

**Asbury Park, New Jersey, Needs Assistance in Supporting More Than \$2 Million in FEMA Grant Funds for Hurricane Sandy Debris and Emergency Work**





# DHS OIG HIGHLIGHTS

## *Asbury Park, New Jersey, Needs Assistance in Supporting More Than \$2 Million in FEMA Grant Funds for Hurricane Sandy Debris and Emergency Work*

September 15, 2015

### Why We Did This

The City of Asbury Park, New Jersey, (City) received a \$9.3 million Public Assistance grant award from the New Jersey Office of Emergency Management (New Jersey), a Federal Emergency Management Agency (FEMA) grantee, for damages resulting from Hurricane Sandy, which occurred in October 2012. Our audit objective was to determine whether the City accounted for and expended FEMA funds according to Federal requirements.

### What We Recommend

FEMA should disallow \$771,461 (Federal Share \$694,315) of unsupported costs unless the City provides sufficient documentation. FEMA should also direct New Jersey to assist the City in properly supporting all costs it has claimed or plans to claim.

#### **For Further Information:**

Contact our Office of Public Affairs at (202) 254-4100, or email us at [DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov)

### What We Found

The City generally accounted for and expended FEMA funds for permanent work according to Federal regulations and FEMA guidelines. However, the City did not provide adequate support for \$771,461 of the \$798,819 it had claimed for debris removal and emergency work at the time of our audit. As a result, FEMA has no assurance that these costs are valid and eligible. FEMA initially estimated that debris and emergency work would exceed \$2 million. Because we conducted this audit early in the grant cycle, the City has an opportunity to supplement deficient documentation or locate missing documentation before too much time elapses. FEMA should disallow any costs the City cannot adequately support and direct New Jersey to assist the City in properly supporting the costs it has claimed and additional costs the City plans to claim.

The City also did not include all federally required contract provisions in five contracts totaling \$3.9 million. We did not question these contract costs, because this instance of noncompliance did not cause negative consequences and because the City otherwise complied with Federal procurement standards.

These findings occurred, in part, because City officials focused their efforts primarily on documenting costs for permanent projects. City officials said that they plan to return their attention to debris and emergency projects once the City has finished documenting costs for permanent work.

### FEMA Response

FEMA's written response is due within 90 days.



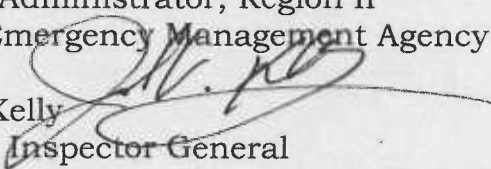
# OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

SEP 15 2015

MEMORANDUM FOR: Jerome Hatfield  
Regional Administrator, Region II  
Federal Emergency Management Agency

FROM: John V. Kelly   
Assistant Inspector General  
Office of Emergency Management Oversight

SUBJECT: *Asbury Park, New Jersey, Needs Assistance in Supporting More Than \$2 Million in FEMA Grant Funds for Hurricane Sandy Debris and Emergency Work*  
Audit Report Number OIG-15-147-D

We audited Public Assistance grant funds awarded to the City of Asbury Park, New Jersey (City). The City received a Public Assistance award totaling \$9.3 million (before insurance reductions) from the New Jersey Office of Emergency Management (New Jersey), a Federal Emergency Management Agency (FEMA) grantee, for Hurricane Sandy damages in October 2012. The award provided 90 percent FEMA funding. At the time of our audit, the City had completed work related to debris removal and emergency protective measures, but had not completed permanent repairs to its boardwalk and other damaged facilities. We audited four projects totaling \$6.3 million (see appendix A); however, the City had not submitted final claims for expenditures under those projects. We conducted this audit early in the Public Assistance grant cycle to allow the City the opportunity to supplement deficient documentation or locate missing documentation before too much time elapses.

Table 1 shows the gross and net award before and after FEMA's insurance reductions for all projects and for those in our audit scope.

**Table 1: Gross and Net Award Amounts**

	Gross Award Amount	Insurance Reductions	Net Award Amount
All Projects	\$9,260,308	\$(2,630,256)	\$6,630,052
Audit Scope	\$6,283,616	\$(0)	\$6,283,616

Source: Office of Inspector General (OIG) analysis of FEMA's project worksheets



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**Background**

Asbury Park is in Monmouth County, New Jersey. Hurricane Sandy's high winds and widespread landfall caused severe storm surge, flooding, structural damages, loss of power to homes and businesses, and roads blocked with debris and downed power lines (see figures 1 and 2).

