance, programmatic guidance, and training (as needed) regarding procurement and other substantive and procedural requirements for eligibility and funding from the FEMA PA program. ***This step will typically begin following the kick-off meeting and will continue as needed throughout the entire process.***

### Conduct Detailed Review of Existing Policies and Procedures

As requested, we will conduct a detailed review of your existing program to assess your readiness to execute the FEMA PA program. Our focus is on reviewing relevant procurement policies; documentation; and activity tracking mechanisms that were in place before the disaster, such as pay policies, purchasing policies, bid documents, standard contracts, work orders, and time/equipment logs. Our staff has the expertise to advise and guide on elements needing revision for better alignment with Federal and State requirements. If feasible, this can include setting up conference calls or in-person meetings to exchange information and documentation necessary to begin project formulation. Other areas include review of pay and purchasing policies, standard operating procedures (SOPs) related to disasters, time and activity tracking mechanisms, and history of disaster recovery with FEMA.

### Establish Cost Documentation Processes

To support FEMA documentation requests, our staff will ensure the state has the documentation needed to create disaster projects for FEMA PA obligation. A key element will be developing and/or validating processes for obtaining, analyzing, and gathering cost documentation. This includes purchasing policies, pay policies, bargaining agreements, and insurance policies, which must be in place before and during the disaster. Additional documents include Force Account Labor (FAL), Force Account Equipment (FAE) and Contract Work summaries for work already completed and detailed scope and estimates for work yet to be completed. The remainder of the supporting documents include details on all internal or contract activities with a heavy emphasis on the procurement of goods and services.

### Assess Data Management Systems

We support clients early in the PA process in determining what system/process to use for cost tracking, progress reporting, and document retention. As required, this will include in-progress reviews to keep the state current on project progress. We are experienced at adapting to and using a variety of systems, processes, and procedures. Regardless of the process used, we will collaborate with you to implement a robust file-keeping and organization process from the first day of our engagement. We will ensure documentation is submitted respectively in the FEMA PA Grants Portal as well as any other system the state uses. Grants Portal will serve as the formal submission of applications, project information, and key documentation for the assigned Program Delivery Manager (PDMG) who will help shepherd projects through FEMA's Consolidated Resource Centers (CRC) to reimbursement.

### Establish Procurement Processes

As part of this initial step, we will work with the state to determine our team's role in procuring contractors for disaster recovery services. We can assist the state in procuring contractors for emergency services, debris removal, monitoring, and permanent work in accordance with your procurement guidelines, the applicable state guidelines, and 2 CFR Part 200 Federal procurement regulations. This would include setting up the procurement process and schedule including templates for Requests for Proposals (RFPs), evaluation processes for review and selection, and contract award documents. We can also help draft RFPs to solicit data on contractor capabilities including technical and management skills, prior experience, past performance and client satisfaction, price, and availability.

### Identify Alternative Funding Sources

The primary objective of the cost-recovery process should be to maximize the state's reimbursements from all available program funding streams. If requested, we can monitor other funding opportunities—such as HUD's CDBG-DR funding—which can provide state/local match for FEMA PA grant funding and will closely coordinate with you to pursue other supplementary funding options that might become available to maximize your total assistance from all sources.



### PREPARE FOR RECOVERY SCOPING MEETING (RSM)

**OUTCOME:** Successful preparation and participation in the RSM with FEMA.

At the end of Phase I of the FEMA PA process (Applicant Coordination & Evaluation), FEMA conducts an RSM to review damages and impacts, begin gathering documentation, start developing a list of projects, and review priorities. It is essential to be prepared for this meeting, e.g., to discuss any strategies you wish to employ with respect to project development. Our team will provide support to the state in collecting documentation and materials needed for this meeting.

### Develop Preliminary Damage Inventory (DI)

The DI is a list **of all emergency and permanent work activities** for which the applicant is seeking reimbursement. The applicant has 60 days from the RSM to finalize the DI and upload it to the FEMA PA Grants Portal. For this reason, it is important to begin building the DI as soon as feasible—even as damage is still being identified.

We will assist the state in collecting the necessary data and documentation for inclusion in the preliminary DI. Key information includes location, description, primary cause of damage, PA Category of Work, type of labor, and approximate cost. This often requires collecting response and temporary emergency repair cost data including video and/or photographic information, state payroll documentation, procurement and contracting documents, mutual aid agreements, invoices, labor contracts, and insurance policies.

### Identify Site Inspection Priorities

FEMA will use the DI to logically group damages into PA projects (for project formulation) and identify priorities for site inspections. We will assist you in identifying these priorities, which include critical infrastructure that might require constructing temporary facilities for essential services to remain operational as well as repair of infrastructure. In addition, we will analyze the damage documentation to identify those facilities/locations that might need additional information for FEMA to justify eligibility.



### ASSESS AND DOCUMENT DAMAGES

**OUTCOME:** Finalized DI and detailed Damage Descriptions and Dimensions (DDD) for Project Formulation.

During Phase II of the FEMA PA process (Impacts & Eligibility), FEMA and the applicant work together to obtain information on impacts and damage to logically group these into projects. FEMA then validates the damages and determines eligibility to initiate development of the Scope of Work (SOW) and cost estimates. During Step 4, we will assist you in documenting damages for upload to FEMA Grants Portal.

### Finalize DI

In close coordination with the state, we will work with each affected department to finalize data collection for the DI and enter relevant information into Grants Portal. Once the DI is prepared and uploaded into Grants Portal, our team will work with the state to respond to FEMA RFIs and triage the list of damaged facilities/locations to schedule and assist with damage inspections, as needed, for the DDDs.

### Develop DDDs

We are highly trained in the preparation of detailed DDDs, which FEMA uses to assess eligibility. The DDDs are then uploaded to Grants Portal and routed to the CRC for compliance and quality assurance (QA) in preparation for SOW and cost estimation. The DDDs require Essential Elements of Information (EEl)s, which consists of questions and required documentation. To complete the EEl)s for each project, our team will work directly with the department and/or individual responsible for oversight of the work or for gathering the required supporting documentation.

- **Emergency work.** For work that has already been completed (e.g., Categories A and B Emergency Work), staff will collect data on contractor invoicing, billing, and other essential documentation that will define the eligible damage and approved costs for that project.
- **Site inspections.** For permanent work to be completed, damage information is collected through site inspections. Our team can also provide full coordination and management of site inspections. Should you require specific assistance with inspections, we can assemble the technical staff (e.g., site inspection coordinators, cost estimators, professional engineers) needed to inspect public buildings, roads, electric distribution and generation systems, and other public infrastructure.

It is important during site inspection process to note potential environmental requirements applicable to the area of damage to get a head start on meeting the FEMA National Environmental Policy Act (NEPA) requirements. In addition, a focus on possible Section 406 hazard mitigation opportunities should be recorded site by site, combining the damage-related impacts with cost-effective mitigation early in the process to prevent similar damage from a future event.



## CONDUCT PROJECT FORMULATION

**OUTCOME:** Sufficient documentation of SOW and costs provided to FEMA for validation and obligation.

The following are conducted in preparation for developing project applications for submission to FEMA. The SOW will be developed based on the DDDs and will describe what the state will undertake to address the eligible damage. The costs will be based on actual costs (if the work is completed) or estimates for work to be completed. FEMA and the state typically work together to document the SOW and cost estimates in an application for FEMA obligation.

It is important that the state be engaged throughout this process. Involving the applicant in project formulation ensures the project is realistic, well-aligned, and more likely to succeed. Early applicant engagement brings subject matter knowledge, fosters ownership and clearer communication, improves budgeting and risk management, and strengthens funding proposals—leading to better solutions, fewer delays, and greater cost control. Below are some considerations we can assist with.

### Conduct Damage/Location Grouping

Project formulation includes the step of methodically grouping multiple damages or locations into a single project application (formerly called a Project Worksheet or PW), usually based on types of similar damage and functions. In alignment with the state's priorities for recovery, we will coordinate with all departments and offices to triage all DDDs and determine the opportunities that will be most efficient when deciding how to logically group the facilities to best meet your recovery objectives and maximize funding. These decisions will be consistent with how the state plans to perform the restoration work, via contract or self-perform with their own workforce. Our extensive knowledge and experience will help the state address its priorities for recovery.

## Develop Cost Narrative

We bring extensive experience in demonstrating, documenting, and substantiating compliance with Federal procurement requirements, particularly if emergency and exigent circumstances were necessary for lifesaving and/or public health emergency conditions. Substantiating these processes at the beginning of the funding justification phase will reduce FEMA's Requests for Information (RFIs) and assist in the timely obligation and reimbursement of all emergency costs incurred.

This process is most successful when applicants can first provide a cost estimate based on what they believe to be the budget to reasonably perform the approved SOW. It is often through eligibility justifications that we knit together the pieces of information into a single narrative to "tell your story." Too often, we find that the FEMA CRC and applicants engage in a "back-and-forth" RFI process that only serves to delay critically needed funding.

