

RAISE THE FLAG PROCEDURE

Applicability

This procedure is applicable to all U.S. Army Corps of Engineers navigation projects which may be maintained by hopper dredges.

Purpose

Section 237 of the Water Resources Development Act of 1996, requires the Secretary of the Army to initiate a program to increase the use of private-industry hopper dredges for the construction and maintenance of Federal navigation channels. To carry out this requirement, the Secretary was directed to place the Federal hopper dredge WHEELER in a Ready Reserve status and develop and implement procedures to ensure that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs. The Raise the Flag procedure provides a systematic method to identify and respond to the nation's urgent or emergency dredging needs.

Reports

The U.S. Army Corps of Engineers (Corps) Headquarter's will provide, on a weekly basis, a Corps and industry hopper dredge location report. The weekly report will be electronically transmitted to each member of the Industry / Corps Hopper Dredge Management Group (ICHDMG). The report will also be available on the Corps Navigation Data Center's web site (<http://www.iwr.usace.army.mil/ndc/dredge.htm>). Corps Headquarter's will also maintain the Scheduled Contract Hopper Dredging bar charts for the current and next Fiscal Year.

Issue Resolution

1. Issues that hinder a rapid response to a possible raise the flag situation (e.g., consistency among districts, contracting, dredge equipment, etc.) will be resolved at the appropriate Corps or industry level. The resolution document will be provided each member and included as an appendix to these procedures.
2. Districts that do not have expedited contract procurement procedures in place, must develop them. Expedited contract procedures may include, but not limited to, provisions such as expanded scopes of work, delaying finalizing existing contracts, shelf-ready emergency contract specifications, or shelf-ready modification packages to existing contracts. Open competition is the preferred means for accomplishing urgent or emergency dredging requirements. Expedited contract procurement procedures are to be followed with either an urgent or emergency situation. If the chance of obtaining no bids or one bid due to contractor dredge commitments, the contract

should be structured, in coordination with local maritime interests, for the minimum dredging to return the channel to a safe navigation condition.

Pre-flag Procedure

1. A district, in developing a plan for responding to a time-sensitive dredging requirement, should review the weekly report for availability of hopper dredges in consultation with other districts, divisions, dredging contractors, and local project maritime interests. The weekly report provides an indication of the availability of Corps and industry hopper dredges, however, before a decision is made whether to raise the flag, the district should consult with the district project manager where a dredge is operating to determine the dredges current status and availability. The rapid response is to remove the restrictive shoal condition before it becomes an urgent or emergency requirement. A pre-flag position requires an elevated sensitivity.
2. The district should send an *alert* message to their Division office counterpart and to each member of the Industry / Corps Hopper Dredge Management Group via e-mail (ICHDMG@usace.army.mil) advising of the potential dredging requirement. The alert message should explain the dredging requirement and actions being taken to accomplish the dredging and avoid raising a flag. Each ICHDMG member (Corps and industry) is to respond to the member sending the alert message regarding the financial and political impact of releasing a dredge from an existing contract, if under contract.
3. The district will follow-up the e-mail message with a phone call to each industry hopper dredge owning representative informing them of the e-mail message for a dredging requirement that is time sensitive. After hours phone numbers are at Appendix C. Content of phone contacts should be documented. ICHDMG members (Corps and industry) are to respond within 24 hours, from the time the message was sent, to the member sending the alert message regarding the availability of their dredge. An e-mail message, requesting dredge availability, sent on Friday or the day prior to a Federal Holiday, an e-mail response is required by 4:00 p.m. (local time at the district office sending the e-mail message) on the following Monday or if prior to a Federal Holiday, on the next work day following the Federal Holiday. The district will summarize results of messages received and notify each ICHDMG member via e-mail of the next course of action. The district may use a Corps hopper dredge, if not in violation of Section 237 of the Water Resources Development Act of 1996, should industry either fail to reply regarding the availability of their dredge by the time indicated above or if industry is unable to provide a hopper dredge to meet the district's requirement. Otherwise, the district will proceed with the *Raise the Flag* procedures.
4. These procedures are primarily to respond to an urgent or emergency dredging need requiring a hopper dredge, but they can be used for any type of dredge requirement to meet an urgent or emergency dredging need.

Raise the Flag Procedure

1. Raising the ***yellow flag*** is a signal to inform Division and Headquarters that there is the possibility an urgent or emergency maintenance dredging requirement is in jeopardy of not being performed without assistance. The district must determine if the shoaling situation is an urgent or emergency dredging requirement.
2. An *urgent* dredging requirement is a situation that may be time-sensitive for providing a safe navigation channel that requires prompt action, but does not meet the definition of an emergency. A contract bid opening that cannot be scheduled for 2 to 3 months, due to obtaining condition surveys, engineering and design, etc., is not considered an emergency and is borderline urgent. An expedited contract procurement would expect to have a dredge on-site within 30 days of being declared an urgent or emergency dredging requirement.
3. An *emergency* is a situation that would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action is not undertaken within a time period less than the normal contract procurement process.
4. A written request from the United States military to perform urgent or emergency dredging at a National Defense port or at a National Strategic port included in the Port Readiness Network in support of a national defense emergency or crisis situation will be given priority. National Strategic port facilities are located on Corps Civil Works navigation projects and provide staging areas for deployment of military forces, supplies, and materials during military mobilization and other defense emergencies. A list of National Defense and Port Readiness Network ports is at Appendix B. The district providing the dredging support will follow the *Raise the Flag* procedure. Required dredging of the Civil Works channel, in support of a military mobilization and defense emergency, will be included in the raise the flag request.
5. Raising the flag is a judgement call Commanders must make, based on the facts presented by their staff.
6. During the Division's raised flag (yellow and red) situation, Dredging and Navigation Branch and all ICHDMG members should be kept informed via the ICHDMG e-mail address.
7. Appendix C is a list of ICHDMG members to be contacted during after-hours notification.