**Figure 1: Damaged Boardwalk after Hurricane Sandy**



*Source: City of Asbury Park, New Jersey*

**Figure 2: Debris and Sand Removal after Hurricane Sandy**



*Source: City of Asbury Park, New Jersey*



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### Results of Audit

The \$9.3 million award the City received consisted of six projects for permanent work totaling \$7,114,667 and two projects for debris removal and emergency protective measures totaling \$2,145,641. The City generally accounted for and expended FEMA funds for permanent work according to Federal regulations and FEMA guidelines. However, the City did not provide adequate documentation to support the majority of costs it incurred for debris removal and emergency protective measures. As a result, FEMA has no assurance that these costs are valid and eligible. At the time of our audit, the City was still gathering documentation to support costs for debris and emergency work. City officials were unsure of how much they had spent, but thought total costs for debris and emergency work would be much less than FEMA's \$2.1 million estimate. The City has an opportunity to support these costs by providing additional documentation to New Jersey and FEMA. Therefore, FEMA should direct New Jersey to work with the City to ensure that it provides documentation sufficient to support costs for debris and emergency work—both the \$798,819 the City claimed as of February 28, 2015, and potentially up to \$1,346,822 in additional costs the City may claim that remains obligated (\$2,145,641 estimated less \$798,819 claimed).

The City also did not include all federally required contract provisions in five contracts totaling \$3.9 million. We did not question these contract costs, because this instance of noncompliance did not cause negative consequences and because the City otherwise complied with Federal procurement standards.

These findings occurred, in part, because City officials focused their efforts primarily on documenting costs for permanent projects. City officials said that they plan to return their attention to debris and emergency projects once the City has finished documenting costs for permanent projects.

### **Finding A: Unsupported Costs**

The City provided adequate documentation to support costs for permanent work in process at the time of our audit. However, the City could not provide adequate support for the costs of completing debris removal and emergency protective measures work. FEMA initially estimated that debris and emergency work would cost more than \$2 million, but City officials believe the total will be less than the FEMA estimate. At the end of our audit field work, the City was still gathering documentation but had provided some documentation for \$798,819 of costs for debris and emergency work. We determined that the documentation was not sufficient to support \$771,461 (97 percent) of the \$798,819. Without adequate documentation, FEMA has no assurance that the



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costs the City incurred are valid and eligible. Therefore, FEMA should disallow \$771,461 as unsupported costs unless the City provides additional documentation sufficient to support those costs. FEMA should also direct New Jersey to work with the City to ensure that it provides documentation sufficient to support the remaining costs the City may claim for debris and emergency work—potentially up to \$1,346,822 (\$2,145,641 estimated less \$798,819 the City had claimed as of February 28, 2015).

According to 44 Code of Federal Regulations (CFR) 13.20(b)(2) and (6), subgrantees must maintain accounting records that adequately identify the source and application of Federal funds and maintain source documentation to support those accounting records. In addition, to be eligible for FEMA funds, an item of work must “[b]e required as a result of the major disaster event” (44 CFR 206.223). Therefore, the subgrantee must substantiate that its claimed costs directly relate to the disaster. Further, Federal cost principles at 2 CFR 225, Attachment A, C.1.j., require governmental units to document costs adequately.

Table 2 summarizes the costs we reviewed for the four projects in our audit scope.

**Table 2: Costs Reviewed and Costs Not Supported**

Project Number	FEMA Category of Work <sup>1</sup>	Net Award Amount	Costs Incurred (as of 2/28/15)	Costs Reviewed	Costs Not Supported
<b>Permanent Work</b>					
4551	G	\$ 4,055,452	\$2,847,617	\$2,847,617	\$ 0
5107	G	82,523	82,523	76,295	0
Subtotals		\$ 4,137,975	\$2,930,140	\$2,923,912	\$ 0
<b>Debris and Emergency Work</b>					
0020	A	\$ 1,865,350	\$ 684,586	\$ 684,586	\$ 667,086
2498	B	280,291	114,233	114,233	104,375
Subtotals		\$ 2,145,641	798,819	798,819	\$ 771,461
<b>Totals</b>		<b>\$6,283,616</b>	<b>\$3,728,959</b>	<b>\$3,722,731</b>	<b>\$771,461</b>

Source: FEMA project worksheets and OIG analyses

<sup>1</sup> FEMA classifies disaster-related work by type: debris removal (Category A), emergency protective measures (Category B), and permanent work (Categories C through G).