Our team has the expertise necessary to help you develop SOWs and cost estimates with a focus on maximizing funding and providing necessary resources to build back stronger. We will assist you in adequately describing and justifying your recovery costs so that the FEMA CRC fully understands costs and the nexus of the disaster. For permanent work cost estimates, it is best to use RSMeans with specific regional upgrades to the software, since FEMA also uses this tool, and present it in the format FEMA is accustomed to seeing—FEMA's Cost Estimating Format (CEF). Some specific considerations for substantiating costs include:

- **Attributing costs to work.** An important aspect of seeking reimbursement from FEMA for emergency and permanent work is being able to appropriately attribute costs to the work performed. Our team will ensure cost documentation is justified and linked to the work performed, allowing FEMA to understand how the costs incurred were necessary and eligible. We will support the state in maintaining supporting documentation, reviewing requests for reimbursement, monitoring compliance, and responding to other requests until all projects are fully reconciled and closed out.
- **Labor and equipment costs.** Another common delay in obtaining funding from FEMA is the necessity to demonstrate emergency overtime costs for personnel (FAL), additional hiring of emergency personnel, use of government-owned equipment (force account equipment), and that reassignments of personnel were performed consistently with your labor and use policies. Like the procurement procedures noted above, we bring extensive experience in demonstrating, documenting, and substantiating compliance with a sub-recipient's (applicant's) labor and equipment use policies for the extraordinary costs incurred during a disaster.
- **Voluntary resources and donated goods.** We will assist in the identification of potential voluntary resources and donated goods that might have been available during the disaster response. The documentation and substantiation of voluntary resources and donated goods might be eligible to reduce the non-Federal cost share associated with FEMA funding.

## Evaluate Potential Duplication of Benefits (DOBs)

In practice, DOBs often arise when an entity draws down or accepts awards from multiple programs without reconciling them against the specific damage, activity, or expense being funded. Another common error that results in DOBs relates to insurance. The proceeds from insurance will always be subtracted from costs or cost estimates in projects. Insurance proceeds are often slower than FEMA PA reimbursement. Our team of experts can help the state work through this process to mitigate the return of funds overpaid prior to insurance resolution. An applicant may be offered or even awarded more funds than necessary, but under FEMA PA rules they may not draw down or retain Federal funds over and above the amount required for an eligible cost consistent with their award terms.

To avoid DOBs, applicants must review all potential funding sources and their authorities and eligibility rules before requesting funds. That review should identify insurance proceeds, state and local funding, and other Federal programs that could apply to the same cost or activity. Applicants should draw only the amount needed for each specific eligible cost; coordinate with other funders and stakeholders to prevent overlapping payments; and keep detailed, auditable records that trace every funding source to each expense. When multiple awards are received, organizations must reconcile those awards promptly: refund or adjust any disallowed or duplicative expenditures, report corrections as required and ensure sub-recipients or pass-through entities are monitoring their own funding sources and compliance.

Ensuring there are no DOBs not only complies with program rules but also maximizes cost recovery for the applicant by directing funds exactly where they are needed. Proactive coordination and conservative drawdowns reduce the risk that FEMA will de-obligate funds; avoiding DOBs prevents situations where an applicant would be required to return Federal funding. Our team will support you from Day 1—working closely with you to identify all funding sources, coordinate across programs, and maintain auditable records—so that DOBs do not

jeopardize your disaster reimbursement. In short, careful upfront planning, conservative drawdowns, clear coordination, and rigorous financial oversight protect both the integrity of the recovery effort and the applicant's access to eligible funding.

### Identify Section 406 and PA Alternative Procedures (PAAPs) Section 428 Opportunities

During development of the SOW, we will assist the state in identifying and securing Section 406 Mitigation and PAAPs opportunities for permanent work category projects. While 406 Mitigation provides the opportunity to include mitigation activities with PA projects, Section 428 PAAPs provide fixed-cost estimates for projects—thereby offering flexibility and expedited funding for the applicant. Based on the level of damage information, we will begin discussions regarding interest in these programs and identifying where it can have the most positive effect through flexible use of the grants funding upon award.

In 2024, FEMA issued an interim policy providing a path to increase their Federal cost share for measures that increase readiness for and resiliency from a major disaster through the 406 Mitigation process. Our team will work with the state to strategize opportunities to lower your local cost share for permanent work through the 406 Mitigation program. If the state meets interim policy requirements, the local cost share could be lowered from 25 percent to as low as 15 percent.

### Demonstrated Evidence

Our in-house expertise has successfully expedited **over 225 Section 428 projects**, including significant support for the U.S. Virgin Islands' recovery from consecutive Category 5 hurricanes in 2017.

### Evaluate Other Special Considerations

In addition to the items above, the state must take into account the following special considerations.

- **Environmental and Historic Preservation (EHP).** We can support the state with historic preservation requirements under the National Historic Preservation Act (Section 106) [NHPA] to ensure recovery respects culturally significant sites while keeping projects on schedule and eligible for funding. This is important because it ensures legal compliance with Federal requirements (e.g., NHPA), protects cultural heritage and community wellbeing, and strengthens resilience and long-term recovery outcomes. Our team provides expertise in the following areas:
  - Identify and document historic properties and National Register eligibility.
  - Coordinate with FEMA EHP, the State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer (THPO), and local stakeholders.
  - Prepare environmental assessments, cultural resource reports, and required submissions.
  - Develop mitigation measures that protect historic resources and allow for timely work.
  - Maintain auditable records to demonstrate compliance and prevent funding issues.
- **Floodplain requirements.** We help applicants navigate FEMA PA floodplain requirements from start to finish, particularly when working through any 406 Mitigation projects. We review local floodplain ordinances to confirm NFIP compliance, identify gaps, and apply the latest FEMA maps and Federal Flood Risk Management Standard (FFRMS) determinations to each project. We assess site flood risk (100- and 500-year floodplains); recommend resilient design options (elevation, floodproofing, relocation, drainage); and prepare required determinations, environmental paperwork, and supporting documentation for FEMA submissions. We also coordinate with FEMA EHP staff; local floodplain managers; and NFIP contacts to speed up reviews, maintain auditable records for reimbursement, and provide staff training. If issues arise, we assist with appeals, variances, or corrective actions to preserve funding eligibility and keep your recovery on track.



### SUPPORT PROJECT REVIEW AND OBLIGATION

**OUTCOME:** Timely obligation of all project applications.

Once the SOW and cost estimates for all formulated projects have been provided, we will manage the flow of projects as they move through the review queue to final approval. We will support you in rapidly and efficiently responding to any RFIs or addressing procedural requirements. This is probably the most critical phase, as it **triggers the state's ability to effectuate recovery**.

We will assist in tracking, coordinating, and delivering the relevant information to ensure that the FEMA CRC has enough information for either validation of project estimates or scoping and costing. In addition, we will assist you in providing FEMA with the information necessary to conduct reviews for insurance, EHP, and audit compliance.

Our team has established relationships with FEMA Headquarters and Regional offices and have assisted clients in securing billions of dollars in recovery funds. These relationships help us influence conversations on eligibility issues and set up facilitated discussions to resolve issues, which minimizes reliance on the appeals process to resolve issues. Specific support in this phase will include:

- Rapidly and efficiently responding to any RFIs or addressing procedural requirements
- Proposing insurance apportionment that is in the best interests of the State
- Checking for potential DOBs by coordinating insurance claim submission and tracking in relation to projects submitted to FEMA



## PROVIDE POST-OBLIGATION PROJECT SUPPORT

**OUTCOME:** Compliance with all requirements for maximization of funding recovery.

Disaster recovery work is filled with pressures—pressure to do the work fast and do it right (all within a context that is new)—and myriad rules and regulations. One of the many challenges with obtaining and keeping FEMA PA funding is demonstrating compliance with all procurement processes set forth in Title 2 CFR Sections 317-327. This demonstration of compliance is critical during FEMA’s post-award and closeout activities, including audits performed by the Department of Homeland Security’s Office of Inspector General (OIG).

Our team will support the state in tracking the overall progress of disaster operations and monitoring compliance until all projects are fully reconciled and closed out. We will coordinate closely with the state to keep projects moving; ensure reimbursement documentation aligns with eligible SOWs; reconcile costs across departments and budgets; and provide the financial controls, technical support, and reconciliation services necessary to request, receive, track, and responsibly disburse FEMA PA funds to support recovery and rebuild communities.

### Maximizing Reimbursement

Maximizing reimbursement of project costs depends on regular reviews of projects with priority adjustments, real-time financial management, timely submission of reports, grants payment requests, and pre-closeout activities to prepare for closeout and audit, followed by final closeout. Knowing the level of documentation needed for each reduces payment delays.

#### Documentation Management

From the onset of the PA process, we will work with the state to prepare for final closeout by providing the critical guidance needed to diligently document recovery efforts. Our personnel are specially trained to ensure all documentation is organized to justify project expenditure according to the approved SOW, and to do so in a format that meets FEMA and State requirements.

#### Financial Management

We specialize in financial management for FEMA’s PA program, helping the clients manage and account for Federal disaster funds. We assist applicants in requesting funds so reimbursements flow with minimal lag between expenditures and the recovery of funds. Compliance is central to our approach: we design accounting controls, coding, and reporting practices that meet Federal procurement and grant administration standards (e.g., 2 C.F.R. Part 200) including procurement procedures, cost principles, and audit requirements. We carefully track and document both direct and indirect management costs so clients can claim appropriate reimbursement for program administration. We maintain and improve accounting systems to produce accurate financial records and reports that satisfy reporting requirements and support audits.

When issues arise—scope variations, procurement irregularities, or other matters that could jeopardize reimbursement—we identify them early; develop justifications; and compile supporting evidence using codes and standards, industry best practices, relevant precedents, and FEMA guidance and databases. We then recommend corrective actions or coding adjustments to preserve eligibility and maximize recovery.