Yellow Flag or Warning

1. Division and CECW-OD are notified, via e-mail, that an urgent or emergency maintenance dredging needs to be performed.
2. The District Commander or Acting District Commander must sign the Rational for Urgent or Emergency Dredging document, at Appendix A. The approved document is transmitted to Division for action and transmitted to CECW-OD and the ICHDMG members, as information.

3. Division personnel play an important role during the *yellow* flag.
 - a. All Districts / Division staff evaluates each on-going contract dredging operation, within their district / division, to make a recommendation to the Division Commander for allowing contractors to be temporarily released from their contract. Modification of the contract to extend the contract period, in the event the contractor is the successful bidder, would have to be at no additional cost to the Government, unless extenuating circumstances warrant.
 - b. All District / Division Commanders could take the initiative to allow contractors to bid on an urgent / emergency dredging, provided the district's on-going dredging contract provides safe navigation and an environmental window will not be violated. Prior to removal of a dredge from an existing contract, the District will ensure that local interests are informed of the plan of action.
 - c. Options for procurement are an IFB or a rapid-response RFP.
4. If District / Division is unsuccessful in obtaining a contract, then the **red** flag is raised to Headquarters (Dredging and Navigation Branch).

Red Flag

1. The Division Commander or Acting Commander must sign the Rational for Urgent or Emergency Dredging document. The approved document is electronically transmitted to the Dredging and Navigation Branch for final action. A Memorandum for the File is also transmitted, summarizing attempts made to obtain adequate contract bidders. Any update to the District's urgent / emergency request should be provided. The division transmitting the approved documents will notify ICHDMG members via the e-mail address that the *red flag* was raised.
2. The Chief, Dredging and Navigation Branch or representative in the absence of the Branch Chief, will brief the Chief, Operations Division and the Director of Civil Works on the situation and recommend a course of action. This will include a complete review of Division determination regarding project urgent / emergency status and availability of industry dredges. Recommended courses of action may include procurement of industry dredges, use of minimum fleet dredges, release of industry dredges from existing contractual commitments for participation in IFB or RFP processes, non-hopper dredge solutions and implementation of the CERF program.
3. The Director of Civil Works makes the decision on the recommended course of action. The ICHDMG is not involved in this decision. The Director of Civil Works decision is promptly transmitted electronically to each Corps Division impacted and to each

ICHDMG member via the ICHDMG e-mail address.

APPENDIX A

CECW-OD

**RATIONALE
FOR
URGENT OR EMERGENCY DREDGING**

DIVISION / DISTRICT:

PROJECT:

**RATIONALE FOR URGENT OR EMERGENCY DREDGING REQUIREMENT:
(include, if known, daily economic impact, light loading, etc.)**

DATE DREDGE REQUIRED: Use date (d/m/yr). Avoid ASAP.

CONTRACT PROCEDURES: (IFB, RFP - if contract dredge is requested)

ADVERTISEMENT DATE: _____

BID OPENING DATE: _____

AWARD DATE: _____

TYPE CONTRACT: (rental, unit price - if options included, state no. and type)

**TYPE OF DREDGE REQUIRED AND REASON IF REQUESTING A SPECIFIC
DREDGE TYPE:** (hopper/bucket/dustpan)

COMPLETE THE FOLLOWING TABLE:

HOPPER DREDGE				OTHER TYPE DREDGE (specify)			
RELIEVE URGENT / EMERGENCY		RESTORE FULL PROJECT DIMENSIONS		RELIEVE URGENT / EMERGENCY		RESTORE FULL PROJECT DIMENSIONS	
Cubic Yards	Days	Cubic Yards	Days	Cubic Yards	Days	Cubic Yards	Days

APPENDIX B

National Defense Ports:

Norfolk Harbor, VA
Fernandina Harbor (Kings Bay), FL
Canaveral Harbor, FL
Pensacola Harbor, FL
Port Hueneme, CA
San Diego Harbor, CA

Port Readiness Network:

Beaumont, TX
Charleston, SC
Corpus Christi, TX
Hampton Roads, VA
Jacksonville, FL
Long Beach, CA
Morehead City, NC
New York / New Jersey (Bayonne)
Oakland, CA
San Diego, CA
Savannah, GA
Tacoma, WA
Wilmington, NC