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- For Project 0020, the City provided documentation totaling \$684,586 for debris removal activities that four contractors performed after the disaster (see table 3 below). We determined that the documentation was not sufficient to support \$667,086 of the \$684,586 in costs we reviewed. The City did not provide contractors' equipment and personnel rate schedules listing the types of equipment used and the hourly rates for the equipment and personnel to support the hourly billings. City officials said they used two of the contractors before the disaster for non-disaster work and that the contractors charged the same hourly rates for disaster activities as they did for non-disaster work. However, the City did not provide any agreed-upon hourly rates for the four contractors. As a result, we could not verify the validity and eligibility of the charges.

**Table 3: Unsupported Debris Removal Costs**

<b>Contractor</b>	<b>Amount Invoiced</b>	<b>Amount Questioned</b>
A	\$368,390	\$350,890
B	282,030	282,030
C	32,960	32,960
D	1,206	1,206
<b>Total</b>	<b>\$684,586</b>	<b>\$667,086</b>

Source: New Jersey State Website, "NJEMGrants," and OIG analyses

- For Project 2498, the City provided documentation totaling \$114,233 for the costs of emergency protective measures. We determined the documentation was not sufficient to support \$104,375 of the \$114,233. The City claimed \$67,942 in overtime labor costs for firemen who performed emergency protective measures during the disaster. The City provided cost summaries listing the dates and amounts of overtime the firemen requested and rates for hourly pay and benefits. However, the City did not provide activity logs or other equivalent records to verify that the work related to the disaster. The City also claimed \$36,433 for equipment fire department personnel used. The City provided cost summaries listing the vehicles personnel used, horsepower of equipment, dates of use, overtime hours, and equipment codes and rates. However, the City did not provide equipment activity logs or other equivalent records to verify personnel used the equipment to support disaster-related activities. Therefore, we question the \$104,375 of unsupported labor (\$67,942) and equipment costs (\$36,433). According to City officials, Fire Department officials were gathering additional documentation to support the costs.



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### **Finding B: Contracts Lack Federal Provisions**

The City did not include all (10 of 13) contract provisions that 44 CFR 13.36(i) requires in 5 contracts the City awarded for permanent repairs totaling \$3.9 million. Except for this omission, the City generally complied with Federal procurement standards in 44 CFR 13.36. The City used full and open competition to award the contracts; took affirmative steps to solicit disadvantaged businesses such as small and minority firms; conducted cost/price analyses; maintained adequate records documenting procurement history; and monitored contractors to ensure they met contract terms, conditions, and specifications.

The specific contract provisions that Federal procurement standards require document the rights and responsibilities of the parties and minimize the risk of contract misinterpretations and disputes. The City was fortunate in this instance because contract disputes did not arise and its contractors performed as the City expected. Therefore, we did not question contract costs because this instance of noncompliance did not cause negative consequences and because the City otherwise complied with Federal procurement standards.

City officials told us they were unaware of the requirement to include specific contract provisions and that FEMA and New Jersey officials told them to contract for disaster recovery work using State procurement procedures. Subsequently, City officials told us they will include the provisions in future disaster contracts.

In February 2014, we issued *FEMA's Dissemination of Procurement Advice Early in Disaster Response Periods* (OIG-14-46-D). The report noted similar observations of FEMA providing inaccurate and incomplete contracting information to stakeholders. We recommended that FEMA provide training on Federal procurement requirements to appropriate staff to ensure that FEMA applicants receive adequate guidance consistent with 44 CFR 13.36.

### **Recommendations**

We recommend the Regional Administrator, FEMA Region II:

**Recommendation #1:** Disallow \$667,086 (Federal share \$600,377) of unsupported debris removal costs unless the City provides additional documentation to support the costs (finding A).





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**Recommendation #2:** Disallow \$104,375 (Federal share \$93,938) of unsupported labor and equipment costs unless the City provides additional documentation to support the costs (finding A).

**Recommendation #3:** Direct New Jersey to—

- work with the City to: ensure that it provides documentation sufficient to support the remaining costs the City may claim for debris and emergency work, and therefore avoid misspending up to \$1,346,822 (Federal share \$1,212,140) in future costs (\$2,145,641 estimated less \$798,819 the City claimed as of February 28, 2015); and
- deobligate the difference between what the City can support and the total amount obligated.

**Recommendation #4:** Direct New Jersey to notify the City that all FEMA-funded contracts must include the specific provisions that Federal procurement standards require (finding B).