#### Sub-Recipient Monitoring

Monitoring sub-recipients is essential to ensure compliance with federal regulations and the achievement of performance goals, which includes reviewing financial and progress reports. Recipients are responsible for assessing the risk of non-compliance for each sub-recipient and, if necessary, imposing additional conditions or requirements.

## **Procurement Support**

We help clients understand and apply the core Federal procurement regulations (2 C.F.R. §§ 200.317–200.326) and relevant FEMA guidance so procurement decisions are defensible and consistent with grant rules. Our procurement support reduces risk; preserves reimbursement eligibility; and expedites project delivery by combining regulatory expertise, practical procurement tools, defensible documentation, and hands-on assistance throughout solicitation, award, and contract administration.

We will partner with the state's procurement and program teams to interpret and apply the procurement standards in 2 C.F.R. Part 200 and FEMA guidance (including Procurement Disaster Assistance Team [PDAT] materials), tailoring our support to the entity type, project size, and procurement dollar thresholds at hand.

Where full and open competition is required, we advise on appropriate solicitation strategies—from sealed bids to competitive proposals—and help design procurement approaches that avoid unnecessary restrictions on competition. For smaller or specific needs, we recommend and document appropriate use of methods such as micro-purchases or simplified acquisition procedures.

For every procurement, we establish and document best-practice processes: drafting solicitation language, developing evaluation criteria, running vendor outreach, evaluating offers, and recording the rationale for contractor selection and contract pricing. We ensure required Federal contract clauses (including those in Appendix II to 2 C.F.R. Part 200) are accurately incorporated into agreements and help implement written standards of conduct to identify and mitigate conflicts of interest during selection, award, and administration of contracts.

When competition is limited or absent, we perform cost and price analyses, negotiate reasonable profit as a separate element of price, and document the basis for cost reasonableness so costs remain eligible for FEMA reimbursement. We also set up documentation templates and retention practices to produce auditable trails showing compliance with solicitation methods, evaluation, award decisions, and contract administration.

We monitor regulatory and guidance updates and translate changes into practical actions and checklists for state teams to ensure ongoing compliance. Finally, we connect clients to FEMA's PDAT resources and training; we also provide targeted training sessions and job aids so staff and sub-recipients understand procurement options, thresholds, required clauses, and documentation expectations.

## **Quarterly Reporting**

Recipients submit the Federal Financial Report (SF-425) quarterly to the respective FEMA Regional Office.<sup>470</sup> The reports provide the status of funds for the prime award, the recipient's expenditure drawdowns, and whether the recipient is meeting its cost-share requirements.

We will create and maintain quarterly reports on outstanding PA applications and cash management reports. These reports will also provide insight into the flow of funds for the State. We will submit all required reports to the State quarterly and provide updates, as needed, to ensure you receive all funding in a timely manner and the process does not stall because of administrative tasks.

## **Large Project Quarterly Progress Reports**

Funding for PA large projects is based on estimated costs, contracted costs, or a combination of both for an approved SOW—with grant funds obligated accordingly. Because actual costs can be fully assessed only when the project is completed, the final costs often vary from initial estimates. To ensure responsible management of public funds, regular reviews and timely identification of any changes in project costs are essential.

The large project Quarterly Progress Report (QPR) is a tool for tracking project expenditures relative to completion percentage, by comparing completed work costs against obligated funding, monitoring the drawdown of funds by applicants, and assessing whether a project is underfunded or overfunded. The QPR also includes the status of projects pending final Federal reimbursement and highlights any issues that could lead to non-compliance with grant conditions. FEMA does not require quarterly reporting for small projects, but they do require it for all open large projects.

### **Submit Requests for Reimbursement (RFR)**

Once project applications have been obligated by FEMA, the funding will be available for drawdown by the state. The process for requests for reimbursement (RFRs) from the State will be in accordance with FEMA and the State Administrative Plan and Disaster State Administrative Plan.

We bring extensive experience in the post-award phases of the PA program including the RFR, implementing grants management tools and systems to attribute disbursed funding from FEMA to eligible projects and costs incurred, completing timely reporting, justifying requests for time extensions if necessary, and other grants management functions. Based on the thorough and accurate justification of eligibility described previously, the post-award RFR process should be streamlined to ensure timely reimbursement of eligible funding.

### **Time Extensions and SOW Changes**

A PA project may need a time extension when unforeseen circumstances prevent completion within the original schedule—for example, unexpected scope changes discovered during work; longer-than-anticipated environmental reviews or permitting; difficulties securing funding; contractor or material shortages; subsequent disaster impacts; or administrative delays by FEMA, the grantee, or sub-recipients. Our team will support the extension process by documenting and justifying the delay; assembling evidence that the cause was beyond the applicant's control; and developing a revised project plan that updates schedule, budget, and scope. We will serve as a liaison with FEMA to negotiate and clarify the request, ensure continued regulatory compliance during the extension, and identify and mitigate future risks to prevent further delays. There are time extensions that are simpler and can be approved by the grantee and there are those that are more complicated and require approval by FEMA. Our support improves the likelihood of an approved extension; minimizes project disruption; and helps ensure timely, compliant project completion.

A SOW change is a revision to an approved PA project required when the original approach or quantities no longer fit the recovery needs—common causes include discovery of hidden disaster damage, errors or omissions that increase quantities, technically infeasible original methods, more cost-effective alternative repairs, or required codes/standards upgrades. Our team will work with the state to request a change, develop a written request with supporting documentation, and submit it to FEMA. It is critical that applicants obtain FEMA approval before beginning any changed work or they risk losing funding.

Our team can facilitate this process by interpreting FEMA policy and eligibility; assembling and formatting technical documentation and justification (reports, photos, change orders); developing defensible cost estimates; evaluating technical feasibility and mitigation options; coordinating communications among the state and FEMA; and preparing appeals or supplemental analyses if a request is denied—helping ensure eligible SOW changes are approved and properly reimbursed. Our support will improve the likelihood of timely approval, preserve funding, and reduce audit and compliance risk.



### **MANAGE APPEALS, ABRITRATION, AND AUDITS**

**OUTCOME:** Maximization of requested funding and resolution of outstanding issues for closeout

#### **Support for Appeals and Arbitration**

Our team supports PA appeals end-to-end by applying deep program knowledge to evaluate FEMA determinations, identify errors or gaps, and assemble the documentary evidence needed to overturn or modify decisions. We develop tailored appeal strategies, prepare and submit all required forms and supporting materials within FEMA's 60-day deadline, and manage the administrative and technical tasks so applicants can focus on recovery. Acting as the applicant's advocate, we can negotiate with FEMA, address the specific grounds for denial, and ensure all eligible costs and documentation are presented clearly and persuasively. Our team understands that targeted, well-documented appeals increase the likelihood of a favorable ruling, accelerate funding recovery, and reduce audit and compliance risk.

Although not every disagreement over eligibility is best suited for an appeal; we have had considerable success in simply working out eligibility considerations with FEMA informally. Some firms may tout their experience in "fighting with FEMA"—our outcomes have been achieved differently.

When needed, the FEMA arbitration is an independent, binding dispute resolution process for applicants challenging FEMA decisions on PA funding. It may offer a faster alternative to FEMA's standard appeals for large claims related to recent disasters. Because the process is complex, our team will provide essential support from the outset to improve the state's chance of success.

Our team assists by:

- Reviewing FEMA decisions and developing a focused case strategy.
- Collecting and organizing all required documentation to meet FEMA standards.
- Ensuring compliance with FEMA regulations and procurement rules.
- Crafting strong, tailored arguments to dispute FEMA's findings.
- Managing critical deadlines and filing the Request for Arbitration on time.
- Representing and advocating for you throughout the arbitration process.
- Offering ongoing guidance from start to finish to streamline resolution.

With our expertise and hands-on support, applicants can navigate FEMA arbitration more confidently and effectively, thereby increasing the likelihood of a favorable outcome.

### **Audit Preparation**

There are many oversight functions that will assess the performance of FEMA applicants. These include state and FEMA audits including Single Audits, DHS-OIG audits, and Validate-As-You-Go (VAYGo) audits.

Our team will support the state to achieve audit readiness and navigate the audit process successfully. Given that PA grants are subject to Federal and non-Federal audits, our expertise is key in successful audit preparation.

From the first day of our engagement, our team supports audit readiness by ensuring that each step throughout the long PA process is audit-proof. We provide guidance by helping applicants understand and comply with FEMA's complex regulations and documentation requirements while identifying potential weaknesses that could trigger audit findings.

Our team helps establish organized recordkeeping systems for disaster-related costs, contracts, and eligibility documentation—thereby ensuring completeness and accurate cost tracking that differentiates emergency activities from regular operations. In procurement, we ensure compliance with Federal regulations and FEMA guidelines, reviewing contracts to prevent disallowed costs due to issues such as non-competitive awards or inadequate oversight.

We also prepare applicants for audits by conducting mock reviews and, if needed, assist in responding to audit findings through corrective action plans and appeals. Moreover, our team helps maximize reimbursements by identifying all eligible costs and minimizing the risk of fund de-obligations through meticulous compliance and documentation.

Overall, our team serves as your essential partners, offering expert support from the very start and throughout the entire process to meet audit requirements, streamline procedures, and enhance the likelihood of successful grant funding and reimbursement.



### **CONDUCT FINAL RECONCILIATION & CLOSEOUT**

**OUTCOME:** Reconciliation of individual grants and complete closeout of the applicant's PA program.

Project closeout is the reconciliation and review of all documentation, project sites, and payment requests following the completion of work associated with each project's final actual cost claim. The closeout process officially begins when the State notifies FEMA that the project is completed through quarterly reporting data and submits a written request for a project closeout.

***We view closeout requirements for grants as a Day 1 task when PA is accepted by the State.*** Having a thorough and fully substantiated set of projects will help address concerns raised during DHS-OIG audits, audits that will occur under the Single Audit Act, financial monitoring or reviews FEMA or the State might perform, internal reviews of financial and grants management, and any other external financial reviews.

### **Preparing Closeout Documentation and Conducting Final Reconciliation**

As the recipient of FEMA grants funding, the state has certain administrative and fiduciary responsibilities it must complete. Before FEMA can close out a disaster, it must be able to close the grants associated with that disaster including such programs as PA and HMGP. Such issues as final reconciliation, pending reimbursements, required reporting, Single Audit findings, and any DHS-OIG audit findings all must be cleared before closeout.

There is a certain order of priority that can often make sense when dealing with multiple projects in Grants Portal. Obviously, starting the closeout process with Categories A and B makes sense since in the timelines of disaster, it occurs first. With respect to all other Categories of Work or permanent work, beginning with small projects that were obligated upon an estimate move quicker than large projects—with the assumption that the work related to all small projects was completed.

Our recovery teams typically establish a checklist-driven workflow to address closeout. We understand the complexity of this process and will assist you in the navigation of the full closeout process, which will include:

- Preparing project funding requests
- Developing closeout packages
- Reconciling final funds
- Presenting copies of required permits, exemptions, waivers, bid documents, change orders, project filings, or other documents
- Reconciling accounts to justify claims/payments
- Recommending project versions be prepared for unanticipated changes in scope or costs for conducting final site inspections

We will assist in developing a closeout package of documentation that will support the final actual cost claimed for the project. We will review claimed project costs for alignment with the approved SOW for the project to include contract documents, FAL records, force account equipment records, rental equipment, materials, permits, and procurement requirements.

#### **Narrative Description of Previous Work with a FEMA Public Assistance Sub-Recipient City of Houston, Texas – FEMA DR-4781 and DR-4798**

Following FEMA Disaster Declarations DR-4781 (Severe Storms, Straight-line Winds, Tornadoes, and Flooding – Derecho) and DR-4798 (Hurricane Beryl), Witt O'Brien's provided comprehensive Public Assistance (PA) support to the City of Houston, one of the largest and most complex sub-recipients in the State of Texas. Although Houston was our direct client, all work was performed within the FEMA Recipient–Sub-recipient framework, requiring continuous coordination with the Texas Division of Emergency Management (TDEM) as the Recipient. This engagement demonstrates our structured approach to supporting sub-recipients in a manner that aligns with the State's oversight responsibilities, documentation standards, and compliance requirements.

Upon Hurricane Beryl's landfall, our team mobilized within 24 hours and immediately began coordinating not only with City departments but also with the State to ensure alignment with Recipient-level expectations. We reviewed state guidance, documentation protocols, and submission timelines to ensure that Houston's project development would meet TDEM's review standards before formal transmittal to FEMA. This early alignment significantly reduced Requests for Information (RFIs), minimized rework, and expedited project obligation.

Houston's recovery involved more than 25 departments, including Public Works, Solid Waste, the Houston Airport System, Fire and Police, Finance, and General Services. Witt O'Brien supported the City in developing comprehensive damage inventories, conducting site inspections, documenting force account labor and equipment usage, reconciling debris monitoring data, and evaluating procurement compliance under 2 CFR Part 200. Emphasis was placed on ensuring that emergency work under Category A (Debris Removal) and Category B (Emergency Protective Measures) was clearly documented, time-bound, and supported by compliant contracts and cost reasonableness analyses. By structuring documentation in a manner consistent with both FEMA policy and State review practices, we enabled the Recipient to efficiently validate and transmit projects for federal obligation.

Our team also led the project formulation process in coordination with both the City and the State, ensuring that scopes of work were clearly defined, insurance reductions were properly accounted for, and all eligibility considerations were addressed before submission. Through this disciplined approach, we supported the development of approximately \$111 million in Hurricane Beryl projects, of which roughly \$90 million were emergency work Categories A and B, and \$40 million in Derecho-related projects, including \$38 million in emergency work. Each project was developed with audit defensibility and Recipient monitoring requirements in mind.

Recognizing that sub-recipient performance directly impacts the State's administrative burden and compliance exposure, we provided just-in-time training to City personnel on FEMA documentation standards, procurement requirements, damage inventory development, and site inspection preparation. By strengthening sub-recipient capacity, we reduced the likelihood of compliance findings and supported smoother State monitoring and reporting processes. This proactive approach ultimately benefited both the sub-recipient and the Recipient.

In addition to technical project development, we advised the City on funding strategy and local cost share considerations, including coordination with State leadership to pursue additional funding support. This ensured that financial planning decisions were made with full awareness of State-level processes and constraints, further reinforcing alignment between sub-recipient recovery efforts and Recipient oversight responsibilities.

Our work with the City of Houston reflects our broader methodology for managing FEMA PA sub-recipients: early coordination with the Recipient, disciplined documentation development, structured project formulation, proactive compliance review, and capacity building to reduce administrative risk. This experience directly translates to supporting the State of Nebraska in overseeing cities, counties, special districts, and eligible nonprofit organizations. By ensuring that sub-recipients develop complete, compliant, and submission-ready projects, we help the State fulfill its Recipient responsibilities efficiently while accelerating recovery outcomes for local communities.

## Optional Items/Additional Services - TerraFort

### A Reimagined Approach to Public Assistance

Witt O'Brien's is fully prepared to execute the State of Nebraska's FEMA Public Assistance (PA) program utilizing traditional disaster recovery methodologies. Our elite team of former State emergency management directors, FEMA PA experts, and policy professionals can successfully navigate standard, manual processes to secure maximum funding.

However, we recognize that traditional disaster recovery is often an administrative marathon. Relying on fragmented tools, manual data entry, disconnected spreadsheets, and static PDF files inherently creates a "data lag" that pushes the average timeline from incident to FEMA project obligation to 615 days.

As an **optional item and additional service**, Witt O'Brien's offers a fully reimagined approach to the Public Assistance program—from initial damage assessment straight through to project obligation. By integrating the **TerraFort Disaster Intelligence Platform** as our primary operational engine, we offer the State and its local governments the opportunity to utilize the latest AI-driven tools and technology to recover faster and stronger than ever before. This high-velocity model is engineered to disrupt the standard cycle, targeting a 70% reduction in the FEMA project obligation timeline (approximately 100 days).

### Empowering Communities to "Own Their Recovery"

The core philosophy behind offering TerraFort as an enhanced capability is empowerment. Under traditional models, applicants often wait months for federal assessors to define the scope of their damages. With TerraFort, we flip this dynamic.

By leveraging the FEMA Public Assistance Program and Policy Guide (PAPPG) Version 5, the State and local applicants can submit "applicant-provided" site inspections, Damage Descriptions and Dimensions (DDD), Scopes of Work (SOWs), and cost estimates. TerraFort provides the undeniable, audit-ready data required to substantiate these applicant-provided submissions, allowing Nebraska to define the scope of its own recovery before federal assessors even arrive.

If the State chooses this enhanced path, Witt O'Brien's will execute the following reimagined lifecycle:

#### 1. Pre-Disaster Readiness and Rapid Field Operations

Implementation of this optional service begins before a disaster strikes. Witt O'Brien's professionals will guide the statewide rollout of the TerraFort platform, conducting hands-on training for State and local staff. Because the system is designed for everyday operators—requiring no specialized GIS training—local public works crews and emergency managers can learn the system in under 30 minutes.

When an event occurs, the **TerraFort mobile app** becomes a critical force multiplier in the field. Instead of filling out complex drop-down forms or taking disorganized photos, field inspectors interact with TerraFort's trained AI voice agent. Trained on nearly one million historical FEMA projects, the AI guides users through facility-specific questions. For areas with compromised cell service—common in rural Nebraska—the app features robust "off-grid" resiliency, allowing teams to log data and seamlessly sync to the central dashboard once connectivity is restored.

To ensure every field visit survives a federal audit, the app generates a dynamic, site-specific photo and video checklist. If a crew is inspecting a culvert, the app mandates photos of inlet/outlet integrity, internal barrel views, and structural cross-sections. This guarantees that all data necessary to secure a Major Disaster Declaration is collected up front, saving a massive amount of time and eliminating the need for multiple site visits.

#### 2. Automated Project Formulation

In standard processes, translating field notes into FEMA-compliant documentation takes weeks of back-office administration. The TerraFort Platform handles this demanding work instantly. Every time a damage location is logged in the mobile app, the platform's "Instant Documentation" engine generates:

- **FEMA-Compliant DDDs & SOWs:** Converting voice and field inputs into detailed structural impact descriptions and clear scopes of work.

- **Hyper-Localized Cost Estimates:** Generating line-item estimates in FEMA's Cost Estimating Format (CEF). These are refined using natural language and linked to Nebraska-specific historical bid tabs so unit prices automatically reflect true local force account and contract costs.

This technology allows State and local governments to secure Major Disaster Declarations more easily, armed with vastly more detail—including precise GPS tagging, photos, and automated narratives—than standard processes allow.