### **Discussion with Management and Audit Follow-up**

We discussed the results of our audit with City, New Jersey, and FEMA officials during our audit. We also provided a draft report in advance to these officials and discussed it at the exit conferences on June 15, and June 29, 2015. New Jersey and FEMA officials agreed with the findings. However, the City disagreed significantly with the report and provided written comments, which we included (except for attachments) as appendix C. We addressed the City's comments, as appropriate, in the body of this report.

Within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date for each recommendation. Also, please include the contact information of responsible parties and any other supporting documentation necessary to inform us about the status of the recommendations. Please email a signed pdf copy of all responses and closeout request to [william.johnson@oig.dhs.gov](mailto:william.johnson@oig.dhs.gov). Until we receive and evaluate your response, we will consider the recommendations open and unresolved.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to appropriate congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.



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The Office of Emergency Management Oversight major contributors to this report are David Kimble, Director; William Johnson, Director; Mark S. Phillips, Auditor-in-Charge; and Keith Lutgen, Senior Program Analyst.

Please call me with any questions at (202) 254-4100, or your staff may contact William Johnson, Director, Eastern Regional Office - North, at (404) 832-6702.



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### Appendix A

#### Objective, Scope, and Methodology

We audited Public Assistance funds awarded to the City (FIPS Code 025-01960-00). Our audit objective was to determine whether the City accounted for and expended FEMA grant funds according to Federal regulations and FEMA guidelines for FEMA Disaster 4086-DR-NJ. The City received a Public Assistance gross award of \$9.3 million (\$6.6 million net of insurance) from New Jersey, a FEMA grantee, for damages resulting from Hurricane Sandy (see table 1). The award provided 90 percent FEMA funding for debris removal, emergency protective measures, and permanent repairs to a boardwalk and other facilities. The award consisted of six large projects and two small projects.<sup>2</sup> We audited four large projects totaling \$6.3 million (net of insurance). Table 2 provides additional details of costs we reviewed for the four projects in our audit scope. The audit covered the period from October 29, 2012, through February 28, 2015.

We interviewed City, New Jersey, and FEMA personnel; gained an understanding of the City's method of accounting for disaster-related costs and its procurement policies and procedures; judgmentally selected (generally based on dollar amounts) and reviewed project costs and procurement transactions for the projects in our audit scope; reviewed applicable Federal regulations and FEMA guidelines; and performed other procedures considered necessary to accomplish our audit objective. As part of our standard auditing procedures, we also notified the Recovery Accountability and Transparency Board of all contracts the City awarded under the grant to determine whether the contractors were debarred or whether there was any indication of other issues related to those contractors that would indicate fraud, waste, or abuse. We received a report from the Recovery Accountability and Transparency Board on June 5, 2015, and determined that no further action was necessary. We did not perform a detailed assessment of the City's internal control's applicable to its grant activities because it was not necessary to accomplish our audit objective.

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<sup>2</sup> Federal regulations in effect at the time of disaster set the large project threshold at \$67,500.



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## Appendix A (continued)

**Table 4: Schedule of Projects and Questioned Costs**

Project Number	FEMA Category of Work	Gross Award Amount	Insurance Reductions	Net Award Amount	Questioned Costs
<b>Projects Audited</b>					
4551	G	\$4,055,452	\$0	\$4,055,452	\$ 0
0020	A	1,865,350	0	1,865,350	667,086
2498	B	280,291	0	280,291	104,375
5107	G	82,523	0	82,523	0
Subtotal		\$6,283,616	\$0	\$6,283,616	\$771,461
<b>Projects Not Audited</b>					
3341	C	\$1,189,876	\$ 938,045	\$251,831	\$ 0
4500	F	1,139,101	1,052,035	87,066	0
3092	E	22,043	17,043	5,000	0
4174	G	625,672	623,133	2,539	0
Subtotal		\$2,976,692	\$2,630,256	\$346,436	\$ 0
<b>Totals</b>		<b>\$9,260,308</b>	<b>\$2,630,256</b>	<b>\$6,630,052</b>	<b>\$771,461</b>

Source: FEMA project worksheets and OIG analyses

We conducted this performance audit between October 2014 and June 2015 pursuant to the *Inspector General Act of 1978*, amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objective. To conduct this audit, we applied the statutes, regulations, and FEMA policies and guidelines in effect at the time of the disaster.