### **3. Centralized Support Documentation and Financials**

A critical component of this enhanced service is how Witt O'Brien's experts will utilize the platform to organize and process all support documentation. Rather than managing physical folders or disjointed tracking spreadsheets, our financial and grants management professionals will work with State agencies and Applicants to centralize their recovery financials within TerraFort.

The platform streamlines the development of rigorous cost summary sheets for **Force Account Labor (FAL)** and **Force Account Equipment (FAE)**. Furthermore, it generates comprehensive summaries of all **contract-related costs** incurred during both emergency response and permanent repairs. By linking every invoice, timesheet, and procurement contract geographically to its specific project, we create an inherently "audit-proof" environment from day one.

### **4. Command, Control, and Accelerated Obligation**

For State leadership, TerraFort provides an unprecedented Common Operating Picture. The dashboard authenticates the State's existing ArcGIS/Esri layers, tracking the \$3.9M State Threshold and individual County Thresholds in real-time as field teams log damages.

Through a highly visible Kanban project management pipeline, Witt O'Brien's managers will move completed, applicant-provided records through QA/QC and export them as finalized, professional PDFs. Presenting FEMA with this level of packaged, irrefutable documentation drastically reduces federal Requests for Information (RFIs), preventing the endless back-and-forth that traditionally delays funding.

### **Conclusion**

The State of Nebraska has a choice in how it manages its future disaster recoveries. The traditional, manual path is fully supported by our experienced personnel. However, by selecting the TerraFort platform as an additional service, the State equips its agencies and local sub-recipients with the most advanced disaster intelligence tools available.

This optional enhancement transforms a reactive administrative burden into a proactive, high-velocity recovery operation—saving immense amounts of time, eliminating bureaucratic friction, and ensuring Nebraska's communities recover faster and stronger.

2.2	<p><b>Describe bidder’s process for providing IA technical services.</b></p>
<p><b>Response:</b></p> <p><b>Approach – FEMA Individual Assistance (IA)</b>  Witt O’Brien’s brings deep operational experience supporting FEMA Individual Assistance (IA) programs at the federal, state, and local levels. Our team includes professionals who have managed IA programs from the state perspective, including direct oversight of State-administered components such as Other Needs Assistance (ONA). This experience provides us with a practical understanding of both the federal delivery structure of IA—where assistance flows directly from FEMA to eligible survivors—and the critical coordination and fiscal oversight responsibilities retained at the State level.</p> <p>Our approach begins before a declaration is made, recognizing that accurate damage assessment is foundational to obtaining IA authorization.</p> <p><b>Preliminary Damage Assessments (PDAs) and IA Declaration Support.</b>  FEMA IA determinations are largely driven by verified impacts to primary residences—particularly the number of homes with major damage or destroyed status—analyzed in relation to population size and FEMA’s established impact indicators. Witt O’Brien’s can manage and staff the full PDA process, from initial damage survey coordination through joint FEMA-State PDA execution and documentation reconciliation. Our team provides trained personnel to conduct field damage assessments, validate primary residence occupancy, collect required documentation, and ensure data accuracy and consistency with FEMA inspection standards. We support the development of defensible PDA summaries and briefing materials that clearly demonstrate residential impact and support the State’s request for federal IA consideration.</p> <p>By strengthening data quality, documentation integrity, and field coordination, we help position the State to present a compelling, evidence-based case for IA authorization when federal thresholds are met.</p> <p><b>Program Coordination and State Support.</b>  Once IA is authorized, we support NEMA in coordinating with FEMA on implementation, ensuring alignment on policy interpretation, eligibility guidance, operational planning, and reporting. For State-administered ONA, we provide technical assistance on policy development, financial tracking, reconciliation, internal controls, and documentation management to ensure audit readiness and compliance with federal regulations. Our team understands the fiscal accountability required when managing ONA funds at the state level.</p> <p><b>Disaster Recovery Centers (DRCs).</b>  We provide staffing and operational support for Disaster Recovery Centers, including site coordination, interagency integration, survivor flow management, reporting, and performance tracking. Our personnel can serve in leadership or support roles to ensure DRC operations are efficient, compliant, and responsive to survivor needs.</p> <p><b>Public Outreach and Survivor Engagement.</b>  Effective IA delivery requires proactive communication and community engagement. We assist with the development and implementation of public outreach campaigns that clearly communicate eligibility criteria, documentation requirements, registration deadlines, and available assistance programs. Our outreach strategies incorporate coordination with local governments, voluntary agencies, faith-based organizations, and community partners to ensure equitable access for vulnerable and underserved populations.</p> <p><b>Disaster Case Management and Whole-Community Coordination.</b>  Individual recovery extends beyond FEMA registration. We support coordination of disaster case management and integration with crisis counseling, disaster unemployment assistance, disaster legal services, housing programs, and voluntary agency resources. Our approach aligns federal, state, nonprofit, and community partners to reduce duplication, close service gaps, and accelerate survivor recovery outcomes.</p> <p>Through this comprehensive, survivor-centered and data-driven approach, Witt O’Brien’s strengthens the State’s ability to secure IA declarations when warranted, administer ONA responsibly, manage field operations effectively, and deliver assistance efficiently and in full compliance with federal and state requirements.</p>	
2.3	<p><b>Describe bidder’s process for providing HMGP technical services.</b></p> <p>The bidder should address the following:</p> <ul style="list-style-type: none"> <li>i. Bidder’s process to review applications for eligibility and completeness to FEMA approval</li> <li>ii. Bidder’s process for reviewing projects for sub-recipient(s) after obligation to ensure eligible payments made to sub-recipient(s) and smooth closeout process</li> <li>iii. Bidder’s process for working with sub-recipients to ensure needs of project are met (Please provide at least one narrative description of previous work with a sub-recipient)</li> </ul>

## Response:

### Mitigation Overview/Understanding

Effective mitigation is more important than ever for disaster-prone communities around the country, as both the risks increase because of climate change and more funding becomes available to address those risks. The most recent study from the National Institute of Building Sciences found that for every dollar spent on mitigation, society saves six dollars. Forward-looking communities know that making the most of the limited funding for mitigation has a substantial impact on their future.

### Technical Approach

Specifically, to address the SOW, we have organized our approach into three major elements:

- Building Capacity
  - Local hazard mitigation plan development and support
  - Identifying hazard mitigation opportunities
  - Community engagement and partnership building
- Application Development
  - Identifying hazard mitigation opportunities
  - Helping local applicants prepare sub-grants application packages and documentation
  - Reviewing, analyzing, and evaluating sub-grant applications and accompanying documentation
- Project Implementation
  - Project and Grants Management
  - Technical Support Engineering, BCAs, and EHP guidance and reviews
  - FEMA RFIs
  - Grants management, accounting, and auditing tasks
  - Project closeout

**Resources.** We assign mitigation program experts to serve as consistent single points-of-contact based on a combination of geographic location and the relevance of consultant experience to identified mitigation opportunities. These experts will be supported by technical staff who bring specific expertise in critical areas—such as engineering BCAs, EHP, and other areas—and can engage on an as-needed basis to address specific issues that may arise. This type of approach ensures that those who are considering applying for funds always know to whom they can speak to ask questions and get problems resolved. It also provides you with easy access to the “right person” to answer questions or hold accountable when the situation warrants.

### Building Capacity

Building capacity first requires identification of resources. Our team will help you identify what your existing capabilities are, what realistic goals you want to set, and how to build the bridge between the two through planning, scoping and technical assistance, outreach to stakeholders, and project management.

**Mitigation Planning.** After identifying which communities do not have a FEMA-approved Hazard Mitigation Plans, as well as those that have a plan near expiration, our planners will engage with these communities to discuss the benefits of participation and encourage them to take the steps necessary to develop a plan, often this means applying for the grant funding to make the plan a reality. This is also a great time to review plan participants and engage private and other stakeholders to increase whole-community buy-in and leverage community goals to improve multiple outcomes. Mitigation planning is the foundation for long-term resilience. Beyond the required mitigation planning elements, there are opportunities to incorporate information into the mitigation plan to gain Emergency Management Accreditation Program (EMAP) certification or to gain credit under the NFIA Community Rating System (CRS).

**Identifying Opportunities (Project Scoping/Technical Assistance).** One challenge to implementing mitigation comes from turning the mitigation actions into full-scale mitigation project applications. Impacts from new disaster events may also bring additional problems not recognized before, to light. Witt O'Brien's will bridge this gap by providing expert-level technical assistance to sub-recipients in identifying and obtaining the required application data to bring these projects to life. Most projects require at least some level of engineering design and feasibility studies, stakeholder coordination, data collection for the BCAs or to meet the EHP requirements. By taking the valuable time to complete the project scoping tasks, we will help these communities understand the lift required to implement, forming a better understanding of the timelines, realities, and cost. Drafting functional applications that incorporate practical project implementation will allow the projects to be reviewed faster and funded more quickly by FEMA.

**Stakeholder Outreach.** Witt O'Brien's staff will work together with State mitigation personnel to conduct trainings and technical assistance to actual and prospective sub-applicants, assist with the design and implementation of community education and outreach efforts, review and help develop project applications (formerly Project Worksheets), and establish grants management programs and processes to ensure reimbursement of funds. This level of support helps to overcome the tendency in many communities to ignore mitigation opportunities for fear that they could slow recovery efforts or avoid applying for HMA program funds due to the inherent complexities, uncertainties, and timelines necessary for implementation.

We recognize the importance of soliciting public opinion and input, as well as educating the public on the mitigation process. Witt O'Brien's has implemented a variety of strategies to increase inclusivity and collaboration, starting with virtual delivery of high-quality presentations and technical assistance. Whether utilizing community meetings, webinars, press releases, or surveys that can be distributed electronically, handed out during community events, or collected during public meetings, deploying social media campaigns, radio and/or print advertisements, prize or compensation incentives, or in-person meetings, we will ensure these engagements set the groundwork to facilitate meaningful discussions and gain community consensus. Facilitating valuable conversation with community members relies on two factors: A genuine interest in receiving feedback - whatever that feedback may be - and realistic communication of expectations.

## Application Development

Our team has experience with the full range of mitigation options for every hazard and we look for opportunities to enhance outcomes, **integrating multiple hazard-reduction efforts** into all projects where it is relevant and cost-effective to do so. We have implemented creative approaches to project eligibility—from community saferooms and back-up power options, to utilizing vegetative management for flood and erosion reduction, to streamlined BCA approaches. We have also developed and implemented hundreds of elevation, acquisition, retrofit, and flood control projects.

**Identifying Solutions.** Effective scoping requires a team with the technical capabilities to assess a project's feasibility, cost-effectiveness, and environmental components, while knowing how to ensure community support and navigate the eligibility complexities of FEMA's mitigation programs. Typically, we see challenges with incomplete and unsupported applications. Our team is able to support the State and sub-applicants with developing complete application packages that are fully supported and allow for quick approval.

**Exhibit 2** outlines our technical approach for assisting a community with the application development, review, and submission process. Typically, there are challenges for the sub-recipient with incomplete and unsupported applications (e.g., Does the application show mitigation through an increased level of protection? Is the BCA fully supported and favorable?). Our experts will assist with the application development process and reduce those challenges and the time allocation toward navigating the mitigation program complexities.

Exhibit 2: Technical Approach Overview

## HMA TECHNICAL APPROACH



### Funding Opportunities

For new mitigation funding opportunities, our team will support the State with applicant briefings, processing sub-applicant notice of interest (NOIs), and project prioritization. For any ongoing mitigation funding opportunity, our team will support the State with application eligibility reviews. We will provide application development technical assistance to sub-applicants—including BCA, EHP consultation, cost estimate development, etc.

### Application Process

Witt O'Brien's will provide project formulation services for mitigation and resiliency efforts that meet all Federal and state grants requirements. Our comprehensive approach to project and sub-application development will fit well within your existing processes and will result in well-documented sub-applications that can be reviewed, approved, and funded quickly—minimizing substantive FEMA RFI comments, and ensuring mitigation of risks in a timely and effective manner.

### **Task 1: Project Scoping**

Witt O'Brien's has deep experience providing programmatic technical support to communities working through the project scoping process. Once proposed actions are identified from the planning process or input from key stakeholders, project scoping begins. Effective scoping requires a team that has the technical capabilities to assess feasibility, costs, and environmental components of a project; and can work to ensure community support and navigate the eligibility complexities for FEMA's mitigation programs. We will submit comprehensive and complete packages within FEMA's established timelines. We will also ensure that the priorities established by the State are closely followed in the development and submittal of those grants applications.

Witt O'Brien's will provide technical assistance to sub-applicants with all supporting documentation including maps, forms, BCAs, and all relevant application data. Our team uses a standard process and checklists to ensure consistency and completeness. Any application deficiencies will be identified, and our team will coordinate with the relevant stakeholders to gather the necessary data to support the application while also providing education and outreach to the sub-applicants on the mitigation program requirements.

### **Task 2: Cost Estimating**

Expert cost estimators are available to assist in the development of complete and comprehensive HMA grants applications as needed. Witt O'Brien's estimators consider future and local cost conditions to ensure all possible costs are captured to reduce future project amendments. In addition, Witt O'Brien's cost estimators are well-versed in FEMA's cost estimating format, which reduces RFIs by providing justifiable project costs. The use of cost estimators in lieu of providing vendor quotes has significantly reduced the time to develop applications, while providing a supported and well-documented application.

### **Task 3: BCA Assistance**

BCA is a method that determines the future risk-reduction benefits of a hazard mitigation project and compares those benefits to the cost of the project. The result is a BCR. A project is considered cost-effective when the BCR is 1.0 or greater. Applicants are required to use FEMA-approved methodologies (such as the BCA Toolkit) to demonstrate project cost-effectiveness. Witt O'Brien's is deeply experienced in use of the BCA Toolkit, which is the accepted methodology for demonstrating a positive benefit-cost relationship. Our BCA Specialists will help prepare the most aggressive, yet justifiable, BCAs for applicant projects. We are also able to provide BCA training, if needed.

### **Task 4: EHP**

FEMA EHP review can become a major delay in the HMA process if the appropriate focus and expertise is not utilized to facilitate agreements, documentation, and a rapid resolution of associated issues required to get through the processes outlined by the NEPA, Section 106 (Historic Preservation), and the numerous other Federal, state, and local legal and regulatory frameworks that govern the expenditure of Federal funds. Witt O'Brien's takes the approach of trying to resolve EHP issues programmatically whenever possible as opposed to a project-by-project strategy, so that negotiations and documentation requirements necessary to achieve resolution have the broadest possible impact.

Our approach is to engage with FEMA, the State Historic Preservation Officer, the National Council on Historic Preservation, and others to work through questions and establish agreements on the approach to related issues as early in the process as possible.

### **Task 5: Application Submittal & Review**

Witt O'Brien's will complete the necessary FEMA Application Review Tool and submit the projects to FEMA. All eligible applications will be submitted into FEMA GO prior to the FEMA deadline. Witt O'Brien's will serve as advocates for the projects submitted, and we bring the experience necessary to serve in this important role. Witt O'Brien's has proven highly successful in this advocacy role, involving several thousand projects and more than \$3.5 billion in HMA funding. Throughout these engagements, Witt O'Brien's understands how to forecast some of the challenges that might arise and can proactively address FEMA questions. We are confident that the developed applications will satisfy state and Federal reviewers.

## **Project Implementation**

**Project and Grant Implementation.** We know the stumbling blocks that can impact implementation - compliant procurement, lack of forward momentum, staffing capacity, maintaining compliance with the grants award, etc.. Witt O'Brien's will focus on ensuring sub-grants are initiated, supported, monitored, and completed effectively so that they remain compliant from award through project closeout. Our mitigation specialists will provide technical assistance during the project kick-off meeting to review the terms and conditions of the award.

Our team will assist the State with project/portfolio management by monitoring project schedules and providing regular status reports and dashboards. This will allow for clear visibility and alignment of implementation targets, understanding of any deviations, and awareness of when course correction is needed. Project delays add additional costs to existing projects, many of which are funded through capped

The advertisement features the FEMA logo in the top right corner. The main heading reads "New BENEFIT-COST ANALYSIS Toolkit Now Available". Below this, three circular icons illustrate key features: 1) A computer monitor icon with a line graph, accompanied by text stating that BCA is the method for determining future benefits and comparing them to costs. 2) A smartphone icon with text indicating the toolkit is compatible with Windows and Macintosh operating systems. 3) A document icon with text describing the toolkit's user interface and improved user experience. At the bottom, there are two call-to-action buttons: one with a download icon and the URL "www.fema.gov/benefit-cost-analysis", and another with an envelope icon and contact information for the BCA Helpdesk. A small note at the bottom left states "© 2013 FEMA".

sources. Witt O'Brien's is ready to assist the State with efficient implementation and funding strategies that reduce project implementation delays and help reduce the impacts further delays will have on construction. We will also identify, where possible, non-Federal funding sources to supplement project completions.

**Task 1: Procurement Assistance**

Procurement utilizing the correct Federal process as outlined in 2 CFR can be very challenging for many sub-recipients and is a leading reason for FEMA disallowing funds upon closeout. We will assist the State with procurement of services needed to implement sub-grants awards, such as reviewing procurement documents prior to advertisement. Our widespread knowledge of the procurement process will reduce compliance issues and allow SOW activities to remain eligible through the FEMA sub-grants closeout process.

**Task 2: Quarterly Reports**

Our team will assist the State in tracking project progress according to the approved project schedule and reviewing the sub-recipient quarterly reports. We will identify any deviations from the project schedule and then coordinate with sub-recipients to discuss ideas for course correction or the need to modify the terms of the grant award. Any changes will require a formal schedule or scope modification with FEMA.

**Task 3: Project Amendments**

If an amendment is required due to a necessary and unforeseen change in cost or scope, we will coordinate with the sub-recipient to develop a project amendment package that is fully documented. After FEMA approval, we will update project files to reflect the amendment details and continue with program management services. Witt O'Brien's has developed hundreds of project amendment packages over the past 5 years, often due to changing conditions or cost elements related to the project implementation.

**Task 4: Grant and Sub-grant Compliance**

Witt O'Brien's will monitor project implementation to ensure the grants are within compliance of the award. It is essential that the projects scopes, conditions of approval, costs estimates, and project schedules are monitored to ensure effective progress implementation. Any deviations will be identified and resolved, either through technical assistance support or an amendment to the grant.

**Task 5: Invoicing and Financial Support**

Witt O'Brien's will review all reimbursement requests. We will ensure payments are made in accordance with State procedures and the terms of the grant award. Financial reviews will be conducted quickly, while protecting the State from risk by ensuring compliance with all Federal rules and regulations.