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**Appendix B**

**Potential Monetary Benefits**

**Table 5: Summary of Potential Monetary Benefits**

<b>Type of Potential Monetary Benefit</b>	<b>Total</b>	<b>Federal Share</b>
Questioned Costs – Ineligible	\$ 0	\$ 0
Questioned Costs – Unsupported	771,461	694,315
Funds Put to Better Use (Cost Avoidance)	<u>1,346,822</u>	<u>1,212,140</u>
<b>Totals</b>	<b><u>\$2,118,283</u></b>	<b><u>\$1,906,455</u></b>

Source: OIG analysis of findings in this report



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## Appendix C

### Asbury Park's Response

CITY OF ASBURY PARK  
ONE MUNICIPAL PLAZA  
ASBURY PARK, NJ 07712

PHONE: (732) 775 - 2100  
FAX: (732) 775 - 0441



CITY COUNCIL  
JOHN MOOR, MAYOR  
AMY QUINN, DEPUTY MAYOR  
YVONNE CLAYTON  
JESSE KENDLE  
JOE WOERNER

ANTHONY NUCCIO, ACTING CITY MANAGER  
RICHARD GARTZ, CHIEF FINANCIAL OFFICER

August 14, 2015

William Johnson, Director  
Mark S. Phillips, Auditor-in-Charge  
Keith R. Lutgen, Senior Program Analyst  
U.S. Department of Homeland Security  
Office of Inspector General  
5002 Lincoln Drive West, Suite D  
Marlton, New Jersey 08053-1521

RE: Asbury Park City  
Hurricane Sandy OIG Final Audit Report  
DR-4086-NJ  
PA ID# 025-01960-00  
Ref. # PA-02-NJ-4086-PW-00020(1), 02498(2), 04551(0), 05107(0)

Dear Mr. Johnson, Mr. Phillips and Mr. Lutgen:

The Finance office of the City of Asbury Park has been working with your staff addressing and responding to all your requests during the audit being conducted on our Federal Emergency Management Agency (FEMA) Public Assistance Grants Office of Inspector General Auditor Hurricane Sandy for DR-4086-NJ. In accordance with your procedures and guidelines, please accept the below comments and recommendations for inclusion and/or correction in your report as noted.

1. The "Highlights" page and throughout the entire report overstates the amount FEMA should recover in accordance with your Schedule B/Table 5 the Federal Share is \$694,315 (90%), not \$771,461.
2. Finding A/Recommendation #1 recommended disallowed amount should only be \$600,377 not \$667,086. OIG cut-off date of February 28, 2015 for supplying supporting documentation that met their requirements has subsequently been obtained by the City and has been uploaded as of August 4, 2015 to the NJEM Grants management website and provides adequate support for the claims submitted.



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**Appendix C (continued)**

3. Finding A/Recommendation #2 recommended disallowed amount should only be \$93,938 not \$104,375. OIG cut-off date of February 28, 2015 for supplying supporting documentation that met their requirements has subsequently been obtained by the City and has been uploaded as of July 28, 2015 to the NJEM Grants management website and provides adequate support for the claim submitted.
4. Finding B/Recommendation #3 – The specific provisions that Federal procurement standards require were immediately implemented by the City of Asbury Park Finance Office on the next potential FEMA funded event after these provisions were brought to the City’s attention with the 2015 Juno Blizzard as evidenced by the attached to City Officials dated January 26, 2015 which was prior to the end of the cut-off date of February 28, 2015.
5. Page 8, paragraph 2 of the report indicates “The audit covered the period from October 29, 2012 through February 28, 2015.” However, page 9 last paragraph, first sentence indicates “We conducted this performance audit between October 2014 and June 2015...” The time frame for conducting the audit on page 9 should adequately reflect the same time frame cut-off date on page 8 of February 28, 2015. If June 2015 is permitted to stay on page 9 for conducting the audit all subsequent supporting documentation up to the date of the report must be evaluated in accordance with generally accepted government auditing standards as you indicate your audit was conducted. As you know, generally accepted government auditing standards requires you to evaluate information provided to you up through the exit conference date of July 29, 2015 and any potential impact on the report and findings, anything less would indicate your audit was not conducted in accordance with generally accepted government auditing standards.

We appreciate your support and consideration. Should you have any questions or concerns, please contact Richard Gartz, Chief Financial Officer at 732-502-5709 or via email at [r.gartz@cityofasburypark.com](mailto:r.gartz@cityofasburypark.com).

Sincerely,

  
Richard Gartz  
Chief Financial Officer

CC: New Jersey Office of Emergency Management Public Assistance Unit

Attachments: January 26, 2015 Juno Blizzard Preparation Memo



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**Appendix D**

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**Appendix D (continued)**

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