**Task 6: Closeout**

For any projects in closeout, we will provide files in accordance with FEMA and State policies for records retention. Witt O'Brien's will complete a project closeout for all sub-grants documenting procurement, grants completion, and payment in accordance with the award. Files will be managed a audit-ready portfolio.

**Narrative Description of Previous Work with a Sub-recipient**

Witt O'Brien's supported the state of Nevada, as an extension of their Mitigation Office, providing all pass-through-entity required direct technical support to communities interested in accessing HMA funding across the state. We supported the consultation and development of 29 applications associated with their HMGP-PF 5494 declaration, resulting in \$6.5M in eligible project submissions. Eight applications were also developed and identified for submission under the 2024 BRIC grant program, prior to the grant's cancellation, amounting to an additional \$1.7M in requested funding.

The direct technical assistance we provided to sub-grantees was almost exclusively for the development of mitigation projects. 20 sub-grantees approached the state for support in developing 37 flood mitigation, post fire bank stabilization, wildfire thinning, seismic retrofitting, mass notification, alternative energy, and planning related activities including a fuel disruption study and Area Master Drainage Plan. However, we also developed one regional HMP application for three rural counties and responded to the associate FEMA RFIs and wrote an HMP annex for a local water provider to join the County's HMP update already in process.

In addition to the application and Benefit Cost Analysis development support we provided, our team also developed and delivered six, 1-hour tailored Mitigation Training sessions virtually for statewide interested applications. Topics covered:

- 1) Accessing Mitigation Grants
- 2) Eligible HMA Activities
- 3) Stumbling Blocks
- 4) Sub-Application Development
- 5) BCA Basics
- 6) FFY24 BRIC and FMA NOFO review

## HOURLY RATES

Bidders should provide not-to-exceed hourly rates that will be used for Task Orders as they are issued. There is no guarantee on the number of hours that will be used.

The hourly rates provided below will not be a scored item for the evaluation of this solicitation, but all responses will be reviewed for cost realism and reasonableness.

The roles listed below are mandatory roles that the bidder must be able to provide the State (See RFP Section V.F. for more detailed role descriptions). Bidders may add additional roles/titles as they see fit. The hourly rates shall be inclusive of labor, overhead, and all other expenses, with the exception of travel costs, which will be factored in as needed on task orders as they are issued to awarded bidders.

These not-to-exceed rates will be fixed for the first two (2) years of the contract. Any request for a price increase subsequent to the first two (2) years of the contract shall not exceed five percent (5%) of the price proposed for the period. Increases shall not be cumulative and will only apply to that period of the contract. The request for a price increase must be submitted in writing to the State Purchasing Bureau a minimum of 120 days prior to the end of the current contract period. Documentation may be required by the State to support the price increase.

**The State reserves the right to deny any requested price increase. No price increases are to be billed to any State Agencies prior to written amendment of the contract by the parties.**

**The State will be given full proportionate benefit of any decreases for the term of the contract.**

### Pricing Notes

- Hourly rates are inclusive of labor, taxes, overhead, and profit.
- All travel costs will be billed to the client at cost without mark-up which will be billed at current Nebraska travel rates.
- All expenses shall be submitted with full supporting documentation in compliance with FEMA guidelines for reimbursement, including State Management Costs (SMC).
- Pricing for TerraFort is based on type and size of disaster as well as customer needs. This can be fixed during contract negotiations or by task order.

Required Personnel Roles (See RFP Section V.F.)		Standard Hourly Not-to-Exceed Rate	Overtime Hourly Not-to-Exceed Rate
1.	Project Manager	\$180.00	\$270.00
2.	Senior Advisor for Public Assistance	\$150.00	\$225.00
3.	Public Assistance Program Liaison	\$125.00	\$187.50
4.	Public Assistance Technical Assistance Liaison	\$175.00	\$262.50
5.	Appeals Specialist	\$175.00	\$262.50
6.	Senior Debris Specialist	\$125.00	\$187.50
7.	Senior Advisor for Hazard Mitigation Assistance	\$150.00	\$225.00
8.	Hazard Mitigation Assistance Program Liaison	\$125.00	\$187.50
9.	Hazard Mitigation Assistance Benefit-Cost Analysis Specialist	\$110.00	\$165.00
10.	Hazard Mitigation Assistance Technical Liaison	\$175.00	\$262.50
11.	Lead Individual Assistance Specialist	\$125.00	\$187.50
12.	Individual Assistance Specialist	\$110.00	\$165.00
13.	Closeout Specialist	\$125.00	\$187.50
14.	Disaster Recovery Specialist	\$110.00	\$165.00
15.	Accounting Analyst	\$90.00	\$135.00
Additional Personnel Roles/Titles (Add Rows as Necessary)		Standard Hourly Not-to-Exceed Rate	Overtime Hourly Not-to-Exceed Rate

May 27, 2025

Witt O'Brien's, LLC  
Attn: Jamie Crisp

Regarding: Account / Routing Number Confirmation

Please accept this letter as confirmation that, according to our records, the account referenced below is maintained at Bank of America, N.A. with the following information:

Account number:	<b>488106953893</b>
Active ACH Blocks/Filters on file:	<b>Yes</b>
Routing number ACH/EFT:	<b>111000025</b>
Routing number DOM. WIRES:	<b>026009593</b>
SWIFT Code INTL WIRES:	<b>BOFAUS3N (U.S DOMESTIC) BOFAUS6S (FOREIGN CURRENCY)</b>
Account name:	<b>WITT O'BRIEN'S, LLC</b>
Account Address:	<b>818 TOWN AND COUNTRY BLVD STE 200, HOUSTON, TX 77024-4564</b>

The information set forth above is as of **May 27, 2025**. Please note that the information provided by the Bank in this letter is given as of the date of this letter and is subject to change without notice, and is provided in strict confidence to you for your own use only, without any responsibility, guarantee, representation, warranty (expressed or implied), commitment or liability on the part of the Bank, its parents, subsidiaries or affiliates or any of its or their directors, officers or employees to you or any third party, and none of them assumes any duties or obligations to you in connection herewith. This letter is not to be quoted or referred to without the Bank's prior written consent. The Bank has no duty and undertakes no responsibility to update or supplement the information set forth in this letter.

If you have any questions, or require further assistance, please do not hesitate to contact us at **888.400.9009**.

***This is an electronically issued Account Verification Letter and no wet-ink signature is required for issuance and validity.***

"Bank of America" and "BofA Securities" are the marketing names used by the Global Banking and Global Markets divisions of Bank of America Corporation. Lending, other commercial banking activities, and trading in certain financial instruments are performed globally by banking affiliates of Bank of America Corporation, including Bank of America, N.A., Member FDIC. Trading in securities and financial instruments, and strategic advisory, and other investment banking activities, are performed globally by investment banking affiliates of Bank of America Corporation ("Investment Banking Affiliates"), including, in the United States, BofA Securities, Inc. and Merrill Lynch Professional Clearing Corp., both of which are registered broker-dealers and Members of SIPC, and, in other jurisdictions, by locally registered entities. BofA Securities, Inc. and Merrill Lynch Professional Clearing Corp. are registered as futures commission merchants with the CFTC and are members of the NFA.

**Investment products offered by Investment Banking Affiliates:  
Are Not FDIC Insured • May Lose Value • Are Not Bank Guaranteed.**

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## CONTRACTUAL AGREEMENT FORM

### BIDDER MUST COMPLETE THE FOLLOWING

By signing this Contractual Agreement Form, the bidder guarantees compliance with the provisions stated in this solicitation and agrees to the terms and conditions unless otherwise indicated in writing and certifies that bidder is not owned by the Chinese Communist Party.

Per Nebraska’s Transparency in Government Procurement Act, Neb. Rev Stat § 73-603, DAS is required to collect statistical information regarding the number of contracts awarded to Nebraska Vendors. This information is for statistical purposes only and will not be considered for contract award purposes.

\_\_\_\_\_ NEBRASKA VENDOR AFFIDAVIT: Bidder hereby attests that bidder is a Nebraska Vendor. “Nebraska Vendor” shall mean any bidder who has maintained a bona fide place of business and at least one employee within this state for at least the six (6) months immediately preceding the posting date of this Solicitation. All vendors who are not a Nebraska Vendor are considered Foreign Vendors under Neb. Rev Stat § 73-603 (c).

\_\_\_\_\_ I hereby certify that I am a Resident disabled veteran or business located in a designated enterprise zone in accordance with Neb. Rev. Stat. § 73-107 and wish to have preference, if applicable, considered in the award of this contract.

\_\_\_\_\_ I hereby certify that I am a blind person licensed by the Commission for the Blind & Visually Impaired in accordance with Neb. Rev. Stat. § 71-8611 and wish to have preference considered in the award of this contract.

**THIS FORM MUST BE SIGNED MANUALLY IN INK OR BY DOCUSIGN**

COMPANY:	Witt O'Brien's, LLC
ADDRESS:	818 Town & Country Blvd., Suite 200, Houston, Texas, 77024-4564
PHONE:	281-320-9796
EMAIL:	contractrequests@wittobriens.com
BIDDER NAME & TITLE:	Cheryl Joiner, Director of Contracts & Compliance
SIGNATURE:	<i>Cheryl Joiner</i>
DATE:	02/26/2026

<b>VENDOR COMMUNICATION WITH THE STATE CONTACT INFORMATION (IF DIFFERENT FROM ABOVE)</b>	
NAME:	
TITLE:	
PHONE:	
EMAIL:	

## II. TERMS AND CONDITIONS

Bidder should read the Terms and Conditions within this section and must initial either “Accept All Terms and Conditions Within Section as Written” or “Exceptions Taken to Terms and Conditions Within Section as Written” in the table below. If exception is not taken to a provision, it is deemed accepted as stated. If the bidder takes any exceptions, they must provide the following within the “Exceptions” field of the table below (Bidder may provide responses in separate attachment if multiple exceptions are taken):

1. The specific clause, including section reference, to which an exception has been taken;
2. An explanation of why the bidder took exception to the clause; and
3. Provide alternative language to the specific clause within the solicitation response.

By signing the solicitation, bidder agrees to be legally bound by all the accepted terms and conditions, and any proposed alternative terms and conditions submitted with the solicitation response. The State reserves the right to negotiate rejected or proposed alternative language. If the State and bidder fail to agree on the final Terms and Conditions, the State reserves the right to reject the solicitation response. The State reserves the right to reject solicitation responses that attempt to substitute the bidder’s commercial contracts and/or documents for this solicitation.

Accept All Terms and Conditions Within Section as Written (Initial)	Exceptions Taken to Terms and Conditions Within Section as Written (Initial)	<b>Exceptions:</b> (Bidder must note the specific clause, including section reference, to which an exception has been taken, an explanation of why the bidder took exception to the clause, and provide alternative language to the specific clause within the solicitation response.)

The bidders should submit with their solicitation response any license, user agreement, service level agreement, or similar documents that the bidder wants incorporated in the Contract. The State will not consider incorporation of any document not submitted with the solicitation response as the document will not have been included in the evaluation process. These documents shall be subject to negotiation and will be incorporated as addendums if agreed to by the Parties.

If a conflict or ambiguity arises after the Addendum to Contract Award has been negotiated and agreed to, the Addendum to Contract Award shall be interpreted as follows:

1. If only one (1) Party has a particular clause, then that clause shall control,
2. If both Parties have a similar clause, but the clauses do not conflict, the clauses shall be read together,
3. If both Parties have a similar clause, but the clauses conflict, the State’s clause shall control.

### A. GENERAL

1. The contract resulting from this Solicitation shall incorporate the following documents:
  - a. Solicitation, including any attachments and addenda;
  - b. Questions and Answers;
  - c. Bidders properly submitted solicitation response, including any terms and conditions or agreements submitted by the bidder;
  - d. Addendum to Contract Award (if applicable); and
  - e. Amendments to the Contract. (if applicable)

These documents constitute the entirety of the contract.

Unless otherwise specifically stated in a future contract amendment, in case of any conflict between the incorporated documents, the documents shall govern in the following order of preference with number one (1) receiving preference over all other documents and with each lower numbered document having preference over any higher numbered document: 1) Amendment to the executed Contract with the most recent dated amendment having the highest priority, 2) Executed Contract and any attached Addenda 3) Addendums to the solicitation and any Questions and Answers, 4) the original solicitation document and any Addenda or attachments, and 5) the Vendor’s submitted solicitation response, including any terms and conditions or agreements that are accepted by the State.

### III. VENDOR DUTIES

Bidder should read the Vendor Duties within this section and must initial either “Accept All Terms and Conditions Within Section as Written” or “Exceptions Taken to Vendor Duties Within Section as Written” in the table below. If exception is not taken to a provision, it is deemed accepted as stated. If the bidder takes any exceptions, they must provide the following within the “Exceptions” field of the table below (Bidder may provide responses in separate attachment if multiple exceptions are taken):

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Accept All Vendor Duties Within Section as Written (Initial)	Exceptions Taken to Vendor Duties Within Section as Written (Initial)	Exceptions: (Bidder must note the specific clause, including section reference, to which an exception has been taken, an explanation of why the bidder took exception to the clause, and provide alternative language to the specific clause within the solicitation response.)
	W	<p>I. INSURANCE REQUIREMENTS                      REQUIRED INSURANCE COVERAGE Table - Page 28                      COMMERCIAL GENERAL LIABILITY-Abuse &amp; Molestation Included                      WOB's policy does not include Abuse and Molestation</p>

**A. INDEPENDENT VENDOR / OBLIGATIONS**

It is agreed that the Vendor is an independent Vendor and that nothing contained herein is intended or should be construed as creating or establishing a relationship of employment, agency, or a partnership.

The Vendor is solely responsible for fulfilling the contract. The Vendor or the Vendor’s representative shall be the sole point of contact regarding all contractual matters.

The Vendor shall secure, at its own expense, all personnel required to perform the services under the contract. The personnel the Vendor uses to fulfill the contract shall have no contractual or other legal relationship with the State; they shall not be considered employees of the State and shall not be entitled to any compensation, rights or benefits from the State, including but not limited to, tenure rights, medical and hospital care, sick and vacation leave, severance pay, or retirement benefits.

By-name personnel commitments made in the bidder's solicitation response shall not be changed without the prior written approval of the State. Replacement of these personnel, if approved by the State, shall be with personnel of equal or greater ability and qualifications.

All personnel assigned by the Vendor to the contract shall be employees of the Vendor or a subcontractor and shall be fully qualified to perform the work required herein. Personnel employed by the Vendor or a subcontractor to fulfill the terms of the contract shall remain under the sole direction and control of the Vendor or the subcontractor respectively.

With respect to its employees, the Vendor agrees to be solely responsible for the following:


1. Any and all pay, benefits, and employment taxes and/or other payroll withholding,
2. Any and all vehicles used by the Vendor’s employees, including all insurance required by state law,
3. Damages incurred by Vendor’s employees within the scope of their duties under the contract,
4. Maintaining Workers’ Compensation and health insurance that complies with state and federal law and submitting any reports on such insurance to the extent required by governing law,
5. Determining the hours to be worked and the duties to be performed by the Vendor’s employees; and,
6. All claims on behalf of any person arising out of employment or alleged employment (including without limit claims of discrimination alleged against the Vendor, its officers, agents, or subcontractors or subcontractor’s employees).

## IV. PAYMENT

Bidder should read the Payment clauses within this section and must initial either "Accept All Terms and Conditions Within Section as Written" or "Exceptions Taken to Payment clauses Within Section as Written" in the table below. If exception is not taken to a provision, it is deemed accepted as stated. If the bidder takes any exceptions, they must provide the following within the "Exceptions" field of the table below (Bidder may provide responses in separate attachment if multiple exceptions are taken):

1. The specific clause, including section reference, to which an exception has been taken;
2. An explanation of why the bidder took exception to the clause; and
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Accept All Payment Clauses Within Section as Written (Initial)	Exceptions Taken to Payment Clauses Within Section as Written (Initial)	<b>Exceptions:</b> (Bidder must note the specific clause, including section reference, to which an exception has been taken, an explanation of why the bidder took exception to the clause, and provide alternative language to the specific clause within the solicitation response.)
		

**A. PROHIBITION AGAINST ADVANCE PAYMENT (Nonnegotiable)**

Pursuant to Neb. Rev. Stat. § 81-2403, "[n]o goods or services shall be deemed to be received by an agency until all such goods or services are completely delivered and finally accepted by the agency."

**B. TAXES (Nonnegotiable)**

The State is not required to pay taxes and assumes no such liability as a result of this Solicitation. The Vendor may request a copy of the Nebraska Department of Revenue, Nebraska Resale or Exempt Sale Certificate for Sales Tax Exemption, Form 13 for their records. Any property tax payable on the Vendor's equipment which may be installed in a state-owned facility is the responsibility of the Vendor.

**C. INVOICES**

Invoices for payments must be submitted by the Vendor to the agency requesting the services with sufficient detail to support payment. Invoices shall include, but are not limited to:

1. Billing period,
2. Total billed amount, and
3. Total hours billed

Supporting documentation shall include, but not be limited to:

1. Staff name,
2. Hours worked each day,
3. Hourly rate, and
4. Name of task

Approved invoices will be packaged for payment on a monthly basis. NEMA prefers to receive the invoices electronically and will provide email addresses after the award of contract. Any terms or conditions on or attached to any such invoice shall not be binding upon the State, and no action by the State, including without limitation the payment of any such invoice in whole or in part, shall be construed as binding or estopping the State with respect to any such term or condition, unless the invoice term or condition has been previously agreed to by the State as an amendment to the Contract.

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\_\_\_\_\_ I hereby certify that I am a Resident disabled veteran or business located in a designated enterprise zone in accordance with Neb. Rev. Stat. § 73-107 and wish to have preference, if applicable, considered in the award of this contract.

\_\_\_\_\_ I hereby certify that I am a blind person licensed by the Commission for the Blind & Visually Impaired in accordance with Neb. Rev. Stat. § 71-8611 and wish to have preference considered in the award of this contract.

**THIS FORM MUST BE SIGNED MANUALLY IN INK OR BY DOCUSIGN**

COMPANY:	Witt O'Brien's, LLC
ADDRESS:	818 Town & Country Blvd., Suite 200, Houston, Texas, 77024-4564
PHONE:	281-320-9796
EMAIL:	contractrequests@wittobriens.com
BIDDER NAME & TITLE:	Cheryl Joiner, Director of Contracts & Compliance
SIGNATURE:	<i>Cheryl Joiner</i>
DATE:	02/26/2026

<b>VENDOR COMMUNICATION WITH THE STATE CONTACT INFORMATION (IF DIFFERENT FROM ABOVE)</b>	
NAME:	
TITLE:	
PHONE:	
EMAIL